

<b>REFERENCE NO -</b> (A) 19/500765/OUT (B) 19/501988/ADJ		
<b>APPLICATION PROPOSAL</b> (A) Outline Application (with all matters reserved except access) for the erection of up to 450 market and affordable dwellings, children's nursery and supporting retail space up to 85sqm, with provision of main access to Ham Lane; estate roads; cycle and pedestrian routes; residential and community open space and landscaping; new junction for Lidsing Road/Hempstead Road and realignment and widening of Lidsing Road. Off site related highway works to Westfield Sole Road, Shawstead Road, Hempstead Road, Chapel Lane, Hempstead Valley Drive, Hoath Way roundabout, Hoath Way and M2 Junction 4. (B) Adjoining Authority Consultation from Medway Council - Outline application with some matters reserved (appearance, landscaping, layout, scale) for construction of up to 450 market and affordable dwellings; nursery and supporting retail space up to 85sqm, with provision of access; estate roads; cycle and pedestrian routes; off site highway improvements; residential and community open space and landscaping		
<b>ADDRESS</b> Gibraltar Farm Ham Lane Hempstead Gillingham Kent ME7 3JJ		
<b>RECOMMENDATION</b> Application Permitted subject to s106 Agreement		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  This is a cross boundary planning application of which a small area of 1.7ha (comprising 6% of the overall site area) is in MBC district. There is an extant planning permission granted by Medway Council for construction of up to 450 market and affordable dwellings. The key difference between that development approved and the current joint applications is the matter of 'Access'. It cannot be presumed that Medway Council will approve their duplicate cross boundary application MC/19/0336. However, should they do so, the impacts of the access onto the Maidstone BC highway network have been considered and judged by the Local Highway Authority to be acceptable. 7.03 Taking account of NPPF paragraph 109, KCC (H&T) do not object to the overall development proposal in terms of unacceptable impact on highway safety, nor the residual cumulative impacts on the road network being severe. However, the early timing of off-site highway capacity improvements is key to this stance. A s106 contribution of £100,000 should be secured for the villages of Boxley and Bredhurst to mitigate any residual impact and similarly, proposals for enhanced or diverted bus services must be secured by Medway Council for consistency with the earlier outline planning permission at Gibraltar Farm. There is proposed to be mitigation to visual impact and landscape harm in the form of advance planting of tree screening. Adequate information has been provided to demonstrate no direct harm to ecology interests in the Borough and there is scope for enhancement.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The Recommendation is contrary to the views of Bredhurst PC and Boxley PC and Ward Councillor Hinder.		
<b>WARD</b> Boxley	<b>PARISH/TOWN COUNCIL</b> Boxley	<b>APPLICANT</b> F D Attwood & Partners  <b>AGENT</b> Hume Planning Consultancy Ltd
<b>TARGET DECISION DATE</b> 31/01/20		<b>PUBLICITY EXPIRY DATE</b> 12/07/19

**Relevant Planning History**

15/508776/ADJ

Adjoining Authority Consultation from Medway Council - Outline application with some matters reserved (appearance, landscaping, layout and scale) for the construction of up to 450 market and affordable dwellings with associated access, estate roads and residential open space (MC/14/2395).  
Allowed on Appeal 06.03.17

18/501039/ADJ

Adjoining Authority Consultation from Medway Council - Outline application with some matters reserved (appearance, landscaping, layout, scale) for construction of up to 450 market and affordable dwellings with associated access, estate roads and residential open space (MC/18/0556)  
Approved 29.09.18

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE (A & B)**

- 1.01 The application site is agricultural land 27 ha in size but the vast majority lies in Medway. A small part (approx 1.5 ha) lies in the Borough of Maidstone.
- 1.02 The main part of the site lies immediately adjacent to Lordswood. The site is situated to the south of the Capstone Valley. To the east, separated by agricultural land, is further residential development in Hempstead/Wigmore. The site is therefore relatively close to areas with existing services, employment, transportation links and community facilities.
- 1.03 The application site within the MBC area is 800m as the crow flies from the AONB which lies south of the M2 Motorway.
- 1.04 Further east along Ham Lane and on its northern side, is the Elm Court Industrial Estate. The south eastern boundary of the proposed residential parcel follows the administrative boundary between Maidstone Borough Council (MBC) and Medway Council (MC) which is across open arable fields.
- 1.05 Some of the eastern end Ham Lane is within MBC and comprises a single track lane with mature hedgerows on its northern side and an arable field with a low field margin bund with tall ruderal species on its southern side.
- 1.06 Most of the existing line of Lidsing Road is not in Maidstone Borough until south of the junction with Hempstead Road. On its eastern side is a mown grass verge, then meadow grass and then a mature hedgerow. This is a "Roadside Nature Reserve". On its western side is an arable field with a low field margin bund with tall ruderal species.
- 1.07 Only the very end of Hempstead Road junction is within MBC area. On its north-western side is a tall mature hedgerow and on its south-eastern side is an arable field with a low field margin bund with tall ruderal species.
- 1.08 There are no existing street lights in the vicinity of the works in MBC and the speed limit of Lidsing Road is unrestricted ( ie 60mph).
- 1.09 The topography of the area is that site slopes down from south-west to the north-east. The highest part of the Site is located at approximately 131m AOD in the south-west corner of the Site. Ham Lane is between 113m and 115m AOD. The lowest level is 104m AOD at Gibraltar Farm (the lowest point on the Site).
- 1.10 The levels on the boundary with MBC range from 131m OD at the west to 115m OD at Lidsing Road to the east, ie dropping 16m over a distance of 900m. This boundary has no demarcation, being across an arable field.

