

**REFERENCE NO - 20/501773/FULL**

**APPLICATION PROPOSAL**

Erection of 181 dwellings, together with associated works for Access, Parking, Infrastructure, Open Space, Earthworks, Surface Water Drainage Systems and Landscaping.

**ADDRESS** Land Off Oakapple Lane, Barming, Maidstone, Kent

**RECOMMENDATION – APPROVE WITH CONDITIONS**

**SUMMARY OF REASONS FOR RECOMMENDATION**

- The site is allocated for 187 houses within the Local Plan under policy H1(4) subject to criteria. The application proposes 181 houses (as now amended) and for the reasons outlined in the reports complies with these criteria subject to the legal agreement and conditions.
- The application proposes development within the area defined for open space under policy OS1(1) and outside the settlement boundary but this would not result in any harm to the local landscape beyond the housing allocation. It also ensures that open space areas are provided around and integrated through the development which is considered to provide a better design approach, more distinctive character and attractive development. The required total amount of 1.5ha of natural/semi-natural space and 0.3ha of amenity green space would be provided.
- KCC Highways are raising no objections to the proposed access points including the secondary access onto Broomshaw Road in terms of their use and safety. The secondary access is a requirement of site policy H1(4) and it is agreed with KCC Highways that this is appropriate bearing in mind the level of development it will serve.
- KCC Highways are raising no objections subject to conditions preventing occupation of the development until a number of junction improvements and a link road in connection with another development are implemented. For the reasons outlined in the assessment this is considered to be unreasonable and/or unnecessary and so does not pass the test for planning conditions. It would also be inconsistent with previous recommendations and decisions of both KCC and MBC.
- In response to the Committee's deferral reasons the amended proposals have:
  - Reduced the number of houses with the amount of natural/semi-natural open space increased to provide 1.5ha and provision of the necessary amount of amenity green space (0.3ha).
  - Changed the layout to move development further from the south boundary and provide trees on Street 2.
  - Increased the EV charging points and provided PV panels.
  - Secured a dedicated cycle link from southwest to northeast with this being pursued as a dedicated bridleway in the first instance through the s106 agreement.

<ul style="list-style-type: none"> <li>○ Increased biodiversity enhancements and the applicant will pursue translocation of reptiles to locations nearer to the site.</li> <li>• The application complies with all other relevant Development Plan policies and there are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions set out below.</li> </ul>		
<p><b>REASON FOR REFERRAL TO COMMITTEE</b></p> <ul style="list-style-type: none"> <li>• Councillor Gooch has requested the application is considered by the Planning Committee for the reasons set out in her comments in the original committee report.</li> </ul>		
<p><b>WARD</b> Barming and Teston</p>	<p><b>PARISH COUNCIL</b> Barming</p>	<p><b>APPLICANT</b> Taylor Wimpey UK Ltd <b>AGENT</b> Barton Willmore</p>
<p><b>DECISION DUE DATE:</b> 26/02/21</p>	<p><b>PUBLICITY EXPIRY DATE:</b> 23/12/20</p>	<p><b>SITE VISIT DATE:</b> 05/05/20 &amp; 21/10/20</p>

## 1.0 BACKGROUND

1.01 This application was reported to Planning Committee on 22<sup>nd</sup> October 2020 where officers recommended approval. The previous committee report is attached at the **Appendix**. Planning Committee deferred consideration of the application for the following reasons:

**RESOLVED:** *That consideration of this application be deferred to enable the Officers to investigate:*

1. *Increased open space to meet policies OS1(1) and H1(4) to provide the required amount of natural/semi-natural open space (1.5ha) together with usable space (on-site) for future occupants (but not a play area) which may result in a reduction in the number of houses.*
2. *Increased landscaping in front of the houses on Street 2 and changes to the layout along the south boundary to provide more space to the properties on Broomshaw Road and Redewood Road.*
3. *Increased EV charging points or electric charging ready (if not actual EV charging points) on properties and the provision of renewable energy for apartments and/or affordable housing.*
4. *Integration of dedicated shared walking and cycle routes from southwest to northeast and northwest to southeast across the site.*
5. *Provision of more biodiversity enhancements (integral habitat niches for wildlife, wildlife friendly drainage, removal of non-native*

*planting/increased native planting with non-native Spanish chestnut to be replaced with beech, wild cherry or large-leaved lime).*

6. *Whether all reptiles have been moved to Mote Park and if not look at the feasibility of using other suitable locations nearer to the site.*

7. *Whether S106 contributions can be made to Fountain Lane junction or whether a separate motion for CIL monies to be allocated to this junction is appropriate.*

8. *The source of heating and an informative to use electric heating not gas.*

1.02 In response to these points and in summary, the applicant has reduced the number of houses proposed from 187 to 181; amended the layout to provide more open space and respond to the requested changes in the types of open space; amended the landscaping scheme; and provided additional information and some clarification. All necessary consultation/notification has been carried out on these details. These changes are discussed and assessed in detail below.

