

Appendix A to 14/501209

REPORT SUMMARY

REFERENCE NO - 14/501209/FULL			
APPLICATION PROPOSAL The development of the site for 140 two, three, four and five bed dwellings, new access road off A20, new estate roads, car parking, landscaping and amenity open space.			
ADDRESS Bridge Nursery London Road Maidstone Kent			
RECOMMENDATION – DELEGATED POWERS TO GRANT PLANNING PERMISSION			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The development of the site for residential would represent sustainable development and accord with the emerging housing allocation.			
REASON FOR REFERRAL TO COMMITTEE Cllr Mrs Robertson has called the application to planning committee on the grounds that the application will have impacts on Allington and the wider area. Cllr Daley endorses Cllr Mrs Robertson's call-in.			
WARD Allington Ward	PARISH/TOWN COUNCIL N/A	APPLICANT Ward Homes And UCC Strategic Land Ltd AGENT Martin Hull	
DECISION DUE DATE 29/09/14	PUBLICITY EXPIRY DATE 29/09/14		
RELEVANT PLANNING HISTORY:			
App No	Proposal	Decision	Date
MA/00/1712	A residential development application for 80 no. two storey dwellings, associated garaging, provision of public open space and play area, and creation of new highways	REFUSED	May 2002
<i>This was refused on the grounds that the Council had adequate brownfield land to meet the housing need and in the absence of such need the development of this site would result in the extension of the town into the countryside.</i>			
MA/88/1123	Outline application for a residential development.	REFUSED	June 1988
<i>This application was refused on eight grounds. Five of these grounds all predominantly centred around the lack of an overriding need for housing and in the absence of such a need the development of the site would result in harm and the encroachment of Maidstone into the countryside. Three of the grounds referred to traffic impacts and concern with either using the existing Hildenborough Crescent junction or from a new access onto London Road.</i>			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to a former nursery site in Allington on the edge of the urban area of Maidstone. The site is allocated as a housing site within the Maidstone Borough-Wide Local Plan (2000) under policy H13. It is located adjacent to the A20 London Road and near to the 20/20 roundabout

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- 1.02 The land within the applicant's control is generally triangular in shape and straddles the Borough boundary with Tonbridge and Malling. The application site for the proposed housing would be wholly within Maidstone's administrative area.
- 1.03 The south west boundary of the site is characterised by a strong boundary hedge that runs alongside the A20 London Road. The northern boundary of the land in the applicant's ownership is an arc that follows the railway line, between Maidstone East and Barming train stations. The south east boundary of the site runs alongside the rear boundaries of properties of Lamberhurst Road and Fordwich Close and the side boundaries of 11 and 14 Blackmanstone Way. In addition, part of this boundary is adjacent to the area of open space that is accessed from Castle Road.
- 1.04 The foundations of the nursery building can be found in the centre of the site but otherwise the site is undeveloped. There are trees on site that are protected by Tree Preservation Order 2 of 2002 these are contained in an area in the centre of the site, along the eastern part of the south east boundary, a group to the rear of 12 Lamberhurst Road and some individual trees lining the former access road into the nursery. The existing access onto London Road that was previously used by vehicles entering the nursery has now been left to grass over.
- 1.05 There are no public rights of way across the site, although the public appear to have been accessing the site for general recreation despite it being private land. The site is designated as Grade 2 agricultural land.
- 1.06 In the northern part of the wider Bridge Nurseries site (within Tonbridge and Malling Borough) there is an old world war two pill box.
- 1.07 The character of the surrounding area is predominantly residential with some commercial in the form of the DFS furniture store and Thomas Wyatt public house. Allington Primary School is nearby and on the northern side of the railway lane is the 20/20 industrial estate. The site is within easy reach of the Mid Kent Shopping Centre and the Park and Ride site. The facilities in the area and links into the town centre make this a sustainable site for development.

2.0 PROPOSAL

- 2.01 The application is a full planning application for the erection of 140 dwellings with a mix of 2, 3, 4 and 5 bedroom properties. The majority of units would be family houses with a small number of flats within the development. There would be 30% of the units (42 dwellings) for affordable housing.
- 2.02 The main access into the site would be from London Road almost immediately opposite Beaver Road. There would be a pedestrian access from the development onto London Road in the south east corner of the site. There is an existing informal pedestrian access through Blackmanstone Way. This access is across third party land and is clearly used by the public to access the site at this time and this arrangement will be retained under the proposed layout.
- 2.03 The design and layout of the scheme has been created to enable the retention of the areas of the site with good quality trees that are covered by a Tree Preservation Order. The main access road into the site would be lined with trees to create an attractive entrance to the development. The main route through the development is identified by the farmac road surface and snakes through the site. The main route is characterised by pockets of green space with a large central area of open space. The

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northern part, adjacent to the railway line will be retained for ecological enhancement area with a further habitat area in the western corner of the site.

2.04 The principles of the development replicate the general densities and layout of the adjacent housing estate. The properties that are close to and that overlook the areas of open space are looser in their pattern with larger properties in larger plots. This design rationale fits with the pattern of the development and the looser arrangement adjacent to the areas of open space would create a more spacious edge to the development.

2.05 The properties proposed along the boundary with London Road would not explicitly front the road, however, they would face the road and from the approach into the site would address the public vantage points. The entrance to the development would have two double fronted properties either side of the access that would provide a feature to the entrance.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	approx 5.5ha	approx 5.5ha	0
No. of Storeys	0	2, 2.5 & 3	2, 2.5 & 3
Parking Spaces	0	373	373
No. of Residential Units	0	140	140
No. of Affordable Units	0	42	42

4.0 PLANNING CONSTRAINTS

- The site contains a variety of trees within parts of the site that are covered by TPO 2 of 2002.
- The site is within an Air Quality Management Area.
- The site falls within Flood Zone 1
- The site is an allocated housing site in the Maidstone Borough-Wide Local Plan (2000) and the Emerging Local Plan.

