

REPORT SUMMARY

REFERENCE NO - 14/503735/OUT			
APPLICATION PROPOSAL Outline - Access not reserved - Mixed use development comprising up to 420 residential dwellings (including Affordable homes), land safeguarded for an education facility and land safeguarding for a community centre. Provision of public open space (including children's play areas) associated infrastructure and necessary demolition and earthworks. The formation of 2 no. new vehicle accesses from Hermitage Lane and Howard Drive			
ADDRESS Land to the East of Hermitage Lane Maidstone Kent			
RECOMMENDATION - Approve			
SUMMARY OF REASONS FOR RECOMMENDATION See Report			
REASON FOR REFERRAL TO COMMITTEE Cllr Cynthia Robertson (10 Oct 14) has called the application to Planning Committee stating:- "May I formally request that these two applications be referred to the Planning Committee for decision in view of the implications for Allington and the wider community.			
WARD Allington Ward	PARISH/TOWN COUNCIL Barming	APPLICANT Croudace Strategic Limited AGENT Barton Willmore LLP	
DECISION DUE DATE 23/12/14	PUBLICITY EXPIRY DATE 03/04/15 – additional details submitted	OFFICER SITE VISIT DATE Various	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
14/503786/OUT	Outline application for up to 80 residential dwellings with access to be considered at this stage with all other matters reserved for future consideration.	Pending decision	
13/1749	An Outline application for a Mixed-Use development comprising up to 500 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (inc. children's play areas) associated infrastructure and necessary demolition and earthworks. The formation of 2No. new vehicular accesses from Hermitage Lane and Howard Drive. With access to be considered at this stage and all other matters reserved for future consideration.	Refused Appeal outcome awaited	

MA/12/2307	Request for a screening opinion as to whether the proposed development incorporating up to 700 dwellings, a mixed use centre, a 2 form entry primary school, access from Hermitage Lane, up to 15,000sqft employment uses, extension to Barming Railway Station car park, drainage infrastructure and open space is development requiring an Environmental Impact Assessment.	Environmental Statement not required	24Jan 2013
Whilst the environmental effects of the development would be significant, particularly with regard to increased traffic and pollution, and visual impacts, this would not be of more than local importance and without major transfrontier effects. The site is not at an environmentally sensitive or vulnerable location and does not involve unusually complex and potentially hazardous environmental effects.			
MA/01/0080	Outline application for residential development, the creation of new vehicular accesses, provision for a local centre, community building, school site, public open space, informal parkland, greenways and landscaping, with all matters except means of access reserved for future consideration	Refused – Non determine Appeal dismissed.	2 Oct 2002
The application was considered by the Council and the Planning Inspector to be premature, and in advance of the Urban Capacity Study, the proposal could result in the unnecessary loss of a greenfield site which, makes a significant contribution to the landscape in the gap between Maidstone and Aylesford.			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site is located to the east of Hermitage Lane (the B2246). The southern boundary is demarcated by a belt of designated Ancient Woodland with a smaller fallow field beyond. The Maidstone Hospital and land associated with the Old Hermitage/St Lawrence's Chapel are located further beyond.
- 1.02 The western boundary follows Hermitage Lane in parts and also a paddock to the rear of properties fronting Hermitage Lane. Areas of open agricultural land including a pear orchard are located immediately north of the site.
- 1.03 The remaining boundaries are adjacent to existing residential development. To the north-east are properties on Howard Drive and to the south east are the rear gardens and properties located on Rosslyn Green, Hawkwood, Watermill Close and The Weavers.
- 1.04 The site is 23.02 hectares and is within both Maidstone Borough (19.93 ha) and Tonbridge and Malling Borough (3.09ha). The site is irregular in shape (and excludes a covered reservoir in the centre) and comprises fields and areas of woodland which vary in character and use. The northern field contains a commercial pear orchard with the main field currently sown with a wheat crop. The site also comprises two

residential properties, nos. 100 and 102 Howard Drive. These properties are proposed to be demolished to facilitate a secondary emergency/bus access.

- 1.05 There are a number of trees within the site predominantly located in woodland groups. The most substantial of these is located along the southern boundary, with part of this belt designated as Ancient Woodland. The remainder of trees are located along the other boundaries. Tree Preservation Orders cover the trees along the north eastern and south eastern boundaries.
- 1.06 A number of Public Rights of Way traverse or lie adjacent to the site including PROW MR489/KB47 extending between Hermitage Lane and Howard Drive, PROW KB51, extending south east from MR489/KB47 through the main block of woodland and PROW KB19, following the south eastern boundary to Howard Drive.
- 1.07 The site lies on the transition between the Greensand Ridge to the south and the river Medway valley to the north and is gently undulating, falling steadily to the north - north east, from a high point of 80m AOD at the south eastern corner, to a low point of approximately 60m AOD at the north western and western corners. Beyond this, the land continues to fall gradually to the north-west and north.

2.0 PROPOSAL

- 2.01 The application is in outline form with access to be considered at this stage with all other matters reserved for future consideration. It is for the erection of up to 420 dwellings with land safeguarded for a primary school and community centre, with provision of public open space (including children's play areas). The proposals would include 2 new vehicular accesses from Hermitage Lane (primary access) and from Howard Drive (bus/pedestrian/cycle access only).
- 2.02 This application (referred to as scheme 2) has been submitted to address the reasons for refusal as set out by the previously refused scheme 13/1749 (referred to as scheme 1) for which a Public Inquiry was held between 2- 9 June 2015. A decision from the Secretary of State on this appeal is not expected until late October. A further application (referred to as scheme 3) is subject to a separate planning application for development of the Hospital field and which includes the woodland part of which is designated as ancient woodland. It is anticipated that this application will be presented to members in the near future. Scheme 3 is dependent on the access road (which is a matter for consideration as part of scheme 2 from Hermitage Lane) and therefore could not be progressed without permission for scheme 2 being granted.
- 2.03 The current application – scheme 2 is a reduced site area from the previously refused scheme (scheme 1) and omits any development in “the hospital field” and accordingly does not promote an access through the designated ancient woodland. Whilst proposing a reduced number of dwellings, up to 420 than scheme 1, which proposed up to 500, it is same in all other respects (i.e delivery of land for education and community facilities, access from Hermitage Lane and emergency/bus only access from Howard Drive).
- 2.04 The following plans have been submitted for determination:
 - Site Boundary Plan : Ref SC2-M-01 Rev C
 - Parameters Plan : Ref SC2-M-03 Rev D
 - Hermitage Lane Access Drawing: Ref. 1402-GA-32 Rev B

- Howard Drive Access Drawing: Ref 1402-GA37 Rev A
- 2.05 An illustrative master plan has also been submitted which shows an envisaged layout of the development but it should be recognised that this is submitted for illustrative purposes only. As shown by the submitted parameters plan, the residential development would be located south east of the restricted by-way KB47/MR489 within the field that surrounds the covered reservoir (the covered reservoir being excluded from the application site), with land to the north west of the byway, partly contained within the Maidstone Borough boundary and partly within Tonbridge and Malling Borough boundary, being reserved for a 2 form entry Primary School, area for Community Hall, amenity open space, structural planting, SUDs system and buffers and orchards to be retained and enhanced.
- 2.06 Access, which is for consideration at this outline stage, would be gained from Hermitage Lane, approximately 180 metres north of the cottages that front Hermitage Lane. This access and part of the land shown for the school and existing structural planting is within the Borough of Tonbridge and Malling and a joint application for these elements of the scheme have been submitted to Tonbridge and Malling Borough Council for determination. The access road from Hermitage Lane would run in a roughly easterly direction for approximately 160 metres before doglegging south easterly and running parallel to the proposed school site and existing structural planting/orchards before entering the main housing site. A secondary point of access is also proposed from Howard Drive which would involve the demolition of 102 and 104 Howard Drive. This access is proposed only to be used for buses and emergency vehicles.
- 2.07 Off -site highway works include junctions at Fountain Lane, the A20 and Junction 5 of the M20. These works were established and agreed through scheme 1 and were accepted by the Highways Authority and are proposed for the current scheme (subject to a pro-rata contribution). They relate specifically to a series of improvements to the existing junction at Fountain Lane comprising: reconfiguration of the internal junction right turning arrangements, pedestrian crossing upgrades and intelligent MOVA systems (delivered in conjunction with the other existing/emerging allocated sites along Hermitage Lane. Works to the A20/Coldharbour roundabout to increase its capacity and a white lining scheme to Junction 5 of the M20.
- 2.08 Although the application is in outline form, the parameters plan which has been submitted for consideration shows the residential development to comprise predominantly 2, 2.5 and 3 storeys with ridgelines of various heights up to 11 metres high. The land reserved for the primary school, shown to the north east of the access road and north west of restricted by-way KB47, would measure approximately 2.05 ha, with the ridge line not exceeding 11m high, so as to allow flexibility for the final design which could accommodate a 1 or 2 storey building. Land safeguarded for the community centre, shown to the north east of the school building would measure approximately 0.36 ha, with a similar ridge line not exceeding 11 metres high. The Design and Access Statement (DAS) also include a table which is linked to the parameters plan showing the approximate area for open space which equates to 7.78, comprising 3.71 ha of existing structural planting, woodland, landscape buffer and orchards and 4.07 ha of amenity greenspace, including children's play area, foot/cycle routes, structural planting and SUDs systems.
- 2.09 The Illustrative Masterplan and DAS set out the layout principles which seek to achieve a sense of place and legibility of the proposed development. Key frontages have been identified which could help contribute to legibility and mark important spaces with a clear street hierarchy to help provide legibility and variety, create safe

and attractive environments, provide a logical and permeable network and provide streets which respond to anticipated traffic volumes and natural desire routes. A palette of materials and architectural styles has been suggested which could be used on the various buildings within the site along with suggestions for public realm surface treatments. These suggest high quality materials and local vernacular styles of stone or stone coloured materials, red brick, tile hung and gabled architecture, plain red brick with bays or gables, yellow brown brick with red detail/render and weatherboarded with half hip roof.

- 2.10 Different character areas have been identified within the DAS which whilst illustrative show how the site could be developed at the reserved matters stage. These describe a primary route with development that would front the primary route into the site, linking the various internal public open spaces with development denser and more urban in character, typically 2 to 2.5 storey' in height with occasional 3 storey development at key locations with a density in the region of 37.5-40 dwellings per hectare (dph). The central quarter would provide the main part of the development and provide robust street frontages and an attractive street scene with similar storey heights to the primary route with a density in the region of 35-38 dph. The neighbourhood quarter would be more loosely laid out to reflect its location away from the heart of the development with streets comprising shared surfaces, similar storey heights to the other character areas and a density in the region of 34dph. The landscape edge character area would be softer and be more visually permeable with housing having a more village feel with predominantly 2 and 2.5 storey' and density around 25-27dph.
- 2.11 A Landscape Strategy accompanies the application and the development proposes a Sustainable Urban Drainage System with ponds, swales and drainage basins around the site. Some areas of existing orchard are to be maintained with children's play areas proposed in the centre of the site along the main spine road and adjacent to the community centre. The application proposes 30% affordable housing with the DAS setting out that the dwellings may individually include renewable energy technologies such as solar water heating and photovoltaic panels.
- 2.12 The application is also accompanied by the following documents which support the proposals:
- Application Forms inc. Ownerships Certificates.
 - Drawings inc. Site Location Plan/ Access/Illustrative Masterplan.
 - Design and Access Statement
 - Planning Statement including Affordable Housing, Economic Benefits Statement, Retail Assessment and S106 Heads of Terms.
 - Ecological Assessment.
 - Landscape and Visual Impact Assessment inc. Night-time Lighting Assessment.
 - Landscape and Biodiversity Management Strategy.
 - Flood Risk Assessment including Drainage Strategy
 - Heritage Statement including Archaeological Survey/Listed Buildings Assessment.
 - Statement of Community Involvement.
 - Transport Assessment inc. Noise
 - Air Quality Assessment.
 - Travel Plan.
 - Site Suitability Noise Assessment

- Arboricultural Impact Assessment, Tree Retention and Ancient Woodland Designation Review. – additional information submitted 06.03.15.
- Phase 1 - Land Contamination Assessment - additional information submitted 06.03.15.
- Addendum to Ecological Assessment – January 2015 – additional information submitted 06.03.15

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Approx. Site Area (ha)	23.02	23.02	0
Approximate Ridge Height (m) school and houses		Up to 11	+11
No. of Storeys - houses		Max 3	+3
No. of Residential Units		Up to 420	+420
No. of Affordable Units 30%		Up to 126	+126

4.0 PLANNING CONSTRAINTS

- The site contains woodland TPO's
- There are a number of public rights of way that run through or adjacent to its boundaries.
- Part of the site lies in an area of Special Archaeological Potential.
- The site falls within Flood Zone 1
- There is an Air Quality “hotspot” at the junction of Fountain Lane and Tonbridge Road and at the Watlingbury crossroads.
- An area of designated Ancient Woodland lies to the immediate south (but outside the site).
- The site forms part of an allocated housing site in the Maidstone Borough-Wide Local Plan (2000) and the Emerging Local Plan.

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)
 Maidstone borough-Wide Local Plan 2000: ENV6, ENV24, ENV27, ENV31, H1 (xvii), H12, CF1, CF6, CF8, T3
 MBC Affordable Housing DPD (2006)
 MBC Open Space DPD (2006)
 Interim approval of Maidstone Borough Local Plan Policies 13 March 2013: SS1, SS1b (iteratively evolved by Reg 18 Consultation 2014 but still material)
 Maidstone Borough Local Plan Regulation 18 Consultation 2014: SS1, SP2, H1(2) DM2, DM4, DM10, DM12, DM12, DM 16, DM24

6.0 LOCAL REPRESENTATIONS

6.01 Approximately 196 representations objecting to the application have been received raising the following main (summarised) points:

- Adverse impact on local environment and infrastructure

- Excessive increase in traffic which cannot be accommodated on the local road network and danger to local residents/school children as a result of increased traffic
- Increased congestion as a direct result of the school
- Greater pollution
- Adverse impact on wildlife
- Adverse impact on local amenity
- Loss of agricultural land and productive pear orchard
- Lack of service infrastructure, water and energy supply, educational and medical facilities
- Damage and loss of Ancient Woodland
- Objection to vehicular access via Howard Drive
- Loss of strategic gap
- Environmental impact survey is required
- Unsustainability of site
- Loss of green space
- Lack of a country park
- Loss in identify of Allington- creation of urban sprawl
- Adverse impact of construction traffic

6.02 Various letters/documents received from the New Allington Action Group (NAAG) objecting to both applications (schemes 2 and 3) and raising concerns on the following information/grounds submitted in support of the application:

- Concerns raised by statutory consultees including Southern Water, Barming Parish Council, Kent Police, KCC PROW and Access Service, KCC Crime Prevention and rural Planning Limited
- Status of Ancient Woodland
- Comments on the submitted Landscape and Biodiversity Management Strategy.
- Air Quality Assessment
- Design and Access Statement – Arboricultural issues
- Flood Risk Assessment
- Transport Assessment
- Statement of Community Involvement - NAAG conducted their own survey of local residents with findings set out in their report.
- Heritage Statement
- Ecology
- Comments on the Addendum prepared by Forbes –Laird
- Comments on the LVIA

6.03 Latterly, numerous standardised letters have been received raising an expectation that following the closure of the Public Inquiry and the Secretary of State's expected decision in late October, that both schemes will not be presented to the planning committee until the outcome of the Inquiry is known.

