

REPORT SUMMARY

REFERENCE NO - 13/2079			
APPLICATION PROPOSAL 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.			
ADDRESS Land South West Of, Oakapple Lane, Maidstone, Kent			
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • It is a departure from the Development Plan; and • The recommendation is contrary to the view of the Parish Council 			
WARD Heath Ward	PARISH/TOWN COUNCIL N/A	APPLICANT Mr & Mrs Sunnuck & Mrs Foster-Crouch AGENT Dha Planning	
DECISION DUE DATE 03/03/14	PUBLICITY EXPIRY DATE 03/03/14	OFFICER SITE VISIT DATE Various	
RELEVANT PLANNING HISTORY:			
App No	Proposal	Decision	Date
MA/13/1388	Request for a screening opinion as to whether the proposed development incorporating residential development up to 80 dwellings is development requiring an Environmental Impact Assessment	EIA not required	02/09/13
MA/13/1857	Consultation with Maidstone Borough Council by Tonbridge and Malling Council on TM/13/03097/OA – outline application for the erection of residential development with access	No objection	05/08/13
MA/13/1702	Outline application for up to 250 residential dwellings (including affordable homes) with access. All other matters (scale, layout, appearance and landscaping) reserved for future consideration. Land west of Hermitage Lane.	Resolution to approve subject to a S106 agreement	
MA/13/1749	Outline application for a mixed use development comprising up to 500 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (including children's play area, associated infrastructure and necessary demolition and earthworks.	Refused	03/07/14

	The formation of 2 new vehicular accesses from Hermitage Lane and Howard Drive. With access to be considered at this stage with all other matters reserved for future consideration. Land east of Hermitage Lane.		
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MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site is roughly rectangular and measures 2.85 hectares. The site lies to the north of Broomshaw Road and to the south west of Oakapple Lane, Maidstone. The site is connected by footpath to Barming railway station and to local centres using the main highway network and existing estate roads.
- 1.2 At present the site is utilised as grazing land for horses with the site divided into paddocks. There is little vegetation within the site, although a diagonal line of trees crosses the lower section of the site from the south east to north west. The boundaries of the site are characterised by well established trees and hedges.
- 1.3 Access to the site is available via a five bar gate in the south leading from Broomshaw Road and Oakapple Lane to the north. Oakapple Lane is partly hard surfaced and adopted highway and part unsurfaced public footpath.
- 1.4 Public footpath KM11 crosses along the southern boundary of the site connecting to public footpath KM12 which runs diagonally across the site and along part of its western boundary. This then connects with public footpath KM10(Oakapple Lane) which runs along part of the northern boundary.
- 1.5 The site is located outside, but adjoining the defined built up area of Maidstone in the Local Plan. It is, therefore, in the countryside for Local Plan purposes and is a greenfield site. The site is located within the designated Strategic Gap around the edge of Maidstone.

2.0 PROPOSAL

- 2.1 Outline permission is sought for up to 80 dwellings with associated works for access, parking, infrastructure, open space and landscaping. All matters (access, layout, appearance, scale and landscaping) are reserved for future consideration.
- 2.2 As all matters are reserved for future consideration the applicant is not required to provide any detailed plans of the development but has chosen to provide a number of concept plans including an illustrative masterplan. This shows enhanced planting to all the site boundaries and roads and housing towards the centre of the site. An area of lower density housing is shown to the south of the site adjacent to the residential development at Broomshaw Road. An equipped area of play is shown located centrally within the site, adjacent to the existing

public right of way, surrounded by informal open space. The primary vehicular access route is shown via a widen and surfaced Oakapple Lane with a pedestrian footpath to the side with secondary access being taken from the adjacent site to the north (land west of Hermitage Lane (which has a resolution for up to 250 dwellings under MA/13/1702).

