

REPORT SUMMARY

REFERENCE NO - 13/1749			
APPLICATION PROPOSAL			
An outline application for a Mixed-Use development comprising up to 500 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (inc. children's play areas) associated infrastructure and necessary demolition and earthworks. The formation of 2No. new vehicular accesses from Hermitage Lane and Howard Drive. With access to be considered at this stage and all other matters reserved for future consideration.			
ADDRESS Land East of Hermitage Lane, Maidstone, Kent			
RECOMMENDATION REFUSE			
SUMMARY OF REASONS FOR REFUSAL			
See Report			
REASON FOR REFERRAL TO COMMITTEE			
<p>Cllr Dan Daley (13 Nov 13) has called the application to Planning Committee stating:- "I wish to call this application in to Committee on the grounds that it is a major Application which has far wider implications for the surrounding area and the indigenous population."</p> <p>Cllr Brian Moss (31 Oct 13) has called the application to Planning Committee stating:- "The size of the proposal and local public concern. The proposal intrudes into ancient woodland against the policy of the council. Access and impact on local traffic congestion is of concern to a wide area of the borough."</p> <p>Cllr Fay Gooch (14 Nov 2013) has called the application to Planning Committee stating:- "I acknowledge that the principle of residential development has already been established for this site. However, I object in the strongest possible terms to the proposed gyratory system because of the devastating and life-changing impact it will have on the immediately adjacent communities of Barming, principally Heath Ward and Barming Ward"</p> <p>Barming Parish Council (20 Nov 2013) wishes to see this application refused and would request that the application is reported to the Planning Committee.</p>			
WARD Allington Ward	PARISH COUNCIL N/A - Maidstone	APPLICANT Croudace AGENT Barton Willmore	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
MA/12/2307	Request for a screening opinion as to whether the proposed development incorporating up to 700 dwellings, a mixed use centre, a 2 form entry primary school,	Environment al Statement is Not Required	24 Jan 2013

	access from Hermitage Lane, up to 15,000 sqft employment uses, extension to Barming Railway Station car park, drainage infrastructure and open space is development requiring an Environmental Impact Assessment.		
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Whilst the environmental effects of the development would be significant, particularly with regard to increased traffic and pollution, and visual impacts, this would not be of more than local importance and without major transfrontier effects. The site is not at an environmentally sensitive or vulnerable location and does not involve unusually complex and potentially hazardous environmental effects.

MA/01/1510	An outline application for the demolition of 102 and 104 Howard Drive and the provision of residential development, the creation of new vehicular accesses, provision for a local centre, community building, school site, public open space, informal parkland, greenways and landscaping with all matters reserved for future consideration, except means of access.	Withdrawn	25 Oct 2004
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MA/01/0080	Outline application for residential development, the creation of new vehicular accesses, provision for a local centre, community building, school site, public open space, informal parkland, greenways and landscaping, with all matters except means of access reserved for future consideration.	Refused – Non Determined Appeal Dismissed	2 Oct 2002
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The application was considered by the Council and the Planning Inspector to be premature, and in advance of the Urban Capacity Study, the proposal could result in the unnecessary loss of a greenfield site which, makes a significant contribution to the landscape in a gap between Maidstone and Aylesford.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is a greenfield site (the reservoir is outside the site) that lies to the north west of Maidstone and relates to an area of predominantly agricultural land approximately 30.66 hectares in area. It straddles the Borough boundary and is partially within the administrative area of Tonbridge and Malling. Just over 27.5 hectares of the site falls within Maidstone Borough and just over 3 hectares is within Tonbridge and Malling.

- 1.02 The site is to the east of Hermitage Lane (B2246) that runs generally north to south from the A20 London Road to the junction with the A26 Tonbridge Road to the south. Immediately to the south of the site is Maidstone hospital. The south east and north east sides of the site are bounded by the existing residential development of Allington. Immediately to the north of the site are agricultural fields, beyond which, approximately 800m beyond the site boundary is Barming train station.
- 1.03 The site, as well as agricultural land, includes an area of woodland running in a north west to south east direction that separates the two main fields in the site. This woodland belt is designated ancient woodland and is an important landscape feature within the site and is protected by a Tree Preservation Orders. There are additional tree belts along the south east and north east boundaries that are subject to Tree Preservation Orders. In addition to these natural features, two residential dwellings (102 and 104) that front Howard Drive are also within the application site.
- 1.04 There are a number of public rights of way that run through the site. KB47/MR489 is a public right of way/bridle way that extends from Hermitage Lane to Howard Drive. Another footpath (KB18) also extends from Hermitage Lane and runs along the southern boundary of the site and enters the adjacent estate by The Weavers in the south east corner of the site. Footpath KB19 also leaves this south eastern corner and extends along the south eastern boundary before entering Howard Drive. Footpath KB51 also leaves the south eastern corner of the site and runs through the ancient woodland belt.
- 1.05 In the centre of the site is a covered reservoir and associated land. This is outside the application site but does fall within the housing allocation in the Maidstone Borough-Wide Local Plan (2000) and also within the allocation in the emerging Local Plan.
- 1.06 Beyond the south west corner is The Old Hermitage. This is not a listed building but the surrounding area is designated as having potential for archaeological remains.

2.0 PROPOSAL

- 2.01 The application is in outline form with access to be considered at this stage with all other matters reserved for future consideration. It is for the erection of up to 500 houses with land safeguarded for a primary school and also a community centre. The development would include 2 new vehicular accesses from Hermitage Lane and Howard Drive. In addition, two areas of children's play space are shown as part of the layout.
- 2.02 The residential development would fall within two main areas, these being the northern field that surrounds the covered reservoir and the southern field that adjoins the boundary with Maidstone Hospital. The two areas are separated by the belt of ancient woodland. It is proposed to link the two areas of residential development with a road that would transect the woodland and footpath KB51.

- 2.03 The access onto Hermitage Lane would be approximately 185m north of the cottages that front Hermitage Lane. The position of this access is within the Borough of Tonbridge and Malling. It would follow a generally easterly direction from Hermitage Lane before doglegging south east and entering the main development site. The access would include space surrounding it to include landscape buffers and an area identified as an orchard that would soften its impact. There is a proposed access point onto Howard Drive that would be constructed through the demolition of numbers 102 and 104 Howard Drive. Although a vehicular access it is proposed that the access onto Howard Drive would only be used by buses and emergency vehicles.
- 2.04 The application also includes the provision of land for a new two form entry primary school. Land has been safeguarded for this provision and is shown to the north east of the access road. This school site (2.05ha) would be immediately adjacent to KB47 that connects Hermitage Lane with Howard Drive. Adjacent to the school would be a new community hall to serve the development with an associated play area. A second play area is proposed adjacent to the covered reservoir site. Other than the proposed link road between the two areas of housing it is proposed to leave the areas of woodland (ancient and the protected areas along the south eastern and north eastern boundaries) untouched.
- 2.05 Although the application is in outline form the general design parameters identify a mix of 2, 2.5 and 3 storey dwellings up to 11m in terms of the ridgeline. The school building would also have an approximate ridgeline of 11m. Different character areas have been identified with the main route proposed to include a strong frontage with a density of between 37.5 and 40 dwellings per hectare. The central quarter would provide the main part of the development in the northern field and would typically include 2 to 2.5 storey dwellings at an approximate density of 35 to 38 dwellings per hectare. The neighbourhood (towards the south eastern corner) and the southern quarter (in the southern field) would have a more loosely laid out character at a density of around 34 dwellings per hectare. The landscape edge and woodland edge areas would be the least dense areas at a general density of 25 to 27 dwellings per hectare.
- 2.06 The application includes the provision of 30% affordable housing. It would include a Sustainable Urban Drainage System and the proposed dwellings would meet level 3 of the Code for Sustainable Homes.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Approx Site Area (ha)	31	31	0
Approximate Ridge Height (m)	0	11	+11
No. of Storeys	0	Max 3	+3
No. of Residential Units	0	500	+500
No. of Affordable Units	0	150	+150

4.0 PLANNING CONSTRAINTS

- The site contains woodland TPOs
- There is an Air Quality 'Hotspot' at the junction of Fountain Lane and Tonbridge Road and also at the Wateringbury crossroads.
- An area of designated Ancient Woodland lies within the site.
- The site falls within Flood Zone 1
- There are a number of public rights of way that exist running through the site and along its boundaries
- The site is an allocated housing site in the Maidstone Borough-Wide Local Plan (2000) and the Emerging Local Plan.