6.04 **Councillor Fay Gooch** raises the following issues:

I have serious concerns about the adverse impact of both schemes 2 and 3 on local infrastructure and on the existing character of the surrounding communities. That said, I recognise that scheme 3 would create an active management strategy for the ancient woodland (albeit minus the 2+% for the access road through it) which currently does not exist. I recognise the need for homes, but I am very concerned about the harm caused to the quality of life to the Barming Parish community; the

adverse environmental impact on the local residential streets of Barming and the resulting significant highway safety implications for all its pedestrians. This is because through traffic using Hermitage Lane and the A26 will use our residential streets as a cut through to avoid the Fountain Lane traffic lights, just as it does now. Hospital traffic and NHS vehicles are particular offenders, using Heath Rd/North Street as a cut through to the A26 to/from Pembury Hospital. The additional traffic will cause significant safety issues for children attending Barming School along with their mothers and pushchairs; other local pedestrians walking to work or to the local shops, dog walkers, cyclists etc.

I am similarly seriously concerned at the impact of additional traffic through the narrow single carriageway A26 through Teston with its 30mph speed limit

Therefore, in the event that planning permission is granted to one or both of these proposals, significant mitigation measures would be required for:

- Barming parish such as pedestrian crossings in North Street, Heath Road and Beverley Road, together with 'local access only' signage and other appropriate traffic calming measures.
- Teston Parish on the A26 by way of additional refuge islands to mitigate dividing the village in two and enabling the community to cross the road safely.

6.05 East Malling & Larkfield Parish Council:

1. It is noted the Bluebell Wood is now excluded and this is welcomed. It is however unclear how this strip is to be managed and kept in the long term.
2. It is noted also there is now a secondary access via Howard Drive apparently for emergencies but it is still the case the real access is off Hermitage Lane in Tonbridge and Malling Borough. The Parish Council continues to be concerned this application, with others in this vicinity, will have a cumulative impact on the A20/Hermitage Lane junction; the nearby M20/A20 junctions; and generally along the A20 corridor through to Larkfield. There should be a traffic study to see what the effects are likely to be and what could be done to cope with the traffic growth. It should take into account environmental impacts including air quality issues as emphasised by the recent European Court decision.
3. These applications are greenfield sites and recent Government statements seem to be reverting to a policy of prioritising □brown field□ sites. Approval of these applications would be an extension of urban sprawl westwards from Maidstone and reducing the green wedge□.
4. There would be an adverse effect on the public footpaths Nos. KB47, KB18, and KB19. These currently rural paths provide a route for Allington residents out to the path network and countryside west of Hermitage Lane with links through Oaken Woods including the paths in Ditton and this Parish. They also provide a walking route development is approved the layout should keep these routes as landscaped green corridors and not closely fenced alleyways.
5. It is regretted the □country park□ seems to have been deleted. Such a large urban expansion with other nearby sites needs to have generous open space provision.
6. The Parish Council considers that generally speaking greenfield land releases should not take place in advance of the process of approving the Local Plans for both Boroughs. In effect the approval of these sites precludes the proper public consideration of the Plan as a whole, including the housing figures, and just pre-empt the situation. The Plan just becomes a document to retrospectively endorse what has already been agreed.

6.06 Wateringbury Parish Council:

Members of my Parish Council have asked me to write to you in support of the representation made by Teston PC re the above. They have become aware with increasing concern of the way that Statutory and/or Governmental obligations appear to be overriding genuine environmental issues re Maidstone Council's allocation of housing sites in this area.

My members have of course to accept that they have no direct involvement in the consultation process re these applications, but the impact of the development of these sites has a massive impact on our parish, particularly from traffic and air quality issues, which should require the most vigorous, investigative study and extensive measurement in strict Conditions attached to any permission justifying these permissions and the satisfying of any such conditions.

One of our Members has made representations to your Council as to the traffic congestion and air quality issues generated by the proposals, and we thank your Council for that opportunity, but my Members wish to ask that the strictest analysis of the impact of any permissions on the A26 and on our polluted village centre are imposed and that our support for the representations made by Teston PC are noted.

7.0 CONSULTATIONS

7.01 Barming Parish Council:

Barming Parish Council objects to the developments because of the harm they will cause to the quality of life to the Barming community; the adverse environmental impact on the local residential streets of Barming and the resulting significant highway safety implications for all its pedestrians. This is because through traffic using Hermitage Lane and the A26 will use our residential streets as a cut through to avoid Fountain Lane traffic lights, just as it does now. Hospital traffic and NHS vehicles are particular offenders, using Heath Rd/North street as a cut through to the A26 to/from Pembury Hospital. The additional traffic will cause significant safety issues for the children attending Barming School along with their parents and pushchairs; other local pedestrians walking to work or to the local shops, dog walkers, cyclists etc. The Parish Council is also very concerned that section 106 contributes for related infrastructure would be confined to Hermitage Lane where this proposal is located. Yet, as described above, the knock on effect to the parish of Barming will be considerable in terms of highway safety and traffic congestion. Therefore, in the event that planning permission is granted to one or both of these proposals, significant mitigation measures would be required for Barming parish such as pedestrian crossings in North Street, Heath Road and Beverley Road, together with 'local access only' signage and other appropriate traffic calming measures.

7.02 Teston Parish Council:

Sites either side of Hermitage Lane have been the subject of several recent planning applications (some already approved) and, taken together, they represent many hundreds of houses and more loading of local infrastructure.

We cannot comment on the adequacy of water, sewage and energy utilities, but it is clear to us that the additional vehicle movements that will be generated will place a great burden on already overloaded roads, particularly at rush hours. That produces an immediately local concern, given the location of Maidstone Hospital and its vital movement of patients, but, as much of that additional traffic will find itself heading westwards along the A26 (Tonbridge Road) through Teston and Watlingbury, we have a direct concern. The traffic lights in Watlingbury already represent a very serious issue in terms of air quality and these Hermitage Lane developments just exacerbate the situation.

The Borough Council may place pressure on Kent Highways somehow to remodel the junction of Hermitage Lane with the A26, but that will not take away the traffic – if anything, it may encourage more, if traffic flows are eased. As noted already, much of that traffic will add to existing problems in Teston and Watringbury.

If MBC is permitted to consider the cumulative effect of all applications relating to development along Hermitage Lane, we request that it declares where it sees the cumulative limit for such developments and enforces it. We believe this application is beyond any reasonable cumulative limit and therefore wish to see it refused.

If MBC is not permitted to consider the cumulative impact, then we ask that this and future that breaches air quality regulations in Watringbury and generates traffic through Teston that, at rush hour, just about cuts our village in two.

If Kent Highways raises no objection to this and similar applications, they should be challenged to state at which point they would see Hermitage Lane development at saturation level.

7.03 Tonbridge and Malling Borough Council:
Views awaited.

7.04 MBC Conservation Officer:

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

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

I RAISE NO OBJECTION to this application on heritage grounds subject to conditions requiring the carrying out of further archaeological investigation in line with any specific recommendations from KCC Heritage Section.

7.05 MBC Landscape Officer
Trees

The application includes a detailed tree survey prepared by Forbes Laird Arboricultural Consultancy (FLAC), which has been undertaken in accordance with the recommendations of BS5837. I have compared this survey with my own observations of the trees present and I am satisfied that it is an accurate representation of the trees present and that the gradings applied to individual trees and tree groups are generally appropriate.

The Council must balance the loss of trees that would result from the creation of the access road against the benefits of the proposal. The proposals include significant levels of replanting, with adequate space for it to mature which, in my view, are adequate mitigation for the tree losses proposed in the long term, provided that these are integrated into a detailed scheme, using appropriate species in accordance with the Council's current landscape guidance.

Ancient Woodland

The Council previously sought the view of Philip Sansum (author of the AW inventory) on the matter of the FLAC challenge of the Ancient Woodland designation and I defer to his advice on the designation, which concludes that he maintains that the ancient woodland designation is correct.

On this basis, planning considerations should take account of paragraph 118 of the NPPF and the standing advice on ancient woodland published by Natural England and the Forestry Commission.

Natural England standing advice and paragraph 118 of the NPPF are clear in relation to proposals that result the loss of, or deterioration irreplaceable habitats including Ancient Woodland, stating that planning permission should be refused “unless the need for, and benefits of, the development in that location clearly outweigh the loss”. The development of this site has the potential to impact negatively on the ancient woodland present. Development of any site adjacent to AW, even if it is far enough removed to not cause direct impact, has the potential to have significant detrimental impact in indirect ways and be damaging to the function of woodland ecosystems. Examples of this include lighting, additional recreational use of the woodland, hunting by domestic pets, changes to hydrology, pollution from noise, vehicles and de-icing salts.

However, this scheme layout submitted provides appropriate buffer zones in line with standing advice, indicating that the principle of the proposal is achievable within acceptable limits, provided that these minimum buffer zones are integrated into a detailed proposal, with appropriate planting, use and management. The minimum buffer zones should be considered sacrosanct and not used to incorporate additional site features, or their function would be eroded. If there is a desire to include, for example, paths, seating, services adjacent to the woodland, the buffer zones should be enlarged to enable these to be located more than 15 metres from the edge of the AW.

Conclusion

The outline proposal for the creation of two accesses and the principle of a development of the scale indicated, with all of the mitigation measures and enhancements proposed is acceptable in arboricultural terms. On balance, I raise no objection to this application on arboricultural grounds.

7.06 MBC Environmental Health:

Noise - The measurements taken and the predictions made indicate that the noise level from the road which is the major source of noise puts all of this site in CAT A of the Former PPG24. The former PPG suggested that no conditions would be necessary. This would also be reflected in the current government guidelines as this would be between the NOEL and LOAEL.

The Environmental Protection Team have no adverse comments to make in relation to Noise.

Air Quality - In addition to the proposed junction improvements, and implementation of best practice, the following measures are recommended to encourage sustainable and low-emission transport modes and mitigate emissions from the traffic generated from the development, reducing congestion and making the area more attractive to residents:

- a) Contribution towards the creation/expansion of cycling and walking and bus routes, with links to strategic locations i.e. nearest train stations and town centre.
- b) Adequate provision of secure cycle storage for dwellings, school and visitors.
- c) School: contribution towards initiative aimed to reduce car based trips to/from school and exposure of children to poor air quality, including, as a minimum: walking buses initiatives, bicycle training, anti-idling signage, landscaping; any

- car park or drop-off areas should be at distance from playgrounds, entrances, and other outdoor areas where children can spend a significant amount of time.
- d) Travel Plans (School and Residential) should include stretching SMART target and objectives and must be submitted and approved by the LPA/KCC. The Travel Plan coordinator will be in place for at least five years. The Travel Plan will also include incentives for all new households towards the use of sustainable public transport, including, free taster bus tickets, free driving credit for the local car club, information on car-sharing schemes and other low emission transport provisions.
 - e) Dwellings with dedicated off-street parking to be provided with charging points for low-emission plug-in vehicles.
 - f) One or more publicly accessible charging points (22kW or more) for plug-in vehicles to be installed within the development prior to its occupation and maintained for at least the following five years. Specifications and charging rates to be agreed with LPA/KCC. Contribution towards the installation of a charging point (22kW or more) at the Maidstone hospital or nearby publicly accessible facility should also be considered.
 - g) Contribution towards low-emission refuelling infrastructure such as bio-methane, and low emission buses (ideally school buses).

REQUESTED CONDITIONS:

No Objection in principle subject to the following condition:

To reduce the impacts of the new development on local air quality and encourage the use of sustainable transport modes, a Mitigation Statement and a Travel Plan shall be submitted to and approved in writing by the LPA, prior to determination, consistent with the above listed recommendations.

Land contamination- This area was quarried for sand. However, such potential contaminative sources are unlikely to be of any consequence for the development itself and therefore no contaminated land assessment will be required.

7.07 MBC Housing:

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

7.08 MBC Parks and Open Space:

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

Within the developer's Design and Access Statement, they have provided a table at 13.2 listing Open Space Requirement and Provision

We would not classify woodland and landscape buffers as "Parks and Gardens" – Woodland is Natural and Semi Natural open space which is covered by ANGSt standards. We would therefore be unable to see this as a contribution to the Parks and Garden requirement of Green Space Provision.

There is a large provision of greenspace attributed to Amenity Greenspace, which equates to more than 3ha overprovision. Meanwhile there is no provision of Outdoor Sports Facilities.

We would also query whether the developer is including the land within the proposed new school grounds as open space. If so, we would query whether this is publicly accessible at all times which would result in it not being available to residents on the development

There is no existing play provision within a 12 minute walk of the development. On site provision for both junior and toddlers; and youth should be provided. This should be to a similar standard to the current provision at Giddyhorn Lane, which we would classify most closely as a NEAP. There should also be some equipment aimed at teenagers. This department would be happy to discuss play area requirements with the developer.

Due to the 2.94ha of Woodland being considered as Natural and Semi-natural greenspace covered by ANGst we would argue that this cannot be considered as a contribution to the requirement of on-site open space. We would consider an offsite contribution of £171 per dwelling to be sufficient to cover the under-provision primarily of outdoor sports facilities and parks and gardens and therefore request £71820 towards the improvements, repair, replacement/renewal, improvements and maintenance of the Keswick Drive Play Area and Open Space which is less than 300 metres from the development site and is the closest existing play space to the site. This contribution would also be used for provision of outdoor sports facilities within the open space area.

The calculation is as follows

Required onsite provision	5.43ha		
Actual Provision	7.78ha – 2.94ha	=	4.84ha
Shortfall		=	0.59ha
Typical request per dwelling where no provision exists		=	£1575
Breakdown per 0.01ha	1575/543	=	£2.90
Amount for shortfall	£2.90*59	=	£171.10

7.09 **KCC Development Contributions** (updated 10th July 2015)

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: requests £14,286 per pupil – total £1,685,748 is sought towards the construction of a new school on the site.

The proposed development is forecast to produce an additional 118 primary pupils. The attached assessment shows that there is no forecast surplus capacity within the education system to accommodate these pupils. As such KCC is required to increase the amount of provision; this will be through the construction of a new primary school. The requirement for a new school has been acknowledged for many years and is reflected in the policy for the proposed development site which includes reference to a new primary school.