## 2. PROPOSAL (A & B)

- 2.01 **Application A** is an outline application to MBC because part of the site lies in our administrative district. **Application B** is the consultation from Medway Council on the same application for the major part which lies in its area. The developer needs planning permission from both Local Planning Authorities.
- 2.02 The scheme is effectively a revision of MC/18/0556 which was permitted by Medway with a legal agreement for affordable housing and contributions towards, inter alia, Education; Open Space; bus services, health and Community facilities.
- 2.03 The current application has been submitted in outline form with only means of access being for consideration at this time. The application proposes a development of up to 450 dwellings of 2-5 bed houses and 1-bed and 2-bed apartments with 25% intended as being affordable. It includes new strategic woodland planting intended to contain the development and create a consolidated edge to the new housing, along the site's northern (Ham Lane) and eastern (open field) boundaries.
- 2.04 The density would be approx. 35 dwellings per hectare, occupying 13.01 hectares (32.15 acres) – circa 50% of the application site's area. There is indicated to be a small shop and a children's nursery.
- 2.05 The illustrative masterplan shows that on the SE edge which aligns on the Borough boundary, there will be an advance planted screen of trees/woodland indicated to be 15m wide (mix of field maple, sycamore, hornbeam, hazel, hawthorn, beech, small leaved lime).
- 2.06 The proposed development's main impact on Maidstone Borough arises from the main vehicular access. In the 2 previous outline planning permissions, access was to the NE towards North Dane Way spur road in Medway with only an emergency access to Ham Lane. Hence none of the access works in the previous schemes directly impacted on land within the Borough of Maidstone.
- 2.07 It is understood that Medway Council, as landowner, was not agreeable to some of its land being purchased by the developer to provide access, preventing the implementation of those other planning permissions. The decision by MC has resulted in the applicant proposing this alternative, being the provision of a primary access point to the SE, via Ham Lane leading to Lidsing Road. This has resulted in the scheme now requiring engineering (highway) development in the Borough of Maidstone, specifically, to allow for the re-configuration/re-alignment of 2 junctions: Ham Lane/Capstone Road and Lidsing Road/Hempstead Road. Also there needs to be an extension of the existing 40mph speed restriction, to allow for the provision of suitable visibility splays from the new junctions.
- 2.08 The eastern most section of Ham Lane will be "stopped up" for a distance of 100m and a new access road from Ham Lane will run approx 50m parallel to Lidsing Road (also in MBC's area) before turning to a new T-junction. Within the MBC area, Lidsing Road will be realigned by up to 20m to create a straight alignment from the current curve in the road (the original line of Lidsing Road lies in Medway and would be "stopped up"). The new section of Lidsing Road will be wide enough to allow for waiting lanes plus a traffic refuge island with an uncontrolled and unlit crossing for pedestrians and cyclists.
- 2.09 The new junction to Lidsing Road will be approx. 45m NW from a new reconfigured junction with Hempstead Road. The reconfiguration of that junction involves a small southwards extension to Hempstead Road and the formal widening of the "give way" to 2 lanes for left and right egressing traffic.

- 2.10 There is also to be a separate cycleway/footway arising along the line of a Byway RC29 in Lordswood that will cross the new section of Lidsing Road midway between the new junction and the reconfigured junction to Hempstead Road. This will then run on the north side of the realigned Lidsing Road and terminate 25m along Hempstead Road. It will also cross Hempstead Road via the traffic island. It is understood that the continuation of the footway/cycleway towards the facilities of Hempstead would be provided by Medway Council as far as it is able to and the developer is to fund this by contributions.
- 2.11 On his land near Westfield Sole Road (which is in MBC district), the applicant will provide 3 laybys to improve vehicle passing. This route leads towards Walderslade and thereafter to M2 Junction 3 (which is in KCC's administrative area, being in Tonbridge and Malling Borough). This will require the removal of a limited amount of hedgerow. These works will need separate planning permission and safety audit.
- 2.12 In Medway, further road engineering works aimed at increasing highway capacity are proposed at Hempstead Valley Drive/Chapel Lane; Hoath Way/Sharsted Way Roundabout and at Junction 4 of the M2 (2 full lane widths turning northbound into Hoath way). Hempstead Road is indicated to be traffic calmed with 5 "Give Way" deflections for shuttling of traffic, intended to encourage traffic to use Chapel Lane and thence Hempstead Valley Drive.
- 2.13 An initial element of the proposal was to also to reprioritise the junction of Lidsing Road with Forge Lane which included the straightening a section of Lidsing Road. This has been deleted from the application since it was originally submitted.
- 2.14 The traffic analysis from the applicant's consultant states that the junction capacity improvements proposed along the route between the site and Junction 4 are to encourage use of that route, ie the assumption is that most traffic to and from the proposed development will use Hempstead Road via Hempstead rather than use Lidsing Road via Bredhurst and/or Boxley. That is, the off site highway works in Medway reduce congestion and therefore there is less incentive to travel via inappropriate routes (rat runs).
- 2.15 The submission includes a number of supporting reports, some of which have been updated during the course of the application and in response to consultee concerns. In particular relevant to MBC interests, there has been supplementary information on trees, transport and Ecology.
- 2.16 The Framework Travel Plan is based on information to residents to discourage private vehicle use, encouraging walking and cycling, car share database; introductory 4 weeks of free travel on Arriva within Medway; voucher for a local cycle retailer.
- 2.17 The applicant states that there will be negligible traffic impact beyond the intended traffic flows via Hempstead but has offered £100,000 to fund traffic calming measures or similar enhancements in the villages of Boxley and Bredhurst.

### **3. POLICY AND OTHER CONSIDERATIONS (A & B)**

Maidstone Borough Local Plan 2017 SP17; ID1; DM3; DM6; DM8; DM21; DM30;  
Kent Minerals and Waste Local Plan 2016 N/A  
Supplementary Planning Documents Air Quality  
National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

- 3.01 Members are advised that there is currently a lack of a 5 year housing supply in Medway which means that para 11 (d) the NPPF applies: policies in that district that restrict the supply of housing (ie countryside restraint policies) should be viewed

together and an overall judgement made whether the policies as a whole are out of date.