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)
 Maidstone Borough-Wide Local Plan (2000): ENV6, ENV24, ENV27, ENV31, H1(xvii), H12, CF6, CF8
 Maidstone Borough Local Plan Regulation 18 Consultation 2014: SS1, SP2, H1(2), DM2, DM4, DM10, DM12, DM14, DM16, DM24

6.0 LOCAL REPRESENTATIONS

6.01 There has been over **900 letters of objection** received on the following summarised grounds:-

- Change the character of Allington
- Impact on Ancient Woodland
- Increased traffic causing congestion and pollution
- Speed of vehicles
- There should be no Gyratory System
- Parking problems/number of cars

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- Loss of the line of sight between The Hermitage and Allington Castle
- Antisocial behaviour increased
- Quality of life and providing for the needs of local people
- Impact on schools – pupil numbers, parking
- Impact on disabled – access to green space and parking on the pathways
- Impact on ecology and habitat e.g. bats, reptiles
- Objection to access through Howard drive
- No country park between the site and Barming train station
- Lighting pollution
- Strain on local NHS services and lack of Doctors surgeries.
- Air quality action plan 2010 (Maidstone)
- Strain on businesses, all services, around the development
- Chemical effects, vibrations and noise from construction
- Lose 'village' identity
- Effect on ambulances?
- Inadequate foul drainage
- Inadequate supply of drinking water on tap in the future
- Environmental issues – irreplaceable in the future.
- Responsibility for future generations
- The construction will effect the mental health of people in the surrounding areas
- Weight restriction of 7.5T because of history of road collapse – strain on public transport will mean weight to go over the restriction
- Shouldn't be allowed to develop on green field sites
- Flood risk
- Detrimental effect on centre of Maidstone
- Effect on commuters
- Why aren't the unoccupied houses being developed instead, such as the bungalows at the bottom end of Hermitage Lane

- What about learners on driving lessons – accidents, problems
- The proposal does not conform with the NPPF
- Bacteria that has built up over millions of years in the woodland
- Barely any police patrol the area currently – so what will it be like when it's built? There should be more police driving round
- People have moved to the area to get away from the busy London built up area, to a tranquil place, not to somewhere that is cramped like London.
- How will we benefit? How will the new people that move there benefit? From free woodland and free space?
- It is against the Localism Act
- Proper infrastructure with new sewers must be in place

6.02 **Councillor Dan Daley** objects to the application on the following grounds:-

- Impact on ancient woodland.
- Insufficient open space.
- Concern regarding the access to the site.
- Traffic generation.
- Impact on the landscape
- Impact on air quality.
- Loss of good quality agricultural land.

6.03 **Councillor Brian Moss** objects to the application stating:-

"I would be grateful if you would report this application to the Planning Committee for the reasons set out below.

The size of the proposal and local public concern. The proposal intrudes into ancient woodland against the policy of the council. Access and impact on local traffic congestion is of concern to a wide area of the borough."

6.04 **Councillor Fay Gooch** objects to the application stating:-

I acknowledge that the principle of residential development has already been established for this site. However, I object **in the strongest possible terms** to the proposed gyratory system because of the devastating and life-changing impact it will have on the immediately adjacent communities of Barming, principally Heath Ward and Barming Ward as follows:

Inward bound traffic from the A26 will use the residential streets of Barming Parish i.e. North Street, Beverley Road and Heath Road as a cut-through rat-run to Hermitage Lane in order to avoid the gyratory. This will cause significant highway safety and highway capacity issues

I urge that any Section 106 agreements take account of the above significant highway impacts and mitigation measures required such as pedestrian crossings and 'local access only' measures, at the very least.

The additional traffic generated by additional homes on Hermitage Lane will exacerbate existing highway issues on the A26 Tonbridge Road

In neighbouring Heath Ward, St Andrews Road has built up a well established, thriving community: The Blackthorn Trust, Blackthorn Medical Centre, St Andrews Church, local businesses at the junction with Queens Road. The devastating impact that the proposed gyratory would inflict on the life and vibrancy of that community – particularly in the absence of any pedestrian crossing facilities or bus stops – is well documented and articulated by other objectors (St Andrews Road Action Group and The Blackthorn Trust for example) and as Ward Member for Barming I fully support and share their objections.

I urge that this application, and the strength of objections to it, is brought to the attention of the Planning Committee.

6.05 **County Councillor Rob Bird** objects to the application on the grounds of the housing numbers for Maidstone being too high, the impact of the development on ancient woodland and the impact on the local highway network.

6.06 **County Councillor Brian Clark** objects to the application on the grounds of impact on the ancient woodland and the general development of the southern field for housing purposes.

6.07 **East Malling & Larkfield Parish Council** have commented stating:-

"The Parish Council's attention has been drawn to this application which relates to land in Maidstone Borough but which has access out into Hermitage Lane, Aylesford in our Borough.

We are concerned about this application primarily because of its potential traffic implications.

We understand why such an access would be required as the alternative would be to have vehicular access through the adjoining estate roads in Allington which would be unsuitable.

As far as the road itself is concerned this crosses the "green wedge" between Medway Gap and Maidstone Borough so we would ask you to ensure that if the application is approved that it is well landscaped to minimise its effects including planting and keeping road signing to the minimum required.

However, our main purpose of writing is to say we are concerned that with the other applications pending within the Maidstone Borough boundary there will be severe impacts on the highway network within Tonbridge and Malling.

As you will be aware Hermitage Lane is already heavily trafficked especially at peak times acting as a sort of western "relief road" for Maidstone providing access down to the M20/A20 junction.

We are aware of other applications pending especially TM/13/03097/OA for land opposite Maidstone Hospital again mainly in Maidstone but with access onto Hermitage Lane.

There is also the Nurses' Home site likely to be approved soon as it accepts that is an already developed site.

However, we are concerned that the above 2 applications and others pending will be considered individually without their cumulative highway impacts being assessed.

We strongly feel this needs to be properly assessed as regards Hermitage Lane with its junction with the A20 and the A20/M20 junction as well.

It would be preferable if this could all be done as part of the respective Borough's Local Plan procedures currently underway.

We therefore **OBJECT** to both applications."

6.08 Wateringbury Parish Council object to the application stating:-

"My Council has received a copy of an email sent to you by Teston Parish Council on the above application for 500 homes in Allington. My Council was unaware of this application and are grateful to Teston PC for bringing it to our attention. The impact of this will be felt in Barming, Teston and Wateringbury, and my Council fully supports all the comments made by Teston Parish Council.

Wateringbury already has two areas of high pollution, one at the crossroads and the other at the Shell petrol station, and are listed amongst the highest in the County. At peak times the queuing traffic can stretch from Wateringbury crossroads east into Teston and west back along the A26, both of which are built up areas. With a proposal to increase building at Kings Hill to 975 homes, a retirement village, a new primary school, a self service petrol station, the impact on Barming, Teston and Wateringbury from one end and then 500 homes at the other, will only compound the congestion at peak times on the A26 and add to the pollution problem.

My Council feels the Air Quality Assessment by WSP UK is in parts vague and incomplete, with not enough attention paid to the traffic and pollution and the impact on the A26 Tonbridge Road particularly at Wateringbury (TN33 & TN42).

My Council requests Maidstone Borough Council fully take into account the pollution and increased traffic generated by this application and in the absence of substantial mitigation re these matters ask that the same is refused permission.

Wateringbury Parish Council does not support this application and notwithstanding that it is outside its area of consultation, the secondary traffic implications are of considerable detriment to our village and such is relevant and important in your Council's determination."