The cost of constructing the new school is £6m, KCC therefore requests proportionate contributions towards the construction cost of the school. The school

will provide 420 pupils, the per pupil cost is therefore £14,286; the contribution requested based on the given housing mix is £1,685,748. It is suggested that the s106 calculates the contribution on a phase by phase approach once the final housing mix for each phase has been finalised. The contribution can therefore be calculated by reference to the following formula:

$$(A \times B) + (C \times D)$$

where:

A = the total number of Houses to be constructed as part of that Phase with two or more than two bedrooms

$$B = 0.28$$

C = the total number of Flats to be constructed as part of that Phase with two or more than two bedrooms

$$D = 0.07$$

KCC requests that 50% of contributions for a phase are paid before 1st occupation of the phase with the remaining 50% for that phase paid at 50% of occupations for the phase.

The Primary School land: KCC will pay the landowner £403,650.31, as land foregone and costs incurred beyond that directly attributable to the development.

KCC considers that the provision of a new primary school to be an essential component towards making the development acceptable in planning terms, a position reflected in policy documentation produced by the LPA, without such a facility KCC will be unable to meet the additional demand of the pupils arising from the development.

Given the strong and long running policy support for the provision of a school site within the proposed development it is not considered that the land allocated for a school could achieve any residential or alternative use. It is however recognised that the use of the land for a school will mean the owner foregoing its current use and also that there is an associated cost to the development of providing the necessary infrastructure and servicing for the school.

Assigning a value of £12,500 per acre to the existing agricultural use places the value of the land currently at £63,312.50. Providing electricity, drainage and highway access to the school plot is estimated to cost £540,000, representative of 9% of the total scheme cost for the school (£6m), the total value is therefore £603,320.75. Deducting from this the proportion of land and land cost directly attributed to this proposed development leaves £403,650.31, KCC proposes that this sum will be paid to the landowner as land foregone and costs incurred beyond that directly attributable to the development.

It is requested that the school site be transferred to KCC on the land transfer terms agreed within the s106 agreement dated 9th June 2015 relating to an appealed application on this site.

Secondary Education: requests £11,799 per pupil - total £991,116 towards expansion of teaching space at Maplesden Noakes School.

The impact of this proposal on the delivery of the County Council's services has been assessed. The assessment confirms that there is not the required capacity within the education system to accommodate the additional secondary school pupils generated by this development. The original assessment of this proposed development in 2013 indicated a marginal surplus in secondary places able to accommodate the increased number of pupils from the development, since the assessment was conducted over one year ago the underlying data has been refreshed and this marginal surplus is no longer forecast.

This proposal gives rise to 84 additional secondary school pupils during occupation of this development. This need can only be met through the expansion of appropriate Secondary Schools within the Borough. KCC will commission additional pupil places required to mitigate the forecast impact by expansion of Maplesden Noakes School.

The County Council requires a financial contribution towards extension of secondary school provision at £11,799 per pupil for the 84 additional pupils from this development. The request therefore totals £991,116.

Community Learning: requests £30.70 per dwelling – total £12,894 sought.

To accommodate the additional demand on KCC's Community Learning Service KCC requests £30.70 per dwelling for the purposes of serving the development with provision of new and/or expanded facilities and services through dedicated adult education centres and outreach community learning facilities in the Allington area.

Libraries: requests £48.02 per dwelling – total 20,166.64 sought.

There is an assessed shortfall in provision: book stock for Maidstone Borough at 1339 per 1000 population is below the County average of 1349 and both the England and total UK figures of 1510 and 1605 respectively.

The assessment shows that 13.28% of the new residents in the development will be active library borrowers. To mitigate this increase in demand KCC will purchase and provide new books for these residents.

The County Council therefore requests £48.02 per household to address the direct impact of this development. The books will be provided at Allington Library which is 1.07 miles from the development.

Adult Social Care: requests £47.44 per dwelling – total £19,925 sought.

To accommodate the additional demand on KCC's adult social care services KCC requests £47.44 per dwelling for the purposes of serving the development by providing new and expanded adult care facilities and services on site.

7.10 KCC Public Rights of Way:

Generally supports the application subject to conditions/S106 securing:

Condition 1 – To provide a suitable road crossing with clear and open sightlines at the crossing point of Public Footpath KB47 on the main access road.

In order to retain existing access and facilitate Pedestrian/Cycle access between the site and shops and services at Allington a further condition is requested.

Condition 2 – To provide a 3m wide tarmac surfaced path along the alignment of path KB47 between the most North Easterly internal road and Howards Drive prior to the completion of the school.

Cycling

The PROW and Access Service are currently in the process of improving the surface of KB18 as a strategic link from the Hospital/Hermitage Lane to Oakwood Park/Maidstone Centre. In order to facilitate Cycle access between the site, Oakwood Park and town centre it is recommended that the most southerly 60m (approx.) of footpath KB19 be constructed as a 3m wide, tarmac cycle track.

Condition 3. To provide a 3m wide, tarmac cycle route linking the nearest internal road to path KB18 should be created prior to the occupation of the 50th unit.

Condition 4. To provide a developer contribution of £30,000 in respect of improving footpath KB18 to facilitate cycle routes from the site to town centre.

Contributions towards pedestrian and cycle links to existing residential areas, shops, schools and health facilities, including links through to Howard Drive and Queen's Road via Freshland Road; and a contribution towards the provision of an appropriate pedestrian and cycle route on B2246 Hermitage Lane.

7.11 KCC Biodiversity: (updated 13th July 2015)

We have reviewed the ecological information submitted with the planning application and we have the following comments to make:

Ancient Woodland

The proposed development is adjacent to an area of Ancient Woodland. The importance of retaining Ancient Woodland is detailed within paragraph 118 of the National Planning Policy Framework which states:

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

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

Although not resulting in the direct loss of ancient woodland it is possible that the development may result in the deterioration of the ancient woodland due to an increase recreation within the woodland.

A 3m boarded footpath is proposed to be created within the proposed development which links up with the Public Right of Way which runs throughout the area of woodland which has been identified as Ancient Woodland. The submitted Landscape and Biodiversity Management Plan makes no provision for managing woodland outside the redline boundary. We would encourage the applicant to actively manage the woodland in the event that planning permission is granted to ensure that the value of the woodland does not decline as a result of the increase in planning permission. The proposed development will result in increased lighting along the northern boundary of the woodland. We have concerns that the lighting for the proposed development will negatively impact the ancient woodland and species present within the woodland, as such there is a need to ensure that lighting along the southern boundary of the development site is designed to ensure it avoids an increase in lighting along the boundary of the woodland.

Ecological Surveys

The ecological surveys were carried out in 2011/12 as such the information contained in them is over two years old and we had concerns whether the survey information was sufficient to determine this planning application. An updated ecological scoping survey was carried out and confirmed that the site conditions had

remained unchanged and as such we are satisfied that the existing survey data is sufficient to determine the planning application.

Bats

A confirmed pipistrelle roost was identified within the woodland and bats were recorded foraging and commuting within the site boundaries. As such it is likely that bats will be impacted by the proposed development. We acknowledge that a buffer area has been created along the woodland edge and along the northern boundary which will help to reduce the impact on foraging bats – however it is very important that the lighting scheme is designed to have minimal impact on bats – particularly along the boundary of the woodland. We advise that in the event that planning permission is granted a detailed lighting scheme is produced clearly demonstrating that the lighting will avoid impacting any foraging/roosting/commuting bats as a condition.

Reptiles

A reptile survey has been carried out and reptiles were recorded along the northern boundary of the proposed development site which we acknowledge is an area to be retained long term as SuDS, however in the short term the reptiles will have to be translocated to a receptor site to allow the area to be created. We advise that if planning permission is granted a detailed mitigation strategy is submitted as a condition of planning permission.

Invertebrates

Invertebrate surveys were carried out and a number of notable species were recorded within the site. If planning permission is granted we would expect the proposed landscaping and management to enhance the site for invertebrates.

Mitigation and Enhancement Strategy

Details of mitigation have been submitted within the ecological surveys. However if planning permission is granted we would expect a detailed mitigation strategy to be submitted as a condition of planning permission.

Management Plan

A landscape and biodiversity management strategy has been submitted for comments. We have reviewed it and we do support the proposed vision and objectives of the plan. However we do have some concerns that the some of the management methods within the woodland area and the remainder of the site are identical – the management should be designed to be specific for each area. For example – management plan details the following for the footpath management

- *Removal of weeds by hoeing, pulling or (as a last resort) use of approved herbicide;*
- *Removal of litter, grit, mud and leaf litter and plant debris by sweeping and (as a last resort) the use of a high-pressure spray;*

We don't agree that this is correct management for the footpath within the woodland. As detailed above we would expect the final landscape and biodiversity management plan to be designed to be specific for all the areas within the site and not use a one rule fits all method. To be clear about what management will be carried out in what area we suggest that a table be produced detailing exactly when the management will be carried out during the year(s). We would expect regular monitoring to be carried out to ensure the mitigation and management has been successful. The results of the monitoring must inform the management of the site and if necessary the management plan must be updated.

7.12 KCC Archaeology:

In summary, archaeological issues have been sufficiently addressed for this outline application. It would have been preferable for more detailed specialist assessment of the medieval chapel complex, including fieldwork, to be undertaken prior to determination of this application but if necessary this assessment can be undertaken post outline consent.

The following condition would be appropriate:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and*
- ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority*

Reason:

To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation *in situ* or by record.

7.13 KCC Landscape:

Raise numerous concerns regarding the content of the LVIA and suggests recommendations covering: both applications should consider cumulative landscape and visual effects, LVIA's should adhere to the guidance and provide full and comprehensive assessments of the impacts of the development and should incorporate a revised integrated design which is sensitive to the ancient woodland and allows it to function and work as green infrastructure.

Also refers to comments relating to scheme 1 which are relevant to both applications.

7.14 KCC Lead Local Flood Authority:

KCC had discussions with the consultant for this development site in the early stages of masterplanning and when Schedule 3 was still proposed. At that time we had encouraged the applicant to consider appropriate sustainable drainage systems. The site is underlain by an SPZ Total Catchment and the EA has previously mentioned this in correspondence to the applicant. The recent submission of the Phase 1 report which apparently references contamination on site has resulted in the EA (correspondence 2 April 2015) requiring no infiltration on site without LPA permission.

The issue remains that the site is not within any surface water drainage system, though there is a surface water sewer within the residential community to the east. This means that an inability to infiltrate would mean that the drainage strategy is not deliverable given its reliance on infiltration. However, the issue with respect to infiltration is in relation to contaminant mobilisation and introduction of other contaminants into the aquifer. This could be addressed through further site investigation to define limits of contamination and remediation. This is a matter for the EA and needs further discussion.

Alternatively if it is clear that infiltration cannot be achieved at all for the entire site, the possibility of connection to the Southern Water sewer system may need to be

investigated and would need to be discussed with Southern Water directly. This is a matter for yourselves to address directly with the EA and Southern Water.

7.15 KCC Highways:

a) Access to the site would be gained from the Hermitage Lane junction agreed for the original proposal, with an additional bus-only (plus emergency vehicles, pedestrians and cyclists) access via Howard Drive.

b) Previous negotiations on the Land East site reached a positive conclusion on the highway and transport impacts of the proposed housing development, and a schedule of S106 contributions was agreed (by both Kent County Council and the Highways Agency)

c) These appear to be replicated in the schedule attached to the current application for 420 homes.

d) There are two sets of work. The first would be funded fully by the site for 420 homes. These would be the pedestrian crossing and cycle facilities on Hermitage Lane, the bus service, and the interim improvement to M20 Junction 5.

e) The second would be the pro rata contributions to the A26/Fountain Lane junction and the A20/Coldharbour Lane junction. These schemes are to be funded through contributions from Land East and other developments in the north west sector of Maidstone. The A20/Coldharbour Lane junction is subject to a current review by KCC/MBC to establish the potential for a possible interim scheme that would introduce a filter lane on the north-west corner of the junction. Further technical work is being done on this possibility, so I would request that the S106 contribution is sought towards a "junction capacity improvement" rather than to the specific scheme identified in MBC's Infrastructure Delivery Plan.

As the various highway and transport elements appear to be in line with our previously agreed position, I would therefore like to make **No Objection** to this application- 19.11.14

Further clarification on the contributions has been sought as set out below:

I would like to clarify my previous response in terms of the desired pro-rata contributions from this development to highway capacity improvement works at the A20/Coldharbour Lane junction, the A26/Tonbridge Road/Fountain Lane junction and the M20 Junction 5.

The contributions sought are £400 per dwelling for the A26 junction, £1362 per dwelling for the A20/Coldharbour junction and £102 per dwelling for the M20 Junction 5.

There is further technical work being carried out on a possible interim improvement scheme for the A20/Coldharbour Lane Junction, in the form of a filter lane to carry left turning movements from the A20 (west) to the link leading to M20 Junction 5. This may offer a short term improvement to capacity, but the current expectation is that a more major improvement will be needed in the long term to support new development in both Maidstone and Tonbridge and Malling once the emerging Local Plans for both Boroughs have been adopted. Therefore I would wish to see the negotiated contributions remain at the same level.

There will be an additional £1084 per dwelling contribution to support the proposed bus service via Allington and this application would fully fund the identified pedestrian and cycle route improvements on Hermitage Lane. The contribution for this work equates to £39 per dwelling for pedestrian crossing facilities and £52 per dwelling for shared pedestrian/cycle use of the footway along the eastern side of Hermitage Lane. 07.01.15

Work carried out for the appeal under 13/1749 resulted in additional technical work being carried out for an alternative scheme to the A20/Coldharbour Lane junction, however the contribution request for this junction remain as set out above.

7.16 Highway Agency:

Directs that notice is hereby given under the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Secretary of State for Transport:-

c) directs conditions to be attached to any planning permission which may be granted;

Condition(s) to be attached to any grant of planning permission:

No more than 170 dwellings within the development hereby permitted shall be occupied until the completion of the improvements to M20 Junction 5 shown on drawing number WSP Figure 5 (dated 1 May 2014)(subject to amendment to reflect any relevant Road Safety Assessments or Non-Motorised User Audits) or such other scheme of works substantially to the same effect, as may be approved in writing by the local planning authority (who shall consult with Kent Highways and the Highways Agency on behalf of the Secretary of State for Transport).

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

7.17 Environment Agency: (latest response):

We have reviewed the document 'Phase 1 Land Contamination Assessment' by WSP (reference 11141402.01 dated 20th January 2015). We note from review of the site's history that it has been primarily in agricultural use. However, unspecified tanks are reported to have been present, and there is a former landfill in the southwest corner. We have also been made aware that a creosote tank may have once been present on the site for soaking telegraph poles that were subsequently stacked in the field but this does not seem to have been reflected in the Phase 1 report. However we now consider the information provided is sufficient to lift our former objection. We do however request that the following conditions be included in any permission granted:

CONDITION: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority: 1) A site investigation scheme, based on the above information, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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

CONDITION: Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

CONDITION: Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

CONDITION: Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

7.18 Kent Wildlife Trust:

Continue to object to the application due to impact upon the ancient woodland and its lack of conformity with local policy and the NPPF, paragraph 118 but notes the reduction in site area and dwelling numbers and comments on the appropriateness and size of the buffer area adjacent to the ancient woodland and the increased recreational pressure on the public footpath within the ancient woodland (acknowledged to be outside the application site)

7.19 Rural Planning Ltd:

Scheme 2 comprises Grade 2 (very good) quality land, with a smaller area of Grade 3a (good) quality, i.e. all in the "best and most versatile" category. Scheme 2 therefore represents a significant development of high quality agricultural land.