#### **4. LOCAL REPRESENTATIONS (A )**

4.01 Medway Liberal Democrats have responded with the following summarised concerns:

- the impacts on rural roads in the Bredhurst and Boxley area is likely to be greater than those presented in the assessments made to date
- scarce provision for public transport so will increase car use to access secondary education, health care and employment
- congestion at junctions 3 and 4 of the M2
- reduced access to open spaces for exercise and other recreation
- noise and air quality impacts
- noise and air quality impacts to
- construction traffic

#### **Local Residents:**

4.02 156 objections received from local residents in both MBC and Medway raising the following (summarised) issues:

- Access should be off North Dane Way, do not want local roads altered
- Loss of woodland/countryside heritage/green lung of Capstone Valley- area of local landscape importance
- Affects setting of AONB
- objective is developer profit
- only 25% affordable (statutory minimum)
- over stretched schools/libraries/nurseries/Community facilities/Leisure/Police/GP Surgeries/dentists and local hospitals/youth facilities
- Nursery site inadequate
- Water and Wastewater services inadequate.
- air quality
- traffic gridlock and pollution
- remote so will require a higher percentage of people to travel by car
- traffic calming measures proposed are unworkable
- redevelopment of Hempstead Valley Shopping will put an increasing burden on the road system
- Surrounding road infrastructure is inadequate, narrow and with poor visibility and no lighting or footpath provision
- passing places in wrong location
- unclear impact on Public Rights Of Way
- rat runs via Bredhurst and Boxley which will be at a standstill, harming residential amenity rights to quiet enjoyment of their homes.

- The traffic analysis does not provide an accurate representation of the severe traffic issues around this area.
- local Bus and train services and station car parks are inadequate
- harm to wildlife
- harm to water catchment area; surface water problems - flash floods resulting in sinkholes
- Inadequate local employment
- Reduces property values
- noise, light pollution
- Housing targets are not realistic and cannot be met
- Wrong type of housing proposed
- diminish the community feel of both Hempstead and Lordswood.
- street lighting on the surrounding roads
- loss of prime agricultural land which cannot be replaced
- Brexit will mean more farm land is needed.
- Not enough gas supply locally
- Will increase risk of flooding in Capstone Valley
- schools are not within walking distance
- other more suitable brownfield sites in Medway/Maidstone
- less freely accessed open space
- statutory objection from Sport England over concerns with open space
- Coronavirus pandemic has proven that we need open space and countryside for horticultural needs and exercise and personal well-being and mental health
- Not enough GPs to deal with the extra population.

Issues of developer profit and reduced property value are not material planning considerations and therefore cannot be taken into account in the determination of this application. The other matters relevant to the part of the site in MBC's area raised by neighbours and other objectors are discussed in the detailed assessment below.

## **5. CONSULTATIONS (A)**

- 5.01 (Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

### Medway Council

- 5.02 No response to date.

### Boxley PC

- 5.03 Concerned for the health and safety of other road users and the impact on the local highway infrastructure on Lidsing Road, Forge Lane, Westfield Sole Road, Yelsted Lane, Harp Farm Road and also the M2 junctions 3 and 4.
- 5.04 Will create a fast route via Boxley Village and Walderslade for access to junction 3 of the M2 which is already operating beyond design capacity.

- 5.05 The proposal to improve and realign Lidsing Road would attract additional vehicle movements along what will suddenly return back to poorly maintained narrow country lanes creating safety issues and congestion.
- 5.06 In a survey (November 2018) Boxley Village recorded an average 52,391 vehicular movements per week, the single road through the village is unclassified and any additional traffic would have a severe and direct impact on the residential properties that line the road as it is a linear village.
- 5.07 Additional comments:
- Reiterates previous objections
  - Applicant recognises that there are traffic issues on Westfield Sole Road; the whole road will need improving for it to be safe; will be congestion, crashes and potentially personal injuries. Safety Audit needed before a decision is made.
  - unknown route for HGVs

Bredhurst PC

- 5.08 Strongly object: the proposed traffic management scheme is not accurate and does not account for the amounts of traffic which will pass through Bredhurst village; which passes by a local primary school. Noise and pollution in the area and major impact on local stables and horses. The local roads are unable to support the potential usage of 450 more households. With Bredhurst being in an AONB, development to these country lanes should be limited in order to protect the nature rural village. The proposed straightening of Lidsing Road allows users to speed to a greater extent than is already present.

Highways England

- 5.09 Several sets of comments have been made by Highways England including holding objections made in regard of M2 Junction 4. Following extensive discussion with traffic consultants employed by the applicant, the final comments of HE are:
- In regard of potential impact on the safe and efficient operation of the M2 and A2, Highways England have now reached a point of agreement where we can consider the impacts on safety, reliability and/or operation to be acceptable subject to conditions on: Construction Management Plan; scheme of phasing; Travel Plan; minimum 15% affordable dwellings; Prior to the occupation of 200 dwellings on the site hereby permitted, the improvement works at M2 Junction 4 shall be completed and opened in full to traffic.

KCC (Highways and Transportation)

- 5.10 The TA is predominantly focused on how the new proposals differ from those previously granted planning consent in terms of access arrangement and highway network impact.
- 5.11 The eastern end of Ham Lane falls within Kent County Council (KCC) jurisdiction. The applicant has proposed to modify Ham Lane and realign the eastern part of the road, including the junction with Capstone Road, southwards along Lidsing Road. The 6m carriageway width and reduction in the speed limit to 30mph, which will require a Traffic Regulation Order, is consistent with the Kent Design Guide for a 'local distributor road' serving 300+ houses. A 100m section of the existing Ham Lane will be made redundant and is proposed to be stopped up.