7.0 CONSULTATIONS

7.01 Barming Parish Council object to the application and state:-

"Barming Parish Council acknowledges that the principle of residential development has already been established for this site. However, mindful of the environmental and social need to retain open space, the need to protect ancient woodland and the adverse traffic impact of this and any further proposals for development onto Hermitage Lane,

- the number of homes proposed and should more appropriately be further managed back to 450 dwellings, to help mitigate the impact of urban sprawl and the removal of the gap between town and country;
- There is no provision for basic community needs such as a medical centre;
- With regard to the access through the ancient woodland, wildlife would not be able to cross the road - no consideration for mitigation measures such as such as tunnels for badgers etc have been investigated. Neither are there any details of who would manage the area in the future or how it would be funded;
- In order to help alleviate the pressure on Hermitage Lane, part of the development (approx 200 homes) should only have access on to Howard Drive. Also, consideration should be given to upgrading the footpath from the hospital to Queens Road (coming out opposite Bramble Close) to vehicular access;
- further investigations should be carried out to alleviate traffic congestion at Barming Heath and the Fountain Lane traffic lights, caused by traffic emerging from the site on to Hermitage Lane, such as vehicles only being able to turn right.

With regard to the proposed gyratory system, Barming Parish Council objects in the strongest possible terms because of the significant harm it will cause to the quality of life to the Barming community; the intolerable environmental impact on the local residential streets of Barming and the resulting significant highway safety implications for all its pedestrians because:-

- Egress between Hermitage Lane and Heath Road is the principle link for local Barming traffic, particularly for the Rede Wood and Beverley Estates. The 'no right turn' into Heath Road will create longer journey times for local traffic from Hermitage Lane and increase traffic on to Beverley Road, North Street and the western end of Heath Road. This will create significant safety issues for children (with their mothers and pushchairs) attending Barming Primary School, and other pedestrians;
- Worse still, through traffic inward bound from the A26 will use these same residential streets as a cut through to avoid the gyratory, causing even

greater highway safety issues and serious capacity issues. Only just recently the Parish Council has written to Maidstone Hospital to request that their NHS vehicles adhere to the principle routes and not to cut through our residential streets-access Pembury Hospital.ospitalHospital

The gyratory will also have a significantly detrimental impact

- on the vibrant community of St Andrews Road, in particular the Blackthorn Trust, the Blackthorn Medical Centre and St Andrews Church;
- the viability of the businesses at the junction of St Andrews Road/ Queens Road /Tonbridge Road area.

The Parish Council believes that more thought should be given to alternatives to the gyratory system, such as:

- The much better thought through and more acceptable road improvement scheme at Fountain Lane/Tonbridge Road suggested by DHA/Swan Property in their proposal for residential development West of Hermitage Lane (under submission);
- The many other mitigation measures suggested by the St Andrews Road Action Group and other individuals, such as If the traffic island on Tonbridge Road opposite Terminus Road is moved back, it will allow more traffic to wait at the lights to move up Fountain Lane from the Maidstone direction.

Finally, the Parish Council is concerned that Section 106 contributions for related infrastructure would be confined to the Allington area where this proposal is located. Yet the knock on effect to the parish of Barming will be devastating in terms of highway safety and traffic congestion, and significant mitigation measures would be required such as pedestrian crossings and 'local access only' measures at the very least."

7.02 **Teston Parish Council** object to the application and state:-

"Teston Parish Council has very significant concerns about this application for 500 homes in Allington:

1. in terms of traffic flow, this application should not be looked at in isolation from other committed *or possible* developments around Hermitage Lane.
2. specifically for Wateringbury and Teston, traffic flow should also be considered within the context of continuing expansion at Kings Hill, West Malling.
3. as a detail, the traffic movements predicted for AM and PM peak hours look very under-stated (section 7, Transport Assessment) and would therefore call into question many of the other 1040 pages of that assessment and, in section 9.2, that assessment ignores the junction at Wateringbury, which frequently has very large traffic queues during peak hours.

4. the rigour of the Air Quality Assessment prepared by WSP UK Ltd is in doubt.

At minimum and ignoring air quality, the increased traffic generated along the A26 to Watlington would have an adverse impact on the quality of life of residents and further complicate the transfer of patients by ambulance between Maidstone and Pembury hospitals. However, if traffic flow through Watlington is somehow improved by changes to road layout, it may have the perverse effect of generating yet more traffic and adverse impact on residents.

It is the Air Quality Assessment by WSP UK Ltd that gives rise to our greatest concern. At several points, its omissions, assumptions or assertions would appear to be flawed and examples are:

1. section 3.3.2: it notes that "It was recommended at the time (2011) that the AQMA be amended to include the 1-hr NO₂ objective", but the assessment does not then consider what the implications of such amendment would be, which may be somewhat convenient.
2. section 3.3.5: states that "Meteorological data used in the model were obtained from the Met Office observing station at Gatwick. This station was considered to provide data representative of the conditions at the scheme location". While on the macro scale that may be relevant, it clearly fails to take account of the impact of the buildings at Watlington and their impact on wind flow and dispersal of particles. The buildings would distort wind flow and may tend to concentrate adverse impact on air quality.
3. section 3.3.9: only the proposal and committed developments are considered; possible/probable other commitments are not modelled and the cumulative impact is therefore ignored.
4. section 3.3.11: states that "No local background concentrations were available from TMBC to appropriately represent levels at the scheme location. In the absence of local monitored data, background concentrations of NO₂ and PM₁₀, within the study area were derived from national maps (1 km x 1 km spatial resolution) available from DEFRA". That is very coarse granularity and therefore does not grasp the complexities of the Watlington junction, which, we believe, would tend to concentrate adverse impacts.
5. section 3.3.13: states that "A roadside NO₂ monitoring diffusion tube site (TN43) was located in direct proximity to the Watlington junction and was coupled with a similarly representative site (MAID210) in neighbouring MBC, for the purposes of model verification. Other roadside sites in the vicinity of the Watlington junction (TN33 and TN42) were considered to be heavily influenced by traffic queuing, the detail of which was unable to be accurately considered in the model set up due to absence of traffic data information to reproduce such conditions, and were thus not included". Influenced by traffic queuing – exactly! That is a damning statement and must challenge the credibility of the assessment's sweeping conclusions.

6. section 4.4.5: states that "Due to the significant effects of traffic queuing at the TN33 and TN42 diffusion tube locations, coupled with inadequate traffic data at these locations, these two monitoring locations were excluded from further consideration for verification of the model in this report". But those locations are a key concern! Their dismissal is convenient, given that, in the analysis that follows, they would challenge the conclusions made.
7. section 4.5.1: the "Types of Receptors Modelled for Public Exposure" ignores a cafe at one quadrant of the Waterringbury junction, the Post Office (and small shop), a small hotel, a garage forecourt and other retail premises. Their exclusion challenges the analysis.

In summary, we believe that the analysis of this proposal in terms of its impacts does not stand close scrutiny. When the analyses supporting the application are adjusted for points made above, and certainly when considered in combination with other actual, proposed or probable developments (including at Kings Hill), the adverse impact on traffic volumes and air quality are unreasonable from the perspective of affected residents.

We do not support this development."

- 7.03 The **Highways Agency** originally issued a holding objection preventing the issuing of a decision. There has been extensive dialogue between the applicant's highway engineers and the Highways Agency and Kent Highway Services throughout the course of the application and the holding objection was initially extended. However, following the receipt of amended details on 6 May 2014 further comments were submitted removing the holding direction and the Highways Agency directs conditions to be attached to any planning permission which may be granted. The directed condition states:-

No more than 250 dwellings within the development hereby permitted shall be occupied until the completion of the improvements to M20 Junction 5 shown on drawing number WSP Figure 5 (dated 1 May 2014)(subject to amendment to reflect any relevant Road Safety Assessments or Non-Motorised User Audits)(or such other scheme of works substantially to the same effect, as may be approved in writing by the local planning authority (who shall consult with Kent Highways and the Highways Agency on behalf of the Secretary of State for Transport).

To ensure that the M20 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 7.04 **Kent Highway Services** have commented following the revised transport assessment as follows:-

"I think that we have reached the position where we are happy in principle with the highway and transport aspects of the Land East of Hermitage Lane proposal

The site access appears to have the appropriate capacity, and has been the subject of a safety audit, and the note supplied by Jim Hutchins of WSP has clarified the off-site works that would be directly funded by the development, or be the subject of appropriate contributions.

The shared pedestrian/cycle route and the pedestrian crossing of Hermitage Lane north of the site will be fully funded by the development, as will the support for the bus service for the first five years. The bus service would be subject to a Service Level Agreement within the S106, with further wording to allow a comparable contribution to other public transport measures if the bus service could not be secured at the time that development came forward.