5.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough-Wide Local Plan (2000): ENV6, ENV24, H1(xviii), H13, CF1, CF6, CF8
- Maidstone Borough Local Plan Regulation 18 Consultation 2014: SS1, SP2, H1(2), DM2, DM4, DM10, DM12, DM14, DM16, DM24
- Supplementary Planning Documents: Affordable Housing DPD (2006), Open Space DPD (2006)

6.0 LOCAL REPRESENTATIONS

Cllr Cynthia Robertson has called the application to planning committee in view of its implications for Allington and the wider area.

Cllr Dan Daley endorses Cllr Robertson's call in.

Helen Grant MP has written in with the results of a survey she had sent to nearby residents and raises concerns in relation to traffic and infrastructure as well as the residents concerns about the loss of Bridge Nurseries as a recreation area.

12 Letters of objection have been received on the following summarised grounds:-

- Traffic impact.
- Impact on flora and fauna on the site.
- Loss of open space for recreation.
- Impact on the aquifer.
- Shortage of doctors and schools.
- Erosion of a green corridor.
- The design is not inkeeping with the area.

7.0 CONSULTATIONS

Tonbridge and Malling Borough Council raise no objections in principle to the development subject to a more rigorous transport assessment on the cumulative impact of the development on the Coldharbour roundabout and junction 5 of the M20. Measures to mitigate environmental impacts of traffic and sustainable transport solutions along with the promotion of public transport.

Southern Water raise no objections to the application although they state that there is currently inadequate capacity in the existing network and that additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. A condition is recommended to secure adequate sewage capacity is provided.

The Highways Agency offers no objection to the application.

Kent Highway Services have considered the access and traffic generation and confirm that I do not wish to raise objections subject to the following conditions:-

1. A S106 contribution is required: £1350 per dwelling for the A20 Coldharbour Lane junction improvement and £86 per dwelling for the M20 junction 5.
2. All highway works required at the junction of the A20 and Beavers Road/site access as shown in principle on drawing number 10256/SK05 rev. P3 and SL-01 Rev D to be completed in accordance with a S278 Agreement.
3. Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
4. Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
5. Provision of measures to prevent the discharge of surface water onto the highway.
6. Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
7. Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
8. Provision and permanent retention of the vehicle turning facilities shown on the submitted plans prior to the use of the site commencing.
9. Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
10. 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.

11. 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).

The Environment Agency raise no objections to the application and recommend conditions be imposed in relation to contamination and sustainable urban drainage.

Natural England raise no objections to the application and direct consideration to their standing advice. Encouragement is given to enhancements of in relation to biodiversity and landscape.

Kent County Council Ecology raise no objections to the application stating:-

"We are satisfied with the survey information which has been provided but we have some concerns with the proposed mitigation.

An outline mitigation strategy has been submitted but we advise that there is a need for a more detailed mitigation strategy is required.

The mitigation strategy for all the species must be designed to take in to account all species present within the site collectively and not looking at each species individually. We advise that the finalised landscape plan must reflect the requirements of the mitigation strategy."

Conditions are recommended to be imposed on any approval.

Rural Planning Limited comments that the application relates to a significant area of Grade 2 agricultural land and states:-

"...the land here falls into the "best and most versatile" category and thus potentially this would be a "significant" development of agricultural land, and subject, in principle, to the NPPF policy that points (where the development is demonstrated to be necessary) to areas of poorer quality land being sought in preference.

This particular issue does not appear to have been addressed, as far as I can see, in the submitted Planning Statement.

That said, the overall balance of benefits, and adverse impacts, is a matter for a Planning judgement, and it is understood that some or all of the site is already subject to a Housing allocation under existing and emerging local plan policies."

Kent Police raise no objections to the application and they are encouraging the applicant to incorporate measures to design out crime within the development.

The NHS request contributions of £111,996 due to the fact that a need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed

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development noted above is expected to result in a need to invest in a local surgery premises:

- Allington Clinic
- Allington Park Surgery
- Aylesford Medical Practice
- College Practice
- Lockmedow Surgery
- Blackthorne Practice

The above surgery is within a 1.5 mile radius of the development at London Road. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

Predicted Occupancy rates	Total number in planning application	Total occupancy	Contribution sought (Occupancy x £360)
2	1	2	£720
2.8	57	159.6	£57,456
3.5	29	101.5	£36,540
4.8	10	48	£17,280
Total			£111,996

Kent County Council raise no objections to the application subject to the following contribution requests:-

Primary Education (new build) £1000.00 per applicable flat £4000.00 per applicable house

Primary Land (acquisition cost) £675.41 per applicable flat £2701.63 per applicable house

Secondary Education £589.95 per applicable flat £2359.80 per applicable house

Community Learning £30.70 per dwelling
 Youth Service £8.44 per dwelling
 Libraries £79.71 per dwelling
 Adult Social Care £53.88 per dwelling

Kent County Council Archaeology raise no objections to the application stating:-

"The site lies in a general area of prehistoric activity. Some Iron Age cinerary urns, pottery and brooches were discovered in Tassells Quarry c.600m to the east and further Iron Age and Roman remains are known to the south. The site contains a known pillbox – Type 22 WWII pillbox – part of a line of pill boxes around Maidstone and along major routeways. I note that this pillbox seems to have been preserved in situ and is not within the main housing area which is of positive heritage benefit and a welcome outcome.

I would like to encourage the applicant to undertake some minor heritage enhancement works and secure the long term conservation of the pill box with some interpretation. In addition, in view of the general potential for prehistoric and later remains, some archaeological works would be appropriate."