- 5.12 The proposed new configuration of the Ham Lane/Lidsing Road and Lidsing Road/Hempstead Road junctions as a staggered crossroads includes modifications to Lidsing Road that fall within KCC jurisdiction.
- 5.13 The proposals incorporate the widening and realignment of Lidsing Road to accommodate the provision of new dedicated right turn lanes at both junctions. An extension of the 40mph speed limit is also proposed at the new staggered crossroads with 4.5m x 120m visibility splays in both directions. These represent an improvement when compared against the existing situation at the Ham Lane/Capstone Road junction. The reduced speed limit will be beneficial to the forward visibility of oncoming and turning vehicles at the Lidsing Road/Hempstead Road junction. A Stage 1 Road Safety Audit has identified no issues of concern.
- 5.14 The applicants' justification for the inclusion of right turn lanes is evident from the peak period traffic forecasts and the inclusion of right turn lanes also reduces the potential for conflicts to arise when a vehicle waiting to turn right inhibits through flows of traffic. The works falling within KCC jurisdiction, including the Traffic Regulation Order necessary for the speed limit reduction, should be secured via a Section 278 Agreement.
- 5.15 Sustainable Travel Walking and Cycling: The site is well placed in relation to several key facilities: Shopping Centres, Lordswood Leisure Centre and primary schools. The proposed footway/cycleway link to Lordswood/Walderslade via North Dane Way is unchanged from the extant scheme.
- 5.16 The site is not currently well connected to Hempstead, Wigmore and Park Wood, due to the absence of footways on Ham Lane, Lidsing Road and the southern part of Hempstead Road. A new footway/cycleway route connecting with Hempstead Road partly falls within KCC jurisdiction via an uncontrolled refuge island crossing. In the Stage 1 Road Safety Audit a toucan crossing on Lidsing Road was considered rather than the uncontrolled form of crossing now proposed. However, the uncontrolled crossing with pedestrian refuge island also passed the safety audit.
- 5.17 It is understood that the route is not proposed to include lighting. This will reduce its attractiveness during periods of darkness. The termination point of the route on Hempstead Road lies within Medway Council jurisdiction which need to comment on the highway safety implications associated with onward journeys.
- 5.18 A Section 106 should secure enhanced or diverted bus services as per permission MC/14/2395.
- 5.19 The TA indicates the proposed development will generate 223 vehicle trips in the AM peak hour and 221 vehicle trips in the PM peak hour. During the AM peak, 81% of trips have been assumed to use routes within Medway; the remainder involve routes on the KCC network, with 10% shown to route via Westfield Sole Road and 5% via Lidsing Road. The pattern in the PM peak is similar, with 12% using Westfield Sole Road and 5% using Lidsing Road. The assessment of traffic impact has been founded on turning count and queuing surveys undertaken in October 2018.
- 5.20 The modelling indicates that the reconfigured staggered crossroads arrangement will operate satisfactorily during both peak periods. The applicant has proposed a series of capacity improvements encompassing J4 and Hoath Way/Sharsted Way roundabouts, as well as the Hempstead Valley Drive/Chapel Lane priority junction. These are essential in encouraging access to the motorway network via J4 and preventing worsening delays at J3. Highways England has recommended completion of the J4 improvement prior to the occupation of 200 dwellings so there is a concern that this delay could influence the propensity for traffic to route via J3.



- 5.21 The TA reaffirms nearby minor roads are expected to experience modest traffic increases. It would be appropriate for a S106 contribution equivalent to the estimated cost of the withdrawn Forge Lane Junction works to be secured, for the purposes of funding measures that will deter through traffic movement and improve highway safety in the communities of Bredhurst and Boxley.
- 5.22 The mitigation of the impact of additional traffic movements on Westfield Sole Road through 3 three formal passing places are supported in principle, if a safety audit raises no substantive issues.
- 5.23 The timing of delivery of the off-site highway works in Medway are of critical importance to deter re-routing via Bredhurst. It is essential that the Hoath Way/Sharsted Way junction capacity improvement is delivered prior to occupation and in advance of any traffic calming on Hempstead Road.
- 5.24 KCC Highways raise no objection to this planning application subject to conditions and a Travel Plan monitoring fee (£1,422).

#### KCC Archaeology

- 5.25 The site is situated as it is at the head of a dry valley leading towards the Brook and in turn into the River Medway so potential for occupation and activity, particularly in the later prehistoric and Romano-British periods. Archaeological works would be necessary by condition.
- 5.26 Revised Comments: The archaeological works will include a phased programme of archaeological works including fieldwork (evaluation and possibly excavation work and/or watching brief), post excavation and publication and interpretation works. In addition, the archaeological work needs to be agreed and implemented prior to development commencing.

#### KCC (Flood and Water Management)

- 5.27 Within the Kent district, surface water from the engineering development will simply shed to the surrounding open land and infiltrate to ground.

#### Forestry Commission:

- 5.28 Refer to joint standing advice produced with Natural England (last updated 5 November 2018) on ancient woodland, ancient trees and veteran trees. The Forestry Commission encourages local authorities to consider the inclusion of green infrastructure (including trees and woodland) in and around new development; and the use of locally sourced wood in construction.

#### Environment Agency

- 5.29 The site is within a Source Protection Zone (SPZ) of a principal aquifer. Only shallow design for SuDS should be permitted. Suggest conditions on contamination and no infiltration of surface water drainage into the ground other than with the express written consent. Investigations have been undertaken in a principal aquifer and appear to have left gravel filled boreholes to 20m depth, these should be fully decommissioned.

#### Parks and Open Space

- 5.30 The majority of this site lies within Medway, therefore no comment.

#### KCC (Economic Development)

- 5.31 The majority of this application site falls within Medway Unitary Authority area. This development proposal of 450 homes will have significant impact upon local infrastructure. We would request Maidstone Council ensure Medway Council provide proper mitigation prior to determining the application.

#### Southern Water Services

- 5.32 Any works within highway/access road will need to be agreed and approved by SW to protect public apparatus. Southern Water can provide foul sewage disposal to service the proposed development.

KCC (Ecology)

- 5.33 Site important for foraging and roosting bats; breeding populations of dormouse; Stag Beetle; Breeding/possible breeding birds. The site is adjacent to/within areas of Ancient Woodland, Local Wildlife Site and Roadside Nature Reserves.
- 5.34 Likely to be a negative impact from the construction/operational phase of the development eg dust, noise and recreational pressure. The NE standing advice details that the AW buffer should be at least 15m.
- 5.35 Roadside Nature Reserve (RNR): Clarification needed if there will be a loss to enable a cycle/footpath to be created – the works will result in the loss of an area of chalk grassland which is a scarce resource within Kent. Need additional information clarifying how they are going to mitigate for any loss of the grassland habitat.
- 5.36 A significant increase in lighting can have a negative impact on bats (and other species). Prior to determination we require information to be provided if there is an intention to fell the trees with roosting potential as part of this development. The additional information will enable us to consider if there is a need for emergence surveys to be carried out as part of this planning application.
- 5.37 Needs an outline site wide ecological mitigation strategy to cover risks from domestic cats; maintaining Stag Beetle population; to ensure that birds can continue to utilise the site, skylark breeding habitat. A site wide ecological management plan (including the woodland areas) should be produced for the lifetime of the development. More can be done within the built area of the proposed development for ecological enhancements.
- 5.38 Revised Comments: Construction works will impact the RNR and measures will have to be included within the construction management plan to ensure those impacts are minimised - suggest that the measures are agreed by an ecologist and engineer to ensure that they are implementable. I'd also suggest that a condition is included requiring report to be submitted providing the following on completion of the works: Survey of the site following construction work by an ecologist: Details of any remedial measures required; Details of when those works will be carried out.

