

REFERENCE NO - 20/501773/FULL		
APPLICATION PROPOSAL Erection of 187 dwellings, together with associated works for Access, Parking, Infrastructure, Open Space, Earthworks, Surface Water Drainage Systems and Landscaping.		
ADDRESS Land Off Oakapple Lane, Barming, Maidstone, Kent		
RECOMMENDATION – APPROVE WITH CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> • The site is allocated for 187 houses within the Local Plan under policy H1(4) subject to criteria. The application proposes 187 houses and for the reasons outlined in the report complies with these criteria subject to the legal agreement and conditions. • The application proposes development within the area defined for open space under policy OS1(1) and outside the settlement boundary but this would not result in any harm to the local landscape beyond the housing allocation. It also ensures that open space areas are provided around and integrated through the development which is considered to provide a better design approach and more distinctive character. The total amount of open space (1.5ha) would still be provided. • KCC Highways are raising no objections to the proposed access points including the secondary access onto Broomshaw Road in terms of their use and safety. The secondary access is a requirement of site policy H1(4) and it is agreed with KCC Highways that this is appropriate bearing in mind the level of development it will serve. • KCC Highways are raising no objections subject to conditions preventing occupation of the development until a number of junction improvements and a link road in connection with another development are implemented. For the reasons outlined in the assessment this is considered to be unreasonable and/or unnecessary and so does not pass the test for planning conditions. It would also be inconsistent with previous recommendations and decisions of both KCC and MBC. • The application complies with all other relevant Development Plan policies and there are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions set out below. 		
REASON FOR REFERRAL TO COMMITTEE		
<ul style="list-style-type: none"> • Councillor Gooch has requested the application is considered by the Planning Committee for the reasons set out in her comments. 		
WARD Barming and Teston	PARISH COUNCIL Barming	APPLICANT Taylor Wimpey UK Ltd AGENT Barton Willmore

DECISION DUE DATE: 06/11/20	PUBLICITY EXPIRY DATE: 19/08/20	SITE VISIT DATE: 05/05/20	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
20/502412	Outline application (all matters reserved except access) for the erection of up to 118 dwellings, together with associated works for Access, Open space, Infrastructure, Earthworks, Surface Water Drainage Systems and Landscaping (Duplicate application of submission to Tonbridge and Malling Borough Council.	PENDING	
19/502624	EIA Screening Opinion - Development of up to 340 residential dwellings on 11.5ha with associated access, landscaping and parking.	EIA NOT REQUIRED	12/06/19
18/506068 (Adjacent Site)	Approval of Reserved Matters for Access, Appearance, Landscaping, Layout and Scale pursuant to Outline application 13/2079 for the erection of 80 dwellings including affordable housing, associated landscaping, infrastructure and earthworks.	APPROVED	27/02/19
13/2079 (Adjacent Site)	Outline planning application with all matters reserved for the demolition of existing structures and erection of up to 80 dwellings with associated works for access, parking, infrastructure, open space and landscaping.	APPROVED	01/12/15

1.0 DESCRIPTION OF SITE

1.01 The application site has an area of approximately 7.5ha and is at the northwest edge of Maidstone Borough. The site forms part of a larger grassed field and has an irregular shape because the Borough boundary with Tonbridge and Malling (T&M) divides the field roughly diagonally down the middle.

1.02 The site is bounded by woodland on the north side with the 'Gallaghers Quarry' beyond to the north, and by tree and hedge lines on the east, south and west boundaries. The rear gardens of houses on Broomshaw Road and Rede Wood Road are to the south. To the east are 80 new houses that are in the early stages of construction and there are recently occupied houses further northeast on Broke Wood Way/Fullingpits Avenue. There is an area of Ancient Woodland (AW) touching the northeast corner.

1.03 Importantly, the site is allocated for housing development and open space in the Local Plan and policy H1(4) allows for up to 187 houses and sets out

a number of criteria to be met. The allocation for housing and also the urban settlement boundary does not include the southwest corner of the site which is identified as open space which will be discussed the assessment. The new housing under construction immediately to the east is allocated under policy H1(3).

1.04 To the immediate west on the other half of the field, the land is allocated for housing under draft policy LP25(Site F) for 118 houses in the emerging T&M Local Plan. The same applicant has submitted an outline application for up to 118 dwellings on this land to T&M. MBC have received a duplicate application for the access to this site as it would use the roads/access through the proposed development on site H1(4) which is on MBC land. A decision on this application by T&M is still pending.

2.0 PROPOSAL

2.01 This application seeks full permission for 187 houses with two access points linking to the approved development of 80 houses to the east. The northern route would allow access via Fullingpits Avenue off Hermitage Lane and the southern route would open a proposed secondary access off Broomshaw Road. A range of detached, semi-detached, and terraced houses are proposed and two apartment blocks to provide a mix of house types and sizes. Affordable housing would be provided at 30% (56 units). Houses would be largely 2 storeys in height with the apartment blocks at 3 storeys. Building designs are 'traditional' in style in terms of their height, form and appearance. Areas of open space are provided around the edges of the development. The design and layout will be discussed in more detail in the assessment.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP2, SP17, SP19, SP20, SP23, H1, OS1(1), ID1, H1(4), DM1, DM2, DM3, DM4, DM6, DM8, DM12, DM19, DM20, DM21, DM23
- Kent Waste and Minerals Plan (amended 2020)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maidstone Building for Life 12
- MBC Air Quality Guidance
- MBC Public Art Guidance

4.0 LOCAL REPRESENTATIONS

4.01 **Barming Parish Council:** Objects to the application for the following (summarised) reasons:

- Significant loss of open space contrary to policy OS1 and general loss of open spaces.
- Inadequate accesses.
- Increased traffic and congestion.
- Access to Broomshaw Road will raise safety issues to pedestrians and vehicles; disturb peace and quiet; use roads that are not suitable for

additional traffic; will impede potential cycle routes; and create rat running.

- Unacceptable impact on highway safety and contrary to NPPF.
- If Members are minded to approve, request upgrades and designations of PROWs and that the secondary access to Broomshaw Road only be used by emergency vehicles.

4.02 Teston Parish Council (neighbouring): Raises the following (summarised) points:

- High traffic flows and congestion will be exacerbated.
- Traffic analysed on a site-by-site basis rather than cumulatively.
- Does not meet all criteria of policy H1(4).
- Should be refused.

4.03 Aylesford Parish Council (neighbouring within T&M Borough): Objects for the following (summarised) reasons:

- Further traffic on heavily congested Hermitage Lane and A20 which serve Maidstone Hospital.
- No further development should be taking place until upgrade works to local junctions have taken place.
- Will make the poor air quality even worse.

4.04 Wateringbury Parish Council (within T&M Borough): Support Teston Parish Council objections with the following (summarised) points:

- Gross over allocation of development areas without, in our opinion, the correct consideration by the Highway Authority of the impact of the traffic generation resulting therefrom.
- Traffic generation cannot be considered as de minimis from its model but as the final straw on the traffic generation on to Hermitage Lane and as per other allocations onto Tonbridge Road and hence exacerbating the pollution to and safety of residents of Wateringbury if granted.

4.05 'Give Peas a Chance' Group: Raises the following (summarised) points:

- Serious impact on standard of living.
- Timing of application has been made to take advantage of Covid-19 restrictions.
- Each application should be reviewed individually.
- Application should be deferred or declined.
- Not needed for 5-year supply.
- Harm to ecology (hedgehogs).
- Deer may use the site.
- Increased risk to woodlands.
- Noise from quarry.
- Sink hole risk on site and in the wider Barming area so a full geotechnical investigation is required.
- Question need for affordable housing numbers and that it is going to people from outside MBC.
- Lack of infrastructure and investment.