- 2.3 The Design and Access Statement, submitted in support of the application, states that 0.75 hectares of open space would be provided on site, a variety of house types are proposed to add interest and to meet different needs. The layout has been designed to correspond with neighbouring development patterns for the proposed development to the north of site, as well as the prevailing grain of residential development in the locality. The proposed development maintains a traditional style with typical materials including red brickwork, hanging tiles and timber boarding, but with each dwelling offering differentiation in materials and thus appearance. The scheme would provide a mixture of 2, 2.5 and 3 storey residential units. It must be reiterated that these are illustrative details and the Council is not making a decision on the detail of the scheme at this stage.
- 2.4 Whilst all matters are reserved for future consideration the applicant's are keen to establish certain principles at this outline stage including:
- Increased landscaped buffers to the site boundaries with no properties backing on to these wherever possible;
 - Low density, high quality dwellings to the south of the site adjacent to Broomshaw Road and Banky Meadow;
 - Access from Oakapple Lane to include high quality pedestrian and vehicle route with traffic calming and landscape enhancement; and
 - Entrance feature to relate to proposals for the Swan properties (Land west of Hermitage Lane) site.
- 2.5 In terms of density, the site is some 2.85 hectares and the applicants are proposing up to 80 dwellings on the site. This gives a density of approximately 28 dwellings per hectare, but does not take account of the fact that some areas of the site will not be developable as they will be given over to landscaping, open space, roads and so forth. The net density of the site (i.e. the density on the developable area) will, therefore, be higher. A minimum of 30% affordable housing is proposed.
- 2.6 So to summarise, the Council is being asked to consider the principle of residential development of up to 80 units on the application site with all matters (access, layout, scale, appearance and landscaping) reserved for future consideration.

3.0 POLICY AND OTHER CONSIDERATIONS

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

National Planning Practice Guidance (NPPG) 2014

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

Maidstone Borough Wide Local Plan Regulation 18 consultation 2014: SS1, H1, H2, DM2, DM3, DM4, DM6, DM10, DM12, DM13, DM14, DM16, DM23, DM24, DM30, ID1

Supplementary Planning Documents: Maidstone Borough Council Affordable Housing DPD 2006, Maidstone Borough Council Open Space DPD 2006

4.0 LOCAL REPRESENTATIONS

4.1 Parish Council: Wish to see the application refused for the following reasons:

1. Have serious concerns with the effect that this development will have on the current volume of traffic in the area, predominantly Hermitage Lane, Fountain Lane, and Tonbridge Road. At peak times of the day, the area is already grid locked and not enough thought has gone into how this will be alleviated. The highway issues will be further exacerbated by the accumulative effect of additional proposed developments on Hermitage Lane.
2. Oakapple Lane is already used as an overflow car park for Maidstone Hospital and cannot cope with any further increase in vehicular movements; neither can residents suffer even greater difficulty accessing their own properties;
3. The increase in traffic movements in Oakapple Lane would effectively create a major junction at Hermitage Lane, particularly with the cumulative effect of additional proposals in the area. The main access should therefore be via the adjacent development west of Hermitage Lane.
4. Oakapple Lane joins a public footpath (KM10) and is used by dog walkers, cyclists, pedestrians and families with prams. It is not appropriate for use by every day traffic from the development.
5. Mindful of the recent devastating floods, we are very concerned that natural drainage will be lost as development increases. This could have a detrimental impact in the future surface water run off for the area;
6. This application will bring residential development closer to the operations at Hermitage Quarry, where existing local residents are already disturbed by the effects of blasting, noise and dust;
7. Currently this area of land, together with the cemetery, provides a valuable green lung between the Rede Wood estate and the Springwood Estate. By developing this land this buffer will be lost as the cemetery is of sufficient size to offer such protection on its own;
8. Part of the application site is used for horse riding and this will be a lost educational amenity for the children in the area as well as a loss of a highly valued local rural amenity;
9. Until the Local Plan is in place, all applications of this size should be refused as they are being submitted prematurely.

The Parish Council would request that, if the Planning Officer's view differs, the application be reported to the Planning Committee.

If the application were to be approved, the Parish Council would wish the following conditions be imposed:

- a) Vehicles be prevented from using KM10 in order to protect the interest of users of, and the restrictions of, a public right of way.
- b) That the Barming boundary stone located on the site remains on site and is preserved and respected as such in the interests of local amenity and local historical interests.
- c) That there be no vehicular access from Broomshaw Road, in the interests of highway safety and to protect the local amenity of the residents of Broomshaw Road and adjacent residential streets.