UK Power Networks have no objections to the application.

Kent Public Rights of Way raise no objections to the application as it has no affect on any existing rights of way.

Kent Wildlife Trust initially raised objections to the application. However, following the submission of an addendum to the ecological strategy a response has been received stating:-

"Whilst I am satisfied that the ecological strategy addendum is now generally consistent with the original Lloyd Bore report, I remain concerned about the absence of clear objectives for a long term ecological management of green spaces on the development site. In fact, my concerns were heightened when I read of a commitment to only 3 annual interventions at the reptile receptor site (paragraph 3.16 and table 1)."

MBC Open Space request £402.96 per dwelling towards the provision of public open space in lieu of the shortfall of on site provision. The offsite contribution would be used within a one mile radius of the development for the improvement, refurbishment and maintenance of existing areas of open space and equipped play, outdoor sports facilities and allotments.

Such sites as Adisham Drive and Midley Close are within 1km of the site and would be used by the development as they are the nearest sites with areas of equipped play, whilst the likes of Allington Open Space and Giddyhorn Lane are areas that would benefit in terms of outdoor sports facilities.

MBC Environmental Health Manager raise no objections to the development in terms of contamination or air quality and recommend the imposition of conditions and informatives.

8.0 APPRAISAL

Principle of Development

- 8.01 The application site is a greenfield site on the edge of the urban area. It is a site that is allocated for housing in the Maidstone Borough-Wide Local Plan (2000) under policy H1. However, following the publication of PPG3, which required housing to be developed on brownfield sites before releasing greenfield sites the Council undertook an Urban Capacity Study to establish the level of housing land availability without utilising greenfield sites.
- 8.02 A planning application, MA/00/1712 was submitted in 2000 and the Council refused the application for the following reasons:-

The proposal involves the development of a greenfield site for housing. Maidstone Borough Council has, by an Urban Capacity Study, demonstrated that there is sufficient previously developed land within the Borough to meet Structure Plan

requirements for the period 2001-2006. There is no need for further release of greenfield sites before this time and in the absence of any demonstrated need the development would be contrary to the advice contained in Planning Policy Guidance Note 3: Housing.

In the absence of need for the land to be developed for housing purposes the proposal would result in an extension to the built up area of Maidstone into the open countryside detrimental to the character and appearance of the area and setting of the town.

- 8.03 The Urban Capacity Study did identify sufficient housing land on brownfield sites and as a result a moratorium was issued on the greenfield allocations in the Maidstone Borough-Wide Local Plan (2000). Although this decision was not appealed an Inspector on another similar allocation dismissed that appeal and accepted the Council's argument.
- 8.04 The emerging Local Plan has identified the site as a suitable housing site and it was allocated in the Strategic Sites Allocations: Public Consultation Document 2012. The site was carried forward and forms part of the housing allocations in the Regulation 18 Consultation 2014, site H1(1).
- 8.05 It is certainly the Council's view that in general terms the site is appropriate for residential development. It formed part of the Local Plan allocations that were adopted almost 14 years ago and is now a strategic site in the emerging plan. Furthermore, it is clear that there is insufficient brownfield land to meet the Borough's housing need and the fact that the Council does not have a 5 year land supply means that some housing on greenfield sites is inevitable.
- 8.06 The application is for 140 dwellings on the site at an approximate density of 25.5 dwellings per hectare for the gross site area. This is approximately 15% lower than the anticipated numbers in the emerging policy, which allocated the site for 165 dwellings. The reason for the lower numbers is due to the space that has been set aside in the site for the retention of the protected trees and areas for ecological enhancements. I consider that the reduced numbers from the emerging local plan policy are justified due to the site specific constraints.
- 8.07 I consider that the general principle of residential development of the numbers proposed on this site to be acceptable. The key considerations are the impact on highways and junction capacity and the visual impact on the landscape.

Visual Impact

- 8.08 The site is a greenfield site and its development for residential and other development would clearly have an impact visually on the site. This section will deal with the overall visual impact of the development of this greenfield site whereas the appraisal of the design of the scheme will be dealt with under the Design and Layout section.
- 8.09 When the Inspector assessed the site for allocation purposes at the Public Inquiry into the Local Plan (pre-2000) it was Taylor Wimpey who were proposing the site for housing at that time. The Inspector set out the proposal in his report stating:-

"I found on my visits to the area that the western edge of Maidstone adjoining this site is well defined by a line of trees, which marks a clear distinction between the town and the unused open land which adjoins. This distinction is reinforced by the

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mature hedge along the A20 frontage of the site and the open land to the south. Nevertheless, seen from the A20, the setting of the eastern part of the site on which houses are proposed is strongly influenced by the urban character of the edge of the town. Approaching the site from the west, the Travel Inn which adjoins the public house is prominent, as is the new furniture warehouse. There is a traffic light controlled junction giving access to the park and ride site and housing, both existing and proposed in this Plan. There are also signs on the roadside which add to the urban influence. I accept that there was an earlier building on the site of the furniture warehouse, but I have no doubt that this urban character has increased significantly since the appeal decision in 1988 to which the Council referred at the inquiry."

- 8.10 The Inspector went on to consider the visual impact of the development of the site for housing stating:-

"In this context, and with careful control of the roadside hedge and trees within the site along the western edge of the proposed housing, it seems to me that the impact of new housing on the area proposed in this objection would be limited."

- 8.11 The Local Plan Inspector then considered the longer distance views of the site and stated:-

"I looked at the site from Blue Bell Hill on the North Downs. The site can be seen, but I did not find it prominent at this distance because of its limited size and the screening provided by trees and hedges around it and on the railway embankment. Whilst its undeveloped nature is clearly part of Maidstone's countryside setting, I found that the impact of houses on the Gap would be limited in this view because they would not project as far as to the west as the furniture warehouse."