The development will also fund a white lining scheme for the M20 Junction 5 roundabout. The final detail of this scheme will be subject to further work that is being prompted by a Safety Audit of the options that WSP have proposed. The timing of this would be subject to monitoring of the queuing on the slip roads prior to and during the development. The details of the scheme and the monitoring would be subject to discussion the Highways Agency. I would request that a condition be applied that would identify the need for the lining scheme, with the timing of its implementation being determined by a monitoring regime to be agreed by KCC and the HA.

The contribution to the improvement of the Coldharbour Lane (M20 Link Road) appears to be appropriate, having been derived from the principle of the likely proportionate impact of the development (and other sites) on the junction.

The contribution to the Fountain Lane/Tonbridge Road junction appears to be appropriate, the total cost having been derived from work by DHA on the layout.

Overall, I believe that we have reached the stage where we have sufficient information for us to make no objection to the application, subject to the items described above being incorporated either by condition or within a S106.

There are still matters of the detailed wording of a S106 for the contributions to be worked out. The works funded by these contributions would depend on both contributions coming forward from other specific developers, and on funding via the CIL mechanism. I would welcome your advice on this in due course, as I would not wish to see contributions being collected and then returned to developers before the full funding for any particular improvement was acquired. The priorities may be resolved through the modelling work that MBC and KCC are currently commissioning to assess the impact of the Local Plan development aspirations, but if the S106 details have to be finalised before the outcome of the model work is known, we will need to discuss the management of the funding mechanisms in further detail."

7.05 **Natural England** state that the proposal is unlikely to affect any statutorily protected sites or landscapes. They refer the Council's consideration of the application to the published standing advice to assess the impact on protected species and ancient woodland. The opportunity to provide both biodiversity and landscape enhancements through the application is raised.

7.06 **Kent Wildlife Trust** have commented stating:-

"Thank you for consulting Kent Wildlife Trust on this application.

Paragraph 109 of the National Planning Policy Framework (NPPF) states that "*The planning system should contribute to and enhance the natural and local environment by... minimising impacts on biodiversity and providing net gains in biodiversity where possible...*"

Paragraph 118 of the NPPF states that "*if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*". It also states that "*planning permission should be refused for development resulting in the loss or deterioration of...ancient woodland...unless the need for, and benefits of, the development in that location clearly outweigh the loss.*"

Kent Wildlife Trust **objects** to this application as it is not in conformity with the National Planning Policy Framework."

Further detailed comments are provided stating:-

"...this destruction of an area of ancient woodland and loss of habitat connectivity is only required to develop the southern parcel of land adjacent to Maidstone Hospital.

It cannot be argued that development of the southern parcel of land outweighs the loss of ancient woodland given the relatively small contribution it will make to Maidstone's housing targets, and there is little doubt that these can be delivered elsewhere."

7.07 **Kent County Council** have written an extensive response and consider that further information was required to address concerns on the following matters:-

- The application has been submitted with an inadequate highway impact assessment methodology which renders the highway impacts assessed and their mitigation as inaccurate; **This has been submitted and Kent Highway Services are now satisfied. Contributions have been sought to secure the appropriate mitigation.**
- Direct loss of Ancient Woodland and potential disturbance to remainder is not in accordance with the aims and objects of the NPPF for biodiversity; and **Further information was submitted and Kent County Council Ecology have subsequently comment as set out below.**

- The potential for loss or damage to historical assets has been inadequately assessed this is required to be in accordance with the aims and objectives of the NPPF for heritage safeguarding. **Further information has been submitted in relation to archaeology and has satisfied concerns that were raised.**

In addition, contributions/land transfer was sought in relation to the provision of a new primary school on the site, community learning (£30.70/dwelling), youth service (£8.44/dwelling) and libraries (£139.86/dwelling).

7.08 **Kent County Council Ecology** raise objections to the application and in particular the road through the ancient woodland stating:-

“There is an area of ancient woodland which is within the red line boundary of the site. The proposed development is proposing to build a road through the ancient woodland to access the southern part of the site which will result in a direct loss of area of ancient woodland, loss of connectivity (as the woodland will be bisected) and a negative impact on the woodland through an increase in recreation.

The areas has been recorded as Ancient Woodland in the most recent Ancient Woodland survey as such we advise that MBC must consider the area as Ancient Woodland when determining the planning application.

The importance of retaining Ancient Woodland is detailed within paragraph 118 of the National Planning Policy Framework which states:

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;

As such if MBC are considering granting planning permission they must be satisfied that the benefits of the proposed development clearly outweigh the loss and deterioration of the ancient woodland within the site boundary.

This decision has to be made by MBC on non-ecology grounds as such we are unable to provide additional advice on this point.” **This has been clarified in terms of the weight that has to be given to other planning considerations that may outweigh the impact on the ancient woodland.**

7.09 The **Environment Agency** raise no objections to the application subject to the imposition of conditions relating to a sustainable surface water drainage system and contamination. Further advice is offered in relation

to flood risk from the reservoir, sustainable drainage, borehole soakaways pollution prevention, water resources conservation and use of waste onsite. There are no objections raised on any of these matters and no conditions are requested as a result of the views.

7.10 **Southern Water** state that there is currently inadequate capacity in the local network to provide foul sewage to service the proposed development. An informative is requested that the developer contact Southern Water and an agreement can be secured under the Water Industry Act 1991 outside of the planning process. Advice is given in relation to SUDS

7.11 **NHS Property Services** request contributions towards the nearby surgeries of

- Blackthorn surgery
- Allington Park
- Aylesford
- Brewer Street

All of the above surgeries are within a 1.8 mile radius of the development at Hermitage Lane. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

Predicted Occupancy rates

1 bed unit	@	1.4 persons
2 bed unit	@	2 persons
3 bed unit	@	2.8 persons
4 bed unit	@	3.5 persons
5 bed unit	@	4.8 persons

For this particular application the contribution has been calculated as such:

- **500 new – 2 existing = 498 dwellings**
- **498 x 2.34 = 1165 predicted occupancy**
- **1165 x £360 = £419,400**

NHS Property Services Ltd therefore seeks a contribution of £419,400, plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

7.12 **Kent Police** have responded stating:-

"We have no objections to this planning application and once they are ready to apply for final details we will consult again with them and go through Secure By Design ,CfSH and BREEAM. We will be expecting them to submit a application form for Secure By Design in due course, this will

be registered on our planning spread sheet and the details forwarded for your information if you so wish.”

Additional comment have been received from Kent Police requesting a contribution of £66,779 from the development that would be pooled to deliver the overall infrastructure requirements of Kent Police as a result of planned developments within the County.

7.13 **Tonbridge and Malling Borough Council** no response received.

7.14 **MBC Landscape Officer** has sought further information in relation to the designation of the ancient woodland and raises objections to the application stating:-

“Therefore, I do not believe that the status of the ancient woodland is in question and my concerns relate to the conservation of the integrity of the woodland as a functional ecological unit. Whilst the proposed housing is not within the woodland itself additional pressures are being created through development on both the northern sides and southern sides of this relatively narrow strip of woodland. However, clearly, if compliance with Natural England’s Standing advice can be achieved by providing a minimum 15m buffer zone then I can raise no objection on this particular issue. However, the key area of concern is the provision of additional proposed access routes through the AW which will further isolate and erode its habitat value.

In terms of arboricultural issues, BS5837: 2012, Trees in relation to design, demolition and construction- Recommendations, paragraph 5.3 states that ‘the default position should be that structures are located outside of Root Protection Areas (RPAs) to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the trees’. In terms of the proposed road access and footpath routes through woodland areas, an overriding need should therefore be demonstrated in the first instance. I would also add that particular consideration is needed in the context of changes in level, lighting and service routes within the RPAs of retained trees.

It should also be noted that it is unclear what is likely to be proposed in relation to the existing footpath route, KB51. This is shown on the Parameters Plan but not on the tree survey plans which indicate a new footpath route running parallel with the southern woodland boundary. If this is correct it would be yet another incursion into the Ancient woodland and lead to tree removals to facilitate the construction of the path and increase pressure on the adjacent trees as well as opening up the potential for additional cabling and lighting. Whilst these issues may be able to be dealt with by omitting the proposed access routes, they may have a bearing on the feasibility of the proposed scheme.