4.2 8 letters of objection have been received from local residents. They make the following summarised comments:

- Pollution will be awful with the amount of cars due to more houses;
- Where will all the wildlife go?
- Object to the use of Oakapple Lane for access to this development on the grounds of extra traffic, noise pollution and rubbish;
- Access could be obtained from the south east waterboard site or Broomshaw Road;
- There is continuous parking already in Oakapple Lane by visitors to and employees of Maidstone Hospital. If Oakapple Lane is used can there be yellow lines and a box junction to allow access onto Hermitage Lane;
- Insufficient and inadequate infrastructure to sustain the proposed density level of development currently proposed by this application and the others in close proximity;
- Hermitage Lane is already congested, especially at peak times;
- Where will all the children go to school?
- How will the occupiers of the new houses cope with the noise from the quarry?
- Local roads are not in good condition and will have to be upgraded;
- Always thought this land was for agricultural purposes and not to be built on;
- No regard to the quality of life for existing residents;
- If this application is approved it opens up the accessibility of the footpath behind us;
- Barming was always the village just outside Maidstone with its own identity but now it has been eaten up;
- None of us want any more development in and around this area;
- This is just one of numerous planning applications that have either been approved or are in the process of consideration, creating noise, potential congestion and a lowering in the value of the houses.

4.3 **Councillor Gooch:** *"The indicative masterplan and overlays appear to have carefully taken into account important local features i.e. enhancing existing hedgerows/ecological corridors and boundary treatments; retention of the very popular public right of way KM12; non vehicular access to Broomshaw Road/Banky Meadow boundaries. If permission is granted, any conditions imposed must, at the very least, require adherence to the indicative plans in the interests of qualitative, sustainable development."*

This area of the parish of Barming provides a key environmental and ecological green edge to urban Maidstone and I would deeply regret the loss of the essentially rural and equine use of this site.

I have considerable sympathy with the very strong concerns of local residents and of Barming Parish Council about the cumulative effect of the additional traffic arising from this and other potential developments on Hermitage Lane. Indeed, the development on the corner of St Andrews Road (MA/12/1749) for 40 dwellings is under construction and the demolition of Oakwood Nurses Home for development of 53 dwellings has just been approved – this equates to 93 dwellings without any highway/traffic mitigation measures in place. Therefore, bearing in mind that highway mitigation measures for the above proposal for up to 80 dwellings are reliant/dependant on the on the mitigation measures submitted with the proposal for 250 dwellings west of Hermitage Lane which also has yet to be approved, it would seem that highway /traffic impact concerns alone would be sufficient cause to call this application in for consideration by the Planning Committee.”

5.0 CONSULTATIONS

- 5.1 **Environment Agency:** Flood risk – No objection. It is apparent from the Flood Risk Assessment (FRA) that the main constraint in terms of flood risk is means of surface water drainage. Recommend that further consideration is given to this matter prior to the approval of site layout to maximise opportunities for sustainable drainage (SUDs). Recommend a condition to secure the submission and approval of a surface water drainage scheme.

Groundwater protection- Recommend a condition relating to unexpected contamination be imposed.

The site overlies a principal aquifer and the NPPF paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented.

Sustainable Drainage (SUDs) – Surface water drainage should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. SUDs seek to mimic natural drainage systems and retain water on or near to the site, when rain falls, in contrast to traditional drainage approaches, which tend to pipe water off site as quickly as possible. SUDS therefore offer significant advantages over conventional piped drainage systems and will be applicable to most sites.

Government policy set out in the NPPF expects Local Planning Authorities to give priority to the use of SUDs in determining planning applications.

Whilst we generally welcome the inclusion of any SUDs features, they should always be appropriate for the conditions encountered where development is proposed. We would encourage developers to use open features (Swales, attenuation basins, wetland areas etc) rather than subterranean storage tanks or over sized pipes.

The continued efficiency of any SUDs scheme is dependent on a robust and pre-determined maintenance regime, the details of which should be agreed with the Local Planning Authority prior to the commencement of any development on site. Additionally, any excess surface water which exceeds the design parameters should be retained on site in pre-determined areas which are well away from any vulnerable property and where the off site flood risk will not be exacerbated by its presence.

5.2 **Highways Agency:** The development should contribute in line with the other sites in the area. A contribution of £86 per dwelling for highway improvement works and white lining at junction 5 of the M20.

5.3 **Sport England:** Does not wish to comment on this particular application.

5.4 **KCC Ecology:** KCC Ecology initially commented on the application in January 2014 and their comments are set out below:

“Under the Natural Environment and Rural Communities Act (2006), “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”. In order to comply with this ‘Biodiversity Duty’, planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

The National Planning Policy Framework states that “the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.”

Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that “It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.”

Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.

We have reviewed the ecological information submitted with the planning application and we require additional information to be submitted for comments prior to determination of the planning application.

