

## REPORT SUMMARY

<b>REFERENCE NO - 13/1702</b>			
<b>APPLICATION PROPOSAL</b> Outline application for up to 250 residential dwellings (including affordable homes) with access. All other matters (scale, layout, appearance and landscaping) reserved for future consideration.			
<b>ADDRESS</b> Land west of Hermitage Lane, Maidstone, Kent			
<b>RECOMMENDATION</b> GRANT SUBJECT TO COMPLETION OF S106 LEGAL AGREEMENT AND CONDITIONS			
<b>REASON FOR REFERRAL TO COMMITTEE</b> <ul style="list-style-type: none"> <li>It is a departure from the Development Plan;</li> </ul>			
<b>WARD</b> Heath	<b>PARISH/TOWN COUNCIL</b> Maidstone	<b>APPLICANT</b> Swan Property Ltd <b>AGENT</b> DHA Planning	
<b>DECISION DUE DATE</b> 1 <sup>st</sup> January 2014	<b>PUBLICITY EXPIRY DATE</b> 10 <sup>th</sup> December 2013	<b>OFFICER SITE VISIT DATE</b> Various	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
MA/13/1857	Consultation with Maidstone Borough Council by Tonbridge and Malling Council on TM/13/03097/OA - outline application for the erection of residential development with access.	Under Consideration	
MA/13/1400	Request for a screening opinion as to whether the proposed development - residential development up to 250 dwellings with open space - is development requiring an Environmental Impact Assessment (EIA).	EIA not required.	02/09/13
MA/13/1749	MA/13/1749 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 (including children's play area), associated	Refused 3 <sup>rd</sup> July 2014	

	infrastructure and necessary demolition and earthworks. The formation of 2 new vehicular accesses from Hermitage Lane and Howard Drive. With access to be considered at this stage with all other matters reserved for future consideration. Land east of Hermitage Lane.		
MA/132079	Outline planning application with all matters reserved for the demolition of existing structures and erection of up to 80 dwellings with associated works for access, parking, infrastructure, open space and landscaping. Land at Oakapple Lane.	Under consideration	

## 1.0 DESCRIPTION OF SITE

- 1.01 The application site is an irregular shaped parcel of land located to the west of the B2246 Hermitage Lane directly opposite Maidstone Hospital. It is adjacent to the residential developments at Barming and Oakwood.
- 1.02 Hermitage Lane forms the site's eastern boundary with Oakapple Lane forming its southern border. Fullingpits Wood (a designated ancient woodland) lies to the western boundary of the site and the northern boundary is formed by an existing covered reservoir and plant operated by South East Water. Oakapple Lane provides pedestrian access to Hermitage Lane and the site is connected by footpath to Barming railway station and to local centres using the main highway network and existing estate roads.
- 1.03 At present the site is agricultural land currently used for arable purposes. It contains little vegetation (apart from crops) although there are boundary hedgerows and adjacent woodland at Fullingpits Wood. Access into the site is currently from a farm access track from Hermitage Lane.
- 1.04 The application site covers an area of 9.52 hectares with the majority (9.02 hectares) lying within the Maidstone Borough. An area of 0.43 hectares in the south western corner of the site lies within Tonbridge and Malling. Tonbridge and Malling Council are currently considering an outline application for residential development on this part of the site.

1.05 The site is located outside, but adjoining, the defined built up area of Maidstone in the Local Plan. It is, therefore, in the countryside for Local Plan purposes and is a greenfield site. The site is located within the designated Strategic Gap around the edge of Maidstone.

## **2.0 PROPOSAL**

2.01 Outline permission is sought for up to 250 dwellings together with a new vehicular access. Along with the principle of 250 houses, only the specific details of the access are being considered at this stage with all other matters (layout, appearance, scale and landscaping) reserved for future consideration.

2.02 A new access point is proposed onto Hermitage Lane at a point between the Tarragon Road junction and the Maidstone Hospital access. This access would be via new three arm signal junction. This will be linked and jointly operated with the Hermitage Lane/Tarragon Road signal junction which would be modified to improve its operation.

2.03 An emergency access will also be provided onto Hermitage Lane at the northern edge of the site, approximately 200metres from the main access. This access would be built to accommodate the emergency vehicles used by Kent Fire and Rescue. Day to day vehicular use of this access would be prevented by bollards, allowing it to be utilised by pedestrians and cyclists. Pedestrian crossing facilities are proposed as part of the new access arrangements as is a new footway running the length of the site's boundary with hermitage Lane. Pedestrian and cycle links are also proposed onto Oakapple Lane.

2.04 Apart from specific details of the accesses, which have been provided, the applicant is not required to provide any detailed plans of the development with such an outline application but has chosen to provide an illustrative masterplan. This shows enhanced landscaping to all the site boundaries with roads and housing located towards the centre of the site. An equipped area of play is shown to the north east of the site fronting on to Hermitage Lane within a linear park with more informal areas of green space shown to the west of the site. A landscape buffer to the Ancient Woodland is also shown.

2.05 The Design and Access Statement, submitted in support of the application, states that areas of low density (20 -25 dwellings per hectare) around the perimeter of the site would give way to medium (25 -30 dwellings per hectare) and higher densities (30 - 35 dwellings per hectare) to the centre of the development. The applicant advises that a number of housing character areas would be provided and the entrance enhanced to create a sense of arrival. The applicants' vision for the site "is a high quality, low density residential development that maximises energy efficiency and sustainability, provides for a

quality environment in a manner that respects the need for a green approach and the character of the surroundings and addresses the need for family accommodation in a sustainable location that is closely related to the existing built up area.” It must be reiterated that these are illustrative details and the Council is not making a decision on the detail of the scheme at this stage.

- 2.06 In terms of density, the whole of the site, including the small area in Tonbridge and Malling Borough, is some 9.5 hectares and the applicants are proposing up to 250 dwellings on the site. The application for the part of the site within Tonbridge and Malling is for 6 houses, so the remaining 244 would be located on the 9 hectares within Maidstone Borough. This gives a density of approximately 27 dwellings per hectare, but does not take account of the fact that some areas of the site will not be developable as they will be given over to landscaping, open space roads and so forth. The net density of the site (i.e. the density on the developable area) will, therefore, be higher. Affordable housing is proposed at 40%.
- 2.07 So to summarise, the Council is being asked to consider the principle of residential development of up to 250 dwellings with access.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV31, ENV49, T1, T2, T3, T13, T18, CF1, CF8

Maidstone Borough Wide Local Plan Regulation 18 Consultation 2014: H1, H2, DM2, DM3, DM4, DM6, DM10, DM12, DM13, DM14, DM16, DM23, DM24, DM30, ID1

MBC Affordable Housing DPD (2006)

MBC Open Space DPD (2006)

National Planning Policy Framework 2012(NPPF): Chapters 1, 4, 6, 7, 8, 10, 11, 12

National Planning Practice Guidance 2014 (NPPG)

### **4.0 LOCAL REPRESENTATIONS**

6 letters have been received from local residents objecting to the application. They make the following summarised comments.

- Too many houses proposed for the Hermitage Lane area;
- Any plans should take account of the impact development will make on the quiet semi rural environment to the rear of our houses;
- Concerned about security;
- Do not want any recreational open area or footpath abutting our rear garden;

- Only acceptable option is to have low density housing backing on to Bank Meadow;
- Vehicular and pedestrian traffic should be kept away from existing houses;
- The plans are not particularly clear as just showing general colour coded areas;
- Area of green fields and woodland is a treasured amenity for local people;
- There have been several large developments in this area in recent years and this has put a massive strain on local amenities and infrastructure;
- The traffic mitigation proposed in this scheme is the best solution to ease traffic congestion without destroying the local community;
- The whole character of Barming will be changed to the detriment of the area;

## 5.0 CONSULTATIONS

- 5.01 **Environment Agency:** No objection in principle, subject to conditions requiring a sustainable surface water drainage scheme to be submitted and agreed and detailed ground investigations to inform the layout of the development.
- 5.02 **KCC Ecology:** An Extended Phase 1 Habitat Survey report has been submitted in support of the application. The survey concludes that the site has limited ecological interest, though some potential ecological impacts have been identified.

The western corner of the site is classed as suitable reptile habitat and the southern and eastern boundaries have limited potential to support reptiles. No further surveys are recommended in the applicants' habitat survey on the basis that the western corner would not be lost as a result of the development. To avoid the need for mitigation, this area must be retained. If it is affected by development a construction environmental management plan should be submitted and agreed prior to the commencement of development.

There have some reports using boundary features along the southern, north eastern and north western boundaries and advise that light might affect bats in those areas and recommend a condition to secure a lighting scheme s attached to any grant of planning permission.

Also recommend conditions and informatives should be imposed relating to breeding birds, dormice, the provision of appropriate ecological enhancements and mitigation measures, and Japanese knotweed. No objections raised subject to those conditions and informatives.

- 5.03 **KCC Highways:** The Highways Team initially reviewed the application in November and whilst agreeing the principles of the approach for vehicular and

pedestrian access and car parking as these followed and reflected detailed pre-application advice. They, however, requested that additional work was carried out on the applicants transport assessment as the assumptions for the number of units for surrounding sites in North West Maidstone were less than those set out in the Council SHLAA and allocations contained in the emerging local plan.

The applicants submitted additional information, in December, updating the model used to inform the Transport Assessment to reflect the quantum of development allocated to sites in north west Maidstone in the Council's emerging plan as well as the number of residential units proposed in relation to recently submitted planning applications in the area. The revised information demonstrated that the additional trips associated with these developments would result in de minimus net differences to the previously modelled traffic flows of around 1% or less. KCC Highways agrees this assessment.