Whilst I acknowledge that this is an outline application with only access to be considered at this stage and all other matters reserved for future consideration (and thereby subject to change), the proposal is likely to

establish principles that are unacceptable on arboricultural grounds. I therefore raise an objection accordingly.”

7.15 MBC Parks and Open Space have commented stating:-

“Parks and Leisure department note the developer’s desire to provide open space within the development.

We would not classify woodland and landscape buffers as “Parks and Gardens” – Woodland is Natural and Semi Natural open space which is covered by ANGSt standards.

Whilst we acknowledge that the majority of the land is private land, it is notable that there are public footpaths within the ancient woodland meaning they have been publicly accessible and are therefore not being opened up to public use any more so than they already are.

There is no existing play provision within a 12 minute walk of the development. On site provision for both junior and toddlers; and youth should be provided. This should be to a similar standard to the current provision at Giddyhorn Lane, which we would classify most closely as a NEAP, which cost £160000 to install. There should also be some equipment aimed at teenagers which would cost around £20000. This department would be happy to discuss play area requirements with the developer, although MBC would not wish to adopt any play areas or indeed any open space.

There is no provision of outdoor sports facilities on site. We would request an off-site contribution towards improvements to existing pitches and facilities within the vicinity of the development.

Whilst we acknowledge the developer proposes a community orchard on-site we would query what format this would take to ensure that it is maintained and kept to a standard of a community garden. If, for example, the proposal is to plant some apple trees and leave them to their own devices then we would not consider this an adequate “Community Garden” and as such would request an off-site contribution towards improving allotment facilities within the vicinity of the development.

We would consider an offsite contribution of £100 per dwelling to be sufficient to cover the underprovision primarily of outdoor sports facilities and allotments and therefore request £50000 towards the improvements, repair, renewal and maintenance of those sites within a mile of the development. Such sites as Giddyhorn Lane Recreation Ground, Barming Heath and Gatland Lane are all within range.

The Parks and Leisure department were disappointed to learn of the change in plans for the development of Land East of Hermitage Lane. More specifically the u-turn in the removal of provision of the country park scheme. A strategic housing site should have strategic open space and the requirement existed within the adopted and emerging local plans. It

would not be in keeping with the NPPF's key theme of "presumption in favour of sustainable development" that bring economic, social and environmental benefits – the removal of this large area of public open space from the development would reduce the significant material considerations available within the determination of the application – effectively removing a large part of social and environmental benefits.

It also reduces the conformity with Interim Policy SS1b whereby it was proposed that a legal obligation relating to the 15.4 ha of land north west of the borough boundary would be utilised to secure its use for ecological mitigation measures relating in particular to the use of the south western field for housing. Site access to the western section of the development. Open Space provision as agreed with MBC and Maintenance of the open character between Allington and the Medway Gap"

7.16 **MBC Conservation Officer** raises no objections stating:-

"the site lies a considerable distance from the various listed buildings at the old Oakwood Hospital site which lies to the south. The distances involved and the interposition of modern hospital developments and tree screening mean that the proposed development would have no adverse impact on the settings of these buildings.

The site does have considerable archaeological potential, as examined in the Heritage Statement by Wessex Archaeology, for which suitable mitigation measures will be necessary."

7.17 **MBC Environmental Health Manager** states:-

"Reject until more detail is received regarding the transport and air quality assessment, unless the planner is minded to approve the application in which case please see EH for relevant conditions. In addition, the noise assessment methodology is inappropriate and needs revisiting." **The transport assessment has been revisited in line with the requirements of Kent Highway Services as required.**

7.18 **MBC Housing** raise objections on the grounds that only 30% affordable housing is proposed and not 40% in accordance with the adopted DPD (2006). In addition, concern is raised with regard to the proposed housing mix for the affordable units.

8.0 BACKGROUND PAPERS AND PLANS

8.01 I include in this report for members' information a number of appendices as listed below:-

Appendix 1 – Copy of Policy H12 of the Maidstone Borough-Wide Local Plan (2000).

Appendix 2 – Copy of Policy H1(2) of the Maidstone Borough Local Plan Regulation 18 Consultation 2014.

Appendix 3 – Natural England standing advice on ancient woodland.

9.0 APPRAISAL

Principle of Development

9.01 The application site is a greenfield site on the edge of the urban area. It is a site that is allocated for housing in the Maidstone Borough-Wide Local Plan (2000) under policy H1. However, following the publication of PPG3, which required housing to be developed on brownfield sites before releasing greenfield sites the Council undertook an Urban Capacity Study to establish the level of housing land availability without utilising greenfield sites.

9.02 A planning application MA/01/0080 was submitted in 2001 and an appeal against non-determination was submitted. The Council decision was that it would have refused the application for the following reason:-

The consideration of this proposal in advance of the Urban Capacity Study and its analysis would be premature, and in advance of the Urban Capacity Study, the proposal could result in the unnecessary loss of a greenfield site which, makes a significant contribution to the landscape in a gap between Maidstone and Aylesford, and could also result in the loss of the best and most versatile agricultural land.

9.03 The Urban Capacity Study did identify sufficient housing land on brownfield sites and as a result a moratorium was issued on the greenfield allocations in the Maidstone Borough-Wide Local Plan (2000). The Inspector dismissed the appeal into the planning application stating:-

"Determination of the applications in the light of the relevant development plans, namely the respective adopted Local Plans for Maidstone and Tonbridge and Malling would, in case of the former in particular, lead to the grant of planning permission. However, in the light of material considerations raised through the import of PPG3 into that determination, the evidence presently available indicates a sufficiency of land capable of enabling the housing requirement to be met without necessitating release of greenfield allocations of which the present site is the largest within Maidstone Borough. No other material considerations which have been raised outweigh that conclusion."

9.04 The emerging Local Plan has identified the site as a suitable housing site and it was allocated in the Strategic Sites Allocations: Public Consultation Document 2012. The site was carried forward and forms part of the housing allocations in the Regulation 18 Consultation 2014, site H1(2).

9.05 It is certainly the Council's view that in general terms the site is appropriate for residential development. It formed part of the Local Plan allocations that were adopted almost 14 years ago and is now a strategic site in the emerging plan. Furthermore, it is clear that there is insufficient brownfield land to meet the Borough's housing need and the fact that the Council does not have a 5 year land supply means that some housing on greenfield sites is inevitable.

- 9.06 Therefore, I consider that the general principle of residential development on the site to be acceptable. The key considerations are the impact on highways and junction capacity, the impact on the ancient woodland and the visual impact on the landscape.

Visual Impact

- 9.07 The site is a greenfield site and its development for residential and other development would clearly have an impact visually on the site. It is important to assess the impact with regard to the coverage of the development proposed, even though it is in outline form.

- 9.08 When the Inspector assessed the site for allocation purposes at the Public Inquiry into the Local Plan (pre-2000) it was the current applicant Croudace who were proposing the site for housing at that time. The Inspector set out the proposal in his report stating:-

"Almost all of this objection site lies to the south of a public footpath, KB47 the "Reservoir Path", and an area of about 17.54ha is proposed for housing. Within this area land could also be made available for a doctors' surgery and local shops. As part of the scheme, the objectors also propose that about 23ha of land to the north of the footpath, which is mostly outside the Borough, should be laid out as an informal woodland park. Vehicular access to the housing site would be across this land, since the housing site itself has no frontage to Hermitage Lane."

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

"Clearly housing would wholly change the openness of the site which, in Chapter 3, I found to be its most noticeable characteristic. This would be apparent from the public footpaths which run around it, and would remove both open views across the site and, in some directions, views of the Downs across it.

In the wider context, when seen from Hermitage Lane for example, the change in levels at the Reservoir Footpath, and the knoll adjoining The Old Hermitage, would largely screen housing on the site itself. From here, however, the proposed access road across land to the north would have an urban impact on the present character and appearance of the area.

I have also looked at the site from Bluebell Hill on the North Downs. From here the site can be seen as a large green area as part of the town's countryside setting, and is more visible because of its rising nature. I have no doubt that housing on the site would be seen from here as a clear increase in Maidstone's built-up area."