Dormice

There is suitable habitat for dormouse on the site and a dormouse survey was started in September 2013. Evidence of dormice was recorded to the North of the site in October 2013 however no evidence was recorded in the site. As such there is a need for the additional visits, recommended within the report, to be carried out prior to determination of the planning application.

The additional survey visits will assess if dormice are present within the site and assess how they are distributed throughout the site. The survey results will ensure that the mitigation proposed is appropriate and ensure that the proposed development will not negatively impact the dormice population.

As dormice are present a European protected species mitigation licence will be required to derogate from potential offences under the Conservation of Habitats and Species Regulations 2010 (as amended). As such, Maidstone BC must consider the likelihood of a licence being granted, which requires the 'three tests' to be addressed:

- The development activity must be for imperative reasons of overriding public interest or for public health and safety;*
- There must be no satisfactory alternative; and*
- Favourable conservation status of the species must be maintained.*

Until further information is known (as detailed above) we are unable to confirm that the implementation of the proposed mitigation will ensure that the favourable conservation status of the dormice is maintained.

Please note that we can only advise on the third test, information to inform conclusions regarding the remaining tests should be sought from the applicant.

Bats

The ecological scoping survey has highlighted that are suitable trees adjacent to the site which have holes, splits and cracks suitable for roosting bats. Please provide further information detailing if these trees will be directly impacted by the proposed development.

If any of the limbs are to be removed additional information must be provided assessing their potential to be used by roosting bats. If required, emergence surveys and details of mitigation must be submitted for comments prior to determination of the planning application.

Lighting can be detrimental to roosting, foraging and commuting bats.

We also advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

Breeding Birds

There is suitable habitat on site for breeding birds. All nesting birds are legally protected under the Wildlife and Countryside Act 1981 (as amended), as such we recommend that all suitable habitat is removed outside of the breeding bird season (March – August inclusive). If that is not possible there is a need for an ecologist to examine the site prior to works starting and if any breeding birds are recorded all works in that area must cease until all the young have fledged.

Designated Sites

There is an area of ancient woodland adjacent to the northern tip of the site, and additional ancient woodland and a Local Wildlife Site less than 400m to the west of the site. Information must be submitted, prior to determination, assessing the impact the proposed development will have on the sites.

Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged".

We are aware that the landscaping plan is proposing to retain the hedgerows on site which will be enhanced and retained on site. However as many of the gardens will be backing on to these areas please provide clarification on how these areas will be retained in perpetuity.

Additional ecological information was submitted by the applicants in February 2014, this was reviewed by KCC Ecology who commented further.

"The original survey report made recommendations for mitigation, but it is not a mitigation strategy. As this application is for outline planning permission and the final layout has not been submitted we would expect details of the dormice mitigation to be submitted and agreed to ensure that, if planning permission is granted, the required mitigation can inform the final master plan."

- 5.5 **KCC Highways:** KCC Highways initially commented on the application in December 2013 and their comments are set out below.

"The Transport Assessment states that vehicular access to the site is proposed to be gained from the private track leading to Oakapple Lane. Two potential options for upgrading this track have been identified; the first comprising a 4.8 metre wide access and a 2.0 metre footway on its northern side; and the second comprising a 4.1 metre wide access (with the potential for local widening half way along) and a 2.0 metre footway, again on its northern side. KCC Highways and Transportation would strongly recommend the provision

of a 4.8 metre wide access, which would enable an HGV to pass a car. Indeed it is unlikely that the County Council would adopt an access road which fell below this standard.

The closest bus stops are located approximately 500 metres from the site on the B2246 Hermitage Lane. Should Maidstone Borough Council feel minded to grant outline planning permission for the proposed development, it is considered appropriate that the applicant should provide enhancements to these facilities to promote their use by future residents of the site, including raised kerbs and bus boarders, shelters and timetable information as required.

The Transport Assessment notes that on street parking along the adopted section of Oakapple Lane is not currently restricted. However, should outline planning permission be granted for the proposed development, it is strongly recommended that the applicant should discuss existing and/or potential overspill parking from Maidstone Hospital into this area, together with potential means of controlling it, with Maidstone Borough Council parking Services.

Peak period traffic flow information from June 2013 has been sourced for the B2246 Hermitage Lane/Tarragon Road and B2246 Hermitage Lane/B2246 Fountain Lane/St Andrews Road/Heath Road signalised junctions. A further peak period traffic survey was undertaken in October 2013 at the B2246 Hermitage Lane/Oakapple Lane priority junction at KCC Highways and Transportation's request.