Capacity assessments have been undertaken for the following junctions for the current base year and three future year scenarios (2016 opening year, 2018 Future Assessment Year and 2023 Strategic Horizon Year) – A20 London Road/M20 Link (Coldharbour) signalised roundabout; A20 London Road/B2246 Hermitage Lane/Preston Hall access; B2246 Hermitage Lane/Maidstone Hospital access; B2246 Hermitage Lane/Tarragon Road; B2246 Hermitage Lane/B2246 Fountain Lane/Heath Road/St Andrews Road; A26 Tonbridge Road/B2246 Fountain Lane/Farleigh Lane; and A26 Tonbridge Road/Queens Road/Fant Lane. The modelling confirms that the proposal would not significantly degrade the operation of any of these nodes with the exception of A26 Tonbridge Road/B A26 Tonbridge Road/B2246 Fountain Lane/Farleigh Lane. KCC agrees with this assessment. The applicants have proposed a scheme of mitigation comprising the reconfiguration of the junction.

No objection is raised on behalf of KCC Highways subject to the following being secured by condition or planning obligation:

- The provision of a Section 278 Agreement between the applicant and KCC Highways and Transportation, of the offsite highway mitigation works to the B2246 Hermitage Lane/site access, B2246 Hermitage Lane/Tarragon Road and A26 Tonbridge Road/B2246 Fountain Lane/Farleigh Lane Junctions, as identified in the Transport Assessment, prior to the first occupation of the development;
- The preparation and submission of a Construction Environmental Management Plan for approval by the Local Planning and Highways Authorities;
- Provision of measures to prevent the discharge of surface water on to the highway;
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction; and

- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.

5.06 **KCC Public Rights of Way:** Two public footpaths (KB34 and KM10) run immediately adjacent to the development proposed.

Walking - The area is well catered for both within the development and through external links to Oaken Wood and facilities at Oakwood Park and Barming Heath. The proposed footpath link from the south west of the development to KM10 is welcomed. To ensure the long term sustainability and future maintenance of the route it should be dedicated as a public footpath through a section 106 agreement. The proposed pavement extension to the pedestrian crossing point adjacent to the reservoirs is also welcomed and will serve as a useful link to surrounding facilities. Consideration must be given to the western perimeter of the proposed linear park to ensure the adjoining footpath KB34 is no way enclosed or encroached upon. In respect of the expected increase in use of KB34 and those routes off site it is expected that a contribution in the region of £41,000 should be secured for improved surfacing of KB34.

Cycling – The proposed footway along the site’s frontage must be constructed as a shared footway/cycleway to connect with the developing cycle track to the north of the hospital boundary.

Contributions towards pedestrian and cycle links to existing residential areas, shops, schools and health facilities incorporating a link along the unmade section of Oakapple Lane and the provision of an appropriate pedestrian and cycle route on B2246 Hermitage Lane.

5.07 **KCC Archaeology:** The application site lies within an area of known prehistoric and Roman Archaeological potential. Prehistoric and Roman remains have been recorded to the north around St Lawrence Chapel and to the east within the hospital site. Pits within Iron Age artefacts have been located a few metres to the North and similar remain may extend into the development of the site. The application is supported by an Archaeological Deskbased Assessment and the assessment is accepted in principle. No objection is raised, subject to the imposition of a planning condition to secure a programme of archaeological work.

5.08 **Southern Water:** Advise there is inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Additional off site sewers or improvements to existing sewers will be required. They also state that there is inadequate capacity in the low network to provide surface water disposal to service the proposed development. Recommend that the applicants investigate alternative means for surface water disposal including

discharge to an available watercourse, discharge to soakaways and requisition of a public surface water sewer. No objection, subject to the imposition of condition to secure details of the proposed means of foul and surface disposal prior to the commencement of development.

5.09 **UK Power Networks:** No objections to the proposed works.

5.10 **Agricultural Advisor:** The proposed development would involve the loss of some 9 hectares of agricultural land, comprising an open arable field lying at between 81m and 88m above sea level in an area indicated as Grade 2 (very good) quality of the DEFRA land classification map. Soils in the general area are typically free draining, loamy and with high natural fertility, although some yield limitations can arise from the shortage of soil moisture especially where the soils are stony or shallow.

These are general indications only but it is an assumption that the land falls into the best and most versatile category and that the proposal can be regarded as a significant development of agricultural land and in principle to the National Planning Policy Framework policy which directs development to poorer quality agricultural land.

5.11 **Agricultural Advisor:** *"At the local level, it is understood that the Council currently has no saved local plan policy relating to loss of specific grades of agricultural land to development, other than in respect of changes of use to domestic garden, which (in the main) would not apply in this case.*

*At the National Level, Para. 112 of the NPPF states:*

*112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.*

*The NPPF does not define (or indeed particularly emphasise) exactly what it means by "significant" development of agricultural land in this context, but there is nothing to suggest anything beyond its ordinary English meaning i.e. sufficiently great or important to be worthy of attention, or noteworthy.*

*The Government has also reaffirmed the importance of protecting our soils and the services they provide in the Natural Environment White Paper The Natural Choice: securing the value of nature (June 2011), including the protection of "best and most versatile" agricultural land (paragraph 2.35). "Best and most versatile" (BMV) agricultural land is defined as Grades 1, 2, and 3a.*

*Natural England also observes that land protection policy "is relevant to all applications, including those on smaller areas but it is for the planning authority to decide how significant are agricultural land issues and the need for field information" (Technical Information Note - TIN 4919 December 2012).*

*The proposed development here would involve the loss of some 9 ha (22 acres) of agricultural land, comprising an open arable field lying at between 81 m and 88m above sea level in an area indicated as Grade 2 (very good) quality on the 1:250,000 DEFRA land classification map. Soils in the general area are typically free-draining, loamy and with high natural fertility, although some yield limitations can arise from the shortage of soil moisture especially where the soils are stony or shallow.*

*These are general indications only, but in the absence of any more detailed survey and land classification study of the particular site, it is a fair working assumption that the land here falls into the "best and most versatile" category and that the proposal can be regarded as a "significant" development of agricultural land, and thus subject, in principle, to the above NPPF policy that points (where the development is demonstrated to be necessary) to areas of poorer quality land being sought in preference .*

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

- 5.12 **Kent Wildlife Trust:** The site is in an ecologically sensitive area, with Fullingpits Wood (ancient woodland) adjacent to Oaken Wood Local Wildlife Site (ancient woodland) within 400m. They raise objection to the application due to the lack of safeguards put in place to alleviate the indirect recreational impacts on ancient woodland. Recommend that conditions relating to landscape buffering and lighting are attached to any grant of planning consent.
- 5.13 **Natural England:** 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 biodiversity and landscape enhancements through the application is raised.
- 15.14 **NHS Property Services:** This application is expected to result a need to invest in a number of local surgery premises – Barming Surgery, Blackthorn Medical Centre, Alyesford Medical Practice and Allington Park surgery which are within a one mile radius of the application site. A contribution of £147,420 is required for this development (£360 per person).
- 5.15 **KCC Mouchel:** *"The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion*

*that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution."*

Primary Education Provision – The proposal gives rise to additional primary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the provision of a new primary school in west Maidstone. Land for new primary school on land to the east of Hermitage Lane is already allocated in the Maidstone Borough Wide Local Plan 2000. It is understood that the freehold of this site will be transferred to KCC for a nominal sum. Contributions of £4000 per "applicable" house and £1000 per "applicable" flat (applicable meaning all dwellings except 1 bed of less than 56sqm GIA, and sheltered accommodation) towards the construction of a new school. Should this not be the case, an additional contribution of £2701.63 per applicable house and £675.41 per applicable flat is required.

Secondary Education - No current requirement.

Community Learning - £30.70 per dwelling sought to address the demand from the development towards the provision of new /expanded facilities and services both through dedicated Adult Education centres and through outreach community learning facilities local to the development.

*"The current adult participation in both centres and outreach facilities is in excess of current service capacity."*

Youth Services - £8.44 per dwelling sought to address the demand for from the development for youth services locally.

*"Forecasts indicate that there is sufficient capacity within the outreach service to accommodate the increased demand generated through the development, therefore KCC will only seek to provide increased centre based youth services in the local area."*

Libraries and Archives - £140.89 per household sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.

*"There is an assessed shortfall in provision for this service in Maidstone Borough which is below the County, England and UK figures."*

Social services - £47.44 per household to be used to address the demand from the development towards the provision of new/expanded facilities and services

both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.

*"The proposed development will result in a demand upon social services which Facilities for Kent Family and Social Care are under a statutory obligation to meet but will have no additional funding to do so."*

5.16 **MBC Conservation:** The development of the site should not adversely affect any nearby heritage assets because of the distances involved and intervening development. The supporting desk based archaeological assessment is thorough and whilst identifying significant archaeological potential in the general area there is nothing specifically relating to this site. No objection on heritage grounds, subject to the imposition of any conditions recommended by KCC's Archaeological Team.

5.17 **MBC Environmental Health Manager:** Contamination - Although there is a factory and cemetery adjacent to the application, they do not recommend that there are issues with contamination.

Air Quality - The Environmental Health Manager (EHM) advises that there are several hotspots around Hermitage Lane that are exceeding the Air Quality Objectives and any increase in pollutant levels in, and around those areas, will not support the Council in delivering its air quality action plan. The application is supported by an Air Quality Report, but the EHM advises that further information is required. He does, however, advise that this could be conditioned.

Noise Quality - The application is supported by a Noise Assessment and the EHM agrees its findings and advises that a condition is attached to any grant of consent to secure compliance with the noise mitigation measures in the report.