KCC (PROW)

- 5.39 The proposed development would impact on PROW network that is within the remit of KCC. The proposed 'Pedestrian/Cycle Links' would be valuable but need to secure appropriate funding or mechanism for likely future maintenance.
- 5.40 Pedestrian and cycle routes should be overlooked within open and welcoming environments. Planting should be kept to an absolute minimum to ensure there are clear lines of view from properties and publicly accessible open spaces, to the paths in the area.
- 5.41 No impact on Public Footpath KH34: the applicant is including an access gap where the Definitive Alignment of Public Footpath KH34 connects with the proposed development site. Impact on BOAT KH41: The site layout should be revised so that the route indicated on the plans reflects the Definitive Alignment of this PROW.

Kent Police

- 5.42 Welcome a discussion with the applicant/agent about site specific designing out crime.

**6. APPRAISAL (A & B)**

## **Main Issues**

6.01 The key issues for consideration relate to:

- Impact on the Countryside/Landscape
- Highways and Traffic
- Ecology

## **Impact on the Countryside/Landscape**

- 6.02 Policy SP17 of the MBLP requires development proposals in the countryside to not harm the character and appearance of the area. Proposals should not have a significant adverse impact on the settings of the Kent Downs Area of Outstanding Natural Beauty. Policy DM30 goes into detail that, outside of the settlement boundaries, proposals should create high quality design.
- 6.03 There will be 2 forms of visual impact: one is the residential parcel within Medway and the second is the engineering work within MBC's area for the changed highway network.
- 6.04 On the first impact, the indicative siting and style of the houses and related development will be expected to be similar to the 2 previous planning permissions including the one allowed at appeal. These establish the principle of the built form of the buildings and their geographical extent. Both the extant planning permission and the current application have a similar width tree buffer screen to the shared boundary. There is inevitably a slight gap in the screening at the NE corner due to that now forming the main access. However, that is not considered to measurably worsen the overall visual impact of the housing units as viewed from the Maidstone District.
- 6.05 The landscape character of the MBC part of the application site (Bredhurst and Stockbury Downs) is assessed in the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015) as being of moderate sensitivity to development with scope for change with certain constraints. The area is part of the green wedge between Maidstone and the Medway Towns, and the setting of the AONB. Extensive or significantly visually intrusive development would be inappropriate.
- 6.06 The proposed junction/road improvements impact on intensively farmed arable fields with no trees or hedgerows affected. From a landscape point of view, these proposals are incompatible with the key characteristic of predominantly narrow lanes.
- 6.07 Since the majority of trees and hedgerow species are broadleaved and the arable crops are seasonal, the area appears more open in the winter. Development of this area would harm the landscape and erode the green wedge and the buffer to the existing built development. Thus extensive landscape screening would be needed to mitigate the harm, ideally to give the outward impression of an extension of the rural character of the landscape using native woodland and hedgerow species.
- 6.08 The submitted Landscape and Visual Impact Assessment (LVIA) is mainly the same one as used for the previous applications on the site, dating from 2014 with one extra viewpoint (Hempstead Road) in an addendum to reflect the different extent of the engineering development for the proposed new access. The LVIA states that the Medway part of the site falls within the southern part of 'North Downs', "*rolling open plateau landscape*" with; scattered villages and hamlets; exposed intensively cropped large arable/fields with sparse hedgerow pattern and limited sheltered belt and scattered small woodlands.

- 6.09 Looking northwest from Lidsing Road near the junction with Forge Lane: in the medium term, the maturation of the proposed woodland planting belt would provide some screening of the housing development. However, the new access would extend the urbanising effect of the development on lower ground to the right of the view but the LVIA states that new planting along the new access route would serve to largely screen this new road corridor. As such, overall, the medium-term effect is stated to be a moderate adverse effect.
- 6.10 Looking from Forge Lane where it bridges over the M20: this is where road users approaching from Maidstone Borough will first see the proposed development in their view. In the medium term, the extent of change will fall to Minor/Negligible for the same reasons as given above.
- 6.11 Looking from Hempstead Road: in the short term, the visual impact will be very high. However, with the significant strategic woodland planting proposals the medium term, the level of effect is stated in the LVIA to fall to moderate adverse.
- 6.12 It is clear that the engineering works to change the road layout and increase the capacity of the junctions will harm rural character. It is inevitable that new highways have to meet safety audits and thus modern criteria for lane widths, visibility splays, separate footway/cycles ways etc. In addition, because the proposed new access would serve 450 dwellings, a waiting lane is deemed necessary hence significantly increasing the overall width. Similarly, as the rationale of the scheme is to facilitate the use of Hempstead Road as the main route in and out of the development, this junction also needs a waiting lane based on engineering standards as free flowing non-turning traffic is safer.
- 6.13 There have been some changes to the scheme to reduce the overall urbanising extent of the works, being deletion of a footway approx. 35m on the north side of Lidsing Road and one of 65m on the south side of Lidsing Road, which were concluded to be unnecessary as neither reflected realistic desire lines of pedestrian or cyclists. The toucan crossing originally proposed has also been replaced by an uncontrolled crossing.
- 6.14 There will be scope for enhanced planting of redundant sections of Lidsing Road but it is still unquestionably harmful to rural character as a contrast to the current layout of rural lanes. However, the overall area affected is relatively small and KCC (H&T) does advise that it provides some overall safety benefits, not least by improving the visibility from Hempstead Road. On balance, it is not considered that the impact on the countryside is harmful enough to refuse planning permission.
- 6.15 In terms of the realignment of Ham Lane to make this a 2 lane new main access, this will be intrusive visually and harmful to the character of the rural locality. However, there is proposed to be mitigation in the form of tree screening along the outside edge of the new road and also the enclosed field that is currently intensively farmed for arable is shown to be planted with trees. It is considered that these acceptably mitigate the access but conditions should be imposed requiring there to be advance planting as far as practicable.
- 6.16 The conflict with SP17 is outweighed by the highway safety benefits arising. The scheme does not impact on the setting of the AONB which is south of the M2.