Personal Injury Accident (PIA) data has been sourced from KCC Highways and Transportation for the local highway network surrounding the proposal site for the latest three year period. Based on the details of the accidents provided it is concluded, that the majority were the result of driver error and not the highway layout. KCC Highways and Transportation is in agreement with this assessment.

The TRICS database has been interrogated to identify suitable trip rates for the proposed development. Based on this analysis, the following average trip rates have been carried forward to the highway capacity assessment: -

	Am Peak	Am Peak	Pm Peak	PM Peak
	Arrivals	Departures	Arrivals	Departures
Trip Rate	0.140	0.372	0.366	0.222
Trip Generation	11	30	29	18

KCC Highways and Transportation is in agreement with this assessment.

The trips generated by the proposal have been distributed on to the local highway network in accordance with the 2001 Census Journey to Work dataset. KCC Highways and Transportation is in agreement with this assessment.

Growth factors from the TEMPRO database have been extracted, adjusted for the Maidstone area and applied to the baseline traffic flow data. Further adjustments have been made to the number of households in TEMPRO to avoid double counting developments which already benefit from planning permission (including those at Preston Hall Hospital and Marigold Way, Barming) or are allocated in the draft Maidstone Borough Local Plan (including those at Land east of Hermitage Lane and Land west of Hermitage Lane) and are accounted for separately in the Transport Assessment as committed developments. The Transport Assessment notes that planning applications have been submitted for each of these developments and that the trips associated with them have been extracted from the relevant technical reports, which is acceptable.

Capacity assessments have been undertaken of the following junctions for two future year scenarios (2018 base case, including committed developments and 2018 with development):

- B2246 hermitage Lane/Oakapple Lane;
- B2246 Hermitage Lane/Tarragon Road;
- B2246 Hermitage Lane/B2246 Fountain Lane/Heath Road/St Andrews Road.

The modelling confirms that the proposal site would not significantly degrade the operation of any of these nodes. KCC Highways and Transportation is in agreement with this assessment. However, transport modelling undertaken on behalf of the developer of the remainder of the Land west of Hermitage Lane allocation demonstrates that the trips generated by the strategic housing sites in north west Maidstone would have a significant cumulative impact on the capacity of the A26 Tonbridge Road/B2246 Fountain Lane/Farleigh Lane junction. Policy SS1 of the draft Maidstone Borough Local Plan seeks capacity improvements to this junction and therefore a scheme of mitigation has been proposed by the promoter of the adjacent site. These improvements have been agreed in principle with KCC Highways and Transportation and comprise the reconfiguration of the junction marking layout to provide a conventional nearside to nearside right turn layout; the installation of a MOVA signal optimisation system, with associated vehicle detection and queue loops and the provisions of "Puffin" pedestrian detection indicators. Given that the junction already operates over its design capacity during the PM peak hour, It is KCC Highways and Transportation's view that this mitigation scheme should be implemented prior to first occupation of the strategic housing sites in north west Maidstone.

The Transport Assessment includes a Sustainable Travel Statement which provides a commitment by the applicant to make a financial contribution to the circular bus route sought by Policy SS1 of the Maidstone Borough Local Plan, should planning permission be granted for the proposed development by the Borough Council.

On this basis, I can confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:

1. The provision by way of a Section 278 Agreement between the applicant and KCC Highways and Transportation, of the off site highway mitigation works to the A26

Tonbridge Road/B2246 Fountain Lane/Farleigh Lane junction, prior to first occupation of the development. These comprise the reconfiguration of the junction marking layout to provide a conventional nearside to nearside right turn layout; the installation of a MOVA signal optimisation system, with associated vehicle detection and queue loops and the provisions of "Puffin" pedestrian detection indicators.

2. *The provision, by way of a section 106 Agreement between the applicant and KCC Highways and Transportation, of an appropriate funding contribution to the circular bus route sought by policy SS1 of the draft Maidstone Borough Local Plan, at a trigger point to be agreed with the Local Planning and Highway Authorities.*

KCC Highways have subsequently provided additional clarification on the level on contributions sought in relation to the proposed development. They advise that these should mirror those sought for the previous applications on Hermitage Lane and contribute to improvement works at both the Fountain Lane and Coldharbour Lane junctions.

"I would like to update KCC highway comments on the offsite mitigation aspects of the above application.

