Planning Committee
17 February 2022

REPORT SUMMARY

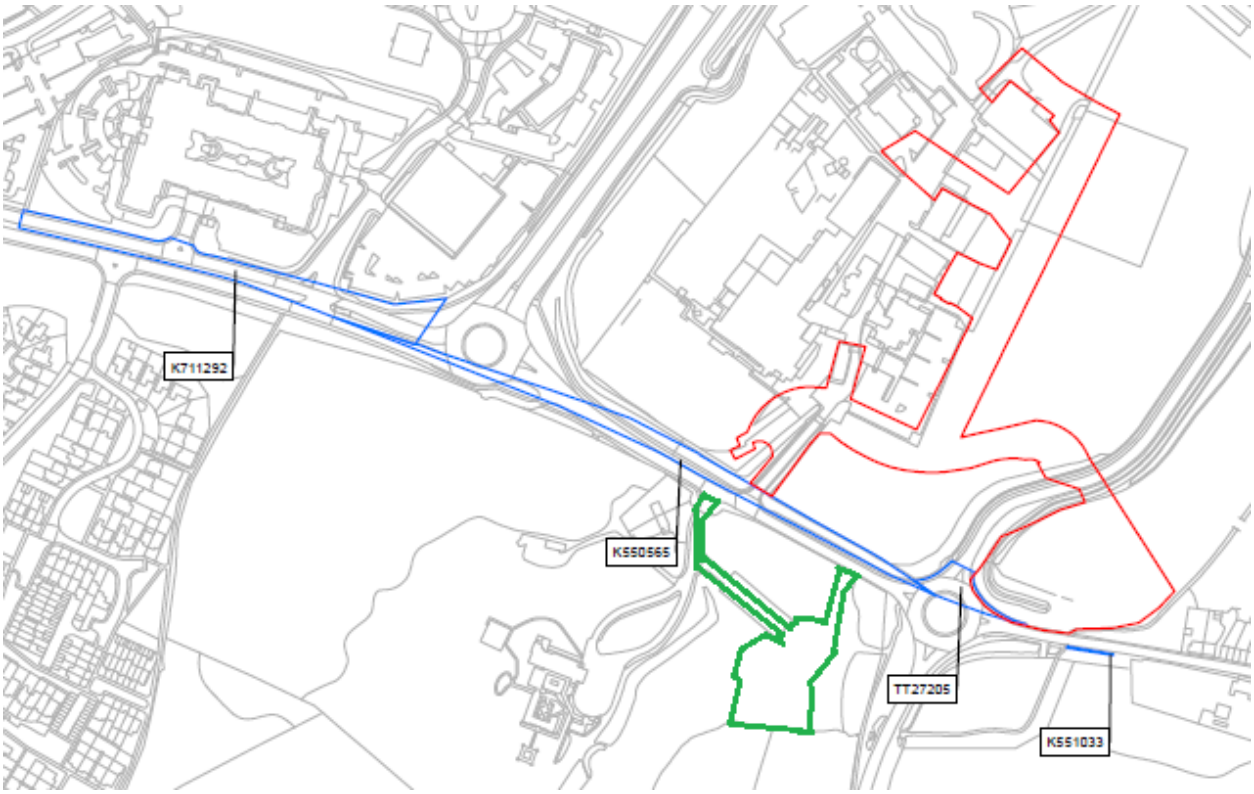
REFERENCE NO - 21/503615/FULL		
APPLICATION PROPOSAL The construction of surface water attenuation and settling lagoons with associated drainage infrastructure and landscaping.		
ADDRESS Vinters Park Crematorium, Bearsted Road, Weavering, Maidstone, Kent, ME14 5LG		
RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The development would have minimal visual impact on the surrounding area and is required to support development relating to strategic policies SP1, SP23 and RMX1. The development would have a positive impact on pollution in the area by reducing hydrocarbons, silt and salt entering the unnamed tributary of the River Len from the existing highway runoff, which then flows into the VVNR.		
REASON FOR REFERRAL TO COMMITTEE The application has been submitted by Kent County Council on land owned by Maidstone Borough Council. The application is reported to members for transparency purposes.		
WARD Boxley	**PARISH/TOWN COUNCIL** Boxley	**APPLICANT** Kent County Council **AGENT** Mr Ralph Lewis
TARGET DECISION DATE 25/02/2022 (EOT)	**PUBLICITY EXPIRY DATE** 31/08/2021	

RELEVANT PLANNING HISTORY

App No	Proposal	Decision	Date
20/500047/COUNTY	Construction of a new Newnham Court Shopping Village access road and internal service road, highway improvements, associated new and replacement car parking, site compound area, installation and relocation of lighting columns, modification of the existing access, realignment of the existing drainage feature, removal and replacement tree planting and associated earthworks and landscape improvements.	No objections	30.01.2020

(NB: 20/500047/COUNTY is a consultation with MBC on an application that was submitted to KCC. The works outlined form part of wider highway improvements between Kent Medical Campus and the M20 J7 which did not form part of the application)

The below map is used to demonstrate the location of the application site (highlighted in green) in relation to this development. This application is relating to the highways improvements associated with the above application (shown in blue and red highlight) and is sought to mitigate the impacts of these works upon Vinters Valley Nature Reserve and downstream water bodies.



MAIN REPORT

1 DESCRIPTION OF THE SITE

1.01 The site is located in the north-eastern part of the Vinters Park Crematorium grounds, immediately south of Bearsted Road. The site consists of an existing car park associated with the crematorium, and an undeveloped parkland area, including woodland, and public amenity green spaces.

1.02 A semi-detached pair of residential properties (1 and 2 Lodge Cottages) are adjacent to the west side of the site entrance, with industrial units, and retail uses also present in the wider local area. The site is bounded by Bearsted Road and New Cut Road with the M20 present within the wider landscape, approximately 500m to the north.

Site location plan

Aerial view(google)

1.03 As detailed above the application is related to the 'developments' associated with policy RMX1 which states "Critical to the successful development of Newnham Park is the provision of appropriate transport infrastructure." RMX1(1) continues stating that Development will contribute to capacity and signalisation improvements of Bearsted roundabout and capacity improvements at New Cut roundabout.

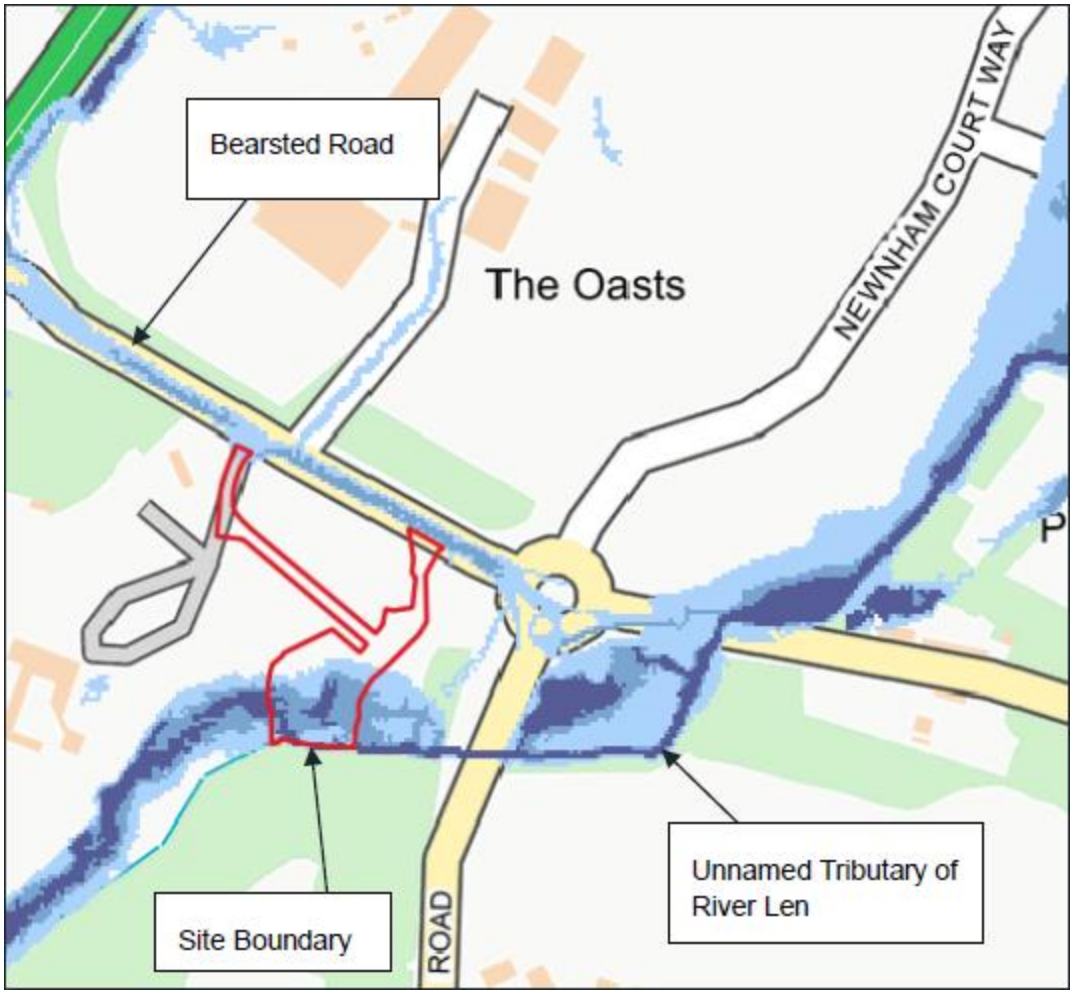
2. BACKGROUND

2.01 External consultants WSP were appointed by KCC to prepare the detailed design for highway improvements works to improve traffic flows between the Bearsted Road area of Maidstone, Kent, and Junction 7 of the M20.

2.02 The detailed design includes amending the highway drainage to cater for the additional runoff generated from the increased carriageway. These works include providing attenuation storage with a flow control device to limit the outflow to the nearby watercourse.

2.03 During the Summer of 2019, the Vinters Valley Nature Reserve (VVNR) approached KCC to ask whether the proposed highway improvements could include measures to reduce the volume of silt entering the nature reserve in the highway runoff via the watercourse. VVNR are concerned that the build-up of sediment (silt) in the unnamed tributary of the River Len from the existing highway runoff, which then flows into the VVNR, will eventually harm local wildlife. The below image taken from the submitted flood risk assessment demonstrates the location of the unnamed tributary in relation to the application site.

River Len Tributary



2.04 The existing highway runoff is unattenuated and contains no pollution control measures other than trapped road gullies and catch pits. VVNR explained that they have a regular maintenance issue with silt accretion at culverts along the watercourse within the Nature Reserve, and they believe the highway discharges are a significant contributary factor in the silt accretion.

2.05 In summary, the proposed development seeks to resolve two issues. The first relates to improving capacity to enable the drainage system to accommodate the additional runoff generated from the proposed highway improvements.

2.06 The second issue relates to pollution and silt control. Surface water runoff generated on the existing highway is currently discharged unattenuated to the nearby watercourse. The existing highway drainage systems have no pollution control measures other than trapped road gullies and catch pits. The proposal seeks to introduce measures to reduce pollution and to reduce the volume of silt entering the nature reserve in the highway runoff.

Site and proposal selection process

2.07 A meeting was held in August 2019 with the KCC Project Manager, designers from WSP (the agent) and three representatives from the Nature Reserve. Following this meeting, WSP looked at proprietary systems available for silt removal and whether they could be incorporated within small areas of available highway land.

2.08 Keeping the proposed new drainage layout within the highway boundary would mean providing large diameter pipes beneath Bearsted Road to provide the required attenuation storage volume. This would be required as there is insufficient space for underground attenuation storage systems within the verges or roundabouts. This also applied to any sediment control measures included within the drainage system. Providing large diameter pipes in this location was found to be impractical as traffic lanes would need to be closed each time inspection and maintenance of the drainage system was undertaken with the resulting disruption to the highway network.

2.09 The highway land to the southwest of the KIMS roundabout was considered for an attenuation area, but it was found that this area lacks sufficient space to accommodate the required drainage structure. The land also includes a number of constraints such as several existing utilities and the presence of numerous trees both in the verge and immediately adjacent to the west.

2.10 Additionally, land to the southeast of KIMS roundabout was considered as an attenuation area, however there were issues gaining the consent of the landowner. The current design has avoided any encroachment on to this land which may not be suitable as an attenuation area in any case as it is prone to flooding. The runoff rate and volume were also a factor in the assessment because treating the runoff in a proprietary tank system would require a significant size of tank or multiple tanks. It was concluded that the best approach would be a settlement lagoon if a suitable location could be found.

2.11 The Vinters Valley Nature Reserve advised that they maintained a piece of land on behalf of Maidstone Borough Council at the southern end of the Vinters Park Crematorium site and that this land might be suitable for the proposal.

2.12 As well as the alternative 'locations' discussed above, the applicant considered a number of alternative proposals prior to the decision to proceed with the submitted solution. The reasons why these proposals were discounted are set out below.

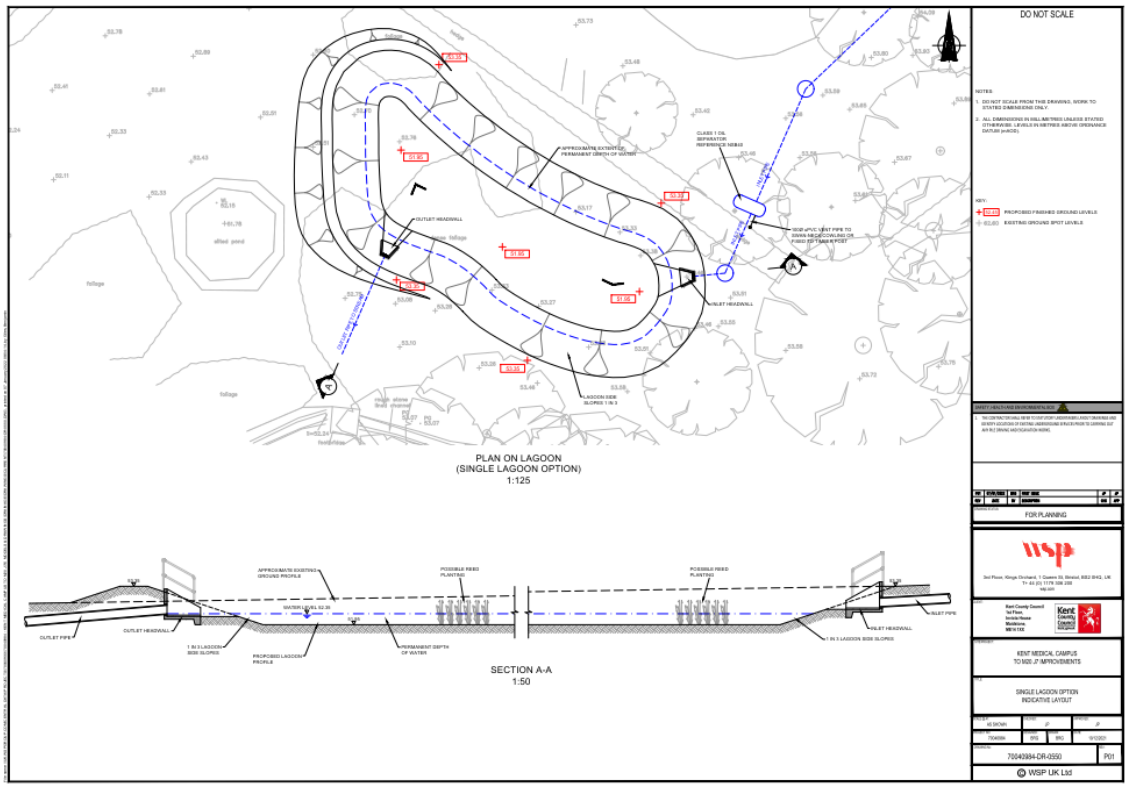
Open Channel Design

2.13 An open channel through the crematorium grounds was found to be unviable due to the depth and width of excavation required. The open channel would also have resulted in greater impact on the existing trees and their roots. The maintenance of the open channel in the Autumn and Winter (leaf and twig debris) and the potential silt accumulation and appearance of this area were further reasons why an open channel was discounted.

Single Lagoon Option

2.14 A single lagoon (which has been suggested in discussions by the ward councillor) with smaller inlet and outlet structures with reeds planted in the lagoon. An indicative

layout was produced in a subsequent technical note to demonstrate this option and this is shown below;



The lagoon would need to be of at least a similar size to the combined sizes of the current two lagoon option in order to provide sufficient attenuation storage volume. Entry and exit headwalls with associated safety fencing would also be required.

2.15 Providing both attenuation storage and sediment removal in a single lagoon is much less practical and ineffective than a twin lagoon option. The primary design requirements to achieve settlement in a lagoon are slowing the through flow velocity and providing a sufficient length of travel for solid particles to drop out of suspension in the water. Ultimately it is unlikely that the 'inlet velocity' of runoff into a single lagoon would be slowed sufficiently to allow for most sediment to drop out and whilst this solution may allow for a small degree of sediment to drop out of suspension, this would not be the same level that would occur in the currently proposed scheme. The drainage route through the Crematorium would be the same whether one or two lagoons are constructed.

3. PROPOSAL

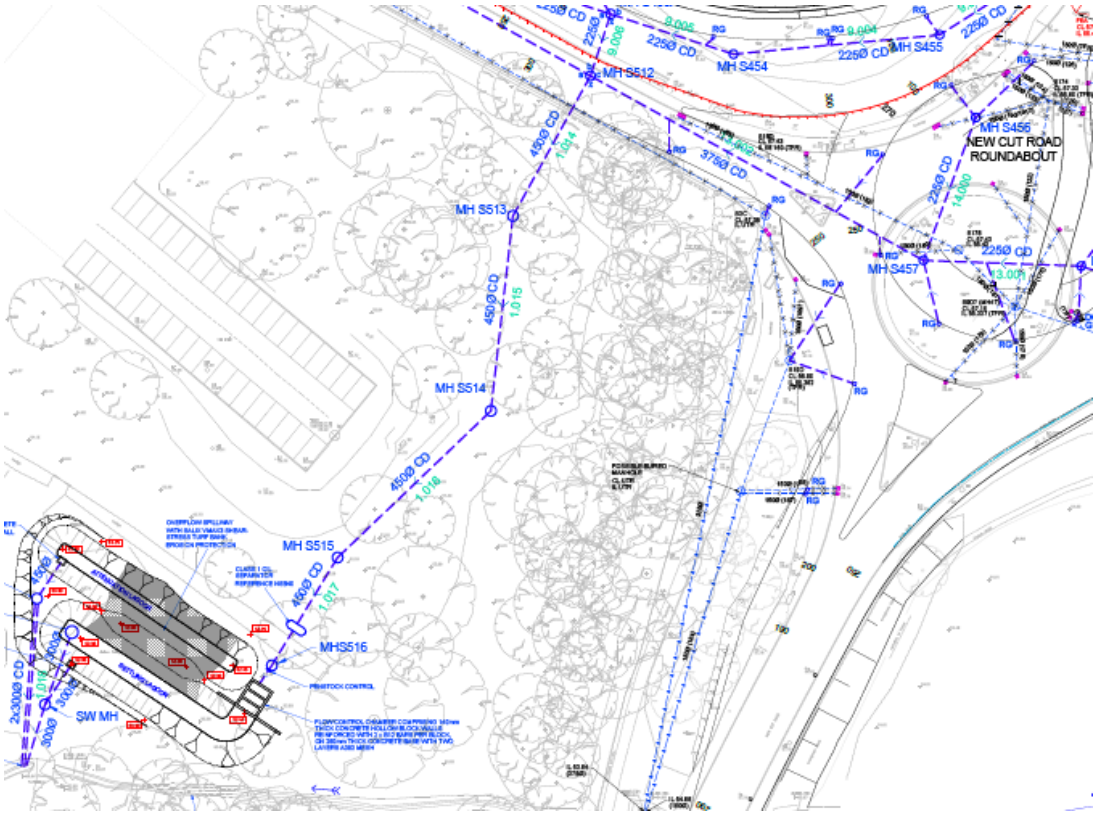
3.01 The application includes new drainage works consisting of two earthwork lagoons, a settlement lagoon and an attenuation lagoon with associated drainage infrastructure and landscaping. These works are sought in order to mitigate the impacts on Vinters Valley Nature Reserve from the increased highway runoff from the additional hard

surfaces that would result following the completion of the works associated with 20/500047/COUNTY.

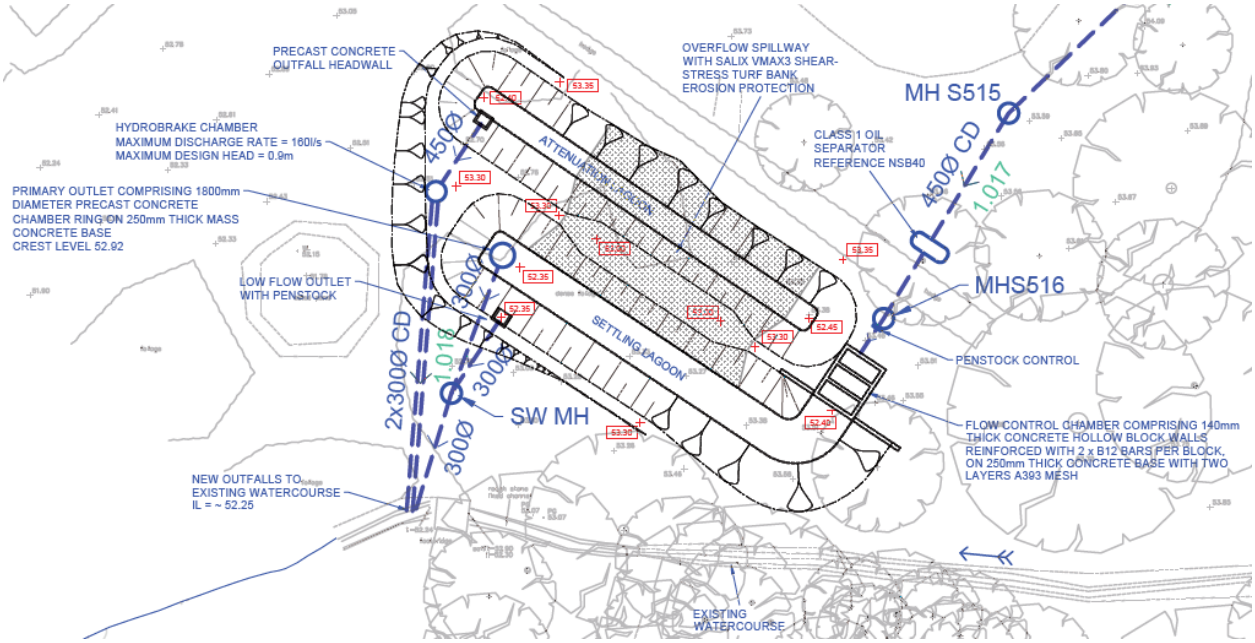
3.02 The settlement lagoon is designed to pass the runoff sufficiently slowly through the lagoon to allow sediment particles in the highway runoff to drop out of suspension in the water within the settlement lagoon. This will be of particular benefit in the wintertime when salts spread on the highway surfaces are washed into the lagoon in the highway runoff. In heavy rainfall, excess storm water will spill into the second lagoon, providing the storage volume to attenuate the runoff.

3.03 Pollution control of the highway runoff is further enhanced by the inclusion of an oil separator upstream of the lagoons to capture hydrocarbons. Reeds could also be planted which are effective at removing low levels of hydrocarbons and some of the heavy metals found in highway runoff. When used as a level of treatment for highway runoff, they are usually used as secondary or tertiary treatment, in a treatment train, to "polish" the final discharge following a primary method(s) of treatment, such as oil separators and/or settlement lagoons. This is particularly relevant if considering the removal of road salt in the highway runoff. Should permission be forthcoming this will be conditioned.

<u>Site location with reference to the New Cut Road roundabout.</u>



Detail of the proposed two lagoons and associated works



4. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:
SP1 - Maidstone Urban Area
SP23 - Sustainable Transport
RMX1 - Retail and mixed use site allocations
RMX1(1) – Newnham Park, Bearsted Road, Maidstone
DM1 – Principles of good design
DM3 – Natural environment

The National Planning Policy Framework (NPPF 2021):
Section 12 – Achieving well-designed places
Section 15 – Conserving and enhancing the natural environment

Local Plan Review (2021)

The Council's Regulation 19 Local Plan has recently finished public consultation, and still focus on Maidstone urban area being the main focus for development in the borough and reiterates that infrastructure schemes that provide for the needs arising from development will be supported.

Whilst this document is a material planning consideration, at this time it is not apportioned much weight. The weight to be attached to individual policies will be adjusted upwards or downwards depending on whether objections have been received. The current programme involves submission to the Planning Inspectorate in Spring 2022.

Policy SP2 of the review states that key infrastructure requirements include "Improvements to highway and transport infrastructure, including junction improvements, capacity improvements to part of Bearsted Road, improved pedestrian/cycle access and bus prioritisation measures, in accordance with individual site criteria set out in policies H1(11) to H1(30).

5. LOCAL REPRESENTATIONS

Local residents:

5.01 In addition to the site notice, 41 neighbouring properties were consulted by direct mail regarding the proposed development. One representation was received in support of the development.

5.02 This letter is from a trustee of Vinters Valley Nature Reserve and supports the development on the basis that it addresses the following issue.

- Historically road water run-off from the nearby public highway has drained unchecked through the reserve, into the lake and on to the River Len. This has caused silt, sediment and pollutants flowing into the reserve to become deposited in the lake. As a result, the water quality in the lake has become compromised causing detriment to the aquatic and other wildlife within and around it, such as fish, amphibians and water birds. In addition, the silt and sediment build-up has caused the lake to become shallower.

6. CONSULTATIONS

Cllr Harwood

A detailed response to the application was received from Cllr Harwood in objection to the development as it was submitted. This representation is summarised as the following:

a) That the development would have a harmful impact upon the flora and fauna of the application site, a site which is being utilised as a receptor site for reptile translocation.
b) The submitted documents do not refer to any flora and fauna that would be protected.
c) The development would result in the removal of trees planted using elected member budgets which utilised unusual native trees, arranged to reflect Humphrey Repton's Red Book. The removal of the trees appears to be far beyond what is required.
d) Two functioning silt traps are already located at the northern extent of Vinters Park Lake, the application site shows no evidence of silt infiltration. The evidential underpinning and need for the works should be subject to greater scrutiny.
e) Concern about the management of salt and heavy metals etc.
f) The Environment Agency and Natural England should be consulted.

Officer response:

a) The applicant has issued revised landscape plans which significantly reduces the number of trees that would be removed from the application site. 14 trees would have been removed, now 6 trees would be removed as a result of the development and 6 planted as mitigation. Mitigation for reptile species has been put in place in the form of a reptile management plan. The works will avoid the felling of trees that could be used by roosting bats.

   All site habitats are common and widespread in the UK and the site has no ecological designation. The post-development landscaping proposals have been proposed to increase the species diversity of the grassland habitat and increase the length of the hedgerow.

   Statements submitted by the applicant indicate that passing the highway runoff from the highways works relating to policy RMX1(1) through the proposed settlement lagoon arrangement will considerably reduce the passage of road salt downstream from which would reduce the harm to any molluscs (snails) found in rivers downstream.

b) The applicant has submitted revised planting plans which detail the location and species of replacement trees The plans indicate areas which would be disturbed by the works and 'made good', in addition to areas around the car park which would remain undisturbed and where replacement grass land planting would take place.

c) As above, following comments, the number of trees removed by the proposal has been reduced. A detailed assessment of the landscape of the area including the 'Red Book' can be found in the below Landscape section.

d) At a meeting with KCC, WSP and representatives of VVNR (Vinters Valley Nature Reserve), VVNR explained that they have a regular maintenance issue with silt accretion at culverts along the watercourse within the Nature Reserve.

   The majority of surface water runoff generated in the area of the existing highway between Junction 7 of the M20 and New Cut Road Roundabout is currently collected via a system of gullies and kerb drains and discharges unattenuated to the unnamed tributary via an outfall at the western end of the culvert under New Cut Road. Surface water runoff generated in the part of New Cut Roundabout and the short length of Bearsted Road to the east of the roundabout is discharged at an unrestricted rate to the same watercourse via an outfall at the northern end of the Bearsted Road culvert crossing.

   VVNR believe the highway discharges are a significant contributary factor in this silt accretion. The existing highway runoff is unattenuated and contains no pollution control measures other than trapped road gullies and catch pits. The rationale for the development and its design is detailed in the background section of this report and within the technical note included as an appendix to this report.

e) Other than trapped gullies and catch pits, there are currently no proprietary pollution control measures on the existing drainage system. As advised previously at paragraph 2.03, an oil separator has been included upstream of the settlement lagoon, within the Crematorium land, where there is access away from the

highway. This will manage the hydrocarbons in the runoff. Salts and heavy metals will be removed in the silt that settles in the lagoons. The bulk of this will be in the primary settlement lagoon, making significant benefits to the untreated highway run-off that currently discharges into the stream.

The applicant has advised that the design of the silt trap has tried to be as sensitive as possible to its setting and is primarily an earthworks structure except for the buried chambers and the small entry feature which needs to be hard engineered to ensure the flow of water is slowed sufficiently to allow the suspended material to be deposited. It may be possible to enhance this area further with reed beds, although it will require maintenance from time to time to remove any silt build-up. Reeds are extremely robust when it comes to pollutants in the water where they are located and may provide some benefit as a secondary level of treatment. The area is also likely to re-establish its own biodiversity once the initial construction impacts have faded.

f) The Environment Agency and Natural England have both been consulted on the application and have both raised no objections to the proposals.

Boxley Parish Council
No objection

MBC Landscapes
No objection subject to conditions covering the following:

1) The arb method statement and protection measures detailed within Arboricultural report Ref. 70040984-REP-0077, dated May 2021.

2) Tree protection plan (drawing No. 70040984-EV-312)

3) New landscaping as shown on Sheet 1(drawing No. 70040984-EC-3081-000) and Sheet 2 (drawing No. 70040984-EC-3081-000)

Natural England
No objection with reference to their standing advice,

KCC Ecology
No objection subject to conditions ensuring the application results in a net gain for biodiversity.

KCC Flood and Water Management
No objection subject to a condition requesting submission of a verification report.

Environment Agency
No objections issued; the Environment Agency refer to their standing advice.

APPRAISAL

6.01 The key issues for consideration relate to:

- Principle of development
- Landscape and visual impact
- Biodiversity and arboriculture

- Surface water flooding
- Character and appearance

Principle of development

6.02 The application site is in the Maidstone urban area. As the largest and most sustainable location Local Plan policy SP1 states that Maidstone urban area will be the focus for new development in the borough. In support of this new development in the urban area, policy SP1 outlines that key infrastructure requirements should include improvements to highway and transport infrastructure and junction improvements and capacity improvements to part of Bearsted Road. The Infrastructure Delivery Plan (IDP) which underpins the Local Plan identifies the need for capacity enhancements at the New Cut and Bearstead roundabouts and the dualling of the Bearstead Road.

6.03 Local Plan policy SP23 states that the Council will "ensure the transport system supports the growth projected by Maidstone's local plan and facilitates economic prosperity" and will seek improvements in highway network capacity and function at key locations and junctions across the borough.

6.04 The application is related to policy RMX1 and development at Newnham Park. It is required to mitigate potential flooding and reduce highway run-off pollutants discharging into the River Len, which forms part of the VVNR (Vinters Valley Nature Reserve). Failure to provide this supporting drainage infrastructure will result in unacceptable flood risk associated with the Main Development to which alternative options have been considered and discounted and harm to local wildlife in the VVNR Vinters Valley Park - Local Nature Reserve.

6.05 The application seeks the construction of surface water attenuation and settling lagoons with associated drainage infrastructure and landscaping. The development forms part of a wider development which seeks to improve traffic flows between the Bearsted Road area of Maidstone and Junction 7 of the M20. The 'main development' consists of widening sections of the existing highway, alterations to the existing New Cut Road Roundabout, relocation of existing gullies and kerb drains to suit the new highway layout, and provision of new gullies and carrier drains where required.

6.06 The current application with its role in facilitating and supporting the wider works to improve the infrastructure in the Maidstone urban area is in accordance with Local Plan policies SP1 and SP23 and the Infrastructure Delivery Plan.

Landscape and visual impact

6.07 In order to achieve high quality design, Local Plan policy DM1 sets out the expectation that proposals will positively respond to and, where appropriate, enhance the character of their surroundings. It is important that development contributes to its context. Key aspects of built development will be the scale, height, materials, detailing, mass, bulk and site coverage.

6.08 The application site is located within the Maidstone urban area and not covered by any local or national landscape designation. The site is however located within what is known as the 'Repton Landscape' and concerns have been raised regarding the proposals impact on this 'Repton Landscape'.

6.09 Humphrey Repton (1752-1818) was the leading landscape architect of his time. He presented his plans to his clients in the form of 'Red Books'. A typical album contained his observations on the present state of a client's property and in addition his recommendations on how it might be improved. Vinters was purchased by James Whatman in 1783 and he commissioned Repton to produce a Red Book for the estate.

6.10 The Red Book for Vinters includes a number of water colour paintings of the property with the "site map" included below. The full book is available to view at the following link: (https://collections.britishart.yale.edu/catalog/orbis:9292982).

Repton Landscape Vinters Red Book Site Map

6.11 The 'site plan' depicted within the Red Book appears to show what would now be Bearsted Road and the A20 which are to the north and south of the Vinters Landscape. In this respect it seems reasonable to conclude that the current application site is within the Repton Landscape as depicted on the site plan.

6.12 It is highlighted that Repton was not employed with the intention of preserving any existing landscape value of the land some of which was in agricultural use. The purpose of the work by Repton was to 'improve' the setting of the Manor. James Whatman died before the suggested improvements were carried out.

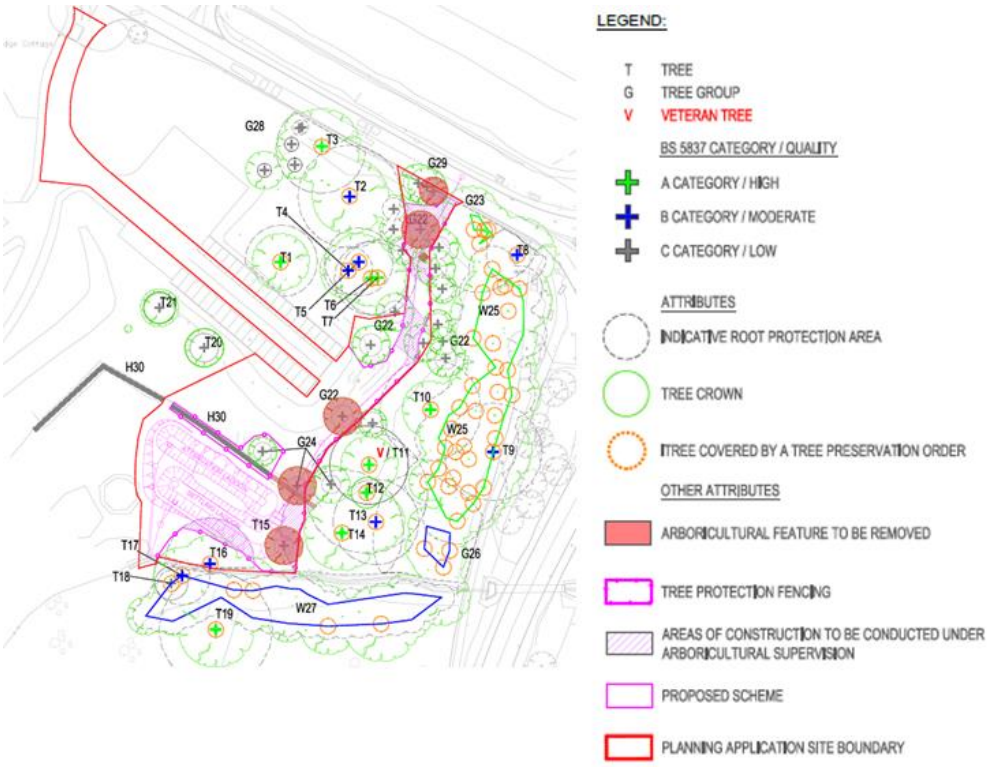
6.13 The starting point for considering impact is assessing what character currently exists on a site. The character of the area and the landscape itself around the application site has changed significantly since the 'Red Book' was produced.

6.14 The most significant of these changes is the introduction of the Vinters Park Business Estate and housing development located in the middle of the 'Repton landscape'. Maidstone Science and Technology school is now also at the southern end (outside the Repton Landscape) and the crematorium and car park at the northern end.

6.15 The proposed lagoons will measure approximately 45m long and 18m wide with a maximum depth of 1.15m below existing ground level. The lagoons will comprise two

excavated lagoons and an overspill weir between the lagoons with reinforced turf mats to provide long term erosion protection and vegetation establishment assistance.

Arboricultural Plan



6.16 The proposal involves drainage works and much of the development is below ground, however, there would be some built form visible above ground. Runoff would pass through the lagoon inlet structure comprising a reinforced brickwork brick structure projecting approximately 0.3m above ground and finished with approximately 1m high galvanised mild steel handrails with welded mesh infill.

6.17 After passing through the inlet structure, the surface water runoff will flow into the settling lagoon, where there will be an overflow spillway into an outlet chamber. This chamber comprises a precast concrete manhole ring forming a circular overspill weir and a concrete pipe that discharges to the watercourse. A concrete surround to the pipe forms a walkway to the overspill weir to facilitate maintenance. Both elements will be surrounded by 1.1m high handrails.

6.18 The main part of the application site is set back from both Bearstead Road (north) and New Cut Road (east) with views significantly screened by landscaping and views of the wider landscape not possible from the application site. This contrasts with Repton's proposals which intended to open up the landscape and increase views of the then Manor House. With the nature of the development with little development above ground and the small scale of development that is above ground, any impact is restricted to the immediate surrounding the application site. Whilst it is acknowledged that the form of the works currently proposed is more engineered than say the alternative option considered above, it should be recognised that the current proposals are the optimum solution put forward by the applicant to deal with pollution control and only result in a very low level of visual harm to the immediate surrounding

landscape as viewed from within the Crematorium grounds and principally as a result of the above ground structures and engineered nature of the lagoons.

6.19 This low-level visual harm of the above ground work will be mitigated by new planting that will help integrate the works into the existing landscape. The low-level visual harm also needs to be balanced against the benefits (as outlined above) arising from the current proposals in the form of providing for a controlled discharge to the watercourse which will improve the quality of highway runoff passed downstream.

6.20 It is also important to note that the application site is not recognised in any local or national designation as a landscape that has any particular value or character and there is no protection provided to the landscape of the site in the adopted local plan. In addition, the Local Plan does not place any value on a 'Repton Landscape' and the Repton Landscape' it is not mentioned in the Local Plan. Notwithstanding the lack of any designation the 'Repton Landscape' could be a material consideration and it has been assessed as such. It is concluded that with the presence of many other contemporary buildings in this area that are more significantly visible than the currently proposed development and the very enclosed nature of the site, that the proposal is acceptable in relation to landscape and visual harm and meets the objectives of policies SP1, SP23 and DM1 of the Local Plan.

Biodiversity and arboriculture

6.21 Local Plan policy DM1 states that all new development shall protect and enhance any on-site biodiversity features or provide sufficient mitigation measures. In order to retain a high quality of living and to be able to respond to the effects of climate change, policy DM3 states that developers will ensure that new development protects and enhances the natural environment. This protection and enhancement is achieved by controlling pollution to protect ground and surface waters and where necessary, mitigate for and adapt to the effects of climate change.

6.22 The area around the application site retains a significant amount of tree cover when considering the amount of development that has taken place, with a row of trees along both sides of Bearsted Road as well as around the Newham Court roundabout and along New Court Road. The trees on site are covered by a Tree Preservation Order (Trees at Vinters Park, Boxley).

6.23 Concerns have been raised regarding the loss of trees specifically on the basis of the MBC maintained area around the car park. This area was landscaped some 20 years ago using elected member devolved budgets, utilising unusual native trees, including sessile oak and small-leaved lime. The trees were arranged to reflect Humphrey Repton's Red Book proposals for this 'focal point' apex of the Vinters Valley.

6.24 Addressing these concerns, the applicant has submitted a revised arboricultural report identifying arboricultural features and the effect of the development upon them. The report now indicates that 6 trees will be lost including tree T15, 3 trees in group G22 (as opposed to the originally proposed 14), 1 tree in group G24 and 1 tree in group G29. A 15m length of hedge H30 would be lost as opposed to the originally proposed 46m length.

6.25 A total of six replacement trees have been proposed. Species have been chosen to ensure suitability to the location of the site in terms of its context; Alder suitable close to the river, Common Oak/ Lime are large native species, contribute to biodiversity

and already exist on site. No objections were raised to the proposal from MBC landscape or KCC Ecological consultees subject to conditions.

6.26 Concerns have also been raised regarding the impact upon grass lands within Vinters Park, specifically that the area shown to be excavated for the hard-engineered attenuation structure includes species rich grassland. The concern is that the grassland is characterised by uncommon plants including harebell (Campanula rotundifolia) and hosts uncommon invertebrates (mollusc populations are particularly notable and include striped snail Cernuella virgata, which is currently in evidence within the application area aestivating on stems) as well as legally protected reptiles.

6.27 KCC Ecology's initial response in August 2021 noted "trees, scrub and grassland are being lost to the development. As such, we advise that habitat creation within the wider site, along with long-term management prescriptions, should be proposed and submitted (as recommended within the ecology reports)", showing that concerns were shared and noting that the lost trees should be replaced.

6.28 In response, the applicant has submitted revised planting plans which detail the location and species of replacement trees, areas which would be disturbed by the works and 'made good', areas around the car park which would remain undisturbed and where replacement grassland planting would take place. As detailed above trees removed as a result of the works would be replaced.

6.29 As stated by the applicant "Mitigation for reptile species has been put in place in the form of a reptile management plan, and avoidance of the felling of trees that could be used by roosting bats has been achieved, with only trimming of branches of such trees required. Thus, there will be no effect on protected or notable species … All site habitats are common and widespread in the UK and there is no ecological site designation for the Site. The post-development landscaping proposals have been proposed to increase the species diversity of the grassland habitat and increase the length of the hedgerow."

6.30 No objections have been raised from KCC Ecological consultees on this additional information or the Environment Agency.

6.31 Concern has been expressed about the potential impact on the Desmoulin's whorl snail in the River Len, downstream of the VVNR, and the impact of road salts in the River Len. Notwithstanding that there are many highway (and other) outfalls discharging to the River Len and tributaries, and that the River Len is circa 1.5km downstream of the Bearsted Road location, it is considered that passing the highway runoff from the proposed development through the proposed settlement lagoon arrangement will considerably reduce the passage of road salt downstream from this area. Overall, the proposed lagoons, control structures and pollution control measures will provide a controlled discharge to the watercourse and greatly improve the quality of the highway runoff passed downstream.

6.32 The proposed lagoons and pollution control measures reduce salt in the highway runoff water which would have a positive impact on any mollusc species found downstream. It is highlighted that the existing highway runoff is unattenuated and contains no pollution control measures other than trapped road gullies and catch pits and the proposal would introduce pollution control measures. Whilst there 'could' be a temporary negative change in water chemistry downstream during construction, the

long-term benefits of a vegetated filtration system to the downstream ecology should be realised.

6.33 Conditions will be imposed requiring the applicant to carry out the Ecological work in accordance with details contained in table 4 of the Preliminary Ecological Appraisal (WSP May 2021). The presence of this pre-commencement condition requires that all necessary mitigation detailed will be carried out, including translocation for those species found to be present.

6.34 Subject to conditions it is assessed that the development is in accordance with local planning policies.

Surface water flooding

6.35 Policy DM1 details the need to avoid inappropriate new developments with areas at risk from flooding.

6.36 The submitted flood risk assessment undertook a review of the historic flood events and indicates that there are no known records of flooding in the area of the site, the application site is entirely within Flood Zone 1, a low-risk area.

6.37 The flood risk assessment confirms "Construction of the proposed highway improvement works to the existing highway will add approximately 3,400m2 of additional impermeable paved area to the highway drainage catchment, resulting in increased surface water runoff generated in this area, which could increase the risk of flooding in the local area or downstream. Surface water runoff generated on the existing highway is currently discharged to the nearby watercourse with an unrestricted discharge rate. The proposed drainage strategy includes attenuation lagoon and flow control devices to mitigate potential increase in the risk of flooding. The proposed discharge rate provides a reduction of approximately 36% in comparison to the existing discharge rate."

6.38 The proposed works would reduce the risk of flooding in the area. No objections have been raised by KCC Flood and Water Management consultees subject to conditions, or the Environment Agency.

Character and Appearance

6.39 Policy DM1 states that development must respond positively to and enhance the local and natural character of the area.

6.40 Assessing the physical works, the majority of the works are below ground. Handrails and other 'built' elements proposed would be obscured by proposed replacement planting and as such their impact would be minimised once planting has established itself. Views into the site from Bearsted Road are heavily restricted due to the lay of the land and mature vegetation along the roadside. Most of the 'impact' would be on the crematoriums parking area, but this would be minimised once replacement planting had established.

6.41 It is not considered that the development would have a harmful impact upon the character and appearance of the wider area.

Conclusion

6.42 The development is required to mitigate the impacts from significant development associated with local plan policy RMX1 to the north as well as vehicle traffic in the area

which is required to be improved to accommodate the delivery of the Maidstone Local Plan. These infrastructure improvements are part of a package of measures to deliver the Council's Strategic aims and are clearly identified in the Maidstone Local Plan and Infrastructure Delivery Plan. It is assessed that any impacts from the development are balanced against the need to provide infrastructure required to support development in the area.

6.43 The need for highways infrastructure is detailed within policies SP1 and SP23. Policy DM3 also states "protection and enhancement (of the local environment) is achieved by controlling pollution to protect ground and surface waters and where necessary, mitigate for and adapt to the effects of climate change." This proposal would achieve the objectives associated with these policies.

6.44 Following the submission of revised drawings, it is assessed that any localised low level harm to the landscape can be successfully mitigated with the benefits arising from the proposals in terms of significantly improved water quality from the improved highway network outweighing the very low level landscape harm that arises from the proposals on its immediate setting. On the basis of the above there are no policy grounds to refuse this application and an approval with conditions is recommended.

7. RECOMMENDATION

Grant Permission 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 hereby permitted shall be carried out in accordance with the following approved plans:

   70040984-PL-0080 Rev P01Location Plan
   70040984-PL-0081 Rev P02Existing Block Plan
   70040984-PL-0082 Rev P01Proposed Block Plan
   70040984-DR-0504 Rev T03Proposed Surface Water Drainage Layout Sheet 4
   70040984-DR-0533 Rev T03Proposed General Arrangement Plan
   70040984-DR-0534 Rev T02Proposed Cross Sections
   70040984-DR-0535 Rev T02Proposed Lagoon Inlet Structure Plan
   70040984-DR-0536 Rev T02Proposed Lagoon Primary Outlet Structure Plan
   70040984-DR-0537 Rev T02Proposed Lagoon Outlet Flow Structure Plan
   70040984-DR-0538 Rev T02Attenuation Crate Storage System
   70040984-DR-0539 Rev T02Cellular Crate Type Soak away 1
   70040984-DR-0540 Rev T02Cellular Crate Type Soakaway 2
   70040984-DR-0546 Rev T02Proposed Lagoon Access Platform Plan
   70040984-EC-3081-0001 Rev P03Proposed Planting Key Plan
   70040984-EC-3081-0002 Rev P03Planting Plan Sheet 1
   70040984-EC-3081-0003 Rev P03Planting Plan Sheet 2
   70040984-EV-3122 Rev P04Tree Protection Plan
   70040984-A25 Addendum to Historic Environment Desk Based Assessment

Historic Environment Desk-Based Assessment
70040984-REP-0077KCC - Arboricultural Statement (submitted 20/10/2021)
KCC - Biodiversity Net Gain Report
KCC - Flood Risk Assessment
Preliminary Ecological Appraisal – Part 1
Preliminary Ecological Appraisal – Part 2
Preliminary Risk Assessment - Part 1
Preliminary Risk Assessment - Part 2
Preliminary Risk Assessment - Part 3
Preliminary Risk Assessment - Part 4
Preliminary Risk Assessment - Part 5
Cover Letter
Planning Statement
Technical Note

Reason: To ensure a satisfactory visual appearance to the proposal and to safeguard the amenity of the area.

3) Upon commencement of the development, a working group comprising the ward members and political group spokespersons of the Planning Committee shall be set up to discuss with the applicant the details relating to conditions 5 and 10 of this consent and to monitor the development. Details relating to terms of reference and frequency of meetings shall be agreed and the development shall be carried out in accordance with the approved details and the monitoring of the permission and conditions shall be carried out in accordance with the terms of reference.

   Reason: To ensure that conditions are adhered to given the local sensitivities of the site and to allow for a system of monitoring the permission

4) Prior to the commencement of works (including site clearance), all precautionary mitigation measures for protected species will be carried out in accordance with the details contained in table 4 of the Preliminary Ecological Appraisal (WSP May 2021). These measures shall be retained for the duration of the build works on site.

   Reason: To safeguard the presence of protected wildlife located on the application site.

5) Within three months of works commencing, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the local planning authority. This will include recommendations in section 4.5 of the Preliminary Ecological Appraisal (WSP May 2021) and section 4.1.3 of the Biodiversity Net Gain Assessment (WSP June 2021). The approved details shall be implemented prior to the first use of the development and thereafter retained.

   Reason: To safeguard the presence of protected wildlife located on the application site and to ensure the development results in a net gain for biodiversity.

6) Prior to the completion of the development a drainage system Verification Report, pertaining to the approved works and prepared by a suitably competent person, shall be submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including

photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

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 159 of the National Planning Policy Framework.

7) The development shall be carried out in in accordance with the submitted arboricultural method statement.

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

8) The development shall be carried out in in accordance with the submitted Tree Protection Plan, Tree protection plan 70040984-EV-312, dated 28 April 2020. No equipment, plant, machinery, or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

9) Landscaping shall be implemented in accordance with the submitted landscape scheme and associated landscape and arboricultural details comprising drawings 70040984-EC-3081-000 (Planting Plan Sheet 1) and 70040984-EC-3081-000 (Planting Plan Sheet 2) both dated June 2021. The landscaping scheme shall implemented in full by the next available planting season 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 appearance to the development

10) Within three months of the permission hereby issued a planting scheme addressing the need to seed both lagoons with reeds shall be submitted for approval by the local planning authority. There shall be no use of the development hereby approved until such time as the landscaping scheme is implemented in full 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 appearance to the development

11) Any tree or hedge planted in accordance with the conditions attached to this permission, or in replacement for such a tree, which within a period of five years

from the date of the planting is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, shall, in the same location, be replaced during the next planting season (October to February) by another tree of the same species and size as that originally planted, except where an alternative proposal has been submitted to and approved in writing by the local planning authority prior to that planting season;

Reason: To safeguard the amenity and nature conservation value of the tree/s that has/have been removed and to maintain and enhance the character and appearance of the local area

12) The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him/her to observe the excavations and record items of interest and finds. The developer shall inform the County Archaeologist of the start date of construction works on site not less than two weeks before the commencement of such works. Works shall subsequently be carried out in accordance with details within 70040984-A25 (Addendum to Historic Environment Desk Based Assessment), dated June 2021.

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

Case officer: William Fletcher