- 9.10 The Inspector's assessment remains relevant in the consideration of this site today. There has been little change to the site and in terms of the surroundings what changes have occurred have introduced further development in the areas such as the incinerator that can be seen in the foreground from views from Blue Bell Hill, the housing allocation in the

Maidstone Borough-Wide Local Plan (2000) at the former Kent Garden Centre has been completed and significant development undertaken at Maidstone Hospital. I agree with the Inspector's assessment of this site.

9.11 The Inspector concluded on the matter of visual impact that it would harm the open character and appearance from short range views, that it would not be prominent from views from Hermitage Lane but that the access would cause harm and that from the North Downs the housing would be seen as an extension of the town into its countryside setting.

9.12 In summing up his conclusions and in recommending the site for allocation in the Maidstone Borough-Wide Local Plan (2000) the Inspector states:-

"I have visited the site several times in both winter and summer, and in making this balance my recommendation has turned on three things. First, the limited effect of housing on the wider area when seen from Hermitage Lane as a result of the levels of the land. Second, the effect of existing development, both housing and the hospital, on the character of some of the existing footpaths in the area from which new housing would be seen: as a result the footpaths to the south and east of the site are not wholly rural. Third, I found that Hermitage Lane has an urban character since it has a clearly defined carriageway with kerbs, street lights, and a right turn facility to the nearby quarry. Moreover, I found that it is a busy road, with noise and movement of traffic having an urbanising influence on the character of the area. I have no doubt that all this would limit the urbanising effect of the proposed access to the site.

I have also considered the possible benefit of the proposed open parkland. Since the site is outside the Plan area it is not within my remit in considering objections to the Plan, and I cannot make any direct recommendations. Nevertheless, this does not prevent the Council and objectors reaching an agreement, and it seems to me to offer some benefit, in particular public access to an open area which is not, legally at least, available on the objection site. This would not have been enough on its own to affect my recommendation but it nevertheless reinforces it."

9.13 The Inspector clearly felt that the visual impact of the housing would cause harm to the openness of the site but that the lack of harm from long range views combined with his requirement to find additional housing land lead him to recommending the site be allocated. A key point however, remains that the provision of a woodland park would provide both landscape benefits and benefits in terms of the provision of publicly available open space.

9.14 The Inspector's recommendations were accepted and the site was included within the Maidstone Borough-Wide Local Plan (2000) with a site specific policy, H12, included. Policy H12 states:-

POLICY H12 HOUSING DEVELOPMENT WILL BE PERMITTED ON LAND EAST OF HERMITAGE LANE, MAIDSTONE AS SHOWN ON THE

PROPOSALS MAP, PROVIDED THAT THE FOLLOWING REQUIREMENTS ARE SATISFIED:

- (1) THE RETENTION OF TREES AND WOODLAND LOCATED TO THE SITE'S SOUTHEAST AND NORTH-EAST BOUNDARIES, THE RETENTION OF TREES AND WOODLAND OCCUPYING THE RIDGELINE IN THE SOUTHERN SECTION OF THE SITE, TOGETHER WITH A SCHEME FOR THE FUTURE MANAGEMENT OF THESE AREAS, AND THE PROVISION OF ADDITIONAL LANDSCAPE PLANTING ALONG THE RESERVOIR FOOTPATH, AS WELL AS THE FUTURE TREATMENT AND MANAGEMENT OF THE KNOLL ADJOINING THE OLD HERMITAGE; AND**
- (2) ACCESS AND TURNING FACILITIES FOR PUBLIC TRANSPORT, THE DESIGN OF THE HERMITAGE LANE JUNCTION TO A HIGH STANDARD AND A SECONDARY EMERGENCY ACCESS POINT TO BE SECURED TO THE ALLINGTON AREA; AND**
- (3) THE SIGNING OF LEGAL AGREEMENTS TO SECURE:**
 - (A) THE LAYING OUT AND MAINTENANCE OF THE PROPOSED WOODLAND PARK TOGETHER WITH ARRANGEMENTS FOR PUBLIC ACCESS AND THE LONG-TERM PROTECTION OF THE LAND;**
 - (B) THE SUBMISSION OF A TRAFFIC MANAGEMENT SCHEME AND IMPLEMENTATION OF MEASURES TO DETER THROUGH TRAFFIC FROM USING HEATH ROAD AND NORTH STREET, BARMING;**
 - (C) A CONTRIBUTION TO ENABLE THE IMPLEMENTATION OF BARMING STATION'S PARK-AND-RIDE FACILITY, TOGETHER WITH THE PROVISION OF SECURE CYCLE/PEDESTRIAN LINKS TO THE SITE;**
 - (D) THE PROVISION OF A CYCLEWAY/PEDESTRIAN LINK ALONG HERMITAGE LANE FROM BARMING STATION TO THE A20 LONDON ROAD WITHIN THE CURTILAGE OF THE HIGHWAY LAND;**
 - (E) THE ENHANCEMENT OF PUBLIC TRANSPORT SERVICES ALONG THE HERMITAGE LANE/TONBRIDGE ROAD CORRIDOR, TO THE SATISFACTION OF MAIDSTONE BOROUGH AND KENT COUNTY COUNCILS;**
 - (F) THE PROVISION OF AN ELEMENT OF AFFORDABLE HOUSING IN ACCORDANCE WITH POLICY H24;**
 - (G) THE PROVISION OF APPROPRIATE EDUCATION AND HEALTH FACILITIES IN ACCORDANCE WITH POLICY CF1; AND**
 - (H) THE PROVISION OF APPROPRIATE SHOPPING FACILITIES FOR THE NEEDS OF THE DEVELOPMENT IN ACCORDANCE WITH POLICY R10.**

9.15 The accompanying text to policy H12 identifies some key elements that should be highlighted. Firstly, identification of the area of woodland that has now been designated as ancient woodland by Natural England as an important landscape feature that should be retained as part of the landscape scheme.

"(iii) the existing woodland, consisting principally of sweet chestnut coppice with oak standards, situated on higher land in the southern part of the site, between the reservoir footpath and the site's south-eastern corner, which makes a significant contribution to the character of the local landscape, being visually prominent from local and more distant viewpoints. Along the northern fringe of this woodland, there is an area of natural regeneration of birch, cherry and other species, which also contributes to the overall mass and density of the woodland area, and which should be retained within the proposed landscape scheme for the site;"

"The purpose of a landscape scheme for the site will be to secure the retention of the areas of trees, woodland and other features described, together with their reinforcement and/or appropriate future management to secure their continuing landscape benefit or function. An important factor in this will be the appropriate siting of development and/or its ancillary features, such as footpaths or roads, in relation to these areas, to prevent either their direct loss or later indirect pressures for their progressive removal or mistreatment."

- 9.16 The policy text then links the proposed landscaping scheme to the benefits of the woodland country park stating:-

"The aim of providing a strong belt of new structural landscaping consisting of native tree and shrub species along the boundary of the area of the site identified for housing development formed by the reservoir footpath, is to screen and soften the appearance of a hard urban edge from viewpoints with the Strategic Gap to the west of the site, and to create a clear landscaped boundary between the urban development and the proposed park/open space on agricultural land to the west of the site."

- 9.17 In considering the appeal into the planning application (MA/01/0080) following the public inquiry the Inspector stated:-

"As did the Local Plan Inspector, I have viewed the site from the high ground of Bluebell Hill on the Downs north of Maidstone. From this public vantage point, where Maidstone is seen in the middle distance, the green openness of the portion of the site within the Borough is perceived as part of the wider belt of landscape between Maidstone and Aylesford which at this point extends as an enclave into the urban area bounded by the hospital and residential development on its other two sides. Significantly, in this view, this part of the site is fronted by the recent housing development at Kent Garden Centre which largely has the effect of visually cutting it off from the more extensive open landscape such that its development would be largely contained within the existing urban setting and not intrude unto the Gap."

- 9.18 The Inspector considered the impact on the infrastructure upon the land within Tonbridge and Malling and stated that:-

"to some degree this would be mitigated by the envisaged parkland which would retain the open quality of this part of the countryside within the Strategic Gap."