- 8.12 The Inspector's assessment remains relevant in the consideration of this site today. There has been little change to the site and in terms of the surroundings what changes have occurred have introduced further development in the areas such as the incinerator that can be seen in the foreground from views from Blue Bell Hill, the housing allocation in the Maidstone Borough-Wide Local Plan (2000) at the former Kent Garden Centre has been completed and a public house, The Poppy Fields, has been built on the 20/20 roundabout on the other side of the railway bridge. I agree with the Inspector's assessment of this site.

- 8.13 The Inspector in the Local Plan Inquiry considered the visual impact of the housing to be acceptable on this site. I accept that the site was for 80 units then on a smaller parcel of land. However, that being the case I do not consider that the additional area of the allocation is so significant that it would result in harm to the character and appearance of the area in general and the principle of the Inspector's findings hold true for this proposal. This case is even stronger given the additional development that has taken place in the intervening period.

Highways

- 8.14 The proposal involves the creation of a new access from the site onto London Road. The geometry of the junction has been created to include an easy left turn into the development from London Road. There would be no vehicular access through the adjacent housing estate. There would be pedestrian access, although informal, onto Blackmanstone Way and also onto London Road.
- 8.15 The traffic implications of the development have been extensively assessed. The Highways Agency has assessed the impact on junction 5 of the M20 and raises no

objections to the application. Kent Highway Services have assessed the access and traffic volumes within the Transport Assessment. There have been discussions between the applicant's transport consultants and Kent Highway Services and amendments have been made to the design of the access to overcome concerns relating to safety and capacity. A safety audit has been completed on the revised design and this is satisfactory subject to the designer's response comments being implemented.

- 8.16 The Maidstone bound queue length has been analysed further due to concerns raised regarding queuing causing obstruction under the railway bridge. With regard to queue lengths on the Maidstone bound approach to the junction there is no significant difference during the AM peak and during the PM peak the development would add 2 passenger car units (PCUs) and 11m to the queue length. This queue length is not constant and the mean maximum queue (MMQ) includes traffic arriving as vehicles in the front of the queue are moving as the lights become green and therefore this is not a solid queue but a moving queue. This is considered acceptable to Kent Highways and I agree that the development would not result in a severe impact on the highway network.
- 8.17 There is a request for contributions of £1,350 per dwelling for the A20 Coldharbour Lane junction improvement. This is based on the MBC estimate from the Infrastructure Delivery Plan of £2,600,000 and £86 per dwelling for the interim improvement of Junction 5 of M20 with a white lining scheme to be the subject of a condition. Initial estimate of costs £30,500.
- 8.18 I consider that the proposed mitigation is necessary and securing the contributions through a Section 106 agreement would meet the requirements of the three tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012. These are set out below:-
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 8.19 The development would provide 373 car parking spaces, which equates to 2.6 spaces per dwelling. The majority of these spaces would be on plot with some in communal areas. The proposed level is considered an appropriate level to ensure that there would not be any on street car parking that would impact on highway safety. The level of provision is also considered acceptable to Kent Highway Services.
- 8.20 In conclusion, the development would be accessed from London Road from a new access road that would not result in harm to road users. The traffic generation from the site would not result in harm to the capacity of the surrounding highway network including queuing traffic on London Road, subject to the mitigation sought through the proposed contributions to the Coldharbour roundabout and junction 5 of the M20. The proposed parking level within the development is acceptable and sufficient to prevent harm to highway safety. The development does not result in any objections from either the Highways Agency or Kent Highway Services and I consider that in highway safety terms the application is acceptable.

Design and Layout

- 8.21 The scheme has been designed to offer a boulevard style entrance from London Road with double fronted dwellings on each corner and a row of trees along the

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access. This would provide a good quality entrance feature to the development that would announce the scheme at the entrance. The boundary treatments in this location would be key and a condition for the provision of these boundary treatments to include a high quality finish to the development and prevent the use of close boarded fences at this, and other prominent places within the development.

- 8.22 Other than the entrance point the development maintains the established hedgerow alongside London Road. This hedgerow is an important feature within the immediate area and defines the site as an edge of urban area site. The hedgerow was seen by the Inspector in the previous Local Plan Inquiry as an important feature and its retention ensures that the character of the area is maintained.
- 8.23 Even though the majority of the development site would be screened from London Road by the existing boundary hedgerow it is important that the development does not turn its back on the main route and become too insular in its design. The proposed scheme ensures that the properties would address London Road and that glimpses through the hedge to the development would not see dead frontages.
- 8.24 The trees that are subject to a Tree Preservation Order have been accommodated within small greens running through the development. This would ensure that not only will the trees be retained but that they would also be offered long term protection by virtue of the fact that they would not be located within private gardens. The greens also link the main route through the development from London Road to the large central open space. This would draw the eye through the development and add to the visual interest. In addition, the greens have offered the opportunity for properties to be focused around these green spaces and fronting onto them.
- 8.25 The development adjacent to the habitat areas would be looser to signify the edge of the development and would typically comprise large detached dwellings in large plots. This design approach would ensure that the finish to the development would be appropriate to the context of providing the habitat areas within the applicant's ownership.
- 8.26 Existing development within the adjacent housing estate is characterised by detached and semi detached dwellings. The proposed scheme would replicate a similar style of development with semi detached properties and small rows of terraced properties.
- 8.27 The development would be a mix of 2, 2.5 and 3 storey dwellings. The majority of the development would be 2 storeys in height. The three storey dwellings would be predominantly the flats in the north east corner with a couple of feature properties within the development. This mix of heights would be appropriate in the context of the adjacent estate and the heights combined with the spacious layout would be appropriate for the edge of town location.
- 8.28 The proposed design would be a simple built form using appropriate detailing that complement Kent and local vernacular. Key feature buildings are proposed to be higher in height using the increased massing in some locations within the site. The wall construction would be predominantly soft orange/brown brick but there would be elements of render, tile hanging and boarding intermixed to add variety and interest to the development. The key to achieving a quality development would be the finish to the boundary treatments and using high quality walling on areas fronting public vantage points to avoid the proliferation of close boarded fencing.