- Loss of views to North Downs.
- Change in rural character and urbanisation.
- T&M residents will be heavily reliant on MBC services.
- Will contravene Strategic Gap Policy CP5.
- Congestion and highway safety.
- Roads and junctions are over capacity.
- Pollution.
- Baseline traffic survey and numbers are unreliable.
- Rat run will be created through Broomshaw Road and a secondary should not be created.
- Local Plan has been changed.
- Poor pedestrian safety on Hermitage Lane.
- Vehicles safety during construction.
- Roads not wide enough for HGVs or buses and on-street parking occurs.
- Pedestrian safety on PROWs.
- Junction mitigations are not sufficient.
- Lack of parking.
- Question accuracy of air quality assessment.
- Dust during construction.
- More quarry blasting takes place than said.
- Density higher than policy.
- Differences in density and layout between MBC and T&M sites.
- Lack of wildlife corridors.
- Lack of useable open space.
- Higher than 2 storeys do not fit in with local area.
- Loss of privacy/overlooking.
- Lack of bungalows and housing for elderly.
- KCC Highways issues have not been addressed/resolve.
- Photographs of sink holes provided.

4.06 **Local Residents:** 386 representations received raising the following (summarised) points:

- Increased traffic and congestion.
- Local roads and junctions are at/beyond capacity.
- Secondary access route/roads are not suitable for the levels of traffic and will create a rat run.
- Broomshaw Road was only supposed to be for emergency access and its use does not comply with policy.
- Mainly elderly people live on Broomshaw Road.
- Traffic will be dangerous.
- Traffic will affect access to Hospital.
- Lack of investment in roads.
- Journey times supporting case that Broomshaw Road will not be used as a rat run are inaccurate.
- Transport Assessment is not accurate.
- Junction improvements have not taken place.
- Fullingpits junction is not suitable.
- Public transport is poor.
- Poor cycle routes in the locality.
- Construction traffic will cause problems.
- Access to site is not wide enough.

Planning Committee Report

- Increase in home delivery traffic since Covid has not been factored in.
 - Lack of parking.
 - Barming station should be upgraded.
 - Pedestrian safety on rights of way.
 - Footpaths should be widened.
 - Fails to satisfy policy DM21 and NPPF.
 - Should not be considered in isolation from the TMBC application.
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- Loss of valuable open space that is used by local community for many years particularly during lockdown.
 - Paths on the field have been used for over 20 years.
 - Loss of open space requires justification even if it is private in line with paragraph 97 of NPPF.
 - Open space not in line with policy.
 - Harm to wildlife/ecology/loss of habitat.
 - Species missing from ecology report.
 - Lack of green space proposed.
 - Should be biodiversity net gain.
 - Concern over protection of allotments.
 - Rare and endangered species on site.
 - TMBC land should be safeguarded as a nature area.
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- Will increase pollution from car fumes.
 - Air quality standards exceeded.
 - Lack of car charging.
 - Dust pollution.
 - Doesn't align with MBC low emission strategy.
 - Light pollution.
 - Noise and dust from quarry.
 - Noise from future residents/use.
 - Quarry is dangerous.
 - Harm to quality of life from construction.
 - Loss of privacy and overlooking.
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- Density is too high.
 - Design not in-keeping.
 - Limited architect input on design.
 - Overdevelopment.
 - Houses are too big and not affordable.
 - Fails to satisfy policy DM30 and NPPF.
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- Sink hole recently occurred on Broomshaw Road and in the local area.
 - Ground is unstable.
 - Contamination.
 - Drainage.
 - Flood risk.
 - Lack of surveys in FRA.
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- Cumulative impact of multiple developments.
 - Local infrastructure cannot cope or be expanded.
 - Houses are not needed.
 - No community facilities proposed.

- Brownfield sites should be used first.
- New housing is occupied by people from outside the region.
- Loss of property value.

- Application has not been well-publicised.
- Unable to discuss with residents due to lockdown.
- Decision should be deferred due to Covid-19.

- A petition has been received objecting to the development with 14 signatures.

4.07 **Councillor Gooch** requests the application is considered by the Planning Committee on the grounds of:

- Strength and volume of local opposition.
- Adverse impact on the existing locality by way of spoiling the existing design of the existing development.
- Adversely impacting on the amenity and local environment of existing residents.
- Adversely impacting on the existing resident's sense of place.
- Local narrow residential streets not suitable for additional traffic.
- Dangers to schoolchildren etc. due to increased rat running.
- Key principle of good design and place making important for new developments but not at the expense of these same principles of existing developments in which they are being built.
- There is no viable, safe access other than via Fullingpits Avenue on to Hermitage Lane which is already heavily congested and not capable of taking any additional traffic.
- If there were to be a workable, safe secondary access via Broomshaw Road (outside TMBC's jurisdiction), the application site would need to be divided up and completely redesigned in order to (a) Significantly reduce/minimise the volume of traffic needing to use Broomshaw Rd, (b) reduce the need for a secondary access for the phase 1 and 2 application sites combined (c) to prevent a through route of vehicle movements from a potential 635 homes using Broomshaw Road as a rat-run/short cut to avoid the ever-congested Hermitage Lane.
- The submitted traffic assessments have ignored the limitations and constraints of the narrow residential streets of Barming which were never designed to accommodate the level of two-way traffic, and which have no potential for widening as all bordering properties are privately owned
- This application should be refused by virtue of NPPF paragraph 109 as there would be an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would be severe.

4.08 **Councillor Lewins:** *"We have a distinct lack of open spaces in Maidstone. Barming and Allington have taken a huge hit in the last 8 years. The open spaces remaining by the developer are purely cosmetic and does not address continuity of biodiversity. Air quality report states operations from the nearby quarry could have a moderate to slightly adverse effect residents. Why is this not taken into account and how can this be*

mitigated? It can't, this is a poorly situated development with no consideration for people's health."

4.09 **Councillor Harwood:** Questions some of the plant and tree species proposed.

4.10 **Councillor Wilby:** Questions some of the plant and tree species proposed; parking provision; lack of EV charging points in social housing or flat areas; and amenity space.

4.11 **Helen Grant MP:** Expresses deep concern and opposition for the following (summarised) reasons:

- Broomshaw Road will be used as a rat run and have a negative impact on quality of life.
- Will worsen congestion in the local area which is already at a crippling level and harming quality of life.
- Lack of infrastructure including schools and local GP surgeries.
- Reduction of precious green space and erosion of important rural space between Maidstone and Malling.
- Considers that recent sink hole is caused by development in the local area.
- Considers there should be a moratorium on house building in the Hermitage Lane and Barming area until infrastructure and sinkholes have been properly addressed.

4.12 **Tracey Crouch MP:** Has concerns for the following (summarised) reasons:

- Hermitage Lane operates well in excess of capacity and the development will worsen an already intolerable situation.
- Increases in air pollution.
- Concern about the impact on access to Maidstone Hospital, including for emergency service vehicles.
- Further pressure on schools and health services.
- Erosion of a vital green buffer between Aylesford and Maidstone.
- Considers that recent sink hole is caused by development in the local area.
- Considers there should be a moratorium on house building in the Hermitage Lane and Barming area until infrastructure and sinkholes have been properly addressed.

4.13 **Maidstone & Tunbridge Wells NHS Trust** requests the Highways Agency provides information on the impact the additional housing and congestion will have on both patients and staff at Maidstone Hospital.

4.14 **Gallaghers Quarry:** Outlines that the site is adjacent to their quarry; that quarrying will eventually heads towards the northwest corner of the development; permission for the quarry involved extremely detailed consideration of its effect on local residents with the quarry required to operate within stated limitations; careful consideration should be given to the impact of quarry operations on the proposed houses; the development

may compromise existing 'stand-off' considerations; and no weight can be given to future complaints.

4.15 Woodland Trust: Raises objections for the following (summarised) reasons:

- Potential damage and deterioration of Fullingpits Ancient Woodland from direct and in-direct impacts. Buffer should be at least 30m.
- Consider there are two Veteran Trees on site what may be affected and should have adequate buffers.

4.16 Southeastern Railway: Seek £50,000 for a new secure cycle hub with lighting and CCTV coverage at Barming Station.

4.17 Nu-Venture Coaches: Transport Assessment is inaccurate; description of Train Station operation is wrong; applicant has approached Arriva but not Nu-Venture; impacts of T&M application will be felt by MBC.