Site Waste Management Plan (SWMP) - The developer will be required to provide a SWMP and for this to be available for inspection by the Local Authority at any time prior to or during development.

5.18 **MBC Landscape:** "There are no Tree Preservation Orders (TPOs) protecting trees on or immediately abutting the site within Maidstone Borough although there is an Order (TPO 28 of 2004) on land to the north of the reservoir at the northern tip of the site. Fullingpits Wood immediately northwest of the site is designated as Ancient Semi Natural Woodland and is protected by a Tonbridge and Malling TPO.

*The applicant is supported by a Tree Inspection Report and is considered largely acceptable in principle. There is, however, no evidence to support the views*

*that Ash trees should be downgraded because of Ash Dieback as some trees will be more resistant than others, so the categorisation given in the report is not necessarily acceptable. The Landscape and Visual Impact Assessment is considered acceptable.*

*The site falls within Barming Heath Arable Land in the Maidstone Landscape Character Assessment. It is assessed as poor condition and low sensitivity and is considered as a fragmented landscape in close proximity to the urban edge, which has impacted on the land use and traditional landscape characteristics. The visual detractors include Maidstone Hospital, commercial warehouses and security fencing. The ecological integrity is strong, but the cultural integrity poor. Visibility is low as immediate views are interrupted by intervening vegetation and the urban edge of Maidstone. There are, however, some longer views of the North Down*

*No objection in landscape/arboricultural grounds for refusal as long as the applicant can demonstrate in the submission of the detailed proposals that there is a minimum 15m buffer around the woodland edge and that a high quality landscape scheme can be achieved. This can be secured by way of a landscape condition."*

- 5.19 **MBC Housing:** Advise that the applicant's statement that the main unmet demand in the borough is for larger family housing does not in fact reflect local affordable housing need and that the number of 3 and 4 bed affordable properties coming through the system is carefully monitored as there is a danger of not being able to provide nominations and occupy such properties. There needs to be more 1 bed provision coming through as whilst developers consider there is not much market demand for such properties, this cannot be said for the affordable market.

The Planning Statement states that the Council will seek to secure a minimum of 40% of the total number of dwellings as affordable, with 60% of these for social rent and 40% for shared ownership. However, it then makes reference to draft policy CS10 of the emerging Local Plan which states that for target sites on the urban periphery the affordable housing target should be 30% and they proposed the 30% in accordance with the emerging policy. I consider that the Council's Affordable Housing DPD should be adhered to until the emerging plan is adopted. If the applicants are intent on delivering 30% affordable this will need to be considered against a viability assessment. They welcome the applicants' confirmation that the affordable units would be spread across the developable area.

They note that the specific housing mix is not fixed at this stage due to the outline nature of the application and would welcome early engagement in the reserved matters submission.

- 5.20 **MBC Parks and Leisure:** Advise that they are requesting a preference for onsite provision of allotments rather than a Locally Equipped Area of Play (LEAP) due to limited allotment provision within the area and equipped children's play areas nearby. Off site contributions requested towards improvements to these existing play areas, improvements to current outdoor sports facilities, as well as a contribution to Oakwood Cemetery, which adjoins the site and is to be converted to a public park.

<b>GREEN SPACE TYPE</b>	<b>Green Space Standard (Hectares per 1000 population)</b>	
	<b>Urban</b>	<b>Requirements</b>
Parks and Gardens	2.3	<i>No requirement but included in other categories.</i>
Natural and Semi-Natural areas	ANGSt Standard	<i>Some onsite provision appears to have been made in the inclusion of a buffer strip. The old Oakwood Cemetery which adjoins this site is currently being developed as a public park and will consist of mostly natural and semi natural, <b>an offsite contribution toward this site of £40,000 is requested</b></i>
Amenity Green Space	0.7	<i>At least the amount shown on the left should be included in development.</i>
Provision for Children and Young People Equipped Play	0.12	<i>No onsite provision required as part of borough wide strategic provision. Offsite contribution of £110,000 to improve existing play areas in the area. (Barming Heath and Gatland Lane)</i>

Green Corridors	N/A	<i>Provision should be made to link the site to the surrounding green spaces not only for people but also to allow opportunities for wildlife migration.</i>
Outdoor Sports Facilities	1.4	<i>Onsite contribution not required due to existing provision of sports pitches in the surrounding area. Offsite contribution of £20,000 for improvements to existing pitches and facilities.</i>
Allotments and Community Gardens	0.21	<i>As there are limited existing allotments in the surrounding area allotments should be provided on site. A 25 plot site (7,500m<sup>2</sup>) should be provided on site.</i>
Cemeteries and Grave Yards	0.66	<i>Not required</i>
	Total requested	<i>Off Site = £170,000 Onsite = 25 plot allotment site</i>

5.21 **Tonbridge and Malling Council:** No response

## 6.0 INTERESTED PARTIES

Whilst, not the Local Planning Authority for this application, **KCC Planning and Environment** have commented on the application as follows. The application is for an outward migration of Maidstone's north western boundary with 250 housing units into the open countryside. Maidstone Borough Council policies are supportive of this site, as it is an allocation for such development as proposed. The NPPFs presumption of sustainable development also has overriding weight when considering the proposal's acceptability.

There are a number of matters that require further consideration:

- Highway Impact – The highway impact has not been assessed with a methodology that is acceptable.
- Landscape Impact – A green field development should be commanding of high quality landscape assessments and the implications of this goes far beyond the visual. The principles of the NPPF and any impacts from the AONB should be properly addressed. A high quality development which respects the wider landscape character may well be acceptable, if it meets all other required criteria.

## **7.0 BACKGROUND PAPERS AND PLANS**

The application is supported by Desk Top Archaeology Study, Noise and Vibration Report, Phase 1 Ecological Report, Planning Statement, Housing Land Supply Position Statement, Design and Access Statement, Flood Risk Assessment, Transport Statement, Statement of Community Involvement, Sustainability Statement, a Tree Report and a draft S106 agreement.

## **8.0 APPRAISAL**

### **Principle of Development**

- 8.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 8.02 The application site is located in the countryside outside the defined settlement boundary of Maidstone. As stated earlier, the site does however adjoin the boundary.
- 8.03 The starting point for consideration is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 which states as follows:-

“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

- (1) That which is reasonably necessary for the purposes of agriculture and forestry; or
- (2) The winning of minerals; or
- (3) Open air recreation and ancillary buildings providing operational uses only; or
- (4) The provision of public or institutional uses for which a rural location is justified; or
- (5) Such other exceptions as indicated by policies elsewhere in this plan.

Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.”

- 8.04 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan.
- 8.05 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm. (Detailed issues of harm will be discussed later in the report).
- 8.06 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;
- ‘identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;’*
- 8.07 Relevant to this, the NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has carried this out with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA (2014) confirms the objectively assessed housing need for the borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum). This was agreed by Cabinet on 27th January 2014 and on 24th February 2014 to be included within the draft Local Plan (to be sent out for public consultation).
- 8.08 In April 2013 when most recently calculated, the Council had a 2.0 year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings, which is the figure against which the supply must be assessed. Taking into account housing permissions granted since that date, this position will not have changed significantly and would still remain below the 5 year target.

- 8.09 This lack of a five year supply is a significant factor and at paragraph 49 the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 8.10 In terms of the location of the site, the NPPF advises that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. The site lies immediately adjacent to the north west boundary of Maidstone although currently in agricultural use. This area of Maidstone has good access to the M20, A20 and the A26 with good local services including a mix of health, retail, employment and education facilities within walking distance and good access to public transport. As such, the site is at a sustainable location and immediately adjoins the existing settlement. The loss of Grade 2 agricultural land is noted, but it is considered that the contributions to the Council's Housing land supply from this site would outweigh this loss. The fact that the site lies within the Strategic Gap to the north west of Maidstone and that development on the site would encroach into this gap is an important issue when considering whether the development of the site is acceptable in principle. The site has robust boundaries and is seen more as part of the urban edge of Maidstone than a piece of countryside. I am satisfied that the development of the application sites would not a precedent for other site's within the Strategic Gap to come forward for development as its character lends itself uniquely to development. Furthermore, it is clear that there is insufficient brownfield land to meet the Borough's housing and the fact that the Council does not have a 5 year land supply mean that some housing on greenfield sites is inevitable.
- 8.11 The Council has recently finished its Regulation 18 Consultation on its emerging local plan and the representations received from that are currently being reviewed. The emerging plan therefore carries weight when considering planning applications. The emerging plan is proposing 1205 dwellings to the north west of Maidstone and the application site is allocated (together with the western part of Oakapple Lane site) for housing development of up to 300 units.
- 8.12 The draft allocation for the site has the following criteria:
- Inclusion of a 15 metre wide landscape buffer along the north west boundary adjacent to the designated area of ancient woodland, to be planted as per recommendations detailed in a landscape survey.

- Provision of landscaping on the B2246 Hermitage Lane frontage to maintain an element of its current open character.
- Provision of a new pedestrian footpath along the B2246 Hermitage Lane frontage of the site, linking south along the western side of Hermitage Lane to the existing footpath.
- Securing vehicular access only from B2246 Hermitage Lane.
- Provision of a pedestrian crossing point close to the site access on Hermitage Lane.
- Complementary enhancement of the unmade section of Oakapple Lane, retaining the features that are integral to its character, to provide a secondary access, used by emergency vehicles, pedestrians and cyclists.
- Development will be subject to the results and recommendations of a phase one ecological survey.
- Appropriate air quality mitigation measures will be implemented as part of the development.
- Provision of publicly accessible open space as proven necessary, and/or contributions.
- Appropriate contributions towards community infrastructure, where proven necessary.
- Contributions towards pedestrian and cycle links to existing residential areas, shops, schools and health facilities incorporating a link along the unmade section of Oakapple Lane.
- Along with draft allocations at Bridge Nursery, Land east of Hermitage Lane and Oakapple Lane, contributions , as proven necessary, towards junction improvements (and associated approaches) at M20 junction 5 and Coldharbour roundabout, A20 London with St Laurence Avenue, B2246 Hermitage Lane with the A20 London Road and junctions in the vicinity of the southern end of Hermitage Lane, where it meets the A26 Tonbridge Road.
- A proportionate contribution towards a circular bus route.
- Approximate density of 30 dwellings per hectare.