## **2.0 LOCAL REPRESENTATIONS (FOLLOWING DEFERRAL)**

2.01 **Barming Parish Council:** Still objects to the application and states as follows:

*"Barming Parish Council is not satisfied that the submitted amendments meet the requirements of policy OS1 or meet the expectations of our residents. Our strong objections to the opening up of Broomshaw Road access remain; we are still very concerned about the seriously adverse impact it will have on the safety and quality of life of our residents, and on our narrow residential streets. The rural edge of our parish will be lost. We remain totally opposed to this application."*

2.02 **Local Residents:** 19 representations received raising the following (summarised) points:

- Increased traffic and congestion.
- Local roads and junctions are at/beyond capacity.
- Will devastate the environment.
- Wildlife is being displaced.
- Sinkholes make site unsuitable and ground conditions should be investigated.
- Council should employ an engineer to assess results of investigations.
- Has not provided the required open space.
- Footpaths in natural/semi-natural open space areas should be excluded from calculations.
- Open spaces are unclear.
- The open spaces do not offer the same usage as existing.

- The open space is needed for all people of the surrounding area and not just for new residents.
- The whole field is used as open space and will be lost.
- There will be nowhere left to dog walk, ride bikes, and exercise.
- Lack of infrastructure.
- They have not reduced the number of dwellings or added to useable open space.
- Has not answered all the deferral reasons.
- Will not add more natural habitat to aid biodiversity.
- Houses in the southwest corner have moved closer.
- Overlooking/loss of privacy.
- Noise and vibrations from the quarry.
- There is no need for path on south boundary linking to KM11 which will cause harm to ecology and amenity.
- Decision should be delayed until KCC make decision on claimed bridleways.
- Sill oppose opening up of Broomshaw Road for highway safety and traffic running issues.
- Rat running.

2.03 **Maidstone Cycle Forum** raise the following (summarised) points and submitted a plan of the cycle routes they would like to see:

- Additional traffic on roads to the south will increase noise and air pollution and will make them less likely to be used for walking and cycling.
- Does not go far enough for connected active travel routes and a wildlife corridor as laid out in 'Project MERlin' a local neighbourhood initiative.
- Should be rejected subject to consultation with local residents; recognition that developments are not centred around motor vehicles; active travel routes to ensure permeability in line with national guidance; and review of and mitigation of extra traffic on wider highway network such as North Pole Road.

2.04 **Kent Wildlife Trust:** Maintain their objection on the basis that they consider the proposals are not in accordance with national planning policy as they do not provide measurable net gains for biodiversity and fall a long way short of the requirements of upcoming legislation, and that the AW buffer is not adequate.

2.05 **Councillor Gooch:** Reaffirms strong objection to opening up of Broomshaw Road and considers the adverse impact on the health, wellbeing and quality of life of the existing local community and on the character of the local area justifies refusal.

In response to proposed amendments: *"Whatever efforts the applicant has made to compensate for the loss of open space, it will never be enough to meet residents' expectations, and it will never restore the rural character*

*and ambience of the parish of Barming which will be swallowed up by the development on both sides of the boundary between Maidstone and Tonbridge & Malling. The opening up of Barming's narrow residential streets to facilitate rat running between Hermitage Lane and the A26 Tonbridge Road is a profound misjudgement. It will carry serious consequences that have not been addressed, and that impose completely unacceptable highway risks on our residents' safety and quality of life. It will also crush any plans for a safe cycling 'green route' from the Medway River Tow Path/South Street/North Street and beyond. As the local ward member for Barming and Teston, I remain totally opposed to this application."*

### **3.0 CONSULTATIONS (FOLLOWING DEFERRAL)**

3.01 **KCC PROW:** Recommend that the applicant dedicates the proposed path/cycleway across the site as a bridleway; provides £14,700 to fund KCC to attempt a Creation Order to establish a 3m wide bridleway from the northeast corner to Oakapple Lane and £42,900 to widen and surface this new bridleway.