4.18 Arriva Buses: Seek £246,159 to subsidy bus services into the site for 3 years during the AM and PM peak hours.

4.19 Kent Wildlife Trust: Object to the application for the following (summarised) reasons:

- Development does not provide net gains in line with the NPPF or Environment Bill.
- It is likely that this development will result in losses for biodiversity of 75%.
- Does not provide ecological links between woodlands.
- More green infrastructure and useable space should be provided.
- Likely to be negative impacts upon Ancient Woodland and 15m buffer is not sufficient.

4.20 CPRE Maidstone: Object to the application for the following (summarised) reasons:

- The additional housing sites in T&MB were not known about when the site was allocated.
- Urban sprawl without sufficient infrastructure.
- Traffic and congestion.
- Junctions over capacity.
- Lack of green space and not in accordance with open space allocation.
- Air quality.

5.0 CONSULTATIONS

(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)

5.01 Highways England: No objections.

5.02 **Natural England: No comments** to make.

5.03 **Environment Agency: No comments** to make.

5.04 **KCC Highways: No objections subject to conditions** preventing occupation of the development until the following road improvements are implemented:

- A20 Coldharbour Roundabout
- A20 London Road/Mills Road/Hall Road
- Link road between Hermitage Lane and Poppy Fields Roundabout
- A26 Tonbridge Road/Fountain Lane/Farleigh Lane junction improvement (KCC scheme)

and subject to a Section 106 Agreement to secure financial contributions towards:

- A26 Tonbridge Road/Fountain Lane/Farleigh Lane junction improvement (KCC scheme)
- A26 Watlingbury Crossroads junction improvement
- A planned KCC Hermitage Lane to London Road cycle route
- Bus service diversion into the site

5.05 **KCC SUDs: No objections** subject to conditions.

5.06 **KCC Archaeology: No objections** subject to condition.

5.07 **KCC Minerals: No objections.**

5.08 **KCC PROW:** Seeking monies to upgrade PROWs KM11 and KM12.

5.09 **KCC Ecology: No objections** subject to conditions.

5.10 **MBC Environmental Health: No objections** subject to conditions relating to noise mitigation; charging points; lighting; travel plan; and contaminated land.

5.11 **MBC Landscape Officer: No objections** re. impact upon trees. Recommend changes to the landscaping to provide more native species.

5.12 **Southern Water:** Confirm there is sufficient capacity.

5.13 **Forestry Commission:** Refers to standing advice on Ancient Woodland.

5.14 **Kent Police:** Make various recommendations re. Secured by Design.

6.0 APPRAISAL

6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that,

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.02 The Local Plan allocates the majority of the site for 187 houses under policy H1(4) subject to a number of criteria covering matters relating to design and layout, access, noise, air quality, open space, and highways and transportation.

6.03 This is a detailed application for 187 houses. Clearly, the principle of housing is accepted under Local Plan policy H1(4) so it needs to be assessed as to whether the proposals comply/can comply with the policy criterion and any other relevant Development Plan policies.

6.04 The key issues for the application are centred round site allocation policy H1(4) as follows:

- Access and connectivity.
- Layout and open space.
- Design, appearance and landscaping.
- Highways impacts.
- Infrastructure.
- Other matters including Affordable Housing, Noise, Air Quality, Drainage, Ecology, and Amenity.

6.05 The revised NPPF has a chapter dedicated to design (12 - Achieving Well-designed Places) and there is specific reference to the design framework 'Building for Life 12'. This application has been developed and assessed against Maidstone's own version of this.

Access and Connectivity

6.06 Policy H1(4) states:

- 4. Primary access will be taken from site H1(3) West of Hermitage Lane**
- 5. Secondary access will be taken from Rede Wood Road/Broomshaw Road.**

6.07 The development would have two access points linking to the north and south of the approved development of 80 houses to the east which is currently under construction. The northern route would then link to the new housing development at site H1(3) via Fullingpits Avenue onto Hermitage Lane in accordance with criterion 4. The southern route would lead to a secondary access proposed off Broomshaw Road in accordance with criterion 5. The access routes have been assessed by Kent Highways and judged to be suitable and safe.

- 6.08 Numerous representations have been received raising objections to the secondary access onto Broomshaw Road citing issues including highway safety, unsuitability of the local roads, increased traffic, and the route being used as a cut through to avoid the A26/Fountain Lane junction. At present Broomshaw Road is a cul-de-sac and the proposals would mean that additional traffic from the site and the other adjacent developments would use this route, and it is possible that other traffic may use it as an alternative route. However, this is a specific requirement of policy H1(4) and would ensure connectivity between the site and the road network to the south. KCC Highways also consider that the inclusion of a secondary access to be appropriate in view of the scale of development that could otherwise be served via a single access onto Hermitage Lane with which I agree. It is also good planning to provide connectivity with adjacent areas rather than provide 'cul-de-sac' developments.
- 6.09 In terms of the suitability and safety of the road network to the south, KCC Highways state, "*KCC Highways notes that both Broomshaw Road and Rede Wood Road currently accommodate two-way traffic flow and incorporate dedicated footways for pedestrians. Although on-street parking is unrestricted, the vast majority of properties with frontage access onto these roads have off-street car parking. This helps to limit the levels of on-street parking that could be obstructive to two-way traffic flow. There is therefore no technical basis on which KCC Highways could sustain an objection to the principle of these roads being used as a route of access to the development.*"
- 6.10 For the above reasons the accesses to the site are in accordance with policy H1(4) and are safe and suitable with no objections from KCC Highways.
- 6.11 In terms of connectivity, pavements alongside roads would connect through via existing and approved development to the east/northeast, and pedestrian/cycle access is possible along Oakapple Lane towards Hermitage Lane. To the south, pedestrian/cycle access will be provided to Broomshaw Road and there are PROWs, some of which lack proper surfacing. It is considered appropriate to upgrade these with new surfacing and financial contributions would cover this. These improvements would run from the southeast corner of the site and then south to Heath Road and are considered necessary to promote walking to Barming Primary School and other services further south. KCC PROW have requested an upgrade of the PROW which runs along the south boundary of the site but I do not consider this is necessary or reasonable as future residents are unlikely to use this path as they can just walk through the development to get to the west. The layout provides for surfaced pathways through and around the edges of the site to provide good permeability. The layout provides a road and paths up to the MBC boundary that would link through to the outline scheme in T&M and a condition will be attached to ensure a suitable end stop is provided should the T&M scheme not come forward.
- 6.12 So overall, the vehicular access points comply with policy H1(4), are safe, and the scheme provides/will provide good pedestrian/cycle connectivity to the local area and its services/amenities, in accordance with policy DM1 of

the Local Plan and as advocated by Section 1 of 'Maidstone Building for Life 12'.

Layout and Open Space

6.13 Policy H1(4) requires:

- 1. The hedgerow on the eastern boundary of the site will be retained to form a natural break between housing allocations.**
- 2. The hedgerow on the southern boundary of the site will be enhanced in order to provide a suitable buffer between new housing and existing housing on Rede Wood Road and Broomshaw Road.**
- 3. A 15 metre landscape buffer will be implemented adjacent to the ancient woodland at Fullingpits Wood in the north east of the site.**
- 8. Provision of 1.5ha of natural/semi-natural open space in accordance with policy OS1(1) together with any additional on-site provision/improvements and/or contributions towards off-site provision as required in accordance with policy DM19.**

6.14 The hedgerow on the eastern boundary of the site would be retained where not required for the two access points into the site. Along the south boundary some new tree planting is proposed but I consider additional planting should be provided to increase this buffer in line with criterion 2 and this will be secured by condition.

6.15 In the northeast corner an undeveloped area providing a buffer to the Ancient Woodland (AW) increasing from 15m at its west edge to nearly 50m is proposed in line with criterion 3. This buffer was increased during pre-application discussions with officers and Members and this area will be fenced off and planted with native woodland and thicket planting to provide further protection to the AW.