### **Highways and Traffic**

- 6.17 Policy DM21 of the MBLP Development proposals must demonstrate that the impacts of trips generated to and from the development are mitigated to prevent severe residual impacts, including delivering mitigation measures ahead of the development being occupied. They must also provide a satisfactory Transport Assessment and a satisfactory Travel Plan. Proposals for major development should include adequate provision for public transport secured through legal agreements.

- 6.18 The TA states that 5% of development traffic will head south via Lidsing Road and Boxley Village which (based on TRICS data) equates to 8 additional southbound vehicles heading south in the AM peak and 7 returning in the PM peak.
- 6.19 The TA concludes that 3% of development traffic will head north-east via Bredhurst. This equates to 5 additional southbound vehicle movements in the AM peak and 4 returning in the PM peak.
- 6.20 The assessment of the broad traffic distribution from the application site derived from the 2011 Census journey to work data from Lordswood and typical journey times derived from online mapping tools were used to estimate car movements on the roads leading to Boxley and Bredhurst. (There was no provision of data on existing traffic levels through those villages)
- 6.21 However, the figures have not been disputed by KCC to a degree that would result in an objection to the overall development proposal in terms of impact on the highway network in MBC. The NPPF paragraph 109 is clear that development should not be refused on highway grounds unless there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 6.22 In response to KCC's concerns about the HE acceptance of a delay in Junction 4 improvements to 200 unit occupation, the applicant has responded that J4 and in particular the Hoath Way approach to it are not subject to congestion currently and therefore do not contribute to rat running locally. This situation is forecast to remain the case in the future. Mitigation proposed at M2 J4 is focused on safety implications of queuing on the westbound off-slip. The consultants state that a delay or omission of this mitigation would have no impact on KCC's road network as the off-slip at M2J4 does not have an alternative pragmatic route (rat-run) that utilises the KCC network.
- 6.23 However, a second condition is suggested which would focus on the Sharsted Way/Hoath Way junction improvement being completed early in the development programme in order to minimise the scope for increased rat-running as it is already congested.
- 6.24 With respect to the traffic calming point raised by KCC and the concerns expressed by Boxley and Bredhurst PCs, the applicant has consistently maintained that the impact of the development on local rural lanes does merit traffic calming as it is argued that there will be benefits on the Medway highway network, which will improve the attractiveness of those primary routes and reduce wider instances of rat running. Notwithstanding the above, the request for a contribution towards traffic calming/environmental mitigation is noted and a contribution of circa £100,000 is put forward by the applicant.
- 6.25 The case put forward by the applicant on the timing of Highway improvements is accepted. In term of Boxley and Bredhurst, these villages already have some traffic calming. However, there may be scope for additional elements or other improvements eg to the pedestrian environment, more 20mph roundels on the road, more 20mph repeater signs, at each end of the village or quiet tarmac throughout the village. It is therefore recommended that the s106 contribution of £100,000 be secured for these types of measures.
- 6.26 It is understood that the applicant has offered £212,133.32 (plus indexation for 1 year) towards the provision of a new bus service to serve the development or the extension of an existing service to serve the development. The details would be agreed between Medway Council and Arriva buses. This should include consultation with KCC's public transport officers.

- 6.27 The changes to Westfield Sole Road are formalising the points at which vehicles currently pass so it is doubtful that they would make the road more attractive as a short cut. The changes would require both a safety audit and a separate planning permission so these works would need to be "best endeavours" which would be interpreted as the seeking of planning permission if the safety audit can be met.
- 6.28 Other road improvements from the development in the Medway area include direct creation of extra road capacity plus a sizeable contribution towards the creation of a cycleway link along part of Hempstead Road and towards traffic calming on Hempstead Road.

### **Ecology**

- 6.29 The initial concerns of the KCC Biodiversity Officer (the loss of the grassland habitat, bat roosting, site wide ecological mitigation strategy) were responded to by the applicant in the form of an Ecology Addendum Report and a Mitigation Strategy for the whole site, the latter indicating on a plan the extent of Ecological Protection Zones (EPZ).
- 6.30 In regard of Road Nature Reserve (an area of calcareous grassland located on the north eastern site boundary within Medway), the consultant advised that further design work has confirmed that there will be no impact from the pedestrian/cycle connection is now able to avoid this area. Nonetheless, new grassland habitats, including species-rich meadow flower and, where appropriate, calcareous grassland will be created in areas of currently arable habitat around the edges of the site. The agent then provided further clarification that the RNR was outside of the red line boundary of the application site, being the verge of the eastern side Lidsing Road, north of the junction with Hempstead Road.
- 6.31 Advice from a suitably qualified ecologist will be sought before the felling or removal of limbs from trees containing potential bat roosting features which will be retained and protected within the EPZs. At the detailed design stage, further surveys will inform the need for licencing. Enhancement in the form of six bat boxes and twenty bat roosting features are also proposed.
- 6.32 Other Enhancement/Mitigation will be in the form of Woodland Management Plans, new native woodland, retained linear woody habitats, new mixed native hedgerow planting, new tree planting; new grassland habitats, new wetland habitats within surface water attenuation features and detailed strategies for birds, bats, dormice and stag beetle.
- 6.33 Overall, it is concluded that there is no direct harm to ecology interests in the Borough and there is scope for enhancement. Policy DM3 of the MBLP is complied with.
- 6.34 However, the construction of the road improvements to Lidsing Road (which will be inevitable from formal kerbing/drainage etc) could impact on the Roadside Nature Reserve and Medway Council should be urged to take on board the advice of KCC Ecology to protect this area as far as practicable in the construction process.