### **4.0 APPRAISAL**

4.01 The appraisal will focus on the reasons for deferral of the application as set out below:

***1. Increased open space to meet policies OS1(1) and H1(4) to provide the required amount of natural/semi-natural open space (1.5ha) together with usable space (on-site) for future occupants (but not a play area) which may result in a reduction in the number of houses.***

4.02 Under the original assessment it was outlined that the proposals would not provide 1.5ha of 'natural/semi-natural' space as specified under policy OS1(1) but officers considered that an appropriate balance had been struck in providing more natural open space areas around the outskirts but also some amenity grass areas for future residents to use (a total in excess of 1.5ha of open space). The proposals did not provide an equipped play area, outdoor sports or allotments facilities. Whilst not outlined in the original report, no play areas were deemed necessary as there will be a play area on the site to the east. It would not be feasible to provide outdoor sports facilities or allotments due to the limited space available and any future pressure on such facilities could be dealt with via CIL monies. However, Members have sought an increase in natural/semi-natural open space (1.5ha) together with usable space (on-site).

4.03 In response to the deferral, the applicant has reduced the number of houses by 6 to provide further room for open space and this is primarily in the southwest corner. Criterion 8 of the site policy requires a total of 1.5ha of natural/semi-natural space to be provided in accordance with policy OS1(1) together with any additional on-site provision and/or contributions towards off-site provision/improvements as required in accordance with policy DM19.

4.04 The Council’s Parks section have provided advice on the amount of open space that would be required for this development in line with policy DM19. This is set out below and excludes natural/semi-natural space as this is specified for this allocated site as being 1.5ha:

Amenity Green Space	Equipped Play	Outdoor Sports	Allotments
0.3ha	0.1ha	0.69ha	0 (as there is no deficiency of allotments in the local area)

4.05 The amended proposals now provide 1.5ha of natural/semi-natural open space. This has been achieved by reducing the amount of amenity grassland and increasing areas of wildflower meadow and thicket planting, including new trees within those areas. An area of 0.3ha of amenity green space (which under DM19 is defined as informal recreation spaces, recreation grounds, village greens, urban parks, formal gardens and playing fields) is provided with a more focussed useable space in the southwest corner but also including the space within the centre which has seating areas. The deferral specifically does not seek any play areas which is acceptable as there will be a play area on the site to the east. Clearly it is not feasible to provide sports pitches at this site and any future pressure on such facilities could be dealt with via CIL. There is no need for allotments and this would also not be feasible here. Therefore, the development provides the required 1.5ha of natural/semi-natural space and 0.3ha of more useable amenity green space in line with the site policy and DM19.

4.06 As set out in the original committee report, the natural/semi-natural space is not set out in the same area of land as defined under policy OS1(1) in the southwest corner but is instead provided around the edges of the site and some amenity open spaces are integrated through the development. It remains the view of officers that this is a more appropriate design approach that provides a better character and built environment rather than having 181 houses and open space areas distinctly separate. Also, the need for an AW buffer means that natural open space is needed within the northeast corner of the housing allocation area. For these reasons it is considered acceptable for some development in the open space area as shown on the Local Plan Map which would not cause any harm to the local landscape beyond the housing allocation, and for open space types to be varied across the site.

4.07 It is also important to clarify that the open space requirements under Local Plan policies OS1(1) and DM19 are to serve/mitigate the proposed development of 181 houses only. Open spaces are not required to compensate for any loss of the privately owned field, some areas of which people have historically used for recreation, as is suggested in a number of representations. Indeed, many representations refer to there not being enough space for ‘existing residents’ and the loss of the field which is not relevant to the consideration of public open space requirements for this application.

4.08 Some changes to the housing in the southwest corner have been made to accommodate the additional open space which are positive. The previous road and parking areas have been removed and the houses directly address the larger open space area with parking to the rear. Other minor changes have been made elsewhere to accommodate the loss of housing which are acceptable.

4.09 Overall, the total area of open space is policy compliant and any off-site pressure on outdoor sports facilities could be dealt with by CIL, and it is considered that the changes made by the applicant have addressed this reason for deferral. Officers remain of the view that an appropriate balance has been struck in providing natural open space areas, space for future residents to use, and an attractive development.

***2. Increased landscaping in front of the houses on Street 2 and changes to the layout along the south boundary to provide more space to the properties on Broomshaw Road and Redewood Road.***

4.10 The applicant has introduced a line of trees on the north side of Street 2 so that this street is now flanked by trees on both sides. Along the south boundary the road and houses have been moved between approximately 2-3m to the north which means there is an increased landscape buffer which includes many more trees to strengthen the existing tree/hedge line. One property (plot 174) is closer than the previous properties here but it is still over 26m from the rear of the nearest houses on Redewood Road, which is a suitable distance to ensure no unacceptable impacts upon privacy or outlook would occur. It is considered that these changes have addressed this reason for deferral. To accommodate the changes has meant that the trees on the south side of Street 3 have been removed but this street still benefits from trees and a good quality, wide landscaped area on the north side.