6.16 In terms of open space, criterion 8 requires a total of 1.5ha of natural/semi-natural space to be provided for the development. This is specifically identified as an area of land in the southwest corner of the site under policy OS1(1). The development is not laid out in this way but instead open space areas are provided around and integrated through the development. This is considered to be a much better design approach that provides a more distinctive character rather than having 187 houses and open space areas distinctly separate. Also, the need for an AW buffer means that open spaces are needed within the housing area. For these reasons it is considered acceptable for development in the open space area on the Local Plan Map and it would not cause any harm to the local landscape beyond the housing allocation.

6.17 Approximately 1.4ha of open space is provided around the outskirts of the development mainly in the northeast and southwest corners and along the east edge. Additional open space areas, some providing strategic landscaping, are also provided within the development areas providing in excess of 1.5ha in total. A large proportion of open space around the outside is natural/semi-natural (wildflower meadow, woodland, thicket)

but there are also useable amenity grass areas. Therefore, the proposals would not provide 1.5ha of 'natural/semi-natural' space but it is considered that an appropriate balance has been struck in providing more natural open space areas but also some space for future residents to use which is considered to be acceptable. No play areas are provided mainly because the policy does not seek this but it is noted that a play area would form part of the adjacent development in T&M Borough. Should this not be approved or take place there will be a play area on the adjacent site to the east which has commenced.

6.18 Overall, the total amount of open space complies with the policy and is considered appropriate for this size of development and provides a large amount of natural/semi-natural space together with more useable areas.

6.19 More generally, the layout has landscaping and open space areas including the AW buffer around the outside edges of the development. The eastern space provides a clear separation between the approved housing site to the east and green space is also provided along the west boundary with the proposed development in TMBC. These spaces provide green corridors from north to south and serve to break up the housing areas.

6.20 Within the development area space for decent landscaping and tree planting either side of the southern road has been negotiated that would provide an attractive street scene and which leads to a focal space around a road junction. This junction has been made into an interesting space through the use of wide landscaping areas, low ragstone walling, surface materials, and seating. This is enclosed by 3 storey apartments and would provide a wayfinding point as advocated by 'Maidstone Building for Life 12'. The northern access road would have landscaping and tree planting space on the south side.

6.21 The layout within the site is made up of a number of perimeter blocks with buildings fronting streets and buildings turning/addressing corners either through their siting and/or architectural detailing/windows so providing active frontages and strong street scenes. Buildings face onto and address the north and south entrance points. Where boundaries are exposed, they would be brick walls, and ragstone walls would be used along the exposed boundaries facing the eastern open space.

6.22 Whilst a relatively small scheme, three different character areas are proposed as follows:

- The 'Main Street' area centres around the two main roads through the development. This area is more formal with a higher density and continuous built form addressing the street. The 'Main Street' character has predominantly semi-detached dwellings with some detached units and apartments blocks are located at the junction of the two roads. The southern road has avenue tree planting on both sides of the road within landscaped verges and pavements set behind. The road width (5.5m) is proposed to accommodate bus access. The buildings whilst traditional in form would have a more contemporary finish with the use of grey windows and doors, boxed surrounds to windows and brick banding

details. Weatherboarding would be used on key groups of buildings and ragstone to the apartments and metal railings in places.

- The 'Core Housing' area generally consists of shared surface streets mainly in the centre of the scheme. These roads are not as engineered with block paving creating a less formal appearance. Houses are generally set back to provide frontage parking and street trees. There will be predominantly terraced and semi-detached dwellings with occasional detached units and the building style would be similar to the 'Main Street' areas.
- The 'Green Edge' area is provided on the outside edges of the development at a lower density. Dwellings, which are mainly detached, are set further back with larger front gardens enclosed by hedging, shared surfaced roads flanked by landscaping and post and rail fences would create a more informal and rural feel. Projecting gables are proposed with chimneys on some houses, and more traditional materials such as weatherboarding would be used.

6.23 These areas create different parcels of character across the site as advocated by Section 5 of 'Maidstone Building for Life 12'.

6.24 Houses and gardens would be laid out to ensure sufficient privacy and outlook. The impact upon existing properties to the south in terms of privacy, light and outlook would be acceptable due to the separation distances where houses facing south are at least 25m away with vegetation in between. Where slightly closer (20m) on plot 139 the first floor flank window would serve a bathroom and can be obscure glazed by condition.

6.25 The proposed affordable housing is spread throughout the development in part of the north, the centre and some in the southwest corner so is well integrated and would be tenure blind so it would not appear any different to the market housing in accordance with policy SP20 and the Affordable Housing SPD.

6.26 Overall, the layout is considered to be of good quality providing connections to the local area, green corridors and open space around the development, and character areas within the development in accordance with policy DM1 of the Local Plan and 'Maidstone Building for Life 12'.

Design, Appearance & Landscaping

6.27 The house designs are 'traditional' in form but with some more contemporary features within the centre of the scheme such as grey windows, doors and facias, and boxed surrounds to windows the details of which will be secured by condition. Interest would be provided from two storey projecting gables, porches and detailing in the form of soldier courses, stone cills, and brick banding details on some properties which will be secured by condition. The apartment blocks would be three storeys in height and their mass would be broken up with projecting gables with some set down from the main ridge lines, box surrounds to windows, weatherboarding at first and second floor level with ragstone on the ground

floor, and fenestration on all elevations to provide relief. Whilst comments have been received stating that three storey buildings are not in keeping with the local area, the massing of these buildings is appropriately broken up and variations in heights will provide interest across the scheme.

- 6.28 Materials would include red and buff coloured stock bricks, clay roof tiles, slate effect roof tiles, and grey and black composite boarding on some properties. The apartments would feature ragstone and stone walls would also be used in prominent locations which would provide a quality vernacular material.
- 6.29 Hard surfaces are predominantly block paving for roads, parking spaces and parking courts and self-binding gravel for pathways. Boundary treatments include ragstone walls along the east edge, brick walls on exposed boundaries, post and rail fencing and metal railings.
- 6.30 Parking provision would accord with adopted standards with a large proportion provided in tandem spaces, where the standards seek independently accessible spaces. The reason being that occupants may be less reluctant to use their tandem spaces and instead park on roads. To counter this an over-provision of on-street visitor parking bays are proposed. I consider this strikes the right balance between on-plot parking provision and an attractive development that is not dominated by parking.
- 6.31 In terms of landscaping, there are many street trees along the north and south roads and also within the smaller streets. Shrub planting has been negotiated within the areas in front of the pavements on the main roads rather than grass which often looks poor. Most front gardens are enclosed by hedging. Within the open space areas on the outside of the housing would be wildflower planting and trees. The species have been amended since submission and are now predominantly native with some more ornamental species within the streets which is acceptable. The overall amount of landscaping would provide a high-quality environment and setting to the development.
- 6.32 With regard to trees, none would be removed for the development as they are on the edges of the site and there would be no impact on those that will be retained. The Woodland Trust have referred to two veteran trees at the site via the Veteran Tree inventory being a Cherry and Hornbeam on the eastern boundary. There are no Cherry trees at the site and with regard to the Hornbeam, there is one roughly in the location shown on the inventory and it records this with a girth of 6m and stem diameter of 2m. Such a tree is not present but there is a mature Hornbeam which the applicant does not consider fits within the veteran tree definition as it has two stems with diameters of 60cm and 70cm respectively. Notwithstanding this, any development falls outside its RPA (including the consented development to the east), apart from a small part of the access road which is already approved under the permission to the east.

Highways Impacts

Wider Network/Strategic Junctions

6.33 The applicant has provided a Transport Assessment (TA) and carried out recent traffic surveys on local roads and assessments of key local junctions that were agreed at the pre-application stage with KCC Highways. Whilst objectors have questioned the accuracy of the traffic surveys, KCC Highways have raised no issues with them. The TA assesses the cumulative traffic impact from the application site, the adjoining proposals for 118 houses in T&M, and other approved developments including the other northwest (NW) Maidstone strategic sites H1(2) and H1(3), site H1(23) on North Street, and 840 houses recently approved to the east of Hermitage Lane and south of the A20 in T&M (known as Whitepost Field) all with a forecast year of 2025. Again, this was agreed with KCC Highways. The TA also takes into account proposed highway improvements to the north including junction capacity improvements on the A20/Coldharbour Lane roundabout and the provision of a new link road between Hermitage Lane and the A20 London Rd at the Poppy Fields roundabout in association with the approved 'Whitepost Field' housing scheme.