7.20 UK Power Networks:

No objection

7.21 Southern Water:

No objection but state that there is currently inadequate capacity in the local network to provide foul sewerage to service the development. A condition is requested to cover foul drainage and an informative to request that the developer contact

Southern Water and an agreement secured under the Water Industry Act 1991. Advice is given in relation to SUDS.

7.22 South East Water:

South East Water takes great care managing our reservoir assets in a responsible way. This includes an on-going programme of visually inspecting our service reservoirs every 5 to 10 years to determine any required maintenance. Hermitage Lane Service Reservoir was built in 1968. It was last inspected in 2010 and there were no items of concern regarding structural integrity. The reservoir is next due for inspection in 2017/18.

7.23 Kent Police:

Provides advice with regards to Crime Prevention through Environmental Design (CPTED) to ensure crime prevention is addressed effectively and suggests a condition/informative to ensure a comprehensive approach is taken to Crime Prevention and Community Safety.

Additional comments have been received from Kent Police objecting to the application on the grounds that it does not believe the application is sustainable. It however requests a contribution based on 30% affordable housing of £39,984, if 20% affordable housing £49,696 and if any other variable, request £136 per dwelling and that this money would be pooled to deliver the overall infrastructure requirements of Kent Police as a result of planned developments within the County.

7.24 NHS Property Services:

In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development noted above is expected to result in a need to invest in a number of local surgery premises:

- Allington Clinic
- Allington Park Surgery
- College Practice
- Blackthorne Medical Centre
- Alyesford Medical Centre
- Lockmedow Clinic

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

NHS Property Services Ltd will continue with NHS West Kent formulae for calculating s106 contributions for which have been used for some time and are calculated as fair and reasonable. NHS Property Services will not apply for contributions if the units are identified for affordable/social housing.

The application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person. When the unit sizes are not identified then an assumed occupancy of 2.34 persons will be used.

Predicted Occupancy rates

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

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

Predicted Occupancy rates	Total number in planning application	Total occupancy	Contribution sought (Occupancy x £360)
2.34	294	690.9	£248,724

NHS Property Services Ltd therefore seeks a healthcare contribution of £248,724, plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services

7.25 Natural England:

Consider that this proposal falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, however draws the Council's attention to land quality considerations, Ancient Woodland advice and Green Infrastructure Provision. They refer to the consideration of the application to the published standing advice to assess the impact on protected species and ancient woodland.

7.26 Southern Gas Networks:

No objection.

7.27 Woodland Trust:

Object to planning permission being granted due to the damage and deterioration it would cause to ancient woodland. This planning application contravenes government guidance and Local Policies.

8.0 BACKGROUND PAPERS AND APPEAL FOR SCHEME 1 - 13/1749

8.01 As set out in paragraphs 2.02 and 2.03 above, scheme 1 which included part the application site being considered by this report (scheme 2) and that proposed by scheme 3 (forming a separate application which includes part of the woodland designated as Ancient Woodland and the "hospital field" to the south) was refused on the following three grounds:

1. The development by virtue of the development of the southern field for housing and the link road through designated ancient woodland and works to existing footpaths through the woodland would erode the setting of the woodland as a landscape feature and result in the loss and deterioration of ancient woodland where the need for and benefits of the development does not clearly outweigh the loss contrary to policy H12 of the Maidstone Borough-Wide Local Plan (2000), advice contained within paragraph 118 of the National Planning Policy Framework 2012 and policies H1(2) and DM10 of the of the Maidstone Borough Local Plan Regulation 18 Consultation 2014.

2. The absence of a country park of the land within Tonbridge and Malling Borough fails to secure the maintenance of the open character between Allington and the Medway Gap settlements, has a detrimental impact on the proposed development layout whilst failing to encourage use of sustainable modes of transport through the offer the opportunity of links to the train station contrary to policies ENV24 and H12 of the Maidstone Borough-Wide Local Plan (2000) and H1(2) of the of the Maidstone Borough Local Plan Regulation 18 Consultation 2014.
 3. In the absence of an appropriate legal mechanism to secure the provision of affordable housing, necessary contributions and land for a new primary school on site, public open space, improvements of healthcare facilities, local libraries, adult education provision, and youth and community facilities within the local area, the impact of the development would be detrimental to existing social infrastructure and therefore contrary to policy CF1 of the Maidstone Borough-Wide Local Plan (2000), Affordable Housing DPD (2006), policy H1(2) of the of the Maidstone Borough Local Plan Regulation 18 Consultation 2014 and central government planning policy as set out in the National Planning Policy Framework 2012.
- 8.02 This decision was appealed and the application called in for determination by the Secretary of State. In the lead up to the Public Inquiry which took place between 2 - 9th June 2015, a report was presented to the Planning Committee on the 19 March 2015 seeking authority from members to consider not defending ground 2 of the reasons for refusal due to insufficient evidence being available to the Council to defend this ground.
- 8.03 It was resolved that, with regard to the appeal against the decision to refuse application 13/1749, the Council should not defend ground of refusal 2 at the Inquiry, but should continue to defend grounds 1 and 3.
- 8.04 As a result of the Council's decision not to defend reason for refusal 2, no evidence was presented to the Inquiry on this matter (this was notified to the Planning Inspector, the appellants and those interested parties by virtue of a letter dated 27th March 2015).
- 8.05 Some 3 weeks after the close of the Inquiry when writing this report, there is no material change in circumstance in so far as there is still insufficient policy backing and evidence base to object to the application on the lack of woodland/country park. It would not be reasonable to seek to re-introduce a similar ground on this application, especially as this was withdrawn on the appeal application on the grounds cited above. Any such ground would, in my view, be likely to lead to a substantial cost award against the Council on the grounds of unreasonable behaviour.
- 8.06 Ground of refusal 3 was addressed at the Inquiry through the submission of a Unilateral s106 agreement. Whilst a number of matters were agreed through negotiations and fed into the submitted s106, others matters were not, however, there are some key areas which were agreed through the Council's Proof of Evidence and agreement within the s106 discussions. These principally related to an acceptance of 30% affordable housing based on the work carried out by Peter Brett Associates - Local Plan Viability Testing - Economic Viability Study and in the light of recent decisions/resolutions for strategic housing locations within the Borough which indicated an acceptance for a 30% level of affordable housing within/adjacent the

urban fringe. Members will recall sites at Bridge Nursery (14/501209) and Langley Park (13/1702) which accepted a 30% affordable housing provision and members will also be aware of the recent resolution relating to Land at Boughton Lane (13/2197) where it was resolved by the Planning Referrals Committee not to defend the 2 grounds of refusal at the Public Inquiry (which has now closed), one of which related to the provision of 30% affordable housing not complying with Maidstone Borough council's Affordable Housing SPD, due to insufficient evidence being available to defend the grounds.

- 8.07 The Council, through the recent appeal, has accepted that 30% affordable housing was acceptable in that case and this has been further evidenced in recent resolutions/decisions. There is no cogent reason why the current application should be treated in any different way. It would therefore be unreasonable to now raise an objection to 30% affordable housing. Were any such ground to be raised, this would in my view, and as set out previously regarding the Boughton Lane ground, be likely to lead to a substantial cost award against the Council on the grounds of unreasonable behaviour.

9.0 APPRAISAL

Principle of Development

- 9.01 The application site is a greenfield site on the edge of the urban area. Part of the site is allocated for housing in the Maidstone Borough-Wide Local Plan (2000) under policy H1 with a more detailed policy criteria set out under H12. This was allocated for housing as a result of the Inspector's recommendations for the 2000 Local Plan. The Local Plan allocates a larger site area than the current application site (including the site to the south, known as the "hospital field") for 380 dwellings (under policy H1) with the Proposals Map to the Local Plan allocating the kite shaped area of land to the north west of restricted by-way KB47 as public open space (ENV24) and forming part of the strategic gap (ENV31) between Tonbridge and Malling and the Maidstone Borough boundary. This strategic gap extends further northwards within the Tonbridge and Malling Borough (CP5 – Tonbridge and Malling Borough Core Strategy). The application site boundary includes part of this kite shaped area of land with provision for a school, community centre, access road and structural planting/orchard with the remaining part of the site boundary falling within the Tonbridge and Malling Borough. A separate application is submitted to Tonbridge and Malling Borough to cover aspect of the proposals. A separate application is submitted (14/503786) for the southern parcel of land including part of the woodland designated as Ancient Woodland.
- 9.02 The recent history of the site allocation was documented in the report to committee for application 13/1749 which essentially stated that following a review of an Urban Capacity Study, which was prompted by the publication of PPG3 at that time, and following the outcome of this study which identified sufficient housing land on brownfield sites, that a moratorium was issued on the greenfield allocations (which included this site) in the Maidstone Borough Wide Local Plan (2000).
- 9.03 There then followed a number of iterations to the draft Strategic Site Allocations/ Local Plan Policies/Local Plan Regulation 18 Consultation Draft 2014. Part of the application site was included within all versions of the above consultation documents albeit with varying capacity and site area requirements. Essentially previous iterations included:

- *Core Strategy Strategic Site Allocations Public Consultation 2012* – Approved for public consultation on 25 July 2012 with policy SS1b East of Hermitage Lane relevant to the application site which sought the provision of approximately 415 dwellings on part of the land forming the current application site (this did not allocate land to the nw of the restricted by-way KB47 or the woodland/southern hospital field).
- *Interim Approval of the Maidstone Borough Local Plan Policies 13 March 2013* – Policies SS1 and SS1b (those relevant to the current application site) approved for development management decisions on 13 March 2013. Sought the provision of 600 dwellings on part of the current application site and also including the southern “hospital” field (similarly this did not allocate land to the nw of the restricted by-way KB47 or the woodland/southern hospital field). The moratorium on the release of greenfield housing sites was revoked as the reasons for the moratorium no longer applied.
- *Maidstone Borough Local Plan Regulation 18 Consultation 2014* – Policies H1 and H1(2) in terms of allocation particularly relevant to the current application site. Approved for public consultation on 24 February 2014 and allocate the site for approximately 500 dwellings, however exclude the area to the south, the “hospital” field and woodland (including Ancient Woodland) but also include the kite shaped area of land to the nw of restricted by-way KB47 as land reserved for community infrastructure and publically accessible open space.

- 9.04 It is therefore clear that through various iterations of the Local Plan, that the majority of the site forming the current application proposals has either been allocated for housing/been recommended for housing or been allocated for community infrastructure. It should also be noted that whilst the Local Plan has evolved through the various iterations, policies SS1 and SS1b of the Interim Approval of the Maidstone Borough Local Plan Policies 13 March 2013 remain a material consideration for development management purposes as the decision to adopt them for DM purposes has not been rescinded.
- 9.05 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. Paragraph 14 of the NPPF applies a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking and that with regard to decision-taking, proposals that accord with the development plan should be approved without delay and where the development plan is absent, silent or relevant policies are out of date –granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.
- 9.06 Paragraph 49 of the NPPF also requires 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 should not be considered up-to date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
- 9.07 Whilst the adopted Local Plan is ageing in so far as the plan period ran from 2000 - 2006 and therefore the housing supply figures for policy H1 could be said to be out-dated, the current application site is included within part of the allocated site area as set out by policy H1/H12. Whilst acknowledging that not all the application site is

allocated by policy H12 (the policy does not allocate land north of the restricted by-way for instance for community purposes but allocates this as a strategic gap and open space). However subsequent re-iterations of the Local Plan, namely policies SS1 and SS1b of the Interim Approval of the Maidstone Borough Local Plan Policies 13 March 2013, which remains a material consideration (in my view which carries limited weight though) and the current Regulation 18 Consultation 2014, which also includes the application site allocated for housing (up to 500 dwelling) with land allocated within the kite shaped area, to the north-west of the restricted by-way KB47 as community infrastructure (the Reg18 consultation is also a material consideration but in my view carries more weight than the policies referred to above given its compliance with the NPPF), all allocate the application site for either housing or community infrastructure. These various iterations and allocations for the site all count towards the housing supply figures which contribute towards the overall objectively assessed housing need figure for the Borough.

- 9.08 Acknowledging that the Council does not have a 5 year housing supply figure, with the most recently calculated (April 2104) figure showing the Council had a 2.1 year supply of housing assessed against the objectively assessed housing need of 18,560 (agreed by the Strategic, Planning, Sustainability and Transport Committee on 9 June 2015), then I consider the shortfall in housing supply to be a strong material consideration in favour of the development.
- 9.09 Therefore, I consider that the policy principle of residential development on the application site is acceptable. Accepting that the application proposals generally accords with adopted policy H1/H12 in respect of proving housing and safeguarding land for a school but departing from certain other elements of the policy (which are either considered to be out-dated or justified by evidence to be unviable for instance a contribution to enable the implementation of Barming Station's park and ride facility or the provision of appropriate shopping facilities on site) and the wider plan (for instance policy ENV24 and ENV31), the key issue to consider and this should be considered in the context that the application site is a strategic site in the emerging plan, is whether any adverse impact of the development would significantly and demonstrably outweigh the benefits, 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/design, access/highways safety, landscape/arboriculture, infrastructure, drainage/flood risk, ecology, heritage/archaeology, residential amenity and whether the previous grounds of refusal for scheme 1 have been satisfactorily addressed.

Visual/Landscape Impact

- 9.10 The site is a greenfield site and its development for a mixed use development would clearly have an impact visually on the site. Whilst the application is in outline form with only matters of access to be considered at this stage, it is important to assess the impact of the development on the surrounding landscape.
- 9.11 The application is accompanied by a detailed Landscape and Visual Impact Assessment (LVIA) which concludes that the development would be well assimilated within its landscape setting, with limited adverse effects on views, landscape features and amenity and the potential with the maturing of the proposed landscape structural planting, to further reduce these effects. The LVIA considers that the scheme would respond positively to landscape character on which it would not have an unacceptable adverse effect.
- 9.12 In order to consider the context of the site allocation, it is important to consider the history and the Inspector's conclusions with regard to landscape impact when the

larger site area was being considered for allocation into the Local Plan 2000. This area included the land to the south of the restricted by-way KB47, the reservoir field and also included land to the south, known as the “hospital” field and including the woodland on the raised land to the south. At that time, and as part of the objectors scheme, it was also proposed that about 23 ha of land to the north of the footpath (KB47) should be laid out as an informal woodland park. The current application site is not as extensive as the one assessed by the Inspector but it does include the major part of the allocated site and is therefore very relevant to the consideration of the current application. There has been little change to the site itself, except the designation of part of the woodland belt to the southern ridge as Ancient Woodland (which lies outside the current application site) and where changes have occurred, these have introduced further built form, at sites such as the former Kent Garden Centre and Maidstone Hospital and more sites which have not yet been constructed but which have been granted planning permission on land west of Hermitage Lane and Oakapple Lane, which are visible in the foreground from views from within the AONB, most notably Blue Bell Hill.