8.13 In the light of the above five year supply position, bringing forward development on this sustainably located site immediately adjacent to the built up area of Maidstone would assist in helping to meet the shortfall in housing supply and I consider this to be a strong material consideration in favour of the development. This would be in line with the guidance of the NPPF which states that "the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns."

8.13 For the above reasons, I consider the policy principle of residential development at the site is acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the

application, when assessed against the policies of the NPPF as a whole. I will now go on to consider the key planning issues which are visual impact and whether the site can suitably accommodate 250 dwellings, residential amenity, heritage impacts, access/highway safety, ecology, and drainage. The cumulative impact with other developments also needs to be considered.

## **9.0 Visual Impact**

- 9.01 A Landscape and Visual Impact Assessment has been submitted in support of the application. It concludes that "the proposed development would have a low impact on the landscape character of the North Downs and Barming Heath Arable Land Area. The proposed development will secure housing and open space with minimal impact on wider surroundings and is therefore considered acceptable in landscape and visual impact terms."
- 9.02 I note the concerns of KCC Planners in relation to the robustness of the submitted assessment, but having reviewed the document, I am satisfied that it is acceptable as it takes account of both the long and short range views of the site and the impact of the proposed development. It is difficult to isolate the site in long range views from Bluebell Hill and the Pilgrims Way, it is seen as part of Maidstone with its landscaping and buildings. Short range views highlight the site's existing robust boundaries, although there are views from the two footpaths adjacent to the site and from Hermitage Lane. The assessment concludes that "*the impact of the proposed scheme on the character of the wider landscape is, therefore, considered to be low.*" It also states that the proposed scheme has been formulated to respect its surroundings and that the use of traditional design and materials together with additional planting will minimise the visual impact of the development.
- 9.03 The site falls within Barming Heath Arable Land in the Maidstone Landscape Character Assessment. This area is considered low sensitivity and a fragmented landscape in close proximity to the urban edge of Maidstone. The visual detractors to the area include the hospital, commercial buildings and fencing in the surrounding area. Whilst the ecological integrity is strong, cultural integrity is poor. It states that visibility is low as immediate views are interrupted by intervening vegetation and the development in the surrounding, but there are some long range views of the North Downs.
- 9.04 The site is surrounded by a mix of uses including residential, a reservoir, ancient woodland, mature landscaping and Hermitage Lane itself with the mix of hospital buildings to its eastern boundary. Any development on the site would be seen against these and whilst it is noted that the proposed development would add a significant amount of built form onto the site, it would be seen in the context of the development on the edge of Maidstone and the size of the site would allow

this development to be offset by both formal and informal open space. Long range views of the site are possible from the top of the North Downs, but it is difficult to isolate the site within these views. In terms of short range views, these would be from the two public footpaths (KB34 and KM10) running immediately adjacent to the site and glimpsed views from the site's frontage with Hermitage Lane. The application is outline, with only access to be considered at this time and given the location of the footpaths to the edge of the site, the fact that there is a high degree of landscaping to the site's boundaries and the applicants' proposals to provide additional landscaping, it is considered that the proposed development could be delivered on site in such a way as to minimise its visual impact. Further planting to the site's boundaries together with the proposed landscaped buffer zone will help to soften the visual impact of the development from both long and short range views.

- 9.05 The application site is clearly outside the built up area of Maidstone and in open countryside in policy terms. Any development on the site could be considered in strict policy terms as intruding in the countryside and in particular the gap between Maidstone Borough and Tonbridge and Malling. The site, however, has clear and robust boundaries which will contain the development and minimise its impact. With this in mind, I am satisfied that the development of the site would not be a harmful intrusion into the countryside nor have an adverse impact on the strategic gap, but would be a logical expansion to Maidstone which would make a valuable contribution to the housing supply.
- 9.06 Based on there being limited long and short range views of the site and that the development, whilst being in the countryside in policy terms, would be seen as an extension to the built up area of Maidstone contained by strong visual boundaries I consider that the harm to the character and appearance of the area would be low to medium.
- 9.07 Whilst the design of the development is not being considered at this time, parameters to future development can be set at this stage. I do not consider it is necessary to impose design codes (to dictate themes or styles) or parameters in terms of layout, height or materials. Given the mix of surrounding uses and the scale and mix of adjoining buildings and features it is considered that this should be left open to the developer. The applicants proposed approach of creating a variety of neighbourhoods at differing densities throughout the site is welcomed and will be considered in detail at the reserved matters stage.

## **9.0 Density**

- 9.01 It is clear that using land efficiently means that each site will contribute to more, so less land is needed in total. The NPPF supports such an approach and Policy H2 of the Council's emerging local plan sets out a range of densities for

development within the Borough. These range from development within/close to town centres achieving densities of between 45 and 170 dwellings, sites adjacent to urban areas at 35 dwellings per hectare and sites within/adjacent to rural service centres and larger villages achieving 30 densities per hectare. It concludes that development proposals that fail to make efficient use of land for housing, having regard to the character and location of the area, may be refused permission.

- 9.02 The draft site allocation states that the site should accommodate some 300 residential units at a density of 30 dwellings per hectare, but it must be remembered that the draft allocation includes the western part of the Oakapple Lane site. The gross density of the 9 hectares of the site within Maidstone Borough would be approximately 27 units per hectare. As an outline application with all matters except access reserved or future consideration, the detailed layout of the site is not yet known or how much of the site will be given over to open space, landscaping and other uses. The net density for the developable area cannot, therefore, be calculated at this stage. It will, of course, be higher than the gross density for the site and it is noted that in the design and access statement reference is made to areas of various densities throughout the site ranging from low density to the edges of the site (20 -25 dwellings per hectare), medium density (25 – 30 hectares) and higher density of 30 – 35 dwelling per hectare towards the centre of the site. It is considered that this meets the criteria of the draft allocation.
- 9.03 The applicants advise that the detailed scheme will have different character areas and part of the areas characters will be differences in density with lower density to the edges of the site and increasing densities as you move further into the site. This approach is appropriate for a large new development such as the one proposed in this development and would reflect the natural flow of densities within a town or village where higher density development is concentrated at the centre and then filters down through medium to low density as you move outwards. This approach would also help to minimise the impact of the proposed development on the countryside and Strategic gap by concentrating the lower density development at the site's edges.
- 9.04 Given this approach, the size of the site and the number of units proposed, and bearing in mind that the development would be seen against the existing residential developments of Barming and Oakwood and the hospital complex on the opposite side of Hermitage Lane, I consider that there is sufficient space that would allow for the units proposed with sufficient parking space, open space and landscaping. Clearly, the detailed design, layout, appearance and landscaping will be dealt with at the reserved matters stage.

## **10.0 Residential Amenity**

- 10.01 The detailed layout and appearance of the units is not being considered at this stage but I consider that the site could be developed without causing any loss of privacy or light to existing nearby properties as there is sufficient space between these and the application site. I also consider a layout could be achieved which provides suitable living conditions in terms of outlook and privacy for future residents. I do not consider noise from future occupants using their properties or from vehicles associated with the development would be such to warrant an objection. This would be in accordance with policy ENV28 of the Local Plan and the NPPF.
- 10.02 A noise and vibration assessment and an air quality assessment were submitted to support the application. The noise and vibration report concluded that there may be some issues with noise for the area closest to Hermitage Lane and recommended that the detailed design of the site should consider that the properties closest to Hermitage Lane would provide screening to the rest of the site, screening should be provided to the gardens of these dwellings, habitable rooms should be orientated, where possible away from the road and enhanced glazing and acoustic ventilation may be required for these properties. The Council's Environmental Health Team has reviewed the document and agree with its findings, subject to a condition requiring a plan for noise mitigation to be developed and submitted.
- 10.03 The Environmental Health team did, however, raise some concerns about the air quality assessment on the basis that it may not have accounted for the full quantum of proposed development in the surrounding area. They highlight that there are several known hotspots around Hermitage Lane that are exceeding air quality objectives and they do not currently accept that air quality is adequate. I note, however, that they advise that this matter could be dealt with via an appropriate worded planning condition to secure an air quality assessment which considers the cumulative impact of the proposed developments within the local area.
- 10.04 The proposed conditions relating to noise mitigation and air quality would ensure that future residents would have acceptable amenity standards. This would be in accordance with policy ENV28 of the Local Plan, the site's allocation development in the emerging local plan and the NPPF.

## **11.0 Heritage**

- 11.01 The NPPF, Local Plan and the emerging local plan all seek to protect and enhance the historic environment. Development proposals will not be permitted where they lead to adverse impacts on natural and heritage assets for which mitigation measures appropriate to the scale and nature of the impact cannot be achieved.
- 11.02 The application site is not within a conservation area and there are no listed buildings on or adjacent to it. The Conservation Officer is, therefore, satisfied that the development of the site would not adversely affect any heritage assets due to the distances involved and the presence of intervening development.
- 11.03 KCC Heritage has advised that "the application site lies within an area of known prehistoric and Roman Archaeological potential. Prehistoric and Roman remains have been recorded to the north around St Lawrence Chapel and to the east within the hospital site. Pits within Iron Age artefacts have been located a few metres to the North and similar remain may extend into the development of the site." They have reviewed the desk based Archaeological Assessment and advised that in view of the archaeological potential of the site, a condition to secure the implementation of a programme of archaeological work is appropriate.