6.34 The site allocation policy at criterion (9-14) relates to strategic highways and transportation improvements and these are required for all the NW Maidstone housing sites as follows:

9. Interim improvement to M20 J5 roundabout including white lining scheme.

10. Traffic signalisation of M20 J5 roundabout and localised widening of slip roads and circulatory carriageway.

11. Provision of an additional lane at the Coldharbour roundabout.

12. Capacity improvements at the junction of Fountain Lane and A26.

13. Capacity improvements at A20 London Road junction with St Laurence Avenue (20/20 roundabout)

14. Proportional contributions towards a circular bus route that benefits public transport users in and around the north west strategic location; this route will run via the town centre, B2246 Hermitage Lane, Maidstone Hospital, Howard Drive and the A20 London Road.

6.35 The above improvements are based on the cumulative impact of development in the NW Maidstone strategic area and so compliance with the criterion would be via monies towards the improvements. This would now be via the Council's Community Infrastructure Levy (CIL), and the applicant will have to pay CIL should planning permission be granted and implemented, and the Council can decide to use monies for the relevant improvements based on existing funding in place the priorities within the Infrastructure Delivery Plan (IDP). This is the method of ensuring compliance with the strategic highways requirements under the site policy just like the other NW Strategic Sites paid s106 monies prior to CIL.

6.36 Significant s106 contributions and Local Growth Funding have already been secured towards delivery of many of these works and improvements under criterion 9, 11, 13, 14 are either fully funded by s106 monies and/or being delivered in connection with the approved 'Whitepost Field' scheme (20/20 roundabout). KCC Highways have confirmed that the planned junction

upgrade at Coldharbour roundabout scheduled to commence in Autumn 2020 and be completed by Summer 2022 can accommodate traffic from the development.

- 6.37 For criterion 10 (M20, J5), Highways England have confirmed that the trips generated by the development using Junction 5 during peak hours are predicted to be minimal and are therefore not expected to have a significant impact on the junction. They raise no objections and do not require any mitigation. KCC Highways have also advised that the improvements to the Coldharbour roundabout mean that signalisation of M20 J5 roundabout is not required.
- 6.38 For criterion 12 (Fountain Lane/A26 junction), this junction is forecasted to operate over capacity on 3 arms with background growth in traffic and traffic from the NW Maidstone Hermitage Lane developments and 'Whitepost Field' scheme in 2025, and the development would make this marginally worse. Therefore, the applicant has designed an improvement scheme that could be implemented and would mitigate the impact of the proposed development and reduce queuing on all but one arm of the junction in the peaks than is predicted in 2025. KCC Highways have advised that these proposals for the junction are consistent with those put forward in support of residential development at Fant Farm for 225 houses (15/509962) where they did not raise objections, and so follow an established precedent. They also consider the proposals would be safe following submission of a safety audit and raise the issue of some on-street parking potentially being lost. It is considered that this is an appropriate and proportionate response that demonstrates how the proposed development can be mitigated. At least £328,000 of Section 106 money has already been secured from the other NW Maidstone sites for mitigation at this junction and so this could be used together with further CIL monies to fund this improvement.
- 6.40 However, with regard to this junction KCC Highways state that, *"the (Member led) working group concluded that a new roundabout layout would provide the most effective means of upgrading the junction to reduce congestion and accommodate planned growth. KCC Highways is moving forward with this scheme in seeking to secure the land and funding necessary for its implementation. It would therefore be more appropriate for the applicant to provide a financial contribution towards the County Council's roundabout scheme as the means of mitigating the impact of the proposed development."*
- 6.41 Such a scheme will cost significantly more than the improvement the applicant has shown and would require external funding in addition to Section 106 monies and/or CIL from development. It is the Highway Authority's decision whether to pursue a greater improvement at the junction and they would need to secure sufficient funding. However, the applicant's proposal is sufficient to mitigate the proposed development and KCC Highways are not raising objections on the basis of this smaller scheme but are obviously looking to pursue a wider improvement. A financial contribution to this smaller scheme would be via CIL as this is a cumulative requirement for infrastructure. Whilst it is not possible to predict

the level of CIL monies, the junction is identified as a priority in the Council's IDP for NW Maidstone.

- 6.42 Other junctions where KCC Highways consider mitigation is required include the A20 London Road/Mills Road/Hall Road Junction where they advise there is a planned junction upgrade scheduled to commence in Summer 2021 and be completed by Summer 2022 which will accommodate the development. KCC also consider that the development should contribute monies towards an improvement scheme which has been designed at the A26 Watlingbury Crossroads just within T&MBC. As the proposed development will only put a maximum of 11 additional movements at this junction in the peaks which is 4km away, I do not consider this request is justified, reasonable or necessary.
- 6.43 The delivery of these highway improvements is not the responsibility of the Local Planning Authority (LPA) or the applicant. The LPA can secure improvements via monies, CIL, or planning conditions but it is the responsibility of the Highways Authority to implement highways works which they intend to do in the near future for some of the junctions. Therefore, the LPA cannot withhold planning permission because not all the highways works have been delivered as has been suggested in some representations.
- 6.44 KCC Highways consider that a condition should be attached to prevent any occupation of the development until junction improvements at Coldharbour roundabout, A20 London Road/Mills Road/Hall Road Junction and Fountain Lane/A26 have been implemented. As these improvements are a requirement based on the cumulative traffic from all the NW Maidstone sites and the 'Whitepost Field' development and not solely this development (which is one of the smallest NW sites), it is not considered reasonable to restrict this development, especially as this has never been a requirement of KCC or MBC for any of the other NW Maidstone sites. Such a condition would therefore not pass the tests for planning conditions. As stated above, the applicant will pay CIL monies which can be used towards priority junction improvements. It is also inconsistent in that KCC Highways are not requesting the same for the Watlingbury crossroads where they are satisfied for the applicant just to make a financial contribution.
- 6.45 KCC also request a condition to prevent any occupation of the development until a link road between Hermitage Lane and the Poppy Fields Roundabout junction, which is part of the approved Whitepost Field development, has been implemented. This is on the basis that without it, KCC consider that the development will result in additional queuing at the A20 London Road/Hermitage Lane/Preston Hall junction that needs to be mitigated. The development will result in additional queuing here but as the KCC Highways advice states, "*the proposed development is shown to have a marginal impact on queuing and delay. The queue on the problematic eastern London Road (A20) arm is predicted to increase from 94 to 96 PCUs in the AM peak.*" So, the development will result in an increase in queues by 2 vehicles which is considered to be negligible in the context of the number of movements which as a proportion would represent 1% of the flows through the junction. Also, only one arm (the eastern London Road arm) would be

over theoretical capacity by 0.8% which is not considered to be a severe impact upon the whole junction or the wider network. On this basis it is not considered reasonable or necessary to require any mitigation at the junction let alone require a link road connected with a separate development that the applicant has no control over, prior to any occupation. In addition, site H1(4) was allocated in the Local Plan in 2017 along with all other NW sites (before the Whitepost Field application was even submitted). The traffic impact of this site was assessed together with all other allocations and site policy does not require mitigation at this junction. For all these reasons it is not considered necessary or reasonable to require mitigation or a condition restricting occupation as suggested by KCC.

Other Junctions

- 6.46 The applicant has assessed the impact upon many other junctions which are not part of the strategic requirements in the Local Plan including the signalised junction from the site onto Hermitage Lane. This shows that no junctions would be over theoretical capacity and therefore no mitigation is necessary and KCC Highways agree with these conclusions.

M20 Junction 5

- 6.47 Highways England have confirmed that the trips generated by the development using Junction 5 during peak hours are predicted to be minimal and therefore are not expected to have a significant impact on the junction. They raise no objections and do not require any mitigation.