Heads of Terms

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- 8.29 The consultees have requested a number of contributions to be secured through the application. It is important that any contributions that are secured through a Section 106 agreement would meet the requirements of the three tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012. These are set out below:-
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 8.30 The land for a primary school is identified within the emerging policies of the Local Plan and contributions towards the land cost (£675.41 per applicable flat and £2701.63 per applicable house) and construction (£1000 per applicable flat and £4000 per applicable house) are sought from KCC. It is clear that the proposed development of 140 dwellings would result in additional demand placed on education facilities and I consider that it would be appropriate to secure the appropriate level of contribution.
- 8.31 There is an additional request from KCC as the education authority for a contribution towards secondary school provision. A contribution of £589.95 per applicable flat and £2359.80 per applicable house is sought based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded. The proposal is projected to give rise to 26 additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of new accommodation within the locality. It is clear that the proposed development of 140 dwellings would result in additional demand placed on education facilities and I consider that it would be appropriate to secure the appropriate level of contribution.
- 8.32 The NHS have requested £111,996 towards improvements at the named surgeries of Allington Clinic, Allington Park Surgery, Aylesford Medical Practice, College Practice, Lockmedow Surgery and Blackthorn Practice all of which are within 1.5 miles of the site. It is clear that the proposed development of 140 dwellings would result in additional demand placed on the health facilities and I consider that it would be appropriate to secure the appropriate level of contribution.
- 8.33 The contributions towards highway improvements have been outlined in section 8.16 above and are deemed to meet the required tests of the CIL Regulations.
- 8.34 The Council's Parks and Open request £402.96 per dwelling towards the provision of public open space in lieu of the shortfall of on site provision. The offsite contribution would be used within a one mile radius of the development for the improvement, refurbishment and maintenance of existing areas of open space and equipped play, outdoor sports facilities and allotments. Such sites as Adisham Drive and Midley Close are within 1km of the site and would be used by the development as they are the nearest sites with areas of equipped play, whilst the likes of Allington Open Space and Giddyhorn Lane are areas that would benefit in terms of outdoor sports facilities. It is clear that the proposed development of 140 dwellings would result in additional demand placed on education facilities and I consider that it would be appropriate to secure the appropriate level of contribution.

- 8.35 Kent County Council has sought contributions of £30.70 per dwelling towards community learning. The contribution would be used to pay for adult learning classes and outreach centres. It is clear that the proposed development of 140 dwellings would result in additional demand placed on the community learning facilities and I consider that it would be appropriate to secure the appropriate level of contribution.
- 8.36 There is a request of £8.44 per dwelling sought by Kent County Council towards the provision of centre based youth services in the area. It is clear that the proposed development of 140 dwellings would result in additional demand placed on the youth facilities available in the area and I consider that it would be appropriate to secure the appropriate level of contribution.
- 8.37 There is a request from Kent County Council to provide £79.71 per dwelling to provide additional bookstock at Maidstone library to deal with the addition usage from this development. It is clear that the proposed development of 140 dwellings would result in additional demand placed on the bookstock at Maidstone library and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.38 Kent County Council have sought contributions of £53.88 per dwelling towards adult social services. The projects identified include the provision of health linked care needs and assessment suite, the enhancement of local community facilities to ensure full DDA access to clients, a specialist changing place facility to enable clients with multiple needs to integrate and use everyday facilities and to provide assistive technology (Telecare) to enable clients to live as independently and secure as possible. It is clear that the proposed development of 140 dwellings would result in additional demand placed on the social services provided by Kent County Council and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.39 The application proposes the provision of 30% affordable housing. The Council's adopted DPD (2006) on affordable housing indicates a level of 40% would be appropriate on such a scheme. However, the emerging policy DM24 of Maidstone Borough Local Plan Regulation 18 Consultation 2014 indicates a level of 30% to be appropriate. The applicant has justified this lower level through viability and the Peter Brett study undertaken on behalf of the Council used the Bridge Nurseries site as a case study. This study indicated the level of 30% to be appropriate if dwellings were constructed to level 4 of the Code for Sustainable Homes. However, the applicant is proposing code level 3 on the grounds that the requirement to set aside a significant portion of the site for the protected trees and ecological mitigation measures has led to a significant reduction in the numbers of units. However, the cost for achieving many of the requirements for the development remain constant, for example, the need for a new pumping station, new junction design and noise insulation, which means the individual build costs for the dwellings are comparatively high. I will deal with the Code for Sustainable Homes issue in more detail later in the report but I consider that it is appropriate to secure 30% affordable housing.

Other Matters

- 8.40 The layout has been designed to ensure that the new dwellings would have their flank elevations facing the rear gardens of properties in Fordwich Close, Blackmanstone Way and Lamberhurst Road. This would ensure that there would be no overlooking that would warrant a reason for refusal and also reduce the perception of overlooking. The distances between the properties would ensure that

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there would be no unacceptable loss of light or an overwhelming impact from the development.