## **12.0 Highways**

- 12.01 Issues of traffic generation and safety are key considerations in the determination of this application; given that Hermitage Lane is a key distributor road within the borough and other sites being promoted for development in the north west of Maidstone, especially land to the east of Hermitage Lane.
- 12.02 The main vehicle access to the site would be via a new three arm signal junction onto Hermitage Lane. This would be linked and jointly operated with the Hermitage Lane/Tarragon Road signal junction which would also be modified as part of this scheme to improve its operation. Pedestrian crossing facilities are proposed, as are improvements to the existing footpaths to run the length of the frontage of the site with Hermitage Lane. An emergency access is also proposed to the north of the site.
- 12.03 The site is located at the edge of Maidstone, close to numerous facilities, such as shops, employment opportunities, medical/dental facilities and leisure facilities. There are numerous bus routes within walking distance of the site and Barming train stationing is also within walking distance. The site is, therefore, considered to be sustainable in terms of public transport, walking and cycling provision and its proximity to local employment, education, retail and leisure

facilities. Future occupiers of the site would be afforded a choice of travel modes reducing their reliance on private car travel.

- 12.04 Trip attraction forecasting has been undertaken, as has traffic modelling, to assess the impact of the development on the local and strategic high networks. Whilst the majority of junctions would not be adversely affected by the impact of the development it was noted that there are existing deficiencies at the Fountain Lane/Tonbridge Road/Farleigh Lane junction which mostly suffers capacity problems during the evening peak. A scheme of mitigation is proposed comprising the reconfiguration of the junction marking layout to provide a conventional nearside to nearside right turn layout; the installation of a microprocessor optimised vehicle actuation (MOVA) signal optimisation system with associated vehicle detection and queue loops and the provision of Puffin pedestrian indicators.
- 12.05 The Highways Team initially reviewed the applicants Transport Assessment in November and whilst agreeing the principles of the approach for vehicular and pedestrian access and car parking as these followed and reflected detailed pre-application advice. They, however, requested that additional work was carried out on the applicants transport assessment as the assumptions for the number of units for surrounding sites in North West Maidstone were less than those set out in the Council SHLAA and allocations contained in the emerging local plan.
- 12.06 The applicants submitted additional information, in December, updating the model used to inform the Transport Assessment to reflect the quantum of development allocated to sites in north west Maidstone in the Council's emerging plan as well as the number of residential units proposed in relation to recently submitted planning applications in the area. The revised information demonstrated that the additional trips associated with these developments would result small net differences to the previously modelled traffic flows of around 1% or less. KCC Highways reviewed this additional information and agreed it's rational and findings.
- 12.06 KCC Highways and MBC have, however, requested that some mitigation and improvements are required in connection with the development. Firstly, the provision by a Section 278 Agreement between the applicant and KCC Highways and Transportation, of the offsite highway mitigation works to the B2246 Hermitage Lane/site access, B2246 Hermitage Lane/Tarragon Road and A26 Tonbridge Road/B2246 Fountain Lane/Farleigh Lane Junctions, as identified in the Transport Assessment, prior to the first occupation of the development. This is considered necessary and directly related to the development and reasonable and can be achieved under a section 278 Highways Agreement through Grampian Planning Conditions. Secondly, the preparation and

submission of a Construction Environmental Management Plan for approval by the Local Planning and Highways Authorities. I consider this is appropriate and reasonable and can be secured via a planning condition. Thirdly, the provision of measures to prevent the discharge of surface water on to the highway. Fourthly, the provision of wheel washing facilities prior to commencement of work on site and for the duration of construction. I agree that this is reasonable to prevent adverse impacts during the construction of the development and would be dealt with by an informative relating to good construction practices. Finally the completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing. This is reasonable and can be achieved via a Section 278 Highways Agreement and Grampian Planning conditions.

- 12.07 A request for contributions has also been received from KCC Highways in relation to offsite junction improvements following the Regulation 18 Local Plan consultation and the Infrastructure Delivery Plan which supports it. The figures for these contributions have now been confirmed by KCC Highways. They advise that they have focussed on the two junctions that exhibit the most pressing future capacity concerns – the A26/Fountain Lane junction to the south and the A20/Coldharbour Lane (M20 Link Road) junction to the north.
- 12.08 For the A26/Fountain Lane junction the full cost of the capacity improvements would be in the order of £400,000 and a contribution of £385 per dwelling is requested. This figure is based on KCC estimated costs – proportion based on 1000 units on Hermitage Lane sites (KCC numbers). They advise that this is slightly lower than the contributions sought for this from the applicants on Land to the east of Hermitage Lane (MA/13/1749 refers) where a figure of £400 per dwellings is requested. KCC Highways advise that this discrepancy has arises on the basis that the consultants for this application design the proposed junction improvements and they have, therefore contributed in kind.
- 12.09 For the A20/Coldharbour Lane junction it is considered that the full cost of the capacity improvements would be £2.6 million. It is recognised that it would be unreasonable to expect development on Hermitage Lane to fund all of this work. Calculations carried out by consultants acting for land to the east of Hermitage Lane has identified that approximately 25% of peak hour growth over the next 5 years would be due to the expected new development and KCC advise that they have used this as a proxy for setting a reasonable contribution rate. It is therefore suggested that a figure of £1,352 per dwelling would be appropriate. This figure is the same as requested for application MA/13/1749.
- 12.10 The applicant has considered the requests and agrees to these contributions for junction improvements. 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 and paragraph 204 of the NPPF.

- 12.11 It is noted that the land to the east of the Hermitage Lane also attracted requests for contributions towards other off site works on Hermitage land – including pedestrian crossing and a cycle route – and contributions to the bus service. KCC Highways have confirmed that no such contributions are required from this proposal and that they were fully attributable to the scheme for the other site.
- 12.12 KCC Highways have also advised that it is likely that the Highways Agency will require a contribution for improvement works to junction 5 of the M20. The Highway Agency comments have not yet been received, but detailed comments and any requests will be provided prior to the Committee meeting. The likelihood of a contribution being required for these works has been raised with the applicants and they have advised that they are likely to find such a contribution acceptable. I will update Members in detail on this issue at the meeting.
- 12.13 It is considered appropriate to include a condition to secure a sustainable travel statement to provide measures and incentives to encourage trips by alternative means to the private car to include a residential travel information pack and cycle parking within the site to be secured by condition.
- 12.14 The specific details of parking are not being considered at this stage but it is considered that it will be possible to provide sufficient parking at the site whilst achieving a high quality design.
- 12.15 For the above reasons, it is considered that the development would be sustainably located providing a choice of transport modes. Access would be safe and the development would bring improvements to the local highway network in terms of the remodelling of the Fountain Lane/Tonbridge Road/Farleigh Lane junction, improvements to the Tarragon Road/Hermitage Lane junction, enhanced pedestrian crossing facilities and pedestrian links. KCC Highways have raised no objections and I, therefore, consider that the proposal accords with Local Plan policies and the NPPF and there are no highway grounds to refuse this application.

## **13.0 Ecology**

- 13.01 The NPPF, Local Plan and the emerging local plan all seek to protect and enhance the natural environment. Development proposals will not be permitted where they lead to adverse impacts on natural assets for which mitigation measures appropriate to the scale and nature of the impact cannot be achieved.

- 13.02 The applicant has carried out a Phase 1 Habitat Survey in May 2013. Its findings are set out below.
- 13.03 The survey identified no rare or nationally scarce plant species and the site was found to support a relatively limited diversity of plants and habitats that is consistent with an arable field. A 2m by 2m stand of Japanese knotweed was found on the site's eastern boundary.
- 13.04 Reptiles – *"The majority of the site is a large arable field which is currently being used to grow wheat. The tall ruderal field margins on the site's southern and eastern boundaries hold limited potential to support reptiles with the area of tall ruderal in the western corner being suitable for reptiles to use. Under the current proposals this area will be unaffected by the development with a proposed 30m buffer from the edge of the development. As a result no further surveys for reptiles are required. In the event that management changes and habitat suitable for reptiles develops with the site then surveys may then be required."*
- 13.05 KCC Ecology agrees with the above as long as the proposed buffer is retained within the development. Should the buffer be removed from the scheme, they would expect reptile surveys to be carried out. In this instance, I consider it appropriate to impose a condition to ensure that the buffer comes forward in the detailed scheme.
- 13.06 Breeding Birds – *"The hedgerows in the south east corner and southern boundary as well as the mature trees on the north east boundary are considered suitable for breeding birds. It is considered likely that these habitats would be used by the more widespread species rather than any rare or protected species. With regard to the field, given that it is an arable field there is potential for skylarks to breed, however, it is relatively close to private residential properties, there is significant development to the east. No skylarks were recorded during the Phase 1 habitat Survey or during the early evening of the bat transect surveys or when the static bat detectors were retrieved and it is considered that if they had been present they would have been recorded during these surveys. All wild birds receive protection under the Wildlife and Countryside Act 1981 as amended and this includes disturbance when breeding. It is recommended that any clearance of these features should be undertaken outside of the breeding bird season limiting this work to between September and the end of February. If these dates do not coincide with site works then it is recommended that these areas are checked by a suitably experienced ecologist before the work commences."*