Public Transport

- 6.48 The proposals are designed to accommodate buses so they enter the housing scheme to the northeast off Hermitage Lane, through the scheme under construction to the east and then loop around the site and exit the same way with a bus stop provided within the development. The applicant held discussions with 'Arriva' prior to submitting the application and they have confirmed to MBC under this application that they would be willing to divert the number 8 service into the site but this would need to be subsidised for the first 3 years. It has been agreed with Arriva that an AM and PM peak hour service into the site is appropriate and the applicant would fund this for 3 years at a cost of £246,159 which will be secured under a legal agreement. This is considered to be necessary in order to promote public transport use in accordance with policy SP23. Some works to widen roads within the approved developments to the northeast are required at pinch points at the junction of Fullingpits Avenue/Broke Wood Way and where the road crosses the PROW to the site to the east. KCC Highways have reviewed these works and the bus access generally and are supportive of the proposals.

Cycling & Walking

- 6.49 Improvements to cycle parking facilities at Barming Train Station will be secured via section 106 monies to provide a new secure cycle hub with

lighting and CCTV coverage which would cost £50,000. This will promote cycle use to the station in accordance with policy SP23. Funding for a pedestrian/cycle path alongside Hermitage Lane is provided in connection with site H1(2) (East of Hermitage Lane) which will improve access along Hermitage Lane. KCC Highways have requested monies (without defining the amount) towards a proposed cycle route from Hermitage Lane to the London Road Park & Ride site, which they say has no funding to date. It is considered that this route, which is somewhat distant from the site, is unlikely to be used by future residents to cycle to the shops at Allington as suggested when other shops and 'local' supermarkets are much nearer to the site. On this basis it is not considered to be necessary or directly related to this development contrary to the CIL Regulations.

6.50 As outlined earlier in the report, the site provides good connectivity and permeability for both walking and cycling through to Hermitage Lane and to the south via Broomshaw Road and PROWs KM11 and KM12 where the existing paths will be upgraded to improve access through financial contributions.

6.51 The applicant has provided a Framework Travel Plan for the development which would encourage sustainable travel with potential measures and initiatives including the provision of resident travel information packs, cycle parking, bicycle discounts, promotion of car sharing, and notice boards. Implementation will be overseen by a Travel Plan Co-ordinator with on-going monitoring. The indicative Travel Plan targets seek to achieve a 10% reduction in single occupancy car travel, and increases in cycling, car sharing, bus and rail use. Its aims are proportionate for this development and its location. This can be secured by condition and a monitoring fee of £948 will be secured under a section 106 agreement.

6.52 Overall, the transport impact of the development can be mitigated or is acceptable, public transport (bus services) will be provided into the site, and the layout of the development and off-site improvements will allow for and promote walking and cycling in accordance with policy DM21 of the Local Plan.

Off-Site Infrastructure

6.53 The adopted CIL is charged on new floor space to help deliver infrastructure to support development identified in the Council's IDP. The scale of development proposed here is not such that it generates the need for a new standalone school or doctor's surgery or specific on-site infrastructure but will obviously place an additional demand on such services. On this basis, CIL monies could be used towards such services to mitigate the impact of the development in line with the IDP which is in accordance with policy DM20.

Other Matters

Affordable Housing

6.54 Affordable Housing is proposed at 30% (56 units) with the tenure split 70% affordable rent and 30% shared ownership. This overall amount (30%) is in accordance with policy SP20 as is the tenure split and this will be secured under the legal agreement. The applicant will be seeking some flexibility in the legal agreement to change the shared ownership to another intermediate tenure as advocated within the new Affordable Housing SPD. The accommodation provides a mix of house sizes including 1 and 2 bed flats, 2, 3, and 4 bed houses and the amounts proposed are broadly in line with the current need and were discussed with the Housing Section prior to submission. A monitoring fee for the s106 of £4,500 will also be secured.

Air Quality

6.55 Policy H1(4) requires:

7. Appropriate air quality mitigation measures to be agreed with the council will be implemented as part of the development.

6.56 The site is located outside any Air Quality Management Areas (AQMA) with the nearest being the south part of Hermitage Lane and the A26. An air quality assessment has been submitted which concludes that the proposed development would not result in any exceedances of the relevant Air Quality Standards at any of the receptors assessed which include within the AQMA. The Environmental Health section has reviewed the assessment and raises no objections. In line with the Council's Air Quality Planning Guidance, an emissions mitigation calculation has been used to quantify potential emissions from the development and provides a mitigation value for proportionate mitigations to be integrated into the development. These include a Travel Plan, welcome packs for residents on first occupations will be provided containing up-to-date local travel information, promotion of 'Kent Journey Share' car sharing database, and EV charging points for houses with on-plot parking. These measures which are proportionate will be secured by condition. Representations have referred to a lack of EV charging points for the affordable units and flats. The applicant is proposing charging points for properties that have off-street parking immediately adjacent. The majority of affordable housing is in terrace properties or apartments which would require communal charging points and the applicant states that in their experience Registered Providers have shown no interest in the provision of electric charging points. I do not consider this is a particularly sound argument but do not consider the lack of communal charging is grounds to refuse the proposals.

6.57 In terms of new residents, an assessment of dust impact from operations at the adjacent quarry has been carried out. This concludes that operations at the southern and eastern sections of the quarry and the minerals processing area could have a 'moderate adverse' and 'slight adverse' effect respectively on future residents but this assumes there are no mitigation measures in place within the quarry to reduce the potential for dust impacts. It is understood that the quarry has an active policy of dust suppression and adequate mitigation in place to reduce the potential for adverse effects on the local area. The site is also not downwind of the prevailing wind direction locally for the majority of the time and the quarry

is also surrounded by a bund of trees which will act to screen dust from the proposed dwellings. The assessment concludes the impact upon future residents will not be significant and Environmental Health have confirmed they support these conclusions.

Noise & Vibration

6.58 Policy H1(4) requires:

6. Development will be subject to a noise survey to determine any necessary attenuation measures in relation to the operations at Hermitage Quarry.

6.59 The applicant has submitted and noise and vibration assessment which has been reviewed by Environmental Health. The assessment concludes that no additional mitigation for external amenity areas is required in terms of noise as dwellings have been positioned to shield rear gardens in most cases and 1.8m high acoustic garden fences are proposed. Environmental Health raise no objections on this basis. In terms of vibration, the highest recorded level is well within the limit of the planning condition for the quarry and air overpressure would also be expected to be of a low magnitude, and again Environmental Health raise no objections. So subject to the mitigation within the assessment being conditioned, the impacts of noise and vibration would be acceptable for future residents.

Drainage & Ground Conditions

6.60 In terms of surface water drainage and foundations, the application includes a Phase 1 Geotechnical Desk Study and British Geological Survey Report which both acknowledge that the site is underlain by the Sandgate Formation (sandstone, siltstone, and mudstone) and (underlying) Hythe Formation and that sink holes can and have occurred in the local area. The Hythe beds comprise alternating layers of limestone and sandstone and the limestone is the Rag, or Ragstone. The Ragstone beds are associated with Gulls which are fissures/cracks caused when 'harder' beds are (for want of a better term) bent. Gulls present an important geological design consideration as introducing additional concentrated flows of water into them can wash out unconsolidated material and result in ground instability and sink holes some of which have occurred in the local area with one most recently in September 2020.

6.61 The drainage report outlines that these potential geological conditions at the site have steered the approach to dealing with surface water which would be discharged via infiltration to deep borehole soakaways which through the detailed ground investigation and design stage would be set at positions and levels to avoid any flooding of fissures/gulls. KCC LLFA are well aware of the potential for ground instability from surface water drainage and raise no objections to the principles of the SUDs scheme subject to the fine details being provided by condition and further works demonstrating that the position of any soakaways are appropriate and would not increase potential instability risks. For foundations these would be carefully considered to ensure there are no negative effects on ground

stability with detailed ground condition testing (probing on each plot) carried out and this would be dealt with through building regulations.

6.62 On this basis it is considered that potential for ground instability has been appropriately assessed at this stage and a condition can ensure that the fine details of the drainage scheme, where detailed ground investigations are carried out, and through consultation with the statutory consultee, would not result in ground instability in the local area. As such the site is suitable for the proposed development subject to conditions in accordance with the paragraph 178 of the NPPF.