In the light of recent negotiations on other housing sites on Hermitage Lane, I would like to request that similar contributions be made to that requested for the land west and land east sites, that being £400 per dwelling towards improvements at the A26/Fountain lane junction and £1352 per dwelling towards an improvement at the A20/Coldharbour Lane junction.

Please note that that the Fountain Lane junction is now being seen as a being brought forward by contributions from a number of sites, rather than being a condition that it should be completed before first occupation of this development.

Please also note that the A20/Coldharbour Lane junction is subject to a current review by KCC/MBC and Tonbridge and Malling Borough Council to establish the potential for a possible interim scheme that would introduce a filter lane on the north west corner of the junction. Further technical work is being done on this possibility, so I would request that the S106 contribution is sought towards a junction capacity improvement, rather than the specific scheme identified in MBC's Infrastructure Delivery Plan."

- 5.6 **KCC Public Rights of Way:** The proposed development site is bordered to the south by Public Right of Way KM11 and to the north by Public Right of Way KM10. Public Right of Way KM12 crosses diagonally over the site. They are all classified as a Public Footpaths and their existence is a material consideration.

Note that this development has a direct effect on the Public Rights of Way here. The character and usage of the paths will change from a rural to a more urban environment. The development will have a direct effect on increasing the usage of the footpath by pedestrians. I would suggest that the applicant would need to fund a new tarmacked surface on all the paths with a minimum width of 2.5 metres to make the paths fit for the increased usage. It would also be a good opportunity to rationalise any furniture on the paths such as gates, as these were originally authorised for rural land usage. The funding of more appropriate urban

furniture may be necessary to prevent illegal use, for example by motorbikes. The exact surface specification and furniture plan will need to be agreed with the Public Rights of Way and Access service by the applicant.

Consideration should also be given at this point to upgrading any footpath routes to shared footway/cycleways. If any paths are to become cycle routes any surface specification widths and legal status for this would need to be agreed with the Kent Highways Officer.

Funding for proposed surface improvements and any status upgrades should be agreed through Section S106 agreements.

Please also make sure that the applicant is made aware that the granting of any planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

- 5.7 **KCC Archaeology:** The application site lies within an area which contains evidence of prehistoric and Roman activity. An Archaeological Deskbased Assessment by CgMs supports this application and in general I agree with the assessment. In view of the archaeological potential of the site recommend the imposition of a planning condition to secure a programme of archaeological work.

- 5.8 **Southern Water:** The applicant has not stated details of means of disposal of foul drainage from the site.

Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system and existing properties and land may be subject to a greater risk of flooding as a result. Additional off site sewers , or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.

Should this application receive planning approval an informative should be applied requiring the applicant to enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure to service this development.

There are no public surface water sewers in the immediate vicinity to serve this development. Alternative means of draining surface water from this development are required, not involving disposal to a public foul sewer.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Should the application receive planning approval request the imposition of a condition setting out that no development should commence until the details of the proposed means of foul and surface water sewerage disposal have been agreed.

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

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

At the National Level, paragraph 112 of the NPPF states:

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

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

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

Natural England also observes that protection policy “is relevant to all planning applications, including those on smaller areas but it is for the planning authority to decide how significant are agricultural land issues and the need for field information” (Technical Information Note – TIN 49 19th December 2012).

The proposed site here comprises some 2.85 hectares of agricultural land, currently used as horse grazing paddocks, lying at between 87 and 90 metres above sea level.

Soils in the general area are typically free draining, loamy and with high natural fertility, although some yield limitations can arise from the shortage of soil moisture especially where the soils are stony and shallow.

According to the maps shown on DEFRA’s “Magic” website, this particular site has been subject to a more detailed land classification study, post 1988, than is available on DEFRA’s earlier 1:250,000 generalised mapping (which indicates land in the general area to be Grade 2 very good quality). The more detailed “Magic” data indicates the whole site to be Grade 3a good quality defined broadly as “capable of consistently producing moderate to high yields of a narrow range of crops, especially cereals, or moderate yields of a wide range of crops including cereals, grass, potatoes, sugar beet and the less demanding horticultural crops.”

Therefore, the land here still falls into the best and most versatile category, but at the lowest quality level within that category. It may also be relevant to note that the site is not particularly extensive overall, is further divided internally into a number of irregularly shaped parcels (partly as a result of a public right of way that crosses the site diagonally), and appears to have been used for horse grazing only for some years. Overall, therefore, the issue of agricultural land loss may be felt to be of limited significance in this instance. Indeed, it appears that the site is provisionally allocated for residential development already, in the Council's emerging policy review.