- 13.07 KCC Ecology raise no objection, but request a condition relating to breeding birds is attached to any grant of planning consent.
- 13.08 Bats – *"All trees within the site were assessed for their potential to be used by bats. No trees were found to hold potential to be used by bats and were too immature to have developed features that bats could use. No further surveys with regards to bats are needed."*
- 13.09 *The transect surveys only recorded 3 species using the site with only two passes being long eared and the rest 45kHz pipistrelle and 55kHz pipistrelle bats. During the static monitoring two additional bat species were recorded, serotine and noctule with an unconfirmed Ncytalus, again these were only single passes. In terms of habitat use, only 45kHz pipistrelle, were recorded foraging within the site and this was only for short periods of time and only on the site's southern boundary feature. Observation of all other species involved singleton bats passing briefly through the site. The habitats present are generally of low value but with certain features, notably the sites southern and north west boundary of higher value. The site is considered of local importance for bats.*
- 13.10 *The proposals for the project have been reviewed and the key features identified as being of higher value for bats will be retained. It is recommended that sensitive use of lighting and landscape planting should be designed to help protect key habitat features from the effects of the development."*
- 13.11 KCC Ecology raise no objection, subject to the imposition of a condition to secure the submission and approval of a lighting scheme.
- 13.12 Dormice – KCC Ecology advise that they are disappointed that the Habitat Survey does not consider the potential presence of Dormice within the adjoining ancient woodland or the boundaries of the site. They suggested additional information on this should be provided before the determination of the application.
- 13.13 The agent for the application has provided some additional information in relation to dormice, to demonstrate that this issue can be dealt with via a planning condition. He advises that the only habitat suitable for dormice in this location is the ancient woodland and the boundary hedgerows. He highlights the fact that they have already confirmed that a suitable buffer can be provided between the development and the woodland which would include the existing hedgerows which would, therefore, not be directly affected by the proposed development. He goes onto advise that a survey to establish the presence of dormice with respect to the Oakapple Lane site (MA/13/2079 refers). This confirmed that a single adult with a nest was found in Oaken Wood. It is assumed in the report that connectivity between the woodland and the

hedgerows means that dormice may be present in these although none were found. He argues that, on this basis, there is no need to undertake a separate presence survey as the information is already publicly available. It is proposed that the development of the land at Oakapple Lane would require a European Protected Species Licence to detail compensation and mitigation measures and this would also be the case for this site. He concludes that the condition requiring the submission of an Ecological Design Strategy (EDS) suggested by KCC Ecology would adequately cover this issue.

- 13.14 KCC Ecology agree that the potential habitat for dormice is the ancient woodland and hedgerows, particularly that to the south western boundary. They advise that without a survey it is impossible to adequately consider whether a European protected Species Mitigation Licence (EPSML) would be required. They advise that the assumption is made that a licence will be required unless a dormice survey report is submitted to and approved by the Local planning Authority which demonstrates that dormice are not likely to be present or proposes mitigation to avoid the need for a EPSML. They recommend that the removal of the hedgerow along the southern western boundary is secured by way of a condition and that specific reference is made to the importance of the provision of the buffer and its management in the submission of the EDS for the site. With these safeguards in place, it is considered that the application can be determined without the need for additional information in relation to dormice prior to the determination of this application.
- 13.15 KCC Ecology welcome the proposed provision of a buffer of between 15 and 30 metres between the proposed development and the ancient woodland, but raise concerns that the applicants have misunderstood the purpose of the buffer as the plans accompanying the application appear to show a pedestrian route through the buffer. KCC Ecology have stressed that the buffer should be maintained to limit disturbance from the development, people, domestic animals and lighting from impacting on the ancient woodland. It is noted, however, that this is an outline application, with all matters except access reserved for future consideration. It is considered that the submission and agreement of an EDS will guide the appropriate development of the site including the buffer and its management.
- 13.16 KCC Ecology have requested that a condition is attached to any grant of consent to secure the removal of an area of Japanese Knotweed from the application site. This is not a planning issue and is dealt with under other legislation. An informative has been attached to advise the applicants of the need to remove this invasive species.

13.16 The NPPF states that *"the planning system should contribute to and enhance the natural and local environment by .... minimising impacts on biodiversity and delivering net gains in biodiversity where possible."*

13.17 Some suggestions for gains in biodiversity are put forward in the Phase 1 Habitat Survey and include additional planting of native species to the site's boundaries and incorporating nectar rich plants within on site landscaping. These suggestions are welcomed and considered appropriate and can be addressed via the proposed landscaping scheme. It is recognised that additional opportunities for biodiversity gains may also be available by features such as swift bricks and bat boxes and it is considered that a condition to secure these should also be imposed.

#### **14.0 Flood Risk and Drainage**

14.01 The NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and the technical guide outlines that opportunities to reduce the overall level of flood risk in the area should be sought through the layout and form of the development and appropriate use of Sustainable Urban Drainage (SUDs).

14.02 The site is not within a high risk flood area as identified by the Environment Agency but the applicant has submitted a Flood Risk Assessment (FRA) as is required for major housing applications. Being in a low risk area, the management of surface water runoff is the main issue.

16.03 The FRA assessed various SUDs options for attenuating surface water run-off from the site and concluded that there were three main SUDs that could be incorporated into the proposed development – lined porous pavements, lined tanks and lined detention ponds.

14.04 This being an outline application, the detailed design for the development is not provided at this stage but the preliminary design works by the applicants consultants indicate that a SUDs system will be used to accommodate the 1 in 100 year rainfall event with a 30% allowance for climate change.

14.05 The Environment Agency raise no objection to the principle of the development at this site, subject to a condition requiring a surface water drainage scheme for the development to be submitted and agreed. This will ensure that surface water will be managed within the development to ensure flooding does not occur and ensure flood risk will not be increased off site. It does, however, express some concerns about the methodology and findings of the FRA. They suggest a condition requiring additional more detailed groundworks investigation is attached to inform development on the site.

14.06 In terms of foul water, Southern Water has confirmed that there is inadequate capacity in the local network to provide foul sewage disposal for the proposed development. They advise that additional off site sewers or improvements to existing sewers would be required to provide sufficient capacity to serve the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested and request that an informative setting out the need for the applicants to enter into formal agreement with them is attached to any formal grant of planning consent.

## **15.0 Affordable Housing**

15.01 The Council's Affordable Housing DPD 2006 requires affordable housing to be provided at 40% and is the current policy basis for requiring affordable housing. Emerging policy DM24 states that on housing or mixed use sites of 10 residential units or more, the Council will seek the delivery of affordable housing and sets a rate of 40% for countryside sites and rural service centres and larger villages. The Council will seek a tenure split in the borough of not less than 65% affordable rented housing, social rented housing or a mixture of the two. The balance of up to 35% of affordable dwellings delivered will be intermediate affordable housing (shared ownership and/or intermediate rent).

15.02 The applicants acknowledge that the development at Hermitage Lane will require the provision of an element of affordable housing. The applicants originally proposed 30% affordable housing to be spread across the site but did not submit a viability assessment to support their approach.

15.03 MBC Housing raised concern about the applicants' proposed approach and advise that the Affordable Housing DPD should be adhered to until such time as the emerging Local Plan are formally adopted. In terms of mix of affordable units the DPD states that not less than 24% of the affordable units should be affordable rented although there is discretion for the Local Planning Authority to agree a different mix. Based on the DPD, the applicants would need to provide 100 affordable units across the site with at least 24 units being affordable rented.

15.04 Following discussions with the applicants have advised that they are prepared to provide 40% affordable housing in accordance with Council policies and this is welcomed. This will be secured via the S106 Planning Agreement.

## **16.0 Planning Obligations**

16.01 A development of this scale is clearly likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make

the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD. Policy ID1 of the emerging plan relates to infrastructure delivery and its preamble sets out the Council's moves towards developing its Community Infrastructure Levy (CIL). Where there are competing demands for developers contributions towards the delivery of infrastructure for new development proposals, the Council will prioritise these demands as follows affordable housing, transport, open space, public realm, health, education, social services, utilities, libraries and emergency services.

16.02 However, any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements: -

It is:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

The following contributions have been sought:

- An offsite contribution of £170,000 is sought towards the repair, maintenance, improvements and provision of outdoor sports facilities, allotments and gardens, and provision for children (equipped play) in the local area.
- Contribution of £4,000 per 'applicable' house and £1,000 per 'applicable flat' is sought on the assumption that land will be transferred to KCC for a nominal sum for the provision of a Primary School. Should this not be the case, an additional £2701.63 per 'applicable' house and £675 per 'applicable' flat towards the provision of a new primary school in west Maidstone.
- Contribution of £140.89 per dwelling is sought to be used to address the demand from the development towards additional library equipment and services at Maidstone library.
- Contribution of £47.44 per dwelling is sought to be used to address the demand from the development towards the provision of adult social care facilities local to the development.
- Contribution of £30.70 per dwelling is sought to be used to address the demand from the development towards the provision of new/expanded

facilities and services both through detailed adult education centres and through outreach community learning facilities local to the development.

- Contribution of £8.44 per dwelling is sought to be used to address the demand from the development towards youth services locally.
- Contribution of £147,420 is sought towards extensions and works to local medical centre/surgeries - Barming Surgery, Blackthorn Medical Centre, Alyesford Medical Practice and Allington park Surgery.
- Contribution of £41,000 for improved surfacing of footpath KB34.
- Contribution of £1,737 (£385 + £1,352) per dwelling towards offsite highway works.