- 9.13 The Inspector, when considering the visual impact of the development of the site for housing stated:

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

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

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

I conclude on this part of the issue, therefore that housing would harm the open character and appearance of the area when seen from close to; that it would be prominent from Hermitage Lane, but that the proposed access road would be harmful to the rural character and appearance of this area; and that from the downs, housing would be seen as an extension of the town’s built –up area into its countryside setting”.

- 9.14 When balancing the housing need issues against the harms identified above and in recommending the site for allocation in the Maidstone Borough-Wide Local Plan 2000, the Inspector stated:

“I have visited the site several times in both winter and summer, and in making this balance my recommendation has turned on three things. First, the limited effect of housing on the wider area when seen from Hermitage Lane as a result of the levels of the land. Second, the effect of existing development, both housing and the hospital, on the character of some of the existing footpaths in the area from which new housing would be seen: as a result the footpaths to the south and east of the site are not wholly rural. Third, I found that Hermitage Lane has an urban character since it has a clearly defined carriageway with kerbs, street lights, and a right turn

facility to the nearby quarry. Moreover, I found that it is a busy road, with noise and movement of traffic having an urbanising influence on the character of the area. I have no doubt that all this would limit the urbanising effect of the proposed access to the site”

- 9.15 The Inspector clearly acknowledged the harm that would arise from development of the site to its open character, however the lack of harm arising to the wider area including long range views from within the AONB combined with the need to find additional housing land lead him to recommending the site for allocation for 380 units.
- 9.16 The Inspector’s recommendations were then accepted and the site was included within the Maidstone Borough-Wide Local Plan 2000 with a site specific policy H12. It is clear that similar issues arise with the current application in terms of visual impact as were considered and recommended for a strategic site allocation by the Inspector in 2000. In fact committed development of a greater nature has occurred since the allocation and subsequent allocations in the Interim Approval 2013 Local Plan and the current Reg 18 allocation, as set out above, which have further increased the built form in the surrounding area and reduced the countryside setting as seen from long distance views of the site and surrounding area from Bluebell Hill. This development has also increased the urban nature of Hermitage Lane, which has a further urbanising influence on the character of the area and which the development proposals would not significantly change.
- 9.17 Whilst development of the site for housing would clearly change the openness of the site and the views across and to an extent the views towards the North Downs, especially when viewed from the various public footpaths that surround the site, most notably from PROW KB47, given the site’s close association with the existing built up area of Allington to the north east, the Maidstone Hospital to the south and the existing built form of Barming further southwards together with consented schemes on land to the west of Hermitage Lane and Oakapple Lane, the development of the application site from long distance views would be seen in the context of the existing settlement to the north, east and south of the site and would not appear as a discordant element in the landscape or appear as an unjustified protrusion in the landscape setting.
- 9.18 Concern has been raised by the KCC Landscape Officer regarding the content of the LVIA as set out in paragraphs 7.13 above. These concerns are similar to those raised for the refused scheme 1 ref. 13/1749 and members will be aware that the grounds of refusal, namely ground 1 state the development by virtue of the southern field for housing and the link road through the designated ancient woodland would erode the setting of the woodland as a landscape feature. The current application excludes development of the southern field and therefore there was no objection in principle in landscape terms to the development of the reservoir field in scheme 1, as proposed by the current application. Whilst a ground of refusal was raised to the absence of a country park within Tonbridge and Malling Borough, this was subsequently withdrawn leading up to the Inquiry and in any event, was not concerned with a principle objection regarding landscape impact but more about the detrimental impact on the proposed development layout and failure to encourage sustainable transport links.
- 9.19 Overall, it is considered that whilst the proposals would cause some harm, principally in relation to the loss of openness of the site, this harm would be limited and confined to principally closer views of the site, and the housing needs of the Borough and the

confirmation of the allocation of a significant part of the application site for over 15 years confirms the acceptance of this site for housing.

Ancient Woodland/Arboricultural matters/Landscaping

- 9.20 The pre-ample to policy H12 identifies some key aspects of the site's development which are re-iterated in the emerging plans. This concerns the treatment of landscaping within and around the boundaries of the site. It is stated that the purpose of the landscaping scheme will be to secure the retention of the areas of trees, woodland and the other features described by the policy together with their reinforcement and/or appropriate future management to secure their continuing landscape benefit or function.
- 9.21 The policy itself particularly identifies the "*retention of trees and woodland located to the site's south east boundary and north east boundaries, the retention of trees and woodland occupying the ridgeline in the southern section of the site, together with a scheme for the future management of these areas and the provision of additional landscape planting along the reservoir footpath as well as the future treatment and management of the Knoll adjoining the Old Hermitage*".
- 9.22 Whilst the trees and woodland along the south east and north east boundaries are located within the development site and partly protected by TPO No.36 of 2003 and TPO No 5 of 1996, "the woodland occupying the ridge in the southern section of the site" part of which is designated as ancient woodland in the Ancient Woodland Inventory 2012 lies mostly outside the application site, with a linear strip of woodland running north west to south east and forming a buffer area to the ancient woodland within the application site (but not being designated as ancient woodland). This buffer area generally accords with Natural England's Standing Advice for Ancient Woodland and Veteran Trees 2014 and was accepted as part of the buffer for scheme 1 by the Council's Landscape Officer and emerging policy H1(2) which requires a 15m wide landscape buffer between the ancient woodland and the housing development. The Council's Landscape Officer comments for the current application, whilst noting the Natural England standing advice and paragraph 118 of the NPPF concludes that the scheme layout provides appropriate buffer zones in line with the standing advice, indicating that the principle of the proposal is achievable within acceptable limits provided that these minimum buffer zones are integrated into a detailed proposal with appropriate planting, use and management. Matters relating to ecology are discussed below.
- 9.23 Regarding Arboriculture matters, to which no objections were raised on scheme 1 (except those relating to impacts concerning the loss and deterioration of ancient woodland, which is outside the current application boundary), the Council's Arboricultural officer concurs with the tree survey assessment undertaken by the applicants and concludes that whilst a number of trees will be lost to accommodate the development, the proposals include significant levels of replanting, with adequate space for them to mature which are considered to be adequate mitigation for the tree losses in the long term. As such no objection is raised on arboricultural matters.
- 9.24 A detailed Landscape and Biodiversity Management Strategy (LBMS) has been submitted with the application which provides a strategy for the maintenance and management of the retained existing features, hard and soft landscape proposals and newly created habitats including woodland, trees, wildflower meadows, amenity grassland and SUDs features. The strategy sets out a vision for development of the site and draws reference from the ecological assessments. It is intended that this document would help support and provide guiding principles for a more detailed

Landscape and Ecological Management Plan (LEMP) which would be required to be submitted prior to development commencing which will provide for a more detailed landscaping and ecological design and management for the site. KCC Biodiversity support the vision and objectives of the plan, although raise some concerns over for instance, details of footpath management. This would be addressed by the more detailed LEMP proposals to be agreed prior to the commencement of development.

- 9.25 As set out below, the treatment of the open space areas, landscaping and ecological mitigation are key to the successful development and integration of the proposals within the landscape context and as such, it is recommended that the LBMS and LEMP are included within the terms of the s106.
- 9.26 It is also considered that conditions to set parameters on landscaping to ensure an appropriate setting to the development are incorporated. This would include retention and enhancement of the boundary woodland and vegetation (excluding areas where boundary trees are proposed to be removed to accommodate the secondary access) provision of the 15m buffer to the ancient woodland along the southern boundary and native planting in accordance with the Council's adopted Landscape Guidelines.

Country Park

- 9.27 Matters relating to the provision of a country/woodland park under policies SS1b of the Interim Approval of the Maidstone Borough Local Plan Policies 13 March 2013 and H1(2) of the current Regulation 18 Consultation 2014 have been addressed in paragraphs 8.02 -8.05 above and relate to the insufficient policy backing and evidence base to object to the application on the lack of such a park as part of the current proposals. In light of the recent withdrawal of this ground for the scheme 1 appeal, there would be no grounds to object to the current scheme due to the lack of a country/woodland park. Open space provision is dealt with later in the report.

Design Issues

- 9.28 Details of layout, scale appearance and landscaping of the site are not for consideration at this stage. However the illustrative Masterplan for the site and accompanying supportive DAS sets out the vision for the site which is set out in more detail in paragraph 2.0 above, more specifically 2.05 - 2.10. This envisages 4 character areas of varying densities ranging from 25-40 dph to reflect the character of the various areas of the development site with building heights not exceeding 3 storey's, although the scheme envisages predominantly 2-2.5 storey's with the 3 storey elements being used to mark key locations. Layout principles seek to achieve a sense of place and legibility with key frontages being identified to mark important spaces and dwellings fronting the street. A hierarchy of streets is suggested to provide legibility and variety and define key routes through and around the site. High quality materials are suggested and local vernacular styles.
- 9.29 The parameters plan submitted for consideration at this outline stage shows significant areas of open space and takes the form of semi-natural open space - 2.94 ha comprising the woodland/landscape buffers, amenity greenspace - 3.95 ha including foot/cycle routes, structural planting and areas to incorporate SuDS features, provision for equipped play areas – 0.12 ha and community orchard comprising 0.77 ha., a total of 7.78 ha. Overall I consider the amount of the development proposed and open space provision is suitable and with the general principles set out, is capable of achieving a high quality standard of design and layout which would respond positively to the surrounding context and create a sense of place with good connectivity to surrounding areas and local facilities and amenities.

- 9.30 It is considered that conditions to set parameters on landscaping to ensure an appropriate setting to the development are incorporated. This would include retention and enhancement of the boundary woodland and vegetation (excluding areas where boundary trees are proposed to be removed to accommodate the secondary access) provision of the 15m buffer to the ancient woodland along the southern boundary and native planting in accordance with the Council's adopted Landscape Guidelines.

Highways

- 9.31 The traffic implications of the development were extensively assessed and revised during the progression of the scheme 1. No objections were raised by the Highways Agency and Kent Highways to that scheme and a full set of contributions to mitigate the impacts of the development were agreed. There was no highway ground of refusal on scheme 1, except for the matter that ground 3 (see 8.01 above) cited the absence of an appropriate legal mechanism to secure the provision of such matters. No evidence was presented at the recent Inquiry on highway matters and the pro-rata contributions and other contributions were agreed with KCC and secured through an s106 agreement which was presented to the Inspector at the Inquiry.
- 9.32 The same highway mitigation proposals have been put forward for the current scheme, which reflect those agreed for scheme 1. The contributions levels have changed however due to the fact that the original site boundary for scheme 1 has been split into two separate applications (schemes 2 and 3) with scheme 2, the current application being considered, making up the bulk of the highway contributions. A full appraisal of the requested contributions is set out in the Infrastructure section of this report under highway capacity improvement works and amounts to £3,039 per dwelling, with an additional £30,000 contribution towards the funding of surfacing and improvements to public right of way KB35 and KB18, to facilitate improvements to the public right of way network which immediately serves the development and connects with the town centre. I consider these contributions necessary to mitigate the impacts of the development. Kent Highway Services and the Highways Agency again raise no objections to the current proposals, subject to the mitigation contributions being secured.
- 9.33 The mitigation and contributions have been calculated on the basis of this site and other sites that have received consent and those that have been allocated in both Maidstone and Tonbridge and Malling Boroughs. The proposed mitigation takes into account the cumulative impact of traffic generation.
- 9.34 A comprehensive travel assessment and safety audit has been submitted with the current application which considers in depth the existing highway network which serves the development. This also considers the opportunities for sustainable transport modes – walking, cycle use and passenger transport. The assessment explores likely vehicular trip generation, together with other committed and consented developments in the area and identifies the potential impacts at surrounding junctions. These are then compared with existing levels of operations to identify where mitigation is needed as a result of the combination of developments.
- 9.35 The key locations requiring mitigation are:
- the junction of Hermitage Lane/Fountain Lane with Farleigh Lane and A26 Tonbridge Road. This would involve improvements to the existing junction comprising reconfiguration of the internal junction right turning arrangements, pedestrian crossing upgrades and introduction of intelligent MOVA systems.

- A20 London Road/Coldharbour Junction. This would involve increasing vehicle storage capacity within the roundabout and possible carriageway widening.
- M20 – Junction 5. This would involve introducing circulatory carriageway markings which would add additional capacity by reducing driver hesitancy at the give-way lines. (The Highways Agency have issued a direction requiring no more than 170 dwelling to be occupied until completion of the above works).

It should be noted that a pro-rata contribution towards the above works has been requested by Kent Highways.

- 9.36 The assessment and recommended contributions also considers mitigation by the introduction of a passenger subsidised bus service to which a contribution of £1084 per dwelling is proposed to support a bus service via Allington for a period of 5 years linking to the town centre (in line with policy T3 of the Local Plan), pedestrian and cycle improvements to create a shared pedestrian/cycle use of the footway along the eastern side of Hermitage Lane and pedestrian crossing facilities totalling £91 per dwelling, together, as set out above, improvements to PROW KB35 and KB18 totalling £30,000. I consider these contributions necessary to mitigate the impacts of the development. This would significantly improve permeability from/to the site and surrounding area to Barming Station with the creation of a shared pedestrian/cycle route linking the proposed access on Hermitage Lane to the station and additional crossing facilities on Hermitage Lane, together with upgrades to the existing PROW network creating improved pedestrian/cycle accessibility.
- 9.37 Access is for consideration at this stage and two vehicular accesses are proposed, the main access being from Hermitage Lane with a secondary access being from Howard Drive. The secondary access would be limited to bus and pedestrian/cycle only which can be controlled by condition. This would enable the provision of a bus service to serve the development and connect with the wider area and link back to the town centre. Whilst it is acknowledged that emerging policy seeks access for a limited number of dwellings from Howard Drive, evidence gathered during public consultation responses prior to the submission of scheme 1 showed a desire for no vehicular access from Howard Drive. No objections were raised from KHS to limited access from this point on scheme 1 and similarly I do not consider this to be unacceptable now. Kent Highways raise no objection to the proposed accesses and sight lines.
- 9.38 Parking and layout is not being considered at this stage but I consider that a suitable level of parking could be accommodated within the overall layout of the scheme to meet the required standards.
- 9.39 Overall, it is considered that the proposed accesses would meet the required standards and that the impact of additional traffic on local roads and junctions would, or could be made acceptable. Together with improvements to pedestrian/cycle ways and sustainable transport modes, all of which would help mitigate the impacts of the development and can be appropriately secured through contributions. No previous objections were raised on Highways grounds to scheme 1 and the mitigation measures are the same for the current application as were proposed for that scheme. Kent Highways and the Highways Agency raise no objection to the current proposals and there are considered to be no grounds for objection on highway impacts.