***3. Increased EV charging points or electric charging ready (if not actual EV charging points) on properties and the provision of renewable energy for apartments and/or affordable housing.***

4.11 All spaces with on-plot parking have now been provided with an EV charging socket which is 126 properties or just under 70% of the site. The previous committee report stated that this was already the case based on the air quality assessment but some properties did not have EV charging indicated on the plans so this has been provided now. This has also included increasing the proportion of affordable homes with an EV socket and in the main only leaves terrace properties and the apartments without charging points. The Local Plan does not have any set standards for EV charging points but this level is considered to be relatively high compared to other schemes and acceptable. The parking levels themselves remain in accordance with the numbers required under the standards.

4.12 Solar panels are now proposed to the affordable apartments which are secured under a new condition.

**4. Integration of dedicated shared walking and cycle routes from southwest to northeast and northwest to southeast across the site.**

- 4.13 The applicant has now provided a 3m wide shared walking and cycling route that would link up with Byway KM13 to the southwest and run through the site to the northeast corner, where upgrading and surfacing of PROW KM10 to the northeast is proposed so the route links up with Oakapple Lane. This would create a dedicated and continuous surfaced link from the southwest through to Oakapple Lane. Because the southwestern part falls outside Maidstone Borough (and in the event that the path is not approved as part of TMBC's housing application), the s106 agreement will require the applicant to submit a planning application to TMBC for the path.
- 4.14 KCC PROW are supportive of this and are seeking that the entire route be made a Public Bridleway and the applicant is agreeable. This would involve the applicant 'dedicating' the route within their ownership as a bridleway and this can be secured under the s106 agreement. For the section outside their ownership (PROW KM10) the applicant would provide s106 monies (£14,700) to allow KCC to attempt a 'Creation Order' to establish a bridleway linking to Oakapple Lane and also monies (£42,900) to widen and surface the new bridleway to Oakapple Lane. The Creation Order process is open to public consultation and objection and there is no guarantee that it would be successful and so KCC advise that they would only pursue bridleway status if the entire route was achieved. In the event that this is unsuccessful the s106 will secure an amended plan that would show a new link from the northeast corner back to Street 2 so there still remains a clear cycling route in either scenario.
- 4.15 The s106 agreement would also include a scenario should the pending application for a claimed bridleway from southwest to northeast be successful, which simply means the applicant would no longer need to dedicate a bridleway. As advised in the original report at paragraph 6.69, if the claimed bridleways were successful the applicant would need to apply for a diversion like any other PROW affected by development.
- 4.16 The applicant is not proposing a similar route from southeast to northwest stating the following, *"the proposals do not specifically provide for a similar south-east to north-west connection. Pedestrians and cyclists can already move in this general direction using proposed roads and footpaths including the verdant route along Street 03, and through the open spaces provided running round the edges of the development. Roads within the Site will be designed to 20mph and as such cyclists will also be able to share the roads (as advocated in Manual for Streets), which provide connections to wider cycle and walking opportunities already facilitated."*
- 4.17 It is considered that this link is not as beneficial because where it meets the southeast corner it would link up with the approved streets to the east and then head north to Oakapple Lane (which the other route does anyway), or to public footpath KM12 to the southeast which is not suitable to be upgraded for cycling due to its narrowness in places and fairly steep gradient at the south end where it meets Heath Road. As such, it is



considered that a dedicated southwest to northeast cycling route is the most appropriate in terms of providing beneficial connections across the site and with the local network.

***5 Provision of more biodiversity enhancements (integral habitat niches for wildlife, wildlife friendly drainage, removal of non-native planting/increased native planting with non-native Spanish chestnut to be replaced with beech, wild cherry or large-leaved lime).***

4.18 An updated 'Biodiversity Mitigation and Enhancement Strategy Plan' has been provided which now includes bat roost tubes, swift and swallow nest boxes incorporated into the fabric of new buildings. In addition to the nest boxes for bats, birds, invertebrates and dormice already proposed will be hedgehog nest boxes around the margins of the site. Hedgehog gates will now be provided in garden fences throughout the development (subject to levels). As outlined above, more natural/semi-natural space has been provided through increased wildflower and thicket planting and sweet chestnut has been replaced with species such as silver birch and field maple. It is considered that the biodiversity enhancements have improved and are proportionate to the impact of the development.

4.19 Due to ground conditions the applicant advises that it is not possible at this stage to propose wetland SUDs features, particularly those holding permanent water. However, the SUDs condition requires the applicant to explore the use of swales and this will be informed by further ground testing.