16.03 An off-site open space financial contribution has been requested by the Council's Parks & Leisure Section towards the repair, maintenance, improvements and provision of outdoor sports facilities, allotments and gardens, and provision for children (equipped play) in the local area. The nearest play areas are at Barming Heath and Gatland Lane which are both within 1km of the application site. The agent initially queried the requirement for the £40,000 contribution requested in relation to developing Oakwood Cemetery into a park. He has supplied a copy of a Cabinet report (January 2014) which states that the Department of Health will fund the park up to £24,000 to make it suitable as a wildlife site. The report also highlights that the annual maintenance costs of the site would be £500 and that these can be met from existing budgets. Clarification on this was sought from the Council's Parks and Leisure Team on this matter. They advise that the contribution is required on the basis that larger numbers of people will be using the site from the development means that they will have to look to improve the facility beyond the initial works. They advise that works due to be paid for by the NHS are for urgent works such as tree surgery and works to make the site safe such as filling in sunken graves. The sum allowed for includes some money for benches and bins and path repairs. Additional money from this development would go towards the installation of CCTV to counteract some of the anti social behaviour, an extension to the path to provide a route around the site suitable for use in all weathers and further benches and bins which would be required for the additional people likely to be using the park. This is an outline application, where layout is not being considered and in some ways it would be more appropriate to agree the open space provisions at the reserved matters stage and it is considered that it might be more appropriate to secure the on site provision of an equipped play area (as shown on the applicants' indicative drawings). The applicants have, however, agreed to pay the contributions sought and to make provision on site for at least 25 standard allotment plots and I consider the requests comply with the tests.

- 16.04 KCC has requested a contribution towards a new school to be built on land to the east of Hermitage Lane or alternatively towards the provision of a new primary school in west Maidstone (Langley Park). It is clear that the proposed development of up to 250 dwellings would result in additional demand placed on education facilities in the area and consider this request for contributions is considered appropriate and meets the tests set out above.
- 16.05 KCC have identified that there would be an additional requirement for library equipment and services at the local library on the basis that the development would result in additional active borrowers and therefore seek a contribution. It is clear that the proposed development of up to 250 residential units would result in additional demand placed on the equipment and services at Maidstone library and this request for a contribution is considered appropriate.
- 16.06 A contribution has also been requested towards the provision of adult social care facilities. It is clear that the proposed development would place extra demand placed on these services and it is considered appropriate to secure contributions towards the provision of such services within a 3 mile radius of the application site.
- 16.07 A community learning contribution is sought towards new/expanded facilities and services for adult education centres and outreach community learning facilities. Again, it is clear that the proposed development would place extra demand on adult education and outreach community learning facilities and it is considered appropriate to secure contributions towards the provision of such facilities within a 3 mile radius of the application site.
- 16.08 A contribution towards local youth services is sought as the current youth participation is in excess of current service capacity. It is clear that the proposed development would place extra demand on local youth services and it is considered appropriate to secure contributions towards the provision of such facilities within a 2 mile radius of the application site.
- 16.09 In terms of healthcare, the NHS property service request is considered directly related to the proposed new housing, necessary and reasonable and therefore accords with policy CF1 and passes the S106 tests.
- 16.10 A contribution has been requested by KCC Public Rights of Way for improved surfacing of the public footpath KB34. Whilst it is accepted that the development of the site is likely to generate additional users for the surrounding footpath network, they would not be the only users of the footpath, given that there are existing users of the footpath and other permitted and current planning applications for development in the area which could all potentially

generate additional users for the local footpath network as a whole. It is also noted that the applicants are required to provide a buffer area of at least 15 metres between any development of the site and the ancient woodland which would include the footpath. As stated above, the aim of the buffer is to prevent harm from the development on the ancient woodland including limiting the amount of people and potential predators such as dogs and other animal in close proximity to it which may cause disturbance to the designated site. With this in mind and given that the applicant will be providing footpath links along Hermitage Lane and no evidence has been provided to show that the works would not have an adverse impact on the ancient woodland, I do not consider that the request accords with policy CF1 and passes the S106 tests.

- 16.11 The contributions towards highway improvements have been outlined in paragraphs 12.08 to 12.11 above and are deemed to meet the required tests. It is noted that a further request for off site highway works may be forthcoming from the Highways Agency in relation to junction 5 of the M20. Any such request will be assessed when it is received and Members will be updated at the meeting.
- 16.12 The applicants have submitted a draft S106 agreements which includes provision for all of the above contributions. It proposes that the payments would be triggered at 25%, 50% and 75% occupation with the contributions being indexed linked and subject to repayment if outstanding after 5 years. Given the scale of the contributions involved with this application and the likely timescale for the proposed development to be built out, I consider that this is an appropriate approach

## **17.0 Other Matters**

- 17.01 Sustainable development is advocated under the NPPF and the emerging Local Plan policy DM2 which sets out a requirement for residential development to achieve a minimum of Code for Sustainable Homes (or any future national equivalent) Level 4. The applicants have accepted the requirement to achieve Level 4 and it is considered appropriate to secure this via a planning condition.
- 17.02 Other matters raised and not considered above include too many households for Hermitage Lane; plans should take account of the quiet semi rural environment, back gardens are the only acceptable option to the rear of our houses, plans not particularly clear – just general coloured coded areas, there have been several developments in the area which have placed strain on local amenities and infrastructure. Each application for development in the local area will be considered on their own merits and if any are recommended for approval this would be subject to suitable contributions or on site provision of facilities to make the developments acceptable in planning terms. This is an outline

application with only the principle of up to 250 dwellings and access to be considered at this stage. The detail of the proposed development will come forward at the reserved matters stage.

## **18.0 CONCLUSION**

- 18.01 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the Local Plan and would be located on grade 2 agricultural land. However, in the absence of a five year supply of housing the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and policies such as ENV28 cannot form grounds to object in principle.
- 18.02 The NPPF advises that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. The site lies immediately adjacent to the north west boundary of Maidstone. This area of Maidstone has good access to the M20, A20 and the A26 with good local services including a mix of health, retail, employment and education facilities within walking distance and good access to public transport.
- 18.03 As such, the application site is sustainable location, immediately adjoins the existing settlement, close to facilities, with good public transport links and is considered an appropriate location in principle for additional housing. It is an allocation in the emerging Local Plan which has just been out for its Regulation 18 consultation.
- 18.04 Whilst the proposed development would add a significant amount of built form onto the site, it would be seen in the context of the development on the edge of Maidstone and the size of the site would allow this development to be offset by both formal and informal open space. Long range views of the site are possible from the top of the North Downs, but it is difficult to isolate the site within these views. Short range views of the site are possible, but are limited largely to the site's frontage with Hermitage Lane. Further planting to the site's boundaries together with the proposed landscaped buffer zone will help to soften the visual impact of the development from both long and short range views. The development would be seen as an extension to the built up area of Maidstone with clear and robust boundaries and the harm to the character and appearance of the area is considered to be low to medium.
- 18.05 There are no highway objections subject to conditions securing necessary works, no objections from the Environment Agency subject to conditions, and there would be no significant impact to heritage assets. The development could be

designed to ensure no harmful impact upon existing amenity and future occupants would have sufficient amenity.

- 18.06 The ecological impacts of the development can be suitably mitigated in line with the NPPF and some mitigation/enhancement would be provided on-site. KCC Ecology is raising no objections, subject to the imposition of conditions.
- 18.07 Appropriate and sufficient community contributions can be secured by a Section 106 agreement to ensure the extra demands upon local services and facilities are borne by the development, and the proposal would provide an appropriate level of affordable housing.
- 18.08 I have taken into account all representations received on the application and considering the low level of harm caused by the development, in the context of an objectively assessed need of 19,600 houses, and against the current housing supply, I consider that the low adverse impacts would not significantly and demonstrably outweigh the benefits of providing much needed housing, including affordable housing, at a sustainable location. This is the balancing test required under the NPPF. As such, I consider that compliance with policy within the NPPF is sufficient grounds to depart from the Local Plan. Therefore I recommend permission is approved and that Members give delegated powers to the Head of Planning to approve the application, subject to the receipt of an appropriate S106 legal agreement and conditions.

## **19.0 RECOMMENDATION**

Subject to:

- the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following;
- The provision of 40% affordable residential units within the application site.
- Contribution of £4,000 per 'applicable' house and £1,000 per 'applicable flat' on the assumption that land will be transferred to KCC for a nominal sum for the provision of a Primary School on land to the east of Hermitage Lane. Should this not be the case, an additional £2701.63 per 'applicable' house and £675 per 'applicable' flat ('applicable' meaning all dwellings, excluding 1 bed units of less than 56sqm GIA, and sheltered accommodation) towards the provision of a new primary school in west Maidstone.
- Contribution of £140.89 per dwelling to be used to address the demand from the development towards additional bookstock and services at Maidstone library.

- Contribution of £47.44 per dwelling to be used to address the demand from the development towards the provision of adult social care facilities within 3 miles of the application site.
- Contribution of £30.70 per dwelling to be used to address the demand from the development towards the provision of new/expanded facilities and services both through detailed adult education centres and through outreach community learning facilities within 3 miles of the application site.
- Contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services within 2 miles of the application site.
- Contribution of £842.40 per open market dwelling towards extensions and works to Barming Surgery, Blackthorn Medical Centre, Alyesford Medical Practice and Allington Park Surgery .
- Contribution of £1,737 per dwelling towards offsite highway works for improvement works to the A26/Fountain Lane and the A20/Coldharbour Lane junctions.
- Contribution of £40,000 towards the provision and maintenance of open space at the old Oakwood Cemetery.
- Contribution of £20,000 towards the improvement and maintenance of existing local sports facilities and pitches.
- Contribution of £110,000 towards the improvement and maintenance of local equipped play areas at Barming Heath and Gatland Lane.
- The provision of a minimum of 25 on site standard allotment plots.