6.63 Southern Water has confirmed there is sufficient capacity on the local network for foul drainage which ensures compliance with criterion 15 of policy H1(4).

Ecology

6.64 The applicant's survey highlights that the greatest ecological interest are the site boundaries and in particular the northern boundary which will be retained and not incorporated into the curtilage of the dwellings. In terms of protected species, slow worms, common lizards and grass snake have been recorded. Commencement of translocation of the common lizards and slow worms has already started to a receptor site in Mote Park because detailed ground investigations are required in respect of drainage and foundation design at the earliest opportunity. This can be lawfully carried out in advance of planning permission being granted as a licence is not required. Translocation will shortly cease for the winter, until it can recommence next year, but it is understood a sufficient area has been cleared for testing to safely take place. KCC Ecology have raised no objections to this but advise that they would not be supportive of Mote Park being used for any further translocation beyond this site until further monitoring has been carried out to ensure the carrying capacity is not exceeded for reptiles. They also advise that there is a need to ensure that, following completion of the translocation, the application site is regularly cut and the reptile fencing maintained to ensure reptiles will not re-establish on site between translocation and construction commencing which can be secured by condition.

6.65 Other protected species including foraging bats, dormice, badgers, hedgehogs and breeding birds are present mainly around the edges of the site. KCC Ecology advise generally that the retention of the hedgerows and the proposed planting around the edges of the site will be sufficient to provide suitable habitat, connectivity, and mitigation. Conditions are required to secure the mitigation measures, a site wide management plan, and bat sensitive lighting. The development would therefore be in accordance with policy DM3 of the Local Plan.

6.66 There would be an AW buffer increasing from 15m at its west edge to nearly 50m with this area fenced off and planted with native woodland and thicket planting to provide further protection to the AW.

6.67 The Kent Wildlife Trust have commented on the application and do not consider the development provides net gains in line with the NPPF or Environment Bill. The requirements of the Environmental Bill 2019 will seek a 10% biodiversity net gain but this legislation has not yet come into effect yet. As such there is currently no requirement to quantify the amount of 'biodiversity gain'. In terms of enhancements, the proposals would provide new native planting around the edges of the site which would also provide green corridors, wildflower meadow planting, permeability for hedgehogs around gardens, bird, bat, hedgehog and insect boxes, and habitat piles. This is considered a proportionate response based on the ecological value of the site and will provide an appropriate biodiversity net gain for this development in line with the NPPF/NPPG.

Residential Amenity

6.68 The nearest existing houses are to the south on Broomshaw Road and Rede Wood Road. As outlined earlier in the report, the impact upon these properties in terms of privacy, light and outlook would be acceptable due to the separation distances where houses facing south are at least 25m away with vegetation in between. Where slightly closer (20m) on plot 139, the first floor flank window would serve a bathroom and can be obscure glazed by condition. Approved houses on the development to the east would be a sufficient distance away to ensure appropriate amenity.

Claimed Rights of Way & Use of Field

6.69 KCC received an application to establish three bridleways running around and across the site in July 2020. Under this process KCC must decide whether there is sufficient evidence to make an Order to add these routes to the Definitive Map of Public Rights of Way. KCC have advised that this would take in the region of 6 months. Importantly, this does not prevent the Council from deciding the planning application. If the rights of way are confirmed the applicant would need to apply for them to be diverted like any other PROW affected by development. If planning permission were granted it would be at the applicant's risk if they commenced development prior to a decision being made on the PROWs or diversion as they would potentially need to 'un-do' any development affecting the PROW and make a fresh planning application.

6.70 Many representations refer to the loss of the field and it being a valuable open space to local people particularly during 'lockdown'. The site is in private ownership and so access to the land can be prevented notwithstanding the 'claimed rights of way' For this reason policy DM19 of the Local Plan which refers to publicly accessible open space does not apply not does paragraph 97 of the NPPF which protects open space areas.

Public Art

6.71 In line with the Council's guidance a scheme of this size should provide an element of public art and this would help to create a sense of place. This will be secured by way of condition.

Environmental Impact Assessment

6.72 An EIA Screening Opinion was submitted in 2019 for up to 340 houses which related to the application site and the site to the west within TMBC. The Council concluded that an EIA was not required and this assessed the cumulative impact from other development in the Local Plan and schemes within TMBC. There have been no significant changes since that screening opinion to reach a different decision now. In screening the current proposal, the scheme is for housing rather than any complex development, and it is not considered that the characteristics or size of the development are such that significant environmental impacts are likely to arise. The potential for cumulative effects with other approved nearby developments and those under construction is also not considered to be so substantial that significant environmental impacts are likely to arise. The development would not have any significant impacts on natural resources, land, soil, water, or biodiversity, nor would it result in any significant production of waste or pollution. There would be no risk of major accidents or harm to human health. The effects of the development would essentially be 'local' and having regard to the guidance within the EIA Regulations and the NPPF/NPPG, it is not considered that the development would be likely to lead to significant environmental effects of a nature that would require an EIA.

Representations

6.73 Matters raised but not considered in the assessment sections in the report relate to the timing of application and Covid-19 restrictions and the application not being well-publicised; development not being needed for 5-year supply; question need for affordable housing numbers and that it is going to people from outside MBC; issues during construction (traffic and disturbance); and loss of property value.

6.74 The applicant has been publicised in accordance with legal and local requirements (site notice and letters to adjoining properties) and consultations/notifications have been carried out on amended/additional information. The application was submitted in April 2020 and so it is considered that adequate time has been available for any comments to be made by interested parties.

6.75 The site is allocated within a strategic housing area and is needed to meet Maidstone's housing requirements for the current Local Plan period to 2031 including contributing to the 5-year supply. There is a high need for affordable housing as outlined under policy SP17 and the delivery of such housing is a priority for the Council.

6.76 Issues of noise and disturbance during construction are dealt with under Environmental Health legislation and controls. Loss of value to property is not a material planning consideration.

7.0 CONCLUSION

- 7.01 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 7.02 The site is allocated for 187 houses within the Local Plan under policy H1(4) subject to criterion. The application proposes 187 houses and for the reasons outlined in the report above, the proposals comply with all policy criterion subject to the legal agreement and conditions. The application also complies with all other relevant Development Plan policies.
- 7.03 The application proposes development within the area defined for open space under policy OS1(1) and outside the settlement boundary but this would not result in any harm to the local landscape beyond the housing allocation. It also ensures that open space areas are provided around and integrated through the development which is considered to provide a better design approach and more distinctive character. The total amount of open space (1.5ha) would still be provided.
- 7.04 KCC Highways are raising no objections to the proposed access points including the secondary access onto Broomshaw Road in terms of their use and safety. The secondary access is a requirement of site policy H1(4) and it is agreed with KCC Highways that this is appropriate bearing in mind the level of development it will serve.
- 7.05 KCC Highways are raising no objections subject to conditions preventing occupation of the development until a number of junction improvements and a link road in connection with another development are implemented. For the reasons outlined in the assessment this is considered to be unreasonable and/or unnecessary and so does not pass the test for planning conditions. It would also be inconsistent with previous recommendations and decisions of both KCC and MBC. Junction improvements to accommodate the development at the Coldharbour roundabout and the A20 London Road/Mills Road/Hall Road junction are fully funded and scheduled to start in the next 6-9 months. For the Fountain Lane/A26 junction the applicant has identified a scheme that would provide sufficient mitigation that s106/CIL money could be used towards.
- 7.06 All representations received on the application have been fully considered in reaching this recommendation.
- 7.07 It is concluded that the development is acceptable and complies with policy H1(4) and all other relevant policies of the Development Plan. There are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions.

8.0 RECOMMENDATION

Subject to:

The conditions set out below, and the prior completion of a legal agreement to secure the heads of terms set out below;

the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION** (and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee).