9.19 The Council now has an emerging policy for the site (H1(2)) contained in the Maidstone Borough Local Plan Regulation 18 Consultation 2014. The Inspectors view on the visual benefit of the country park and the open separation it would create has been followed through into the emerging policy H1(2). Under the policy requirements for open space it states that the land located in Tonbridge and Malling is required to be:-

- (i) A country park in association with the development of East of Hermitage Lane.*
- (ii) Necessary ecological mitigation measures in relation to the development of East of Hermitage Lane, as identified in an ecological survey.*
- (iii) Site access to the western section of the development.*
- (iv) Maintenance of the open character between Allington (in Maidstone Borough) and the Medway Gap settlements (in Tonbridge and Malling Borough).*

9.20 The lack of a country park as part of this proposal means that it fails to comply with both the adopted policy of the Maidstone Borough-Wide Local Plan (2000) and the emerging policy H1(2). It would result in a strategic housing development that would not have the provision of strategic open space. Furthermore, the proposal therefore fails to include the benefits that were identified by both the Inspector at the Local Plan Inquiry and the Inspector considering appeal MA/01/0080. The layout as submitted, whilst in outline only, does identify the area of land to be safeguarded for the provision of a primary school and also a community hall and play area. This area of land is in the north west of the application site and the rationale behind the layout was the fact that the publicly accessible buildings and land opened up into the country park area. The country park would, if proposed, be available for use by those using the school, community hall or play area in this location. Furthermore, the routes through the park would encourage occupiers of the development and those within Allington to walk or cycle through the park to Barming train station and make use of sustainable forms of transport. This would not follow the general guidance of the NPPF in terms of sustainable development,

9.21 I consider that whilst the general development of the site for housing remains acceptable, as identified by both the Inspector on the Local Plan and the Inspector considering the appeal into MA/01/0080, I consider that the removal of the country park from the scheme has a detrimental impact on the proposal. It fails to secure the retention of the gap between Maidstone and Aylesford. In addition, the lack of a country park fails to make the development layout work in planning terms and does not offer the opportunity of attractive pedestrian and cycle links to the train station.

Highways

- 9.22 The traffic implications of the development have been extensively assessed. Kent Highway Services, the Highways Agency and WSP (the applicant's highways consultant) have held discussions throughout the course of the application. The Highways Agency issued a Holding Direction preventing the Council from granting planning permission due to the concern they had regarding the impact on junction 5 of the M20. Kent Highway Services had a number of concerns in relation to the methodology used in the transport assessments.
- 9.23 Concern was raised locally regarding the proposed gyratory that was the offered solution to the impact on the Fountain Lane Tonbridge Road junction.
- 9.24 The revisions to the Transport Assessment and proposed mitigation have lead to the following being put forward as part of the application.
- Sensitivity testing of the performance of the assessed junctions to reflect growth to 2026 with and without development.
 - An assessment of the impacts of the one and two form entry primary school options.
 - Revision of the mitigation section to reflect the KCC preferred option for Fountain Lane/Tonbridge Road. The revised TA now makes reference to the solution contained within the proposal for Land West of Hermitage Lane.
 - Updated accident data.
 - A technical note regarding the impacts on Junction 5 of M20 and the proposed mitigation.
 - Clarification of other minor issues raised by Highways Agency and Kent Highway Services.
 - Continued proposal of the bus service provision.
- 9.24 The main change has been the solution offered to the Fountain Lane/Tonbridge Road junction. The originally proposed gyratory system has been dropped and replaced by improvements to the existing junction comprising reconfiguration of the internal junction right turning arrangements, pedestrian crossing upgrades and introduction of intelligent MOVA systems.
- 9.25 The result of the assessment leads to the following recommended improvements be undertaken in order to deal with the additional traffic from this site and the other sites within the area.
- **£400/dwelling – Fountain Lane /Tonbridge Road junction** modifications – KCC estimated costs – proportion based on 1000 units on Hermitage Lane sites (KCC numbers).
 - **£1352/dwelling – Coldharbour roundabout – London Road** This is based on the MBC estimate from the Infrastructure Delivery Plan of £2,600,000. It has been calculated that some 26% of the overall increase in traffic at the junction to 2018 arises from the development. The proportion of the overall cost that might be attributable to the mitigation of impacts from the site is thus £676,000.

- **£86/dwelling** – Interim improvement of **Junction 5 of M20** with a white lining scheme to be the subject of a condition. Initial estimate of costs £30,500 (to be subject to more detailed costs estimates).
- **£33/dwelling** – Provision of additional **pedestrian crossing facilities** on Hermitage Lane north of the site to facilitate crossing by users of existing right of way. Initial costs estimate £12,000 (to be subject to more detailed costs estimates).
- **£44/dwelling** – Site works to support KCC application to Joint Transportation Board for **shared cycle pedestrian use** of the eastern footway of Hermitage Lane for the limit to shared use at the Hospital to Barming Station. This is currently used by cyclists and in would improve wider accessibility to legitimise the use and incentivise non car access to Barming Station. Initial cost estimate of provision of signage, dropped kerbs as necessary and clearance of overgrown vegetation on the current footway £16000 (to be subject to more detailed costs estimates).
- **£910/dwelling** – Support for bus service in the initial years taken as the first 5 years of the Arriva initial costing estimates (as shared with KCC).

9.26 The above mitigation would result in a total of £2,825 per dwelling based on 500 dwellings being a total contribution of £1,412,500 towards highway and public transport improvements. The mitigation and contributions have been calculated on the basis of this site and other sites that have received consent and those that have been allocated in both Maidstone and Tonbridge and Malling Boroughs. The proposed mitigation takes into account the cumulative impact of the traffic generation. The consultee responses from the Highways Agency and Kent Highway Services now raise no objections subject to the contributions being secured and appropriate conditions.

9.27 I consider that the proposed mitigation is necessary and securing the contributions through a Section 106 agreement would meet the requirements of the three tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012. These are set out below:-

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

9.28 The proposal includes access onto Howard Drive for emergency access and buses only. This would enable the provision of a bus service to serve the development and the wider area and link back to the town centre (which would be the subject of the requested contribution). Whilst the emerging policy H1(2) envisages this access to serve up to 200 dwellings I do not consider that the lack of access to any dwellings to be unacceptable. In addition, whilst the proposal to not serve any dwellings moves the bus gate further from the primary school than anticipated I do not consider this to be unacceptable.

Impact on Ancient Woodland and as a Landscape Feature

- 9.29 One of the main changes since the site was allocated as part of the Maidstone Borough-Wide Local Plan (2000) and application MA/01/0080 was considered is the designation of the belt of woodland that runs through the site as ancient woodland. The woodland was always considered a strong landscape feature within the site and although not ancient woodland at that point the accompanying text to policy H12 of the Maidstone Borough-Wide Local Plan (2000) stated in relation to the landscape scheme to protect these features that:-

"An important factor in this will be the appropriate siting of development and/or its ancillary features, such as footpaths or roads, in relation to these areas, to prevent either their direct loss or later indirect pressures for their progressive removal or mistreatment."

- 9.30 The policy builds on this supporting text in criterion 1 of policy H12 of the Maidstone Borough-Wide Local Plan (2000). It states:-

"...THE RETENTION OF TREES AND WOODLAND OCCUPYING THE RIDGELINE IN THE SOUTHERN SECTION OF THE SITE, TOGETHER WITH A SCHEME FOR THE FUTURE MANAGEMENT OF THESE AREAS, ..."

- 9.31 The proposal as submitted includes housing in both the northern field by the reservoir and the southern field adjacent to the hospital. The development of the southern field would erode the open setting of the woodland and detract from its benefit as a landscape feature within the site. In order to link both parts of the housing development a road is proposed to run through the ancient woodland. The road itself has been designed to the minimum specification in order to limit its impact. However, the resultant link road would still result in the removal of trees and the damage to the woodland in general. The carriageway itself would be 5.5m wide with an additional 3m width outside the carriageway. It would require low level lighting that would result in further disturbance within the woodland. A secondary access is also required that would provide for pedestrians and cyclists and this would be provided along the existing footpath. However, the current paths are not suitable for cycles and any upgrade to these would cause further damage to the ancient woodland.

- 9.32 The NPPF states that *"planning permission should be refused for development resulting in the loss or deterioration of...ancient woodland...unless the need for, and benefits of, the development in that location clearly outweigh the loss."*

- 9.33 I consider that the construction of a road totalling 8.5m in width through the ancient woodland and the required upgrading of footpaths would result in development that would result in the loss and deterioration of ancient woodland. This view is the same as that offered by Kent County Council Ecology and the Kent Wildlife Trust.