***6 Whether all reptiles have been moved to Mote Park and if not look at the feasibility of using other suitable locations nearer to the site.***

4.20 The applicant has provided a 'Briefing Note' to clarify the process it went through in consultation with KCC Ecology and Maidstone Borough Council in agreeing a strategy for the translocation of reptiles to Mote Park. The applicant has confirmed that not all reptiles have been translocated from the site as this can only be carried out between April and October and so has been paused. In response to the Committee's deferral the applicant is exploring other potential sites.

4.21 It is considered important to outline the applicant's reasons for selecting Mote Park as a receptor site. They have set this out and this is summarised with extracts from their Briefing Note as follows:

*"Two potential receptor sites were identified in August 2017 which were considered to have suitable habitat to which reptiles could be translocated to: Oakwood Cemetery (c. 90m east of the Site) and Mote Park (c. 5.6km east). Oakwood Cemetery comprises c. 2.44ha of rough tussocky grassland habitat, hedgerow and scattered mature trees. Although Oakwood Cemetery is closer to the Site, it is much smaller than the amount of habitat to be lost on-site as a result of the proposed development. In*

*addition, surveys in 2017 confirmed the presence of both slow worm and common lizard.*

*....The potential for translocation of common lizard and slow worm was discussed with the Maidstone Borough Council Parks Department, who identified a circa 5ha area of Mote Park, which had become encroached with scrub but had the potential to be restored to a mosaic of scrub and rough grassland habitat suitable for reptiles. Such works were in line with the Councils aspirations to change the approach to habitat management across the Park, with a new Management Plan for Mote Park being drawn up. As such, given the area of habitat available and the potential to provide significant habitat enhancement to increase the suitability and carrying capacity of the areas for reptiles, Mote Park was considered to be a more suitable option than Oakwood Cemetery and as such was taken forwards as the preferred option.*

*Surveys undertaken within the proposed 5ha receptor area at Mote Park (in 2017 and updated in 2019) recorded low populations of both slow worm and grass snake. Although no common lizard were recorded, the tussocky semi-improved grassland was considered to provide good habitat opportunities for this species.*

*The principle of using this area of Mote Park as a reptile receptor site was discussed in detail with the Mote Park Officer from MBC and their ecological adviser who is a highly experienced and respected herpetologist. It was agreed that, subject to some initial habitat enhancement works (including scrub removal, relaxation of grassland management and construction of hibernacula / refuges) and adaptation of ongoing management practices to increase habitat suitability for reptiles, that the area would form a suitable reptile receptor area.*

*In addition, reptile monitoring surveys of a further 5ha of land potentially suitable as an additional reptile receptor area (adjacent to the first 5ha) was also undertaken in 2020. Monitoring indicated that c.2.5ha of this land provided habitat suitable for reptiles (low number of slow-worm and juvenile grass snake recorded during monitoring) and that they were happy for reptiles to be relocated to this area also, subject to the habitat enhancement and management for reptiles being delivered in perpetuity.*

*In order to ensure that the numbers of reptiles to be relocated to the receptor areas were appropriate and within the carrying capacity of the habitat, a threshold for the number of animals to be translocated was agreed. A programme of post translocation monitoring, in years 1, 3 and 5 after translocation, was also agreed (methods to follow standard industry guidelines and results to be shared with Mote Park to inform their habitat management practices).*

*The required habitat enhancement and management works for a total of 7.5ha of land are to be funded by financial contributions from Taylor Wimpey; payment of which has been secured by Legal Agreement."*

- 4.22 The applicant clearly went through a thorough process in selecting Mote Park as a receptor, as did the MBC Parks Department and the applicant has also funded this process. Officer's remain of the view that translocation to Mote Park is acceptable and whilst KCC Ecology expressed some concerns over translocations beyond this site, importantly they do not raise any objections in this case.
- 4.23 The translocation has not been completed as it can only be carried out between April and October and the final translocation to Mote Park will be carried out subject to ongoing population monitoring surveys as is standard practice and in liaison with the MBC Parks Officer and their ecological advisor.
- 4.24 However, in response to the deferral the applicant via their ecologists have looked at many other potential reptile receptor sites with contact made with landowners/groups and responses received back on some of these. Sites considered worthy of further investigation were then visited by ecologists to determine their feasibility. Five possible sites have been identified including Leybourne Grange (West Malling); Langley Park (Maidstone); Hayle Park (Tovil); Dean Street (Tovil); and Fant Local Nature Reserve (Maidstone) which could potentially provide the 1.5ha required for the translocation. In terms of proximity to the site, Langley Park and Leybourne Grange are further away than Mote Park so I do not consider these are appropriate based on national guidance which seeks locations as close as possible to the application site. Dean Street, Hayle Park and Fant are closer and may be appropriate subject to surveys to determine their carrying capacity, which can only be carried out between March and June. These will inform whether they are suitable and if any further works are necessary to provide suitable habitat. On this basis and based on the deferral reason which seeks locations nearer to the site, I consider a new condition can be attached requiring a translocation strategy which shall explore these three locations further and with them set as the priority. Should they not be feasible either for biodiversity reasons, or for example if agreement cannot be reached with landowners, then Mote Park would remain the fallback.