- 8.41 The proposed development would be predominantly family dwellings and there would be adequate garden space to ensure that the dwellings have a good level of amenity space.
- 8.42 The proposed World War II pill box is to be retained and secured in order to ensure that it is not vandalised, which is often the case at the current time. The retention of this feature has been welcomed by Kent County Council Archaeology and a condition can be imposed to ensure its retention.
- 8.43 The development is accompanied by ecological assessments in relation to protected species. The reports demonstrate that there are 3 species of reptile were present, 2 red listed species and 3 amber listed species of birds were recorded nesting or likely nesting, 1 red data book species invertebrate and 13 nationally scarce species. Common cudweed, a nationally scarce and listed as nationally threatened in the Red Data Book of GB was found. Foraging and commuting bats were also found. These have been examined by Kent County Council Ecology and also Kent Wildlife Trust who both confirm that they are happy with the methodology and findings of the reports. The application includes on site receptor sites and an outline mitigation strategy has been submitted to ensure that the site is suitable. Kent County Council Ecology raise some concerns regarding this mitigation strategy and recommend a number of conditions to ensure satisfactory mitigation is provided. A further more detailed mitigation strategy and management plan into the longer term would be required and appropriate for provision through a section 106 agreement. Further ecological enhancements have been secured through in the form of bat boxes and swift bricks as part of the fabric of the development and these can be secured by way of a condition.
- 8.44 As outlined earlier the application is proposed to achieve level 3 on the Code for Sustainable Homes. The reason given is due to the reduction of numbers to achieve an appropriate layout and retain the protected trees in appropriate locations, i.e. not in private gardens and to provide areas for ecological mitigation. This is disappointing, however, I consider that the benefit of retaining the trees as part of the overall layout and the associated reduction in numbers to be of greater benefit. As mentioned above, the applicant has agreed to include bat boxes and swift bricks as part of the fabric of the development. In addition, the applicants have agreed to examine the opportunities for using renewable energy sources within the development and also to explore the potential of including electric car charging points.
- 8.45 The site is located within flood zone 1 (least affected by flooding) and a flood risk assessment has been submitted as part of the application. The proposal includes the use of a sustainable urban drainage system and conditions should be imposed to ensure the management of this facility. The Environment Agency has commented on the application and do not raise objections to the application.
- 8.47 The matter of foul sewage drainage is examined by Southern Water who conclude that there is currently inadequate capacity within the system. However, the solution indicated by Southern Water relates to the additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. This can be secured through a planning condition.

8.48 Concern has been raised by residents on the grounds that the site will be lost for recreation. I give this little weight in view of the fact that the land is private land and there are no public rights of way that run through or around the site.

9.0 CONCLUSION

9.01 The application site is allocated within the Maidstone Borough-Wide Local Plan (2000) as a housing site and is again allocated within the emerging Local Plan. It is a well located site close to schools and other facilities and is a sustainable location for development. The Council does not have a five year supply for housing and these factors mean that the principle of the development for housing is acceptable.

9.02 The visual impact of the development of this greenfield site is acceptable and would be similar to that envisaged by the Local Plan Inspector at the Inquiry prior to the adoption of the Maidstone Borough-Wide Local Plan (2000).

9.03 The access arrangements and traffic generation would be at a level that with mitigation to the Coldharbour roundabout and junction 5 of the M20 is considered acceptable to Kent Highway Services.

9.04 In terms of the design and layout of the development the scheme would result in a high quality development that would respect the edge of town location and morph from the existing housing estate to the more loosely developed parts adjacent to the open areas.

11.0 RECOMMENDATION – DELEGATED POWERS TO GRANT subject to the prior completion of a legal agreement in such terms as the Head of Legal Services advises to secure the following:-

- The provision of 30% affordable housing.
- £1,350 per dwelling for the A20 Coldharbour Lane junction improvement.
- £86 per dwelling for the improvement of Junction 5 of M20.
- £4000 per applicable house & £1000 per applicable flat towards build cost, and £2701.63 per applicable house and £675.41 per applicable flat towards land costs towards the construction of a new primary school.
- £2359.80 per applicable house & £589.95 per applicable flat towards the extension of a secondary school within Maidstone.
- £402.96 per dwelling towards the provision of public open space within a one mile radius of the development for the improvement, refurbishment and maintenance of existing areas of open space and equipped play, outdoor sports facilities and allotments. Adisham Drive and Midley Close are within 1km of the site and would be used by the development as they are the nearest sites with areas of equipped play, whilst the likes of Allington Open Space and Giddyhorn Lane are areas that would benefit in terms of outdoor sports facilities.
- £111,996 towards improvements at the named surgeries of Allington Clinic, Allington Park Surgery, Aylesford Medical Practice, College Practice, Lockmedow Surgery and Blackthorn Practice all of which are within 1.5 miles of the site.
- £30.70 per dwelling towards community learning for adult learning classes or Outreach Adult Learning in Maidstone.
- £8.44 per dwelling towards youth services and the provision of staff and equipment for Maidstone Borough Youth Outreach services in the area.
- £79.71 per dwelling to provide expansion of Library services in Maidstone and additional bookstock & equipment.

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- £53.88 per dwelling towards adult social services being the provision of health linked care needs and assessment suite, the enhancement of local community facilities to ensure full DDA access to clients, a specialist changing place facility to enable clients with multiple needs to integrate and use everyday facilities and to provide assistive technology (Telecare) to enable clients to live as independently and secure as possible.
- *A landscape and ecological management plan (LEMP). The content of the LEMP shall include the following.*
 - a) *Description and evaluation of features to be managed.*
 - b) *Ecological trends and constraints on site that might influence management.*
 - c) *Aims and objectives of management.*
 - d) *Appropriate management options for achieving aims and objectives.*
 - e) *Prescriptions for management actions.*
 - f) *Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
 - g) *Details of the body or organization responsible for implementation of the plan.*
 - h) *Ongoing monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

and subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.
- 3 The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective.
- 4 No development shall take place until an ecological design strategy (EDS) addressing all species mitigation (for all species recorded within site) has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following,

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed method statements to achieve stated objectives – for each species
- d) Extent and location/area of proposed mitigation for all species on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interests of biodiversity and ecology.