### **Other Matters**

- 6.35 The matter raised by KCC's PROW section can be the subject of informatives as the layout of the scheme is not yet defined and so the alignment issues can be resolved subsequently.
- 6.36 The external lighting strategy in the Ecological Mitigation Strategy states that a wildlife-sensitive lighting scheme should be devised to avoid or minimise light spill where development is located in close proximity to retained foraging habitats (particular regard to bats and dormice). Elsewhere, light spill is to be minimised, the

colour temperature will be a yellow tone; and sensitive timing of street lights etc. A condition is suggested to comply with policy DM8 of the MBLP.

- 6.37 The site is outside the Council's Air Quality Management Area but an air quality assessment monitoring on site is needed by condition to comply with policy DM6 of the MBLP.
- 6.38 In terms of policy ID1 of the MBLP, there are no implications on infrastructure in KCC's district. Previous schemes on the site have included s106 agreements secured by Medway Council covering contributions to, inter alia, Health, Community and Education Services within its area. It will be important that this is similar for this application.

#### **PUBLIC SECTOR EQUALITY DUTY (A)**

- 6.39 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

### **7. CONCLUSION**

#### **Application (A) 19/500765/OUT**

- 7.01 This is a cross boundary planning application of which a small area of 1.7ha (comprising 6% of the overall site area) is in MBC district.
- 7.02 There is an extant planning permission granted by Medway Council for construction of up to 450 market and affordable dwellings. The key difference between that development approved and the current joint applications is the matter of 'Access'. It cannot be presumed that Medway Council will approve their duplicate cross boundary application MC/19/0336. However, should they do so, the impacts of the access onto the Maidstone BC highway network have been considered and judged by the Local Highway Authority to be acceptable.
- 7.03 Taking account of NPPF paragraph 109, KCC (H&T) do not object to the overall development proposal in terms of unacceptable impact on highway safety, nor the residual cumulative impacts on the road network being severe. However, the early timing of off-site highway capacity improvements is key to this stance. A s106 contribution of £100,000 should be secured for the villages of Boxley and Bredhurst to mitigate any residual impact and similarly, proposals for enhanced or diverted bus services must be secured by Medway Council for consistency with the earlier outline planning permission at Gibraltar Farm.
- 7.04 There is proposed to be mitigation to visual impact and landscape harm in the form of advance planting of tree screening.
- 7.05 Adequate information has been provided to demonstrate no direct harm to ecology interests in the Borough and there is scope for enhancement.

#### **Application (B) 19/501988/ADJ**

- 7.06 Medway Council should be advised that there are no objections subject to the matters being adequately addressed that reflect the representations of statutory consultees as far as they also apply to development proposed within Medway. This should include adequate developer contributions for infrastructure and health, community and educational services. There should be proposals for enhanced or diverted bus services for consistency with the earlier outline planning permission at Gibraltar Farm, with KCC officers being consulted.

- 7.07 Medway Council should be urged to take on board the advice of KCC Ecology, including measures to protect the Roadside Nature Reserve at Lidsing Road as far as practicable in the construction process.

## **8. RECOMMENDATION**

### **Application (A) 19/500765/OUT**

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

- Contribution of £100,000 towards environmental/traffic calming measures in the villages of Boxley and Bredhurst
- No construction traffic to use Westfield Sole Road or travel via the villages of Boxley or Bredhurst.
- Appropriate mechanism for funding of future maintenance of Pedestrian/Cycle Links
- Best Endeavours to secure the passing bays on Westfield Sole Road.
- Completion of a Stopping Up Order for the redundant section of Ham Lane
- Travel Plan monitoring fee to KCC of £1,422
- MBC s106 Monitoring Fee of £1500 for one obligation and £750 for each additional planning obligation

and the imposition of the conditions as set out below:

- 1) The development hereby approved shall not commence until approval of the following reserved matters relating to the access road and footway/cycleway within the Borough of Maidstone have been obtained in writing from the local planning authority:

(a) Landscaping

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun 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: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990

- 2) There shall be no implementation of any of the highway works on drawing 18-015-002 rev N except in conjunction with the implementation of a planning permission granted under ref MC/19/0336 for the 450 unit residential development it is intended to serve.

Reason: The works are only justified by the necessity to access a significantly sized residential development.



- 3) Prior to the first occupation, the Proposed Site Access shall be completed and fully open for use in accordance with drawing 18-015-002 rev N and retained thereafter.  
Reason: To provide satisfactory access.
- 4) The development hereby permitted shall not commence above slab level until a scheme for the permanent closure of the existing access of Ham Lane to vehicular traffic has been secured and approved by the local planning authority and the approved scheme shall be completed within 4 weeks of the new access being available for use;  
Reason: In the interests of road safety
- 5) No dwelling shall be occupied until off site highway capacity improvements at Hoath Way/Sharsted Way and Hempstead Valley Drive/Chapel Lane have been completed and are open for use. These shall accord with the details hereby approved or any minor variation thereafter approved by the Local Planning Authority in consultation with KCC (Highways and Transportation). There shall be no traffic calming to Hempstead Road in advance of these works.  
Reason: To ensure that traffic from the development is adequately mitigated from using inappropriate alternative routes in the Borough of Maidstone.
- 6) No dwelling shall be occupied until a full footway/cycleway link from the public highway at North Dane Way/Albemarle Road to the public highway at Hempstead Road has been completed in accordance with details that have been submitted and approved by the Local Planning Authority.  
Reason: In the interests of sustainable access to local services.
- 7) No dwelling shall be occupied until a site-wide Travel Plan has been submitted to and approved by the Local Planning Authority and the Travel Plan shall be implemented as approved.  
Reason: In the interests of sustainable development
- 8) No dwelling shall be commenced above slab level until advance planting of tree screening buffer of at least 20m in width along the boundary with the Borough of Maidstone has been carried out in accordance with details that have been submitted and approved by the Local Planning Authority.  
Reason: To accord with the terms of the application and in the interests of rural visual amenity.
- 9) A landscape and ecological management plan (LEMP), including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas shall be submitted to and approved in writing by the local planning authority prior to first occupation of any dwelling on the site. Landscape and ecological management shall be carried out in accordance with the approved plan unless the local planning authority gives written consent to any variation.  
Reason: In the interests of biodiversity, landscape, visual impact and amenity of the area.
- 10) The development hereby approved within the Borough of Maidstone shall not commence until details of earthworks within the Borough have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform.