***7 Whether S106 contributions can be made to Fountain Lane junction or whether a separate motion for CIL monies to be allocated to this junction is appropriate.***

- 4.25 As outlined in the original report, any financial contributions to the Fountain Lane junction would be via CIL as this is a cumulative requirement for infrastructure improvements to manage growth in general, rather than the specific impacts of this scheme alone. Therefore, a separate motion by Planning Committee to the relevant committee (SPI) to request that priority for CIL monies for this development go towards this junction would be appropriate bearing in mind the junction is identified as a priority in the Council's IDP for NW Maidstone.

***8 The source of heating and an informative to use electric heating not gas.***

4.26 The Government has stated that gas boilers cannot be installed in new build properties from 2025. The applicant has confirmed they will comply with the regulations that are in force and will consider this further through detailed design should planning permission be granted and will consider the Council's informative. An informative has been added to reflect this.

#### Other Matters

4.27 The reduction in the number of dwellings obviously means a reduction in the affordable housing which would change from 56 to 54 properties and this will be reflected in the s106 agreement.

#### *Representations*

4.28 It has been suggested that the footpaths in the natural/semi-natural areas should be excluded from the calculations of open space. Pathways through open space areas are entirely appropriate and form part of the use of such spaces. For this site the paths are provided on desire lines where people will walk and so it is appropriate to provide dedicated paths. All other representations reiterate previous points which have been considered in the original report.

## **5.0 CONCLUSION**

5.01 It is considered that the applicant has appropriately responded to the deferral reasons as follows:

- The number of houses has been reduced with the area of natural/semi-natural open space increased to provide 1.5ha, and the necessary amount of amenity green space of 0.3ha has been provided. Officers remain of the view that an appropriate balance has been struck in providing natural open space areas, space for future residents to use, and an attractive development through the merging of these areas.
- Changes to the layout have been made to move development further from the south and provide trees on Street 2, and the changes are acceptable.
- Increased EV charging points and PV panels have been provided.
- A dedicated cycle link would be secured from southwest to northeast with this being pursued as a dedicated bridleway in the first instance through the s106 agreement.
- Increased biodiversity enhancements have been provided and the applicant will pursue translocation of reptiles to locations nearer to the site.

5.02 As before, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

- 5.03 The site is allocated for 187 houses within the Local Plan under policy H1(4) subject to criterion. The application now proposes 181 houses and for the reasons outlined in this report and the original committee report, the proposals comply with all policy criterion subject to the legal agreement and conditions. The application also complies with all other relevant Development Plan policies.
- 5.04 The application proposes development within the area defined for open space under policy OS1(1) and outside the settlement boundary but this would not result in any harm to the local landscape beyond the housing allocation. It also ensures that open space areas are provided around and integrated through the development which is considered to provide a better design approach, more distinctive character and attractive development. The required total amount of 1.5ha of natural/seminatural space and 0.3ha of amenity green space would be provided.
- 5.05 KCC Highways are raising no objections to the proposed access points including the secondary access onto Broomshaw Road in terms of their use and safety. The secondary access is a requirement of site policy H1(4) and it is agreed with KCC Highways that this is appropriate bearing in mind the level of development it will serve.
- 5.06 KCC Highways are raising no objections subject to conditions preventing occupation of the development until a number of junction improvements and a link road in connection with another development are implemented. For the reasons outlined in the original assessment this is considered to be unreasonable and/or unnecessary and so does not pass the test for planning conditions. It would also be inconsistent with previous recommendations and decisions of both KCC and MBC. Junction improvements to accommodate the development at the Coldharbour roundabout and the A20 London Road/Mills Road/Hall Road junction are fully funded and scheduled to start in May and Summer 2021 respectively. For the Fountain Lane/A26 junction the applicant has identified a scheme that would provide sufficient mitigation that s106/CIL money could be used towards.
- 5.07 All representations received on the application have been fully considered in reaching this recommendation.
- 5.08 It is concluded that the development is acceptable and complies with policy H1(4) and all other relevant policies of the Development Plan. There are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions.

## **6.0 RECOMMENDATION**

Subject to:

The conditions set out below, and the prior completion of a legal agreement to secure the heads of terms set out below;

the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION** (and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee).