- 5 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of biodiversity and ecology.

- 6 No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to ensure the success of the Ecological Design Strategy and Landscape and Environmental Management Plan. The content of the Strategy shall include the following:

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.

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h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

- 7 The development shall not commence until details of measures to provide for the installation of bat boxes and swift bricks within the site, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: In the interests of biodiversity and ecology.

- 8 The development shall not commence until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), which shall include details of all trees to be retained, any facilitation pruning required and the proposed measures of protection, undertaken in accordance with BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction-Recommendations' has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include full details of areas of hard surfacing within the root protection areas of retained trees which should be of permeable, no-dig construction and full details of foundation design, where the AMS identifies that specialist foundations are required. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

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

- 9 The development shall not commence until details of foul water drainage have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and no dwelling shall be occupied until adequate foul water drainage has been provided.

Reason: In the interest of pollution prevention.

- 10 The development shall not commence until a detailed surface water drainage scheme for the site following the principles established in the flood risk assessment and drainage strategy, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, a long term management and maintenance plan for the SUDS included in the approved scheme. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: The site is located over a Principal Aquifer and within SPZII therefore to protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework. Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could

ultimately cause pollution of groundwater.

- 11 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: In the interests of human health.

- 12 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: The site is located over a Principal Aquifer and within SPZII therefore to protect vulnerable groundwater resources.

- 13 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- 14 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological conservation work and interpretation in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure long term conservation of the pill box with heritage interpretation for understanding, awareness and enjoyment of the local heritage.

- 15 The dwellings shall achieve a minimum of Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that (at least) Code Level 3 has been achieved;

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Reason: To ensure a sustainable and energy efficient form of development.

- 16 No dwelling shall be occupied until all highway works required at the junction of the A20 and Beavers Road/site access as shown in principle on drawing number 10256/SK05 rev. P3 and SL-01 Rev D have been completed;

Reason: In the interests of highway safety.

- 17 Prior to commencement of work on site there shall be provision for construction vehicle loading/unloading and turning facilities prior and parking facilities for site personnel and visitors and for the duration of construction.

Reason: In the interests of highway safety.

- 18 The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

INFORMATIVES

- 1 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. 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.
- 2 Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.
- 3 Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.
- 4 Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

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- 5 Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
- 6 Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- 7 Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
- 8 Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.
- 9 The developer will be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development.
- 10 There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaways and the water table.
- 11 The applicant/agent is advised to seek the input of the Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that all efforts are made to incorporate the principles of Designing out Crime (A Kent Design Guide for Developers Designers and Planners) into the high quality design of any proposal.

The contact details of the Kent Police CPDAs are; John Grant & Adrian Fromm, Kent Police Headquarters, Sutton Road, Maidstone ME15 9BZ email: pandcr@kent.pnn.police.uk Tel No- 01622 653209/3234.
- 12 The applicant should enter into a formal agreement with Southern Water to provide the necessary sewage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- 13 The proposed use of deep bore soakaways linked to outfalls from surface water ponds. Generally, we would accept roof drainage going direct to soakaway, but other surface drainage may need to go through appropriate mitigation/treatment systems.
- 14 Surface drainage from car parking for less than 20 private cars is normally acceptable, provided there are suitable pollution prevention measures in the system prior to the discharge point.
- 15 The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2), provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.
- 16 Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste

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management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

17 In the interests of promoting public safety and reducing the risk of trespass and vandalism on the railway, the applicant should ensure that a suitable trespass resistant fence is located along the northern side of the site (adjacent to the railway). Any new fencing must be independent of existing Network Rail fencing and should leave sufficient distance to allow for future maintenance and renewal.

18 Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

19 Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

Case Officer: Peter Hockney

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Reference number: MA/14/501209

Additional representation:

Cllr Daley: Raises objection over the suitability of the site for development having regard to the ecological interests on the site. He wishes to bring attention to the special nature of the site with protected and rare species, the landscape value and soil structures.

He raises concern over the pinch point at the Railway Bridge on the A20 and the likelihood of this causing congestion and total gridlock. He considers the site should be removed from the emerging local plan as a housing allocation.

Petition: A petition has been received in excess of 1200 signatures from those against the development.

MBC Private Housing:

- There does not appear to have been any evidence submitted by the developers to prove that 40% affordable housing (the adopted policy) would not be achievable on this site as opposed to the proposed 30%. As previously stated, we would like to receive a viability assessment that can be independently assessed that proves the viability of the development.

- The applicants did initially consult with Andrew Connors with regards to the proposed affordable mix in June 2014. The mix that has been put forward is a long way from what we had been looking for and indeed this amendment is a step in the wrong direction. The developers are putting great importance on what their selected RP has informed them would be a suitable and, whilst this needs to be taken in to consideration, the needs of the applicants on the Council's housing register should be taken into account as well. The comment below that, "*it differs slightly from the Housing Officers preferences*" is therefore not an accurate statement!

- The Councils Housing register has currently 1441 applicants waiting for rehousing. Their bedroom need is as follows:
 - 1 bedroom – 56%
 - 2 bedroom – 26%
 - 3 bedroom – 9%
 - 4+ bedroom – 9%

As you can see from the above figures, the need for 1 and 4 bedroom properties equates to nearly 2/3rds of applicants awaiting housing. Whilst we appreciate that unfortunately there are no longer any 1 bed units planned for this development, we are disappointed that there is no provision for any 4 bed units despite there being 36 units of 4 or 5 bedroom size in the private development. This again has been mentioned before.