Infrastructure

9.40 A development of this scale is clearly likely to place additional demands on local services and facilities and it is important to ensure that the development can be assimilated within the surrounding 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.

9.41 However, any request for contributions needs to be scrutinised, in accordance with Regulation 122 and 123 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*

*And

A planning obligation ("obligation A") may not constitute a reason for granting planning permission to the extent that –

- (a) obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and*
- (b) five or more separate planning obligations that –*
 - (i) relate to planning permissions granted for development within the area of the charging authority; and*
 - (ii) which provide for the funding or provision of that project, or type of infrastructure have been entered into before the date that obligation A was entered into.*

9.42 *This section came into force on the 6th April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

9.43 The following contributions have been sought:

Community Infrastructure:

9.44 For primary education, the pupils that would result from the development cannot be accommodated within forecast school capacities. KCC is therefore required to increase the amount of provision and this will be achieved through the construction of a new primary school on the application site. This requirement has been acknowledged through the policy which includes reference to a new primary school. Based on a pupil forecast of 118 primary pupils arising from the development, and with the cost of constructing a new school being approximately £6 million with a pupil number of 420, the cost per pupil is therefore **£14,286** – totalling £1,685,748. KCC request that the contribution be calculated by the formula set out in paragraph 7.09.

9.45 For the Primary School Land KCC state that they will be unable to meet the additional demand of the pupils arising from the development without the primary school provision. KCC recognise that the use of the land for a school will mean the owner forgoing its current use and there are associated costs in providing the necessary infrastructure and servicing for the school. KCC propose to pay the landowner the sum of **£403, 650.31** (based on the methodology set out in paragraph

7.09 above) as land forgone and costs incurred beyond that directly attributable to the development. They request the same land transfer terms as agreed within the S106 for the appealed scheme 13/1749.

- 9.46 For secondary education **£11,799** per pupil is sought totalling £991,116 based on 84 pupils arising from the development towards expansion of Maplesden Noakes School to address the increased impact the development would have.
- 9.47 For libraries, **£48.02** per dwelling is sought totalling £20,166.64 to be used to address the demand from the development towards additional bookstock at Allington Library.
- 9.48 For community learning, **£30.70** per dwelling is sought totalling £12,894 to accommodate the increased demand arising from the development with provision of new and/or expanded facilities and services through dedicated education centres and outreach community learning facilities.
- 9.49 For adult social care, **£47.44** per dwelling is sought totalling £19, 925 to accommodate the increased demand arising from the development by providing new and expanded adult care facilities and services.
- 9.50 Justification for the KCC Community Service contributions is set out in paragraph 7.09 and I consider that the requested contributions have been sufficiently justified to mitigate the impact the additional strain the development would put on these services and comply with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the CIL tests above.
- 9.51 In terms of Community Hall provision, the application seeks to provide land safeguarded for a community centre. Terms negotiated for the appealed scheme 13/1749 (scheme 1) sought the transfer of land (measuring not less than 0.36 hectares) and the construction of a community hall (with a floor area of approximately 600 sq m, built and completed at the developers expense in accordance with a specification reflecting its use as a community building –ready for use and then transferred to a management company.). A CIL compliance statement was submitted to the Inquiry for this element of the scheme and I consider the same requirements are necessary for the current scheme to mitigate the impacts on community provision arising from the development.

Highways Infrastructure

- 9.52 For highway capacity improvement works – total sum per dwelling of £3,039
- 9.53 For pro-rata contributions towards improvement works at the A20/Coldharbour junction **£1362** per dwelling is sought to mitigate the impacts of the development by increasing the storage capacity for vehicles within the roundabout.
- 9.54 For pro-rata contributions towards improvement works at the A26/Tonbridge/Fountain Lane junction **£400** per dwelling is sought to mitigate the impacts of the development comprising reconfiguration of the internal junction right turning arrangements, pedestrian crossing upgrades and introduction of intelligent MOVA systems which will increase the capacity and flow of the junction.
- 9.55 For pro-rata contributions towards white lining improvements to Junction 5 M20, **£102** per dwelling to aid movement and reduce delay on the roundabout junction.

- 9.56 For contributions towards the funding to support a bus service via Allington for 5 years **£1084** per dwelling to increase the use of sustainable transport as an alternative to the car to mitigate the impacts of the development
- 9.57 For contributions towards the funding of identified pedestrian and cycle improvements along Hermitage Lane, **£39** per dwelling is sought for additional pedestrian crossing facilities in Hermitage Lane north of the site and **£52** per dwelling for shared cycle/pedestrian use of the eastern footway of Hermitage Lane to increase pedestrian/cycle access to Barming Station and across Hermitage Lane.
- 9.58 For contributions towards the funding of surfacing and improvements to public right of way KB35 and KB18, **£30,000** to facilitate improvements to the public right of way network which immediately serves the development and connects with the town centre.
- 9.59 Justification for the KCC Highways and PROW contributions is set out in paragraph 7.15 and I consider that the requested contributions have been sufficiently justified to mitigate the impact the additional strain the development would put on the highway network and comply with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the CIL tests above.

Healthcare

- 9.60 For contributions towards Healthcare, the NHS are seeking £360 per dwelling based on an occupancy rate of 2.34 persons X the number of dwellings. They have identified 6 surgeries, as set out in paragraph 7.24 above, all of which are within a 1.5 mile radius of the site and will support improvements to these surgeries by way of extension, refurbishment and/or upgrade in order to meet the additional demands generated by the development. The NHS request a contribution based on the formula: **Number of dwellings x 2.34 x £360**. A figure of £248.724 has been quoted based on 294 dwellings (NHS do not collect contributions for identified affordable/social housing – proposals allocate 30% affordable housing (126 based on 420 = 294). However as the application is for up to 420 units, the above formula should be used within the s106.

Open space

- 9.61 In terms of open space, based on under-provision (shortfall) of outdoor sports facilities on the site and on the understanding that whilst there is an overprovision of greenspace attributed to amenity greenspace (some 3 ha), the allocated 2.94 ha of woodland/landscape buffers as set out in the DAS would not count toward Parks and Gardens but instead would count towards Natural and Semi Natural greenspace covered by the ANGSt standard. This has been confirmed by the Council's Parks and Open Space officer. As such **£71820** is sought based on the formula set out in paragraph 7.08 above towards improvements, repair and renewal to the Keswick Drive play area and open space which is less than 300 metres from the site. This area is currently in poor condition and following a play area review is considered important to retain and given its proximity to the development site, is likely to be used by residents of the new development. It is therefore considered that taken in combination with the provision of 2.94 ha of woodland/landscape buffers which would meet the required and adopted ANGSt standard, the over –provision of amenity greenspace (as set out in the adopted DPD 2006) by some 3 ha, 0.12ha provision for children's and young peoples equipped play area, and over-provision of community gardens by some 0.5 ha (according to the DPD), and with a total open space provision of some 7.78 ha (compared to a DPD requirement of 5.43 ha), it is considered a s106/condition to secure the specified open space with its long term management and maintenance, and an off-site contribution can be secured.

- 9.62 The above contributions are considered to be necessary to mitigate the impact of the development and I have checked with those making the requests that there are not already 5 signed s106 agreements with contributions towards specific projects. As such, I consider the above to meet the CIL tests.
- 9.63 Kent Police have requested contributions which if based on 30% affordable housing, £39,984, if 20% affordable housing £49,696 and if any other variable, £136 per dwelling and that this money would be pooled to deliver the overall infrastructure requirements of Kent Police as a result of planned developments within the County. I do not consider that this request meets the required tests, in particular that it is necessary to make the development acceptable and being directly related to the development, particularly if used for policing across the county.

Drainage and Flood Risk

- 9.64 Matters relating to drainage and flood risk did not form a ground of refusal for scheme 1 and no evidence was offered on this matter by the Local Authority at the recent Public Inquiry. No objection was raised by the Environment Agency or Southern Water to that scheme.
- 9.65 The current application is also supported by an updated Flood Risk Assessment (FRA) which acknowledges that whilst scheme 1 has been split into schemes 2 and 3, the technical work to support scheme 2 remains unchanged.
- 9.66 The FRA confirms that the site is located within Flood Zone 1, an area of lowest risk and therefore acceptable for residential development. The report identifies that the sustainable management of surface water runoff is a key issue and suggest a proposed drainage strategy in the form of a SuDS Management Train which would use a combination of drainage techniques to manage surface water runoff in a sustainable manner. It outlines a number of techniques to be considered including rainwater harvesting, permeable surfaces, infiltration basins and borehole soakaways and where appropriate will incorporate sustainable pollution control measures such as trapped gullies and catchpit manholes and class 1 petrol interceptors. Pre-treatment devices, such as swales and filter trips, will be incorporated in order to reduce the rate of sediment clogging the infiltration basins and borehole soakaways. The report acknowledges that full modelling of the surface water sewer arrangements including all appropriate SuDS devices will be undertaken during the detailed stage.
- 9.67 Regarding foul water, this would be discharged into the public drainage network with expected additional off-site sewers or improvements to existing sewers to be carried out. This would however be carried out under the Water Industry Act with any necessary improvements secured. It is anticipated that a foul pumping station would be required due to the topography of the site and this would be sited as close to the lowest point of the site.
- 9.68 The Environment Agency originally objected to the application on the grounds of a lack of information to indicate whether site conditions may represent a risk to controlled waters as the site is located within an area designated as a principal aquifer, SPZ111, direct on the Hythe Formation. A subsequent Phase 1 Contamination Assessment has been submitted to address these concerns and the E.A (as set out in paragraph 7.17 above) have withdrawn their objection and recommended conditions to cover matters on land contamination, infiltration and piling on site. These conditions are reasonable and fulfil the condition tests and such will be included within the overall recommended conditions.

- 9.69 The Lead Local Flood Authority (LLFA) have been consulted and their comments are set out in paragraph 7.14 above. Whilst they refer to the conditions suggested by the E.A that no infiltration is permitted without the permission of the LPA and therefore question the deliverability of the drainage strategy, the FRA submitted with the application acknowledges that additional ground investigations will be required to inform the full modelling of the proposed surface water sewer arrangements which will be undertaken during the detailed design stage, a matter acknowledged by the LLFA. The proposals put forward in the FRA are an outline strategy which sets out general principles. Such detailed design requirements would be requested as part of the suggested conditions and consultations carried out with the E.A, the LLFA and Southern Water to inform the best solution. As such, this is not a matter to object to the application.
- 9.70 Southern Water raise no objection to the proposals but do state that there is inadequate capacity in the network to provide foul sewerage to serve the development. They request a condition to cover foul drainage and agreement to be secured to cover any off site improvement works under the Water Industry Act 1991. Details of the foul water provision would form part of the suggested conditions.
- 9.71 Concern has been raised by local residents over the potential risk that the existing reservoir poses to flood risk. The reservoir is outside the application site boundary but was a matter that was raised by the E.A in their comments for scheme 1 with a suggestion that the local authority consult with South East Water on the structural integrity and maintenance regime of the reservoir to consider the potential of reservoir failure. Members will note that as part of the current application, South East Water have been consulted with their comments set out in paragraph 7.22 above. They have confirmed that the reservoir was last inspected in 2010 with no items of concern regarding its structural integrity. It is due to be inspected in 2017/18. It is therefore considered that the integrity and maintenance of the reservoir has been substantiated and is not a matter for further concern. It should be noted that the E.A have not raised this as a matter in their comments for the current application.
- 9.72 It is therefore considered that with suitably worded conditions to address matters relating to foul and surface water disposal, that there are no grounds to object to the proposals on drainage and flood risk.

Ecology

- 9.73 The application is accompanied by an Ecological assessment which has been updated from the assessment carried out for scheme 1 but used the same baseline data obtained from survey work undertaken from August 2011 through to August 2012. Due to concerns raised by KCC Ecology, an addendum to the ecological assessment was submitted in January 2015 to corroborate the previous surveys for vegetation and habitats, including impacts and proposed mitigation and that these remained valid.
- 9.74 The current application principally excludes the woodland to the south, part of which is designated as ancient woodland but does include a buffer area along the southern boundary which extends to no less than 15 metres (and up to 40m in places) from the designated ancient woodland.
- 9.75 An evaluation of the Vegetation, Habitats and Flora was carried out together with surveys for birds, bats, badgers, dormouse, reptiles, amphibians (Great Crested Newt) and Invertebrates. No nationally rare or scarce species of flora were recorded

but Ancient Woodland indicator species were identified. Bats were recorded around the boundary features, with no rare or scarce birds, no badger setts, no recorded dormouse and no evidence of Great Crested Newt. Three species of reptile were recorded but these were in the areas proposed to be retained as semi natural open space.

- 9.76 As the development proposals will impact on the ecological value of the site, mitigation and enhancement options are proposed which is further evidenced by the submission of a Landscape and Biodiversity Management Strategy which focus on the delivery of a coherent and integrated approach to the management and maintenance of the landscape and ecological aspects of the site. KCC Ecology have assessed the detail and raise no objection subject to conditions requiring mitigation strategy's in relation to lighting, construction ecological method statement for protecting habitats and species and a management plan for created and retained habitats on site.
- 9.77 Whilst ground 1 of the refusal notice for scheme 1 did take into account the loss and deterioration of ancient woodland, no objection was raised to the 15m buffer zone to the north of the designated woodland. This is what is proposed in the current scheme and to which the Council's Landscape officer confirms is acceptable and therefore in terms of ecological impact on protected species and on the ancient woodland itself, I consider that there would be no grounds to object to proposals and that suitable mitigation measures could be secured by way of conditions. I note the objection raised by the Kent Wildlife Trust and the Woodland Trust, but these concerns principally relate to the ancient woodland impacts which are outside the current site.
- 9.78 As set out above, open space is shown on the parameters plan and explained within DAS as comprising semi natural open space (existing woodland/landscape buffers), amenity green space and community orchards which would provide biodiversity enhancement opportunities in line with the NPPF. Specific details of this would be required by condition and would include the creation of logpiles, hibernacula creation, bat and bird boxes and invertebrate boxes within the form of the new dwellings.

Heritage/Archaeology

- 9.79 Matters relating to heritage/archaeology did not form a ground of refusal for scheme 1 and no evidence was offered on this matter by the Local Authority at the recent Public Inquiry. No objection was raised by the KCC archaeology officer or the Council's conservation officer to scheme 1, with KCC archaeology requesting a condition to cover archaeological field evaluation works and safeguarding measures to ensure preservation of any in-situ remains. No objection has been raised by either parties to the current application subject to a similar condition as previously requested being imposed.
- 9.80 The application is supported by a Heritage Statement which identifies the areas of archaeological importance within the site, the most important being adjacent to "The Hermitage". This area is not proposed for development and therefore any archaeological remains would be preserved in situ. The other area identified for archaeological potential is outside the current application site and therefore not for consideration under the current scheme. The report identifies that further work is required to identify the possible presence of a World War II bomber or flying bomb to the east of the site and additional investigative work to the north of the restricted by-way KB47 in the area currently covered by orchards. Such matters can be covered the suggested condition of the KCC archaeology officer.