### Heads of Terms

1. 30% affordable housing provision (made up of 70% affordable rent and 30% shared ownership).
2. £246,159 to subsidise diversion of bus service 8 into the site for 3 years during the AM and PM peaks.
3. £32,890 for the upgrade of PROW KM11.
4. £7,590 for the upgrade of PROW KM12.
5. £50,000 to provide a secure cycle hub with CCTV coverage and lighting at Barming Train Station.
6. £948 Travel Plan monitoring fee.
7. Requirement for the applicant to dedicate the 3m wide cycle/pedestrian route from the southwest corner of the site to the northeast corner as a Bridleway.
8. £14,700 to fund KCC to attempt a Creation Order to establish a 3m wide Bridleway from the northeast corner of the site to the publicly maintainable section of Oakapple Lane.
9. £42,900 for the widening and surfacing of the proposed Bridleway from the northeast corner of the site to the publicly maintainable section of Oakapple Lane if the Bridleway is established.
10. Requirement for the applicant to submit a planning application for the 3m wide cycle/pedestrian route on the section outside of Maidstone Borough should it not be approved as part of planning application 20/502412/OUT and Tonbridge and Malling application 20/01218/OA.
11. £6,000 Section 106 monitoring fee.

### Conditions:

#### *Approved Plans*

1. The development hereby permitted shall be carried out in accordance with the plans listed on the Drawing Schedule (January 2021) excluding drawing no. 8080-C-160\_P2 (Road & FFLs).

Reason: To clarify which plans have been approved, to ensure a high-quality development, and to protect residential amenity.

*Time Limit*

2. 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.

*Compliance*

3. The development shall be carried out in accordance with the boundary treatments as shown on drawing nos. CSA/2929/117 RevD, 118 RevD and 119 RevD (Sheets 1-3) and CSA/2929/127 RevD, 128 Rev D and 129 Rev A (Sheets 1-3) and maintained thereafter.

Reason: To ensure a high-quality development and to protect residential amenity.

4. The development shall be carried out in accordance with the hard surfaces as shown on drawing nos. CSA/2929/117 RevD, 118 RevD and 119 RevD (Sheets 1-3) and maintained thereafter.

Reason: To ensure a high-quality development.

5. The development shall be carried out in accordance with the Tree Protection Plan dated March 2020.

Reason: To ensure a high-quality development.

6. The areas of open space as coloured green on drawing no. CSA/2929/130 RevA shall be maintained as publicly accessible open space in perpetuity.

Reason: To ensure adequate open space areas for the development.

7. 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) (England) Order 2015 (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.

8. Before the development hereby permitted is first occupied, the proposed first floor flank bathroom window on plot 139 shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

9. The construction of the development shall be carried out in accordance with the precautionary mitigation measures outlined at Section 4.0 of the Biodiversity Mitigation and Enhancement Strategy (CSA April 2020).

Reason: In the interest of biodiversity protection and enhancement.

10. The development shall be carried out in accordance with the air quality mitigation measures outlined in the Air Quality Assessment including the provision of electric vehicle charging points as shown on drawing no P19-1591\_05 RevE (Parking Plan). The electric vehicle charging points shall be maintained thereafter.

Reason: In the interests of limiting impacts upon air quality.

11. The development shall be carried out in accordance with the ecological enhancements as shown on drawing no. CSA/2929/125 RevC.

Reason: In the interest of biodiversity protection and enhancement.

12. The development shall be carried out in accordance with the soft landscaping details as shown on drawing nos. CSA/2929/120 RevD, 121 RevD and 122 RevD (Sheets 1-3).

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory setting to the development.

13. All planting, seeding and turfing specified in the approved landscape details shall be carried out either before or in the first planting season (October to February) following the occupation of the building(s) or the completion of the development area to which they relate, whichever is the sooner; and seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory setting to the development.

#### *Pre-Commencement*

14. No construction works or development shall take place until an ecological walk over survey has been submitted to and approved in writing by the Local Planning Authority. The survey must confirm that the approved ecological mitigation has been completed and there is no suitable habitat for protected/notable species present within the site where development will



take place. If suitable habitat is found to be present an updated ecological mitigation strategy must be submitted to and approved in writing by the Local Planning Authority prior to any development taking place and the development shall be carried out in accordance with the approved details.

Reason: In the interest of biodiversity protection and enhancement.

15. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment (April 2020) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. It shall also explore the use of more swales within the development.

The drainage scheme shall also demonstrate (with reference to published guidance):

- a) That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- b) Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

16. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

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

17. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

Reason: In the interests of human health.

18. No development shall take place until the applicant has secured the implementation of the following details:
- a) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - b) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

The development shall be carried out in accordance with the approved details.