- There still appears to be no indication of the affordable tenure split. I understand that the applicants are acknowledging the 60/40% affordable rent / shared ownership split but this is not highlighted on the attached screen shot.

Officers comments and Recommendation

The proposed affordable housing level of 30% is considered acceptable as set out in the officer's report. This is based on the emerging local plan policy and the Peter Brett report.

Additional conditions are proposed as follows:

19. Pursuant to condition 4, if, during translocation from the application site, the reptile population is found to be greater than a 'medium population' as defined by Froglife 1999 then the applicants will prepare and submit details confirming a suitable alternative receptor site(s) and details will also include a full reptile survey and mitigation strategy. All translocation is to be carried out prior to any development beginning on the application site.

Reason: To ensure that should further populations of reptile and other species be present then appropriate ecological mitigation is in place.

20. No development shall commence until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme of landscaping which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of the development and programme for maintenance. Particular regard should be given to the use of native species and provision of a prickly shrub belt between the built development and nature conservation site (comprising hawthorn, gorse) in order to protect the retained area. All planting, seeding and turfing shall be carried out in the first planting and seeding season following commencement of the development and any trees or plants which within 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced within the next planting season with others of similar size species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the proposed development is satisfactorily integrated into its setting, provide for landscaping and protect ecological interests.

Informative: The applicant is advised to contact the Local Planning Authority to discuss the requirements under condition 3 relating to boundary treatment prior to submission, in order that regard be had to the informal pedestrian access between the proposed site and residential development to the south east.

Legal advice has suggested that the terms proposed under the legal agreement requiring the submission of a landscape and ecological management plan could be dealt with as a condition.



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MONTHLY CALENDAR > AGENDA AND MINUTES > AGENDA ITEM

Agenda item

14/501209 - THE DEVELOPMENT OF THE SITE FOR 140 TWO, THREE, FOUR AND FIVE BED DWELLINGS, NEW ACCESS ROAD OFF A20, NEW ESTATE ROADS, CAR PARKING, LANDSCAPING AND AMENITY OPEN SPACE - Bridge Nursery, London Road, Maidstone, Kent

- Meeting of Planning Committee, Thursday 6th November, 2014 6.00 pm (Item 165.)
- View the background to item 165.

Minutes:

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

County Councillor Bird, an objector, Mr Hull/Ms Baker, for the applicant, and Councillor Daley (Visiting Member) addressed the meeting.

RESOLVED: That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- The provision of 30% affordable housing;
 - A contribution of £1,350 per dwelling for the A20 Coldharbour Lane junction improvement;
 - A contribution of £86 per dwelling for the improvement of Junction 5 of the M20;
 - A contribution for Kent County Council of £4,000 per applicable house and £1,000 per applicable flat towards build costs and £2,701.63 per applicable house and £675.41 per applicable flat towards land costs in connection with the construction of a new primary school;
 - A contribution for Kent County Council of £2,359.80 per applicable house and £589.95 per applicable flat towards the extension of a secondary school within Maidstone;
 - A contribution for Maidstone Borough Council of £402.96 per dwelling towards the provision of public open space within a one mile radius of the development for the improvement, refurbishment and maintenance of existing areas of open space and equipped play, outdoor sports facilities and allotments;
- Adisham Drive and Midley Close are within 1km of the site and would be used by the development as they are the nearest sites with areas of equipped play, whilst the likes of Allington Open Space and Giddyhorn Lane are areas that would benefit in terms of outdoor sports facilities.*
- A contribution for the NHS of £111,996 towards improvements at the named surgeries of Allington Clinic, Allington Park Surgery, Aylesford Medical Practice, College Practice, Lockmeadow Surgery and Blackthorn Practice all of which are within 1.5 miles of the site;
 - A contribution for Kent County Council of £30.70 per dwelling towards community learning for adult learning classes or outreach adult learning in Maidstone;
 - A contribution for Kent County Council of £8.44 per dwelling towards youth services and the provision of staff and equipment for Maidstone Borough youth outreach services in the area;
 - A contribution for Kent County Council of £79.71 per dwelling to provide expansion of library services in Maidstone and additional book stock and equipment; and
 - A contribution for Kent County Council of £53.88 per dwelling towards adult social services being the provision of health linked care needs and assessment suite, the enhancement of local community facilities to ensure full DDA access to clients, a specialist changing place facility to enable clients with multiple needs to integrate and use everyday facilities and to provide assistive technology (Telecare) to enable clients to live as independently and secure as possible,

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report and the additional conditions and informative set out in the urgent update report, with the amendment of condition 15 and additional conditions as follows:

Condition 15 (amended)

The dwellings shall achieve a minimum of Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that (at least) Code Level 4 has been achieved.

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Reason: To ensure a sustainable and energy efficient form of development.

Additional Condition (to replace the terms originally proposed under the S106 legal agreement requiring the submission of a landscape and ecological management plan)

No development shall take place until a landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of biodiversity and ecology.

Additional Condition relating to the establishment of a Monitoring Committee comprising the local Ward Members and Councillor Harwood to monitor the discharge of conditions.

Voting: 5 – For 2 – Against 4 – Abstentions

FURTHER RESOLVED: That the developer and Tonbridge and Malling Borough Council be approached regarding the designation of the land edged blue on the site layout plan as a local nature reserve.

Voting: 11 – For 0 – Against 0 - Abstentions

Note: Councillor J. A. Wilson entered the meeting during consideration of this application (6.30 p.m.) and did not participate in the discussion or the voting.

Supporting documents:

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14/501209 - Site Plan, item 165. PDF 384 KB

• 14/501209 - Committee Report, item 165. PDF 189 KB View as HTML 167 KB

• 14-501209_Photos, item 165. PDF 1 MB

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