Heads of Terms

1. 30% affordable housing provision (made up of 70% affordable rent and 30% shared ownership).
2. £246,159 to subsidise diversion of Arriva bus service 8 into the site for 3 years during the AM and PM peaks.
3. £32,890 for the upgrade of PROW KM11
4. £7,590 for the upgrade of PROW KM12.
5. £50,000 to provide a secure cycle hub with CCTV coverage and lighting at Barming Train Station.
6. £4,500 Section 106 monitoring fee.
7. £948 Travel Plan monitoring fee.

Conditions:

Approved Plans

1. The development hereby permitted shall be carried out in accordance with the plans listed on the Drawing Schedule (October 2020) excluding drawing no. 8080-C-160_P2 (Road & FFLs) and the Soft Landscape Proposals Sheets 1 to 3 (CSA/292/120/C, CSA/292/121/C, CSA/292/122/C).

Reason: To clarify which plans have been approved, to ensure a high-quality development, and to protect residential amenity.

Time Limit

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance

3. The development shall be carried out in accordance with the boundary treatments as shown on drawing nos. CSA/2929/117 RevC, 118 RevC and 119 RevC (Sheets 1-3) and CSA/2929/127 RevD, 128 Rev D and 129 Rev A (Sheets 1-3), and maintained thereafter.

Reason: To ensure a high-quality development and to protect residential amenity.

4. The development shall be carried out in accordance with the hard surfaces as shown on drawing nos. CSA/2929/117 RevC, 118 RevC and 119 RevC (Sheets 1-3) and maintained thereafter.

Reason: To ensure a high-quality development.

5. The development shall be carried out in accordance with the Tree Protection Plan dated March 2020.

Reason: To ensure a high-quality development.

6. All planting, seeding and turfing specified in the approved landscape details shall be carried out either before or in the first planting season (October to February) following the occupation of the building(s) or the completion of the development to which phase they relate, whichever is the sooner; and 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 setting to the development.

7. The areas of open space as coloured green on drawing no. CSA/2929/130 shall be maintained as publicly accessible open space in perpetuity.

Reason: To ensure adequate open space areas for the development.

8. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

9. Before the development hereby permitted is first occupied, the proposed first floor flank bathroom window on plot 139 shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

10. The construction of the development shall be carried out in accordance with the precautionary mitigation measures outlined at Section 4.0 of the Biodiversity Mitigation and Enhancement Strategy (CSA April 2020).

Reason: In the interest of biodiversity protection and enhancement.

11. The development shall be carried out in accordance with the air quality mitigation measures outlined in the Air Quality Assessment including the provision of electric vehicle charging points as shown on drawing no P19-1591_05 RevD (Parking Plan). The electric vehicle charging points shall be maintained thereafter.

Reason: In the interests of limiting impacts upon air quality.

12. The development shall be carried out in accordance with the ecological enhancements outlined in the Biodiversity Mitigation and Enhancement Strategy as listed below and thereafter maintained:

- a) Wildflower grassland
- b) Hedgehog domes
- c) Bat, bird, and insect boxes.
- d) Bird habitat integral to buildings.
- e) Habitat piles.

Reason: In the interest of biodiversity protection and enhancement.

Pre-Commencement

13. No construction works or development shall take place until an ecological walk over survey has been submitted to and approved in writing by the Local Planning Authority. The survey must confirm that the approved ecological mitigation has been completed and there is no suitable habitat for protected/notable species present within the site where development will take place. If suitable habitat is found to be present an updated ecological mitigation strategy must be submitted to and approved in writing by the Local Planning Authority prior to any development taking place and the development shall be carried out in accordance with the approved details.

Reason: In the interest of biodiversity protection and enhancement.

14. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment (April 2020) and shall demonstrate

that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. It shall also explore the use of more swales within the development.

The drainage scheme shall also demonstrate (with reference to published guidance):

- a) That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- b) Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

15. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

16. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by 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 indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk 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 as 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 onto the site shall be certified clean;

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

Reason: In the interests of human health.

17. No development shall take place until the applicant has secured the implementation of the following details:
 - a) 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
 - b) 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

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

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

18. No development shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority for that phase. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.

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

19. No development shall take place until, details of the proposed levels for the development including slab levels of the buildings and any retaining walls, together with existing site levels, have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

Pre-Slab Level

20. Notwithstanding the submitted Soft Landscaping plans (Sheets 1 to 3), no development above slab level shall take place until amended plans have been submitted to and approved in writing by the Local Planning Authority showing increased native planting including trees along the south boundary.

Reason: To ensure the development accords with the site allocation policy and to provide an appropriate setting.

21. No development above slab level shall take place until measures and locations to allow hedgehogs to move through the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of biodiversity protection and enhancement.

22. No development above slab level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials. The materials shall follow the 'Materials Plan' and include the following:

- a) Stock facing bricks
- b) Clay roof tiles
- c) Ragstone on buildings
- d) Ragstone walling
- e) Composite boarding

Reason: To ensure a high-quality appearance.

23. No development above slab level shall take place until written details and large-scale plans showing the following architectural detailing have been submitted to and approved in writing by the local planning authority for that phase, and the development shall be carried out in accordance with the approved details:

- a) Boxed surrounds to windows
- b) Soldier courses

- c) Stone cills
- d) Brick banding
- e) Roof overhangs

Reason: To ensure a high-quality appearance.

24. No development above slab level shall take place until a sample panel of the ragstone for the walling and buildings, including mortar mix details, has been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site.

Reason: To ensure a high-quality appearance.

25. No development above slab level shall take place until a "bat sensitive lighting plan" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting plan shall:

- a) Identify those areas/features on site that are particularly sensitive for bats 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 strategy and these shall be maintained thereafter in accordance with the approved plan.

Reason: In the interest of biodiversity protection and enhancement.

26. No development above slab level shall take place until details of lighting for streets and houses have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

27. No development above slab level shall take place until details of the plots that require the mitigation measures set out under the Noise and Vibration Assessment (April 2020) have been submitted to and approved in writing by the Local Plan Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate levels of amenity.

28. No development above slab level shall take place until a written statement of public art to be provided on site in the form of a Public Art Delivery Plan has been submitted to and approved in writing by the local planning authority. This should include the selection and commissioning process, the artist's brief, the budget, possible form, materials and locations of public art, the

timetable for provision, maintenance agreement and community engagement, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of the good place making in accordance with the provisions of the Maidstone Borough Council Public Art Guidance.

29. No development above slab level shall take place until details of a landscaped 'end stop' to the west end of Street 05 has been submitted to and approved in writing by the local planning authority. In the event that the housing development to immediate west and to which this street would link has not been approved before occupation of the 187th dwelling, the approved details shall be carried out in full.

Reason: In the interest of visual amenity.

30. No development above slab level shall take place until a site-wide landscape and ecological management plan (LEMP), including timetable for implementation, long term design objectives, management responsibilities and maintenance schedules for all landscaped, open space, and drainage areas, but excluding privately owned domestic gardens, has been submitted to and approved in writing by the local planning authority. Landscape and ecological management shall be carried out in accordance with the approved plan and its timetable unless the local planning authority gives written consent to any variation. The management plan must clearly set out how the habitat and enhancement features detailed within the Biodiversity Mitigation and Enhancement Strategy; CSA; April 2020 will be managed in the long term. The management plan must include the following:

- a) Details of the habitats to be managed
- b) Overview of the proposed management
- c) Timetable to implement the management
- d) Details of who will be carrying out the management
- e) Details of on-going monitoring.

The management plan must be implemented as approved.

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

31. No development above slab level shall take place until the following details have been submitted to and approved in writing by the local planning authority:

- a) Details of the bus stops, their locations, and timeframes for their delivery.
- b) Timeframes for delivery of improvements to the junction of Fullingpits Avenue/Broke Wood Way and the approved road within the housing development to the east, as shown on approved drawing no. 15-009/37 in Appendix E to the TA.

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

Reason: To allow for bus access to the site.

Pre-Occupation

32. The development shall not be occupied until a Final Travel Plan for the development which follows the principles of the Framework Travel Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Travel Plan.

Reason: In order to promote sustainable transport use.

33. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.