- 5.11 **Kent Wildlife Trust:** The application is part of the north west extension promoted for 880 houses within the 2012 Core Strategy Strategic Allocations. The site is within an ecologically sensitive area, with ancient woodland present adjacent to the site at Fullingpits Wood and within 400m of the site at Oaken Wood Local Wildlife Site.

Object to this application due to lack of safeguards put in place to alleviate the indirect recreational impacts on ancient woodland within Fullingpits Woods and Oaken Wood LWS. We believe that a common mitigation strategy is required, involving all sites within the north west extension, to ensure the green infrastructure across the extension is linked, the surrounding woodlands are appropriately buffered and managed and alternative natural open space is provided within the adjacent green wedge to ensure that increases in visitors are deflected from the ancient woodland wherever possible. Due to the lack of offsite mitigation we do not feel that the ancient woodland will be protected from indirect recreational impacts and it is our view that the application is not in conformity with the NPPF.

- 5.12 **Natural England:** Refer the Council's consideration of the application to the published standing advice to assess the impact on protected species and ancient woodland. The opportunity to provide biodiversity and landscape enhancements through the application is raised.

- 5.13 **NHS Property Services:** *"NHS Property Services Ltd is now the body which will request Section 106 health care contributions on behalf of NHS England (Kent and Medway Area Team). Just as NHS West Kent had historically worked with Maidstone Borough Council our approach is the same in securing Section 106 (s106) healthcare contributions and working with our local partners on healthcare issues to ensure that healthcare provisions improve the health and wellbeing of our population."*

NHS Property Services Ltd wishes to continue to apply for such assistance and a healthcare contribution is therefore requested in accordance with the recognised Planning Obligations Guidance for Communities and Local Government and the adopted Maidstone Borough Council development plans.

Inevitably, any increase in the local population has a knock-on effect in terms of health care and NHS Property Services Ltd would seek to apply this s106 contribution to meet these extra demands placed upon the local primary and community health service.

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

- *Barming Medical Centre (branch to College Practice)*
Blackthorne Medical Centre
- *Allington Park Surgery*

The above surgeries are within a 1 mile radius of the development at Oakapple Lane. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

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

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

Predicted Occupancy rates

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

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

<i>Predicted Occupancy rates</i>	<i>Total number in planning application</i>	<i>Total occupancy</i>	<i>Contribution sought (Occupancy x £360)</i>
<i>2.34</i>	<i>80</i>	<i>187.2</i>	<i>£67,392</i>

NHS Property Services Ltd therefore seeks a healthcare contribution of £67,392, plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services."

- 5.14 **Kent Police Architectural Liaison Officer:** No objections to make on the principle of the proposal in regard to crime prevention. The agents have agreed that full Secure by Design certification will be met for this development.
- 5.15 **KCC Mouchel:** *"The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution."*

Primary Education Provision – The proposal gives rise to additional primary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the provision of a new primary school in west Maidstone. Land for the new primary school on land to the east of Hermitage Lane is already allocated in the Maidstone Borough Wide Local Plan 2000. It is understood that the freehold of the site will be transferred to KCC for a nominal sum. Contributions of £4,000 per "applicable" house and £1,000 per "applicable" flat (applicable meaning all dwellings except 1 bed of less than 56sqm gross internal area, and sheltered accommodation) towards the construction of a new school. Should this not be the case, an additional contribution of £2701.63 per applicable house and £675.41 per applicable flat is required.

Secondary Education – No current requirement.

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

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

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

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

Libraries and Archives - £106.37 per household sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.

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

Social Services - £47.44 per household to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.

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

- 5.16 **MBC Conservation:** The site is sufficiently remote from nearby listed buildings at the Oakwood Hospital site and separated from them by other development that these proposals for residential development are unlikely to have any material effect on their setting. There would appear to be no archaeological grounds for preventing development of this land. Raise no objection to this application on heritage grounds subject to a condition requiring an archaeological watching brief.
- 5.17 **MBC Environmental Health:** The site is currently used as open grazing land and is on the opposite side of the road from the grounds of Maidstone Hospital. The site is in a semi-rural area and traffic noise is currently not a problem. However, I note that the site is part of an identified Strategic Housing site in the emerging