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

- 11) No dwelling shall be commenced above slab level until a landscape scheme within the Borough of Maidstone designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value (together with the location of any habitat piles) and include a planting specification, a programme of implementation and a 10 year management plan. The landscape scheme shall specifically address the need to provide tree planting to screen the highway works within and visible from the Borough of Maidstone.

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

- 12) There shall be no occupation of any dwelling until all planting, seeding and turfing specified in the approved landscape details has been completed within the Borough of Maidstone. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

- 13) No development shall take place in Borough of Maidstone until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work relevant to the Borough in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. The archaeological works should include a phased programme of archaeological works including fieldwork (evaluation and possibly excavation work and/or watching brief), post excavation and publication and interpretation works.

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

- 14) No development above slab level shall commence until a report has been submitted to and approved by the Local Planning Authority detailing and, where possible, quantifying measures or offsetting schemes which will reduce the transport related air pollution of the development during construction and when in occupation. The developer should have regard to the DEFRA guidance from the document Low Emissions Strategy -using the planning system to reduce transport emissions January 2010.

Reason: In the interests of mitigation of Air Quality harm.

- 15) There shall be no lighting except in accordance with details that have been submitted to and approved by the Local Planning Authority. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the

Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill.

These details shall include a "wildlife sensitive lighting plan" for the site boundaries which shall:

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

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

Reason: In the interests of rural amenity and ecology.

- 16) The site is located above a Principal Aquifer and within SPZ3. If during construction, evidence of potential contamination is encountered, works shall cease and

(a) the site shall be fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

(b) Upon completion of the building works, a closure report shall be submitted for approval in writing by the Local Planning Authority. The closure report shall include details of:

(i) sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

(ii) post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: There is always the potential for unexpected contamination to be identified during development groundworks.

- 17) 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.

Reason: To protect the underlying groundwater from the risk of pollution and in accordance with the requirements of the National Planning Policy Framework

- 18) Prior to occupation, a detailed site wide ecological management plan should be produced and submitted to for approval of the LPA. It shall include

- Details of the habitats to be managed
- Details of the aims/objectives of the management
- Rolling 5 year management plan

- Dates of when the management plan will be reviewed and updated
- Details of who will be implementing the management.
- Details of on going monitoring

The plan must be implemented as approved.

Reason: In the interests of biodiversity.

- 19) There shall be no fencing, walling or other boundary treatments within the Borough of Maidstone except in accordance with details (that should include timetabling) which have been submitted to and approved in writing by the local planning authority. The boundary treatments shall be carried out in accordance with the approved details and timetable.

Reason: To ensure a satisfactory appearance to the development.

#### INFORMATIVES

- 1) It is noted that investigations have been undertaken and appear to have left gravel filled boreholes to 20m depth. These should be fully decommissioned in accordance with our current guidance as they pose a short cut route for any agricultural-derived contamination or any spillages from future construction activities.
- 2) The report mentions the possibility of using deep bore soakaways for the disposal of surface water. This is currently not acceptable at this site without further detailed consultation. Only a shallow design for SUDs should be permitted as the site is within an SPZ3.
- 3) 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. Under the Code of Practice: excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution. Treated materials can be transferred between sites as part of a hub and cluster project. Some naturally occurring clean material can be transferred directly between sites.
- 4) Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. Developers should refer to the Position statement on the Definition of Waste: Development Industry Code of Practice and The Environmental regulations page on GOV.UK.
- 5) No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.
- 6) The applicant should have regard to EA PPG6 pollution prevention guidance on construction sites in developing any detailed Construction Environmental management plans - <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>.
- 7) A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove

House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link  
<https://beta.southernwater.co.uk/infrastructure-charges>

- 8) A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
- 9) It is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
- 10) No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority. There must be no disturbance of the surface of the Public Rights of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority. No hedging or shrubs should be planted within 1 metre of the edge of the Public Rights of Way. There is no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority. No Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, six weeks notice is needed to process this.
- 11) Any works within highway/access road will need to be agreed and approved by Southern Water Services to protect public apparatus
- 12) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site
- 13) KCC Highways require that the works falling within its jurisdiction, including the Traffic Regulation Order necessary for the speed limit reduction, are secured via a Section 278 Agreement.

#### **Application (B) 19/501988/ADJ**

Medway Council is informed that NO OBJECTIONS be raised subject to consideration of the following matters:

- Provision of a financial contribution to improve local bus services commensurate with the extant planning permission with KCC (Highways and Transportation) being consulted on the measures.

- Securing full contributions towards necessary health, social, educational and community infrastructure so as not to impact on any NHS West Kent CCG or Kent County Council facilities
- Preparation and submission of a Construction Environmental Management Plan for approval in consultation with both Local Highway Authorities. It that should avoid construction traffic using Westfield Sole Road or routing via the villages of Boxley or Bredhurst. It should include provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction; Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction; Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction;
- Provision of measures to prevent the discharge of surface water onto the highway
- Continuation of the off site footway/cycleway along Hempstead Road which lies within Medway
- Compliance with the Site Wide Ecological Mitigation
- As per the advice of KCC Ecology, to protect Roadside Nature Reserve as far as practicable in the construction process.
- Advance planting of a tree buffer screen adjacent the Borough of Maidstone
- Ensure that finished floor levels of the dwellings are as low as practicable.
- Only shallow design for SuDS should be permitted and there should be no infiltration of surface water drainage into the ground other than with the express written consent of the local planning authority
- To safeguard the principal aquifer, there should be full decommissioning of any existing gravel filled boreholes
- No external lighting except in accordance with approved details that shall minimise light pollution and be sensitive to wildlife, including the colour temperature.
- Full compliance with the requested conditions of Highways England.
- The detailed site layout should allow for connections to the Definitive Alignments of KH34 and BOAT KH41 that lie within the Borough of Maidstone.

Case Officer: Marion Geary