- 9.81 The Council's conservation officer confirms that the site lies a considerable distance away from the various listed buildings at the old Oakwood Hospital site further south. The distances involved and the interposition of modern hospital developments and tree screening mean that the proposed development would have no adverse impact on the settings of these buildings. As such, no objections are raised on heritage grounds.

Residential Amenity

- 9.82 Details of layout and appearance are reserved for future consideration however the illustrative scheme shows that a suitable layout can be achieved to prevent any unacceptable impacts upon nearby properties or on the occupants of the proposed scheme in terms of privacy, light and outlook. I also consider that given the suggested density of the proposed scheme across the various illustrative character areas, that sufficient space could be designed for the properties to ensure sufficient amenity space is provided for.

Other Matters

- 9.83 Affordable Housing is proposed at 30%. This is the same contribution as proposed by scheme 1 and equates to a maximum number of 126 units based on 420 dwellings. This figure reflects the viability evidence carried out by Peter Brett Associates as set out in paragraph 8.06 and which helped inform emerging policy DM24 which seeks 30% and as accepted on numerous other strategic sites within the Borough, most notably Bridge Nurseries and Langley Park. This figure was not contested at the recent Public Inquiry with the Council acknowledging the DPD requirement of 40% however, taking into account the significant contributions that would be required to be paid in relation to infrastructure provision on this site, notably the access road, community hall, highway works etc and having due regard to decisions on other strategic sites within the Borough which accepted 30% and the Council's recent decision not to defend a reason for refusal which objected to the provision of 30% affordable housing on land at Boughton Lane, it was considered for the Inquiry and is considered for the current application that 30% affordable housing is acceptable in this case.
- 9.84 Air Quality – Concerns have been raised by residents regarding air quality, specifically the Watlington Junction Air Quality Management Area (AQMA). The application was accompanied by an Air Quality Assessment on the Watlington Junction which concluded that the development of the application site would have negligible significance on air quality at this junction, however this junction is within the TMBC boundary. TMBC did not raise objections on this matter at the recent public inquiry subject to the inclusions of conditions/s106 obligations securing sustainability improvements to the proposals. Similar measures are proposed for the current scheme. The Council's own environmental health officers have raised no objection on air quality matters subject to measures to encourage sustainable and low – emission transport modes and to the submission of a travel plan. These measures would be secured by conditions/s106 agreement. No objections were raised on such matters in scheme 1 and this did not form a ground of refusal. As such I consider that matters relating to air quality are acceptable and mitigation can be incorporated with suggested conditions.
- 9.85 Emerging policy H1(2) and policy SS1b of the 2013 Interim approval seeks the provision of a local shopping parade appropriate to the scale of the development. However, information submitted accompanying the application in the form of a viability assessment indicates that there would be a lack of demand for such uses

due to the existing provision in close proximity to the site and due to a lack of a busy road frontage and that any such facility would not prove to be an asset to the community. There are nearby facilities at the Mid Kent Shopping Centre, including Waitrose, Tesco Express to the south of Maidstone Hospital and Sainsbury's at the nearby Aylesford Retail Park. I consider that sufficient evidence has been submitted to explore the possibility and viability for the provision of a shopping parade and that there are alternatives within close proximity and easily accessible to the site to ensure adequate provision to serve the needs of the development. The current proposals/contributions would improve permeability and connectivity to existing services. Similarly as with scheme 1, no objection is raised due to this lack of provision.

- 9.86 The rural planning advisor has identified the application site as comprising principally Grade 2 (very good) quality with a smaller area of Grade 3a (good) quality land. This was identified when the site was recommended for allocation by the Inspector's report for the 2000 local plan, but was overridden given the essential need for housing. A similar situation applies now given the current 5 year housing supply issues with an essential need for housing. No objection was raised on the loss of very good agricultural land to scheme 1 and no evidence was presented to the public inquiry on this matter. It would be unreasonable to object to the loss of agricultural land now especially given the strategic allocation of the site for housing in both the adopted and emerging local plans.
- 9.87 A Noise Impact Assessment has been submitted with the application which, assess the suitability of the application site for residential development. The Council's Environmental Health Officer has assessed the report and concludes that no mitigation is required to protect future occupants of the site from noise sources.
- 9.88 Prior to the submission of the refused scheme 1, a screening opinion was sought from the Local Authority as to whether the proposed development incorporating up to 700 dwellings, a mixed use centre, a 2 form entry primary school, access from Hermitage Lane, up to 15,000 sqft employment uses, extension to Barming Railway Station car park, drainage infrastructure and open space was development requiring an Environmental Impact Assessment.
- 9.89 The Council adopted a screening opinion on 24th January 2013 which concluded that an Environmental Impact Assessment (EIA) was not required for the reasons that whilst the environmental effects of the development would be significant, particularly with regard to increased traffic and pollution, and visual impacts, this would not be of more than local importance and without major transfrontier effects. The site is not at an environmentally sensitive or vulnerable location and does not involve unusually complex and potentially hazardous environmental effects. The same conclusions are reached for the current application which proposes a reduced level of development but with similar environmental and visual effects. It is not considered that an EIA is required for this application in light of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

10.0 CONCLUSION

- 10.01 Members will be aware that the principle area of concern in relation to scheme 1 was the development of the southern field for housing and the link through the designated ancient woodland which would erode the setting of the woodland as a landscape feature and result in the loss and deterioration of ancient woodland where the need for and benefits of the development did not clearly outweigh the loss. The current application, scheme 2 does not propose development in the southern field or result in

a link road through the ancient woodland and excludes this area from the application site. No concerns were raised for development of the reservoir field with the council supporting the principle of development of this field at the recent public inquiry.

- 10.02 Ground 2 of the refusal notice for scheme 1 related to the absence of a country park on land within Tonbridge and Malling Borough which failed to secure the maintenance of the open character between Allington and the Medway Gap settlements. This ground was withdrawn by the Council prior to the opening of the Inquiry on the grounds of insufficient policy backing and evidence base to object to the application on the lack of woodland/country park. Some three weeks after the close of the Inquiry, and whilst writing this report, this situation has not changed.
- 10.03 The third ground of refusal for scheme 1, was addressed at the Inquiry through the submission of a Unilateral s106 agreement. The current application, scheme 2 seeks to address these reasons for refusal and it is a significant material consideration as to how these grounds have been addressed by the current application. The introduction of new issues, not previously raised would be considered to constitute unreasonable behaviour unless the Council could clearly demonstrate a material change in circumstances. There are considered to be no material changes that would warrant the introduction of new grounds on which to object to the application.
- 10.04 The proposed development is located within part of an allocated housing site in the Maidstone Borough-Wide Local Plan 2000 with the emerging plan allocating the application site for housing with the area to the north west of restricted by-way KB47 allocated for community infrastructure. This allocation, including the current iteration in the Interim Approval of the Maidstone Borough Local Plan -13 March 2013 and the Regulation 18 2014, have allocated the site for residential development and latterly for community infrastructure for almost 15 years. However, given the age of the adopted policy where housing supply policies could be said to be outdated, and in the absence of a 5 year supply of housing, to which the NPPF states that housing applications should be consider in the context of the presumption in favour of sustainable development, planning permission should be granted unless any adverse impacts of doing so would significantly an demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
- 10.05 The site is considered to be at a sustainable location, reflecting its allocation as a strategic housing site and offers good connectivity to surrounding developments, services, transport and recreational facilities. The visual impact of the development of the site would be localised and would not result in any significant protrusion into the countryside given the existing development to the north, east and south. There are no highway objections and mitigation measures have been agreed to ensure the local roads can accommodate any increase in traffic. Drainage matters have been considered and mitigation can be secured by conditions. No objections are raised by the E.A, the LLFA, Southern Water or South East Water. There are no principle ecology objections to the proposal with the Council's Landscape/Arboricultural officers raising no objections to potential impacts to ancient woodland/arboricultural matters. There are no objections in relation to archaeology, with the KCC Archaeology officer suggesting a suitably worded condition, and the Council's Conservation and Environmental Health officers raising no objections on heritage and land contamination/air quality grounds respectively.
- 10.6 In accordance with advice in the NPPF, there are three dimensions to sustainable development giving the rise to the need for the planning system to perform environmental, economic and social roles collectively. It is considered that the

development would provide economic benefits through the delivery of houses, associated construction jobs, and likely local expenditure (the applicants have provided an Economic Benefits Statement forecast which sets out the expected economic benefits arising from the scheme if permission is granted – these are substantial). Social benefits would also arise in the form of affordable housing and community infrastructure (including the open space and community hall provision). Whilst there would be some impact upon the landscape, this would be limited and localised and considered to result in low environmental harm. There would be no direct impacts on Ancient Woodland and indirect impacts have been mitigated (minimum 15m buffer areas incorporated between Ancient Woodland) and can be controlled by conditions/S106 agreement. It is therefore considered that the proposals would perform well in terms of the economic, social and environmental roles as required under the NPPF.

- 10.7 Representations from all contributors to the application have been duly considered including the previous grounds of refusal and actions taken by the Council in defending these grounds for scheme 1. It is considered that these previous grounds have been addressed by the current application and acknowledging the principle of development for the major part of the application site has already been accepted by its strategic allocation in the current and emerging local plans, it is necessary to consider whether any adverse impacts of granting permission would significantly outweigh the benefits. Balancing the level of harm caused by the development, in the context of the 5 year supply, I consider the low adverse impacts (but recognising the strategic allocation of part of the site), would not significantly and demonstrably outweigh the benefits of providing much needed housing, including affordable housing, in a sustainable location. This is the balancing test required under the NPPF. Therefore, I consider that compliance with policy within the NPPF and acknowledging the out-dated housing supply figures for the adopted plan, but accepting the allocation of part of the site for housing in the adopted local plan with the remaining part proposed for community infrastructure in the emerging plan, that planning permission is granted subject to the conditions and a legal agreement as set out below. Delegated powers are sought to finalise the terms of the legal agreement.

11.0 RECOMMENDATION

Subject to the prior completion of a legal agreement in such terms as the Head of Legal Service may advise, to provide the following:

- The provision of 30% affordable residential units within the application site.
- The provision of land measuring no less than 2.05 ha to allow for the construction of the 2FE Primary School. The terms of land transfer to be the same as agreed for the appealed scheme 1 - 13/1749.
- The provision of land measuring no less than 0.36 ha to be set aside for the Community Hall and the construction of the Community Hall by the owners of the land (applicant) to a specification reflecting its use and ready to use and then transferred to a management company.
- Financial contribution of £14,286 per pupil totalling £1,685,748 towards the cost of constructing the Primary School.
- Financial contribution of £11,799 per pupil totalling £991,116 towards the cost of expansion of Maplesden Noakes Secondary School.

- Financial contribution of £48.02 per dwelling totalling £20,166.64 to be used to address the demand from the development towards additional bookstock at Allington Library.
- Financial contribution of £30.70 per dwelling totalling £12,894 to accommodate the increased demand arising from the development with provision of new and/or expanded facilities and services through dedicated education centres and outreach community learning facilities.
- Financial contribution of £47.44 per dwelling totalling £19,925 to accommodate the increased demand arising from the development by providing new and expanded adult care facilities and services.
- Financial contribution towards Highways totalling £3,039 per dwelling towards the following:
 - £400 per dwelling for the A26 improvement works – modifications to the junction of Fountain Lane and Tonbridge Road.
 - £1362 per dwelling for the A20/Coldharbour junction works – modifications to the layout and approaches of Coldharbour roundabout (London Road).
 - £102 per dwelling for the M20 Junction 5 improvement works with a white lining scheme.
 - £39 per dwelling for pedestrian crossing facilities in Hermitage Lane north of the site.
 - £52 per dwelling for improvements to create a shared pedestrian/cycle use of the footway along the eastern side of Hermitage Lane.
 - £1084 per dwelling to support the bus service via Allington for a period of 5 years.
- Financial contribution of £30,000 towards the funding of surfacing and improvements to public right of way KB35 and KB18, to facilitate improvements to the public right of way network which immediately serves the development and connects with the town centre.
- Contribution towards Healthcare, based on the formula: Number of dwellings x 2.34 x £360 (excluding affordable housing) to be spent on the identified 6 surgeries, as set out in paragraph 7.24 above, all of which are within a 1.5 mile radius of the site and will support improvements to these surgeries by way of extension, refurbishment and/or upgrade in order to meet the additional demands generated by the development.
- Financial contribution of £71,820 for off-site open space deficiency based on the formula set out in paragraph 7.08 above towards improvements, repair and renewal to the Keswick Drive play area and open space which is less than 300 metres from the site.

- The long-term management and maintenance of on-site open space including the mechanisms by which the open space will be secured by the developer with the management body(ies) responsible for its delivery.
- Inclusion of the Landscape and Biodiversity Management Strategy (LBMS) (which is to provide principles upon which the LEMP is based)
- A landscape and ecological management plan (LEMP) together with details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The LEMP shall be in accordance with the principles contained within the LBMS and Ecological Assessment 2013 and updated survey work 2014/2015 and include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including a five year work plan capable of being rolled forward over the lifetime of the development) and demonstrating alignment with the development phasing.
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Details of ongoing monitoring and remedial measures in the form of a biodiversity monitoring strategy (BMS) which shall include:
 - i) Aims and objectives of monitoring to match the stated purpose; and
 - ii) Identification of adequate baseline conditions prior to the start of development; and
 - iii) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged; and
 - iv) Methods for data gathering and analysis; and
 - v) Location of monitoring; and
 - vi) Timing and duration of monitoring; and
 - vii) Responsible persons and lines of communication; and
 - viii) Review mechanisms, and where appropriate, publication of results and outcomes; and
 - ix) A report describing the results of monitoring at intervals identified in the strategy, which shall set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified; and
 - x) Details of (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- i) Details of the legal and funding mechanism(s) by which the long-term implementation of the LEMP will be secured by the developer with the management body(ies) responsible for its delivery.

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

- 1) Approval of the details of the layout, scale, appearance, and the landscaping of the site (hereinafter called "the reserved matters") for each phase or sub-phase of the development shall be obtained from the Local Planning Authority in writing before a development within that phase or sub-phase.
- 2) Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the layout, scale, appearance, and the landscaping of the site, within each phase or sub-phase shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
- 4) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

- 5) A phasing plan for the development shall be submitted to the Local Planning Authority as part of the first reserved matters application and approved in writing by the Local Planning Authority showing the boundary of each phase. The development shall be carried out in accordance with the approved phasing plan unless agreed otherwise in writing by the Local Planning Authority.

Reason: Given the size of the development site and in the interests of enabling the scheme to come forward in phases.

- 6) Vehicular access to Hermitage Lane shall be constructed in accordance with approved access Drawing Ref. 1402-GA-32 Rev B prior to any development taking place on site. No development of any phase or sub phase hereby permitted shall commence unless and until the access from the site to the public highway has been designed, laid out and constructed in all respects in accordance with the approved plan.