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

19. No development shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority for that phase. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

20. No development shall take place until, details of the proposed levels for the development including slab levels of the buildings and any retaining walls, together with existing site levels, have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

21. No further reptile translocation shall take place until a reptile translocation strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall fully explore translocation to the 'Fant Wildlife Area', 'Hayle Park Nature Reserve', or 'Dean Street (Walnut Tree Meadow)' sites as the priority including surveys and details of any further works required to make them suitable. If these locations are not feasible for biodiversity reasons or where landowner agreement cannot be reached, full details and evidence behind these reasons shall be submitted to the Local Planning Authority for agreement in writing to use Mote Park as the receptor site. The translocation shall be carried out in accordance with the approved strategy.

Reason: To ensure appropriate protected species mitigation.

#### *Pre-Slab Level*

22. No development above slab level shall take place until measures and locations to allow hedgehogs to move through the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of biodiversity protection and enhancement.

23. No development above slab level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials. The materials shall follow the 'Materials Plan' and include the following:

- a) Stock facing bricks
- b) Clay roof tiles
- c) Ragstone on buildings
- d) Ragstone walling
- e) Composite boarding

Reason: To ensure a high-quality appearance.

24. No development above slab level shall take place until written details and large-scale plans showing the following architectural detailing have been submitted to and approved in writing by the local planning authority for that phase, and the development shall be carried out in accordance with the approved details:

- a) Boxed surrounds to windows
- b) Soldier courses
- c) Stone cills
- d) Brick banding
- e) Roof overhangs

Reason: To ensure a high-quality appearance.

25. No development above slab level shall take place until a sample panel of the ragstone for the walling and buildings, including mortar mix details, has been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site.

Reason: To ensure a high-quality appearance.

26. No development above slab level shall take place until a "bat sensitive lighting plan" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting plan shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the approved plan.

Reason: In the interest of biodiversity protection and enhancement.

27. No development above slab level shall take place until details of lighting for streets and houses have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

28. No development above slab level shall take place until details of the plots that require the mitigation measures set out under the Noise and Vibration Assessment (April 2020) have been submitted to and approved in writing by the Local Plan Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate levels of amenity.

29. No development above slab level shall take place until a written statement of public art to be provided on site in the form of a Public Art Delivery Plan has been submitted to and approved in writing by the local planning authority. This should include the selection and commissioning process, the artist's brief, the budget, possible form, materials and locations of public art, the timetable for provision, maintenance agreement and community engagement, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of the good place making in accordance with the provisions of the Maidstone Borough Council Public Art Guidance.

30. No development above slab level shall take place until details of a landscaped 'end stop' to the west end of Street 05 has been submitted to and approved in writing by the local planning authority. In the event that the housing development to immediate west and to which this street would link has not been approved before occupation of the 181<sup>st</sup> dwelling, the approved details shall be carried out in full.

Reason: In the interest of visual amenity.

31. No development above slab level shall take place until a site-wide landscape and ecological management plan (LEMP), including timetable for implementation, long term design objectives, management responsibilities and maintenance schedules for all landscaped, open space, and drainage areas, but excluding privately owned domestic gardens, has been submitted to and approved in writing by the local planning authority. Landscape and ecological management shall be carried out in accordance with the approved plan and its timetable unless the local planning authority gives written consent to any variation. The management plan must clearly set out how the habitat and enhancement features detailed within the Biodiversity Mitigation and Enhancement Strategy; CSA; April 2020 will be managed in the long term. The management plan must include the following:

- a) Details of the habitats to be managed
- b) Overview of the proposed management
- c) Timetable to implement the management
- d) Details of who will be carrying out the management
- e) Details of on-going monitoring.

The management plan must be implemented as approved.

Reason: In the interests of biodiversity, landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

32. No development above slab level shall take place until the following details have been submitted to and approved in writing by the local planning authority:

- a) Details of the bus stops, their locations, and timeframes for their delivery.
- b) Timeframes for delivery of improvements to the junction of Fullingpits Avenue/Broke Wood Way and the approved road within the housing development to the east, as shown on approved drawing no. 15-009/37 in Appendix E to the TA.

The development shall be carried out in accordance with the approved details.

Reason: To allow for bus access to the site.

33. No development above slab level shall take place until details of photovoltaic panels for the apartment blocks (which shall be flush with the roof tiles) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

#### *Pre-Occupation*

34. The development shall not be occupied until a Final Travel Plan for the development which follows the principles of the Framework Travel Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Travel Plan.

Reason: In order to promote sustainable transport use.

35. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

## Planning Committee Report

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

### Informative:

1. It is strongly advised that the applicant pursues the use of electric-powered heating systems for the development in view of the changes preventing the use of gas-powered systems in the near future.