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out below:

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Authority:
  - a. Layout
  - b. Scale
  - c. Appearance
  - d. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

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. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

Reason: In the interests of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings as set out in policy BE1 of the 1997 Thurrock Borough Local Plan and BEN1 of the 2003 Thurrock Unitary Development Plan.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the locations, heights, designs, materials and types of all boundary treatments to be erected on site. The boundary treatments shall be completed in strict accordance with the approved details before the first occupation of the buildings or land and maintained thereafter.

Reason: In the interests of visual amenity, privacy and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

4. No development shall commence until details of satisfactory facilities for the storage of refuse on the site have been submitted to, and approved in writing by, the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter.

Reason: No such details have been submitted and in the interests of amenity.

5. No development shall commence until a detailed scheme for parking and turning areas has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be completed before the commencement of the use of the building or land hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order (or any subsequent re-enacting Order) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

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

6. No development shall commence until a sustainable surface water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. The drainage strategy should demonstrate the surface water runoff generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the runoff from the undeveloped site following the corresponding rainfall event, and so not to increase the risk of flooding both on or off site. The approved scheme shall be implemented before the development hereby approved is permitted and maintained thereafter.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

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

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

8. No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP (Biodiversity)) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

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

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard and improve natural habitats and features within the site and to mitigate against the loss of natural habitats, with particular reference to those species protected under the Wildlife and Countryside Act 1981.

9. No development shall take place until an ecological design strategy (EDS) addressing the mitigation for impacts to the ancient woodland and ecological enhancements of the site, including the provision of a 15 – 30m undeveloped ancient woodland buffer with managed public access and the retention of the hedgerow on the south west boundary of the site, has been submitted to, and approved in writing by, the Local Planning Authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints;
- c) Detailed design(s) and/or working method(s) to achieve stated objectives;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Type and source of materials to be used e.g. native species of local provenance;
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) Persons responsible for implementing the works;
- h) Details of initial aftercare and long-term maintenance;
- i) Details for monitoring and remedial measures.

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

Reason: To safeguard and improve natural habitats and features within the site and to mitigate against the loss of natural habitats, with particular reference to those species protected under the Wildlife and Countryside Act 1981.

10. A Landscape and Ecological Management Plan (PEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to commencement of the development hereby permitted. The LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Identification, supported by up to date ecological surveys, of ecological trends and constraints on the site that may influence effective management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;

- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery. The approved plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard and improve natural habitats and features within the site and to mitigate against the loss of natural habitats, with particular reference to those species protected under the Wildlife and Countryside Act 1981.

11. The recommendations and precautionary methods outlined in the Phase 1 Habitat Survey (dated August 2013) shall be strictly adhered to unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that suitable mitigation is provided for ecology within the application site.

12. If the development hereby approved does not commence (or having commenced, is suspended for more than 12 months) within 2 years from the date of the planning consent, the approved ecological measures secured shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: In the interests of biodiversity protection.

13. The details of landscaping, submitted pursuant to condition 1 above, shall provide for the following:

- (i) A 15 – 30 metre landscape buffer at the site’s boundary with Fullingpits Wood; and
- (ii) An Arboicultural Implications Assessment (AIA) and tree protection measures in accordance with the recommendations of BS5837:2012, Trees in relation to design, demolition and construction – recommendations. The AIA shall include a realistic assessment of the probable impact of any proposed development on trees and vice versa, together with details of any tree works that would be necessary to implement the proposal. Where the AIA identifies a conflict between the proposal and retained trees, details should be provided to demonstrate that the trees can be successfully retained.

All planting, seeding or turfing comprised in the landscaping scheme shall be carried out in the first planting and seeding season following commencement of the development (or such other period as may be agreed in writing by the Local Planning Authority) and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for the adequate protection of trees.

- 14. No development shall commence until details of the proposed means of foul and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that adequate drainage is provided for the development.

- 15. No development shall take place until a detailed ground investigation report has been submitted to, and approved in writing by, the Local Planning Authority. The report shall include in-situ permeability testing at representative areas across the site and consider the potential for solution features on site. The development shall be designed taking into account the findings of this report.

Reason: To ensure that adequate drainage is provided for the development and that it does not cause flooding elsewhere in the surrounding area.

- 16. Notwithstanding the details illustrated on the approved plans, prior to the first residential occupation of any of the residential units hereby permitted a detailed lighting plan for the development including the road, car parking

areas, footways/cycleways, shall be submitted to and agreed in writing with the Local Planning Authority. Such details shall include the siting and design of any lighting together with details of the spread and intensity of the lighting. It should also identify those areas/features on site that are particularly sensitive for bats and where lighting is likely to cause disturbance along important routes used to access key areas of their territory and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The lighting shall be installed in strict accordance with the agreed details prior to first residential occupation of the dwellings hereby permitted and thereafter retained and maintained in the agreed form without any further additions.

Reason: In the interests of highway safety, amenity and biodiversity.

17. The dwellings constructed in pursuance of condition 1 will achieve Level 4 of the Code for Sustainable Homes, or any equivalent nationally applied standard in place at the time the dwellings are implemented.

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

18. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways with the site, and the design of the kerb stone/crossing points which shall be of a wildlife friendly design, have been submitted to, and approved by, the Local Planning Authority. The development shall thereafter be undertaken with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development.

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

Reason: To protect vulnerable groundwater resources.

20. The open areas within the residential development site shall remain open and available for public access and no fences, walls, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior written approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site and to maintain the character and appearance of the landscaped areas.

21. Prior to the commencement of any development, details shall be submitted to, and agreed in writing by, the Local Planning Authority showing the existing and proposed site levels and the finished floor level of the building(s) hereby permitted. Development shall be in strict accordance with the details agreed.

Reason: In the interest of amenity.

22. No part of the development shall be occupied until a Sustainable Travel Statement, providing measures and incentives to encourage trips by alternative means to the private car and to include a Residential Travel Information Pack, has been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be carried out in full.

Reason: In the interests of sustainable transport use.

23. The development shall be designed taking into account the Noise and Vibration Assessment carried out by Grant Acoustics, dated October 2013, and shall fulfil the recommendations specified in the report.

Reason: In the interests of residential amenity.

24. No development shall commence until a further air quality assessment has been submitted to, and approved in writing by, the Local Planning Authority. The assessment shall build on the air quality assessment submitted by Resource and Environmental Consultants Ltd dated October 2013 and provide information based on the predicted cumulative growth in the local area. The development shall be designed taking into account the findings of the air quality assessment.

Reason: In the interests of residential amenity.

25. No development shall take place until a scheme for the incorporation of bird nesting boxes and swift bricks has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as agreed prior to the first occupation of the residential units hereby permitted and thereafter permanently retained.

Reason: In the interests of supporting and promoting the biodiversity interests of the site.

26. No part of the development shall be occupied until the following works have been constructed and completed:

- (i) The provision of a footway along the northbound carriageway of the B2246 Hermitage Lane linking to the new proposed pedestrian crossing;
- (ii) The provision of a footway to link from the north east of the site to the existing pedestrian island on Hermitage Lane to the north of the Hospital "in only" access with the crossing point incorporating dropped kerbs and tactile paving;
- (iii) A refreshment of the coloured surfacing on Hermitage Lane to raise driver awareness of the increased footfall associated with the development.

Reason: In the interests of highway safety, pedestrian safety and sustainability.

27. The approved details of the access and emergency access as shown within the Transport Assessment shall be completed before the commencement of the use of the land and be maintained thereafter.

Reason: In the interests of highway safety.

## **INFORMATIVES**

The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

The applicant/developer should enter into a legal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, S021 2SW (tel. 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

The developer will be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. As per the relevant act and the Site Waste Management Regulations 2008, this should be available for inspection by the Local Planning Authority at any time prior to and during development.

A planning consent does not confer a right to disturb or divert any public right of way without the express permission of the Highway Authority, in this case KCC Public Rights of Way and Access Service.

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at [www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)

No vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).

Where it is proposed to store more than 200 litres (45 gallon drum = 205 litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials are stored (for example in bunded areas secured from public access) so as to prevent accidental/ unauthorised discharge to ground. The area's for storage should not drain to any surface water system.

Under the terms of the Flood & Water Management Act 2010, each Lead Local Flood Authority will set up a Sustainable Drainage Advisory Board (SAB). Kent County Council (KCC) has been identified as the lead Flood Local Authority for this area and will be responsible for approval of surface water drainage infrastructure for new development. SAB approval will be required in addition to planning consent. We therefore recommend the applicant makes contact with the SAB at KCC to discuss details of the proposed surface drainage infrastructure. Enquiries should be made to

Kent County Council via email at [suds@kent.gov.uk](mailto:suds@kent.gov.uk) .

The Bat Conservation Trust's 'Bats and Lighting in the UK' guidance should be adhered to in the lighting design.

Japanese knotweed has been identified on the eastern boundary of the site. Its containment, control and removal should be secured.

There is likely to be a need for a European Protected Species Mitigation Licence in relation to the potential presence of dormice within the application site.

### **REASON FOR APPROVAL**

The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000 and would be located on grade 2 agricultural land. However, the development is at a sustainable location, immediately adjoins an existing settlement, and is not considered to result in significant visual harm to the area or the Strategic Gap. There would be no adverse ecological or highway impacts. Given the current shortfall in the required five-year housing supply that the site is allocated as a housing site in the Council's emerging Local Plan, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.

## Planning Committee Report

Case Officer: Annabel Hemmings

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