Reason: In the interests of highways safety and as access is for consideration with this outline application.

- 7) Access to Howard Drive shall be constructed in accordance with the approved access Drawing Ref. 1402-GA-37 Rev A and in accordance with an agreed schedule for delivery, the details of which shall be submitted to and agreed by, in writing, the local planning authority in consultation with Kent Highways prior to the commencement of development. The Howard Drive access shall thereafter only be used for bus access, emergency vehicles, pedestrian and cyclist access to the site at all times.

Reason: In the interests of highways safety and as access is for consideration with this outline application and to prevent

- 8) Prior to the first use of the Howard Drive access, details of the measures to be included to prevent access to the site, other than from those forms of transport set out in condition 7 above and including management and maintenance details for the long term operation of the measures, shall be submitted to and approved in writing

by, the local planning authority, in consultation with Kent Highways. The measures as so approved shall be installed prior to the first use of the access and thereafter retained at all times.

Reason: In the interests of highways safety and the general layout of the scheme.

- 9) No development shall commence until the construction details of the proposed pedestrian and cycle link through the woodland belt to the southern boundary have been submitted to, and approved in writing by, the Local Planning Authority. The construction details shall include details of lighting, surface materials details, ecological mitigation and identify trees protection measures as set out by the Arboricultural Implications Assessment (AIA). The construction details shall be informed by the LEMP and the CEMP –biodiversity plan. The development shall be carried out as approved.

Reason: No such details have been submitted and to ensure adequate measures are put in place to protect the trees and adjoining ancient woodland.

- 10) No more than 170 dwellings within the development hereby permitted shall be occupied until the completion of the improvements to M20 Junction 5 as shown on drawing number WSP Figure 5 (dated 1 May 2014) (subject to any amendments to reflect any relevant Road Safety Assessments or Non-Motorised User Audits) or such other schemes of works substantially to the same effect, as may be approved in writing by the local planning authority (in consultation with Kent Highways and the Highways Agency (on behalf of the Secretary of State for Transport)).

Reason: In the interest of highway safety

- 11) No dwelling hereby permitted within the phase or sub phase shall be occupied unless and until the internal access roads and parking areas serving those dwellings have been designed, laid out and constructed in all respects in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of road safety and to provide new residents and visitors with safe access and parking arrangements within the new development

- 12) (a) No part of the development hereby approved shall be occupied within each phase or sub-phase of development until such time as a Green Travel Plan, has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
(b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.
(c) Within the timeframe specified by (a) and (b) above evidence shall be submitted to the Local Planning Authority to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

Reason: In the interests of the sustainability of the site and to ensure appropriate details are considered.

- 13) The detailed plans of external appearance submitted to and approved by the Local Planning Authority in writing pursuant to condition 1 shall include:-
(a) the design of all buildings including the colour and texture of facing and roofing materials (including green roofs), cross sections, joinery details, eaves and parapet design, external plant and any roof over-runs including cross sections of the elevation to show cills and reveals, and jointing of any cladding or brickwork at a scale of 1:20; Materials shall follow the principles set out in the Design and Access

Statement including vernacular materials, locally sourced stone - ragstone, stock bricks, timber weatherboarding, clay hanging and roof tiles.

(b) The finished levels, above Ordnance Datum, of the ground floor of all proposed buildings and the relationship of those levels to existing ground levels and to the comparable levels of any existing buildings adjoining the proposed development;

(c) Any other fixtures such as wind turbines, photo-voltaic cells.

(d) Location of external meter cupboards

The development shall be constructed in accordance with the approved materials.

Reason: To ensure a satisfactory external appearance of the development.

- 14) No development shall take place (including any demolition, ground works, site clearance) until full details of both hard and soft landscape works using indigenous species which shall include indications of all existing trees and hedgerows to be retained for each phase or sub phase have been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall follow the principles established by the parameters plan - drawing SC2-M-03 Revision D. These works shall be carried out as approved and shall include:

- Means of enclosure including the positions, design, materials and type of boundary treatment to be erected (which shall include measures to allow the movement of hedgehogs throughout the site)
- Proposed finished levels and contours
- Works to necessary Public Rights of Way;
- Car parking layouts;
- Other vehicle and pedestrian access and circulation areas;
- Hard surfacing materials;
- Planting plans including a 15m landscape buffer to the designated Ancient Woodland (to the immediate south of the site) which shall be guided by the principles of the Landscape and Biodiversity Management Strategy and which shall include measures to limit public use of the buffer area.;
- Written planting specifications;
- Schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate);
- Minor artefacts and structures - including street furniture, refuse or other storage units, signs, lighting etc and including a specification of Play Areas which shall include the provision for a NEAP – Neighbourhood Equipped Area of Play and a LEAP Local Equipped Area of Play including their long term management and maintenance
- Implementation programme.

Reason: To ensure a satisfactory development in the interests of amenity.

- 15) All hard and soft landscape works submitted and approved pursuant to condition 14 above for each phase or sub phase of the development shall be carried out in accordance with the approved details for that phase or sub phase. The works shall be carried out prior to the occupation of any part of the development on that phase/sub phase or in accordance with a programme previously agreed in writing with the Local Planning Authority; and any trees or plants whether new or retained which within a period of 10 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. The play areas shall not thereafter be used for any other purpose other than as play areas.

Reason: To ensure a satisfactory development in the interests of amenity.

- 16) The development shall not commence until (including any demolition, ground works, or site clearance) on each phase or sub phase, until a method statement for the mitigation of ecological impacts (including reptiles and retained habitats) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the following:
- a) Purpose and objectives for the proposed works, including risk assessment of potentially damaging construction activities;
 - b) Practical measures(both physical measures and sensitive working practises) to avoid, reduce and/or mitigate impacts and achieve stated objectives;
 - c) Extent and location of proposed measures, including identification of “biodiversity protection zones” shown on appropriate scale maps and plans;
 - d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) Times when specialist ecologists need to be present on site to oversee works;
 - f) Persons responsible for implementing the works, including role and responsibilities on site of an ecological clerk of works or similar competent person.

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

Reason: To protect and enhance biodiversity.

- 17) Prior to the commencement of development of each phase or sub phase an Ecological Design Strategy (EDS) addressing ecological mitigation and enhancement of each phase or sub phase in the context of wider site so as to clearly identify which stages/phases the mitigation/enhancement works will be carried out across the site, incorporating the recommendations within the Aluco Ecological Assessment (Sept 2014) and Addendum to the Ecological Assessment (January 2015), shall be 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, informed by further survey effort as appropriate.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives (may be provided as a set of method statements).
 - d) Incorporation of birds and bats boxes and swift bricks in the fabric of houses and on trees within the landscaped areas.
 - e) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - f) Extent and location/area of proposed works on appropriate scale maps and plans.
 - g) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - h) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - i) Persons responsible for implementing the works.
 - j) Details of initial aftercare and long term maintenance.
 - k) Details for monitoring and remedial measures.

The approved EDS details shall be incorporated into the Landscape and Ecological Management Plan (LEMP) and Construction Environmental Management Plan (CEMP:Biodiversity) and shall be carried out in accordance with the approved details and timetable. In the interests of securing the maximum benefit for biodiversity any variation of the agreed mitigation required by the Local Authority/Natural England must not result in the reduction in the quality or quantity of mitigation/compensation provided and all features shall be retained in that manner thereafter.

Reason: In the interests of ecological mitigation and enhancement of the site.

- 18) If the development hereby approved does not commence (or having commenced, is suspended for more than 12 month) within 1 year from the date of the planning consent, the ecological measures are set out in the Ecological Assessments/EDS shall be reviewed and where necessary amended and updated. The review shall be informed by further ecological surveys commissioned to identify any likely ecological impacts that might arise from any changes. The further surveys shall be submitted to the Local Planning Authority for approval.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed, the original 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. The amended details shall be incorporated into the Landscape and Ecological Management Plan (LEMP) and Construction Environmental Management Plan (CEMP:Biodiversity) which shall be submitted to the Local Planning Authority and shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of biodiversity protection.

- 19) No development shall commence on any phase or sub-phase until a full Arboricultural Implications Assessment (AIA) which shall be informed by the Landscape and Ecology Management Plan (LEMP) and the construction environmental management plan (CEMP:Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. Such study shall consider the exact relationship between the proposed development and the existing trees on the site and any areas identified for new planting including buffer zones, in line with the recommendations of BS 5837:2012 (Trees in Relation to design, demolition and construction - Recommendations).

The AIA should include survey data on all trees on the site, with reference to the British Standard and assess all interfaces between the development and trees, their root zones and their crowns and branches, i.e.:-

- Protection of trees within total exclusion zones;
- The location and type of protective fencing;
- The location of any main sewerage and water services in relation to trees;
- The location of all other underground services, i.e. gas, electricity and telecommunications;
- The locations of roads, pathways, parking and other hard surfaces in relation to tree root zones;
- Provision of design and engineering solutions to the above, for example, thrust boring for service runs; the use of porous surfaces for roads etc. and the remedial work to maintain tree health such as irrigation and fertilisation systems; the use of geotextile membranes to control root spread;
- Suggested locations for the site compound, office, parking and site access;
- The replacement planting necessary to compensate for any necessary losses.

Drawings should also be submitted to show the location of any protective fencing, site compounds, means of access etc. and the study should contain a method statement for arboricultural works which would apply to the site.

The development shall be implemented in accordance with the approved AIA.

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

- 20) No development shall take place (including ground works and vegetation clearance) on each phase or sub phase, until a Construction Environmental Management Plan

(CEMP:Biodiversity) which shall be informed by the ecological design strategy (EDS) 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" clearly depicted on a map
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The roles 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.
- i) Detailed protective species mitigation strategies.

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

Reason: In the interests of ecological preservation.

- 21) No development shall commence until a sustainable surface water drainage scheme for the site, phase or sub phase based on sustainable drainage principles 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 allowance or climate change) will not be exceed the runoff from the undeveloped site following the corresponding rainfall event, and so not to increase the risk of flooding both on and off the site. The scheme shall subsequently be implemented in accordance with the approved details prior to the first occupation of any dwelling and thereafter retained.

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

- 22) No development shall commence on any phase or sub phase until details of foul water drainage, which shall include details of on-site drainage and any off- site improvements to the local network, have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The approved details shall be implemented in full prior to the first occupation of any dwelling.

Reason: In the interests of pollution.

- 23) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters.

Reason: In the interests of preventing pollution.

- 24) No piling or any other foundation designs using penetrative methods shall be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: In the interests of preventing pollution.

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- 25) No development shall take place on any phase or sub phase until the applicant, or their agents or successors in title, has secured the implementation of;
- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by, the local planning authority; and
 - ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

- 26) No development shall take place on any phase or sub phase until the following components of a scheme to deal with risks associated with contamination of the site shall have been submitted to and approved by, in writing, the local planning authority:

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

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

Reason: To protect vulnerable groundwater resources and in the interests of public safety and pollution prevention.

- 27) No development of the site, phase or sub phase shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
- i) working hours on site;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) the loading and unloading of plant and materials;
 - iv) traffic management, including delivery times, lorry routing, traffic control and construction access, as necessary;
 - v) the storage of plant and materials used in constructing the development;

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- vi) the erection and maintenance of hoarding or fencing necessary for public safety, amenity and site security;
- vii) wheel washing facilities;
- viii) measures to control the emission of dust and dirt during construction;
- ix) measures to control noise and vibration during construction;
- x) a scheme for the recycling or disposal of waste resulting from construction works.
- xi) Code of Construction Practise.

Reason: Given the size of the application site and in the interests of amenity

- 28) The dwellings on the site, phase or sub phase hereby permitted shall not be occupied unless and until provision for the storage of refuse/recycling bins have been made within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of amenity.

- 29) Details of a “lighting design strategy for biodiversity” for the site shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The strategy shall;
- a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevents bats using their territory or having access to their breeding sites and resting places.
 - c) Include measures to reduce light pollution and spillage.

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

Reason: In the interests of biodiversity protection and visual amenity.

- 30) The details submitted to pursuant to condition 1 shall show the open space provision in accordance with the parameters plan reference SC2-M-03 Rev D and shall provide for; 2.94ha of Natural and Semi Natural open space, 3.94ha of amenity green space, 0.12ha of children and young people’s equipped play area and 0.77ha as community orchard.

Reason: To ensure sufficient open space to meet the recreational needs of prospective occupiers.

- 31) Underground ducts shall be installed before any of the buildings on each phase or sub phase hereby permitted are occupied, to enable telephone services, electricity services and communal television services to be connected to any premises within that phase or sub-phase without recourse to the erection of distribution poles and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any other Order or any subsequent Order revoking or re-enacting that Order no distribution pole or overhead line within the application site shall be erected without the express consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that such matters are addressed at the design stage.

- 32) The development hereby permitted shall be carried out in accordance with the following approved plans:

- i. Site Location Plan ref SC2-M-01 Rev C
- ii. Parameters Plan ref SC2 –M-03 Rev D
- iii. Heritage Lane Access Plan Ref 1402-GA-32 Rev B
- iv. Howard Drive Access Plan ref 1402-GA37 Rev A

Reason: For the purpose of clarity and future development of the site and for highway safety.

INFORMATIVES

E.A

1. Flood Risk

It is noted that borehole soakaways are suggested in the FRA as a method of controlling and disposing of surface water runoff. Due to the nature of the land and the vulnerability of the groundwater here, we do not feel that this method of drainage management is suitable. We encourage the use of below ground storage be reconsidered. We also ask that surface water runoff from the site be limited to the Green Field run off rate and that drainage be considered and designed for the entire development area rather than considering and dealing with it in 2 separate schemes. Drainage considerations and calculations should be made for the entire development as a whole rather than 2 separate entities.

Waste on Site The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Fuel, Oil and Chemical Storage All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to our guidance “PPG1 – General guide to prevention of pollution”, which can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf

Additional information

Foul Drainage

We note that foul drainage will be connected to the main sewer. Should this change we would wish to be reconsulted.

Advice for developers

We have produced advice with Natural England and the Forestry Commission on how new development can help improve the environment. This is in line with the national planning policy framework (NPPF) “*the planning system should contribute to and enhance the natural and local environment*” (Para 109).

<https://www.gov.uk/government/publications/planning-a-guide-for-developers>

2. Prior to the submission of any reserved matters application, the applicant, agents, or successors in title, are encouraged to undertake pre-application (reserved matters) discussion with the local Planning Authority. As part of this pre-application discussion, it may well be necessary to consult with external bodies such as Kent

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Police Crime Prevention Design Advisors (CPDAs) to ensure that a comprehensive approach is taken to Crime Prevention and Community Safety. The contact details of the Kent Police CPDAs are ; John Grant & Adrian Fromm, Kent Police Headquarters, Sutton Road, Maidstone ME15 9BZ email: pandcr@kent.pnn.police.uk Tel No- 01622 653209/3234

Case Officer: James Bailey

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.