- 9.34 The key is to consider in accordance with the requirements of the NPPF whether the need for and benefits of the development in that location clearly outweigh the loss. The need and benefits would focus on the provision of housing in the Borough where currently there is a lack of a 5 year land supply and where the Council is seeking further housing sites to meet the land requirement for the plan period. There is no objection in general terms to the development of the northern field for housing and in the reduction in the numbers of housing by not developing the southern field would be in the region of 100 units. I do not consider that even with the lack of a 5 year housing supply the benefit of 100 houses does not in my view represent a development that 'clearly outweighs the loss.'
- 9.35 Therefore, I consider that the application would be unacceptable due to the impact on the ancient woodland where there is not a need for or benefit that clearly outweigh the loss.

Heads of Terms

- 9.36 The consultees have requested a number of contributions to be secured through the application. It is important that any contributions that are secured through a Section 106 agreement would meet the requirements of the three tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012. These are set out below:-
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 9.37 The land for a primary school is identified within the existing policy H12 of the Maidstone Borough-Wide Local Plan (2000) and is sought from KCC. It is clear that the proposed development of 500 dwellings would result in additional demand placed on education facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 9.38 The NHS have requested £419,400 towards improvements at the named surgeries of Blackthorn surgery, Allington Park, Aylesford and Brewer Street all of which are within 1.8 miles of the site. It is clear that the proposed development of 500 dwellings would result in additional demand placed on the health facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 9.39 The contributions towards highway improvements and bus service have been outlined in section 9.24 above and are deemed to meet the required tests of the CIL Regulations.
- 9.40 The Council's Parks and Open request £100 per dwelling to cover the underprovision primarily of outdoor sports facilities and allotments and therefore request £50000 towards the improvements, repair, renewal and maintenance of those sites within a mile of the development. Such sites as Giddyhorn Lane Recreation Ground, Barming Heath and Gatland Lane are all within range. It is clear that the proposed development of 500

dwellings would result in additional demand placed on the sports facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

- 9.41 Kent Police have requested £66,779 from the development that would be pooled to deliver the overall infrastructure requirements of Kent Police as a result of planned developments within the County. I do not consider that this request meets the required tests, in particular, the first two, being necessary to make the development acceptable and being directly relevant to the development, particularly if used for policing across the County.
- 9.42 Kent County Council have sought contributions of £30.70 per dwelling towards community learning. The contribution would be used to pay for adult learning classes. It is clear that the proposed development of 500 dwellings would result in additional demand placed on the health facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 9.43 There is a request of £8.44 per dwelling sought by Kent County Council towards the provision of centre based youth services in the area. It is clear that the proposed development of 500 dwellings would result in additional demand placed on the youth facilities available in the area and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 9.44 There is a request from Kent County Council to provide £139.86 per dwelling to provide additional bookstock at Maidstone library to deal with the addition usage from this development. It is clear that the proposed development of 500 dwellings would result in additional demand placed on the bookstock at Maidstone library and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 9.45 The application proposes the provision of 30% affordable housing. The Council's adopted DPD (2006) on affordable housing indicates a level of 40% would be appropriate on such a scheme. However, the emerging policy DM24 of Maidstone Borough Local Plan Regulation 18 Consultation 2014 indicates a level of 30% to be appropriate. The applicant has not justified this lower level through viability and the Peter Brett study undertaken on behalf of the Council indicated the level of 30% to be appropriate if dwellings were constructed to level 4 of the Code for Sustainable Homes. On the other hand there are significant contributions that are required to be paid in relation to off site highway works and the access road into the site would be of a considerable length and cost. In any case there is no legal agreement submitted to secure either level of affordable housing.
- 9.46 In the absence of a legal agreement that would secure the provision of contributions to highways, education, healthcare, community learning, youth facilities, library bookstock or to secure an appropriate level of affordable housing I consider that the application is unacceptable.

Other Matters

- 9.47 The applicant is not proposing level 4 on the Code for Sustainable Homes but instead is proposing to achieve level 3. It is disappointing that the applicant has not sought to achieve Code level 4 as sought through Policy DM2 of the Maidstone Borough Local Plan Regulation 18 Consultation 2014. There are however proposals as part of the scheme to use a Sustainable Urban Drainage System with the indication that the use of renewables would be examined as part of the reserved matters application.
- 9.48 There have been additional ecological assessments undertaken and report submitted as part of the application. Kent County Council Ecology have raised no objections in relation to the surveys results. The lack of a country park has reduced the ability to provide ecological enhancements as part of the development.
- 9.49 There are no significant issues in terms of flood risk and a site specific Flood Risk Assessment has been submitted and the Environment Agency raise no objections to the application. The provision of foul drainage is to be provided through agreement with Southern Water and there is provision through the Water Act to deal with such matters.
- 9.50 There are no retail facilities proposed as part of the development. However, the submitted information indicates that there is a lack of demand from operators to take up such a unit. There are nearby facilities including the Waitrose at the Mid Kent Shopping Centre, Sainsbury at Aylesford Retail Park and Tesco Express to the south of Maidstone Hospital. I am satisfied that the potential for a new retail unit has been sufficiently explored and that there are adequate alternatives to ensure that the lack of a retail unit is not a reason for refusal.

10.0 CONCLUSION

- 10.01 The Council generally supports the provision of housing, primary school, community facility and open space on the site. The emerging policy H1(2) of the Maidstone Borough Local Plan Regulation 18 Consultation 2014 identifies the northern field for housing and this would be considered acceptable subject to detail.
- 10.02 The provision of housing on the southern field would have a harmful impact on the belt of ancient woodland as a landscape feature and the provision of a necessary link road through the woodland and the upgrading of footpaths within the woodland to allow for cyclists would result in the loss of and deterioration of the ancient woodland and there are no clear need or benefits from allowing this part of the development.
- 10.03 The lack of provision of a country park means that the application does not comply with policy H12 of the Maidstone Borough-Wide Local Plan (2000) or emerging policy H1(2) of the Maidstone Borough Local Plan Regulation 18 Consultation 2014 both of which require the provision of the

park. I consider that the removal of the country park from the scheme has a detrimental impact on the proposal and fails to make the development layout work in planning terms whilst failing to offer the opportunity of links to the train station.

10.04 There are a number of contributions and off site highway improvements required as well as the provision of on site affordable housing. There is no legal agreement in place or draft submitted to secure this and as such a reason for refusal on this basis has to be included.

11.0 RECOMMENDATION – REFUSE for the following reasons:

- 1 The development by virtue of the development of the southern field for housing and the link road through designated ancient woodland and works to existing footpaths through the woodland would erode the setting of the woodland as a landscape feature and result in the loss and deterioration of ancient woodland where the need for and benefits of the development does not clearly outweigh the loss contrary to policy H12 of the Maidstone Borough-Wide Local Plan (2000), advice contained within paragraph 118 of the National Planning Policy Framework 2012 and policies H1(2) and DM10 of the of the Maidstone Borough Local Plan Regulation 18 Consultation 2014.
- 2 The absence of a country park of the land within Tonbridge and Malling Borough fails to secure the maintenance of the open character between Allington and the Medway Gap settlements, has a detrimental impact on the proposed development layout whilst failing to encourage use of sustainable modes of transport through the offer the opportunity of links to the train station contrary to policies ENV24 and H12 of the Maidstone Borough-Wide Local Plan (2000) and H1(2) of the of the Maidstone Borough Local Plan Regulation 18 Consultation 2014.
- 3 In the absence of an appropriate legal mechanism to secure the provision of affordable housing, necessary contributions and land for a new primary school on site, public open space, improvements of healthcare facilities, local libraries, adult education provision, and youth and community facilities within the local area, the impact of the development would be detrimental to existing social infrastructure and therefore contrary to policy CF1 of the Maidstone Borough-Wide Local Plan (2000), Affordable Housing DPD (2006), policy H1(2) of the of the Maidstone Borough Local Plan Regulation 18 Consultation 2014 and central government planning policy as set out in the National Planning Policy Framework 2012.

Case Officer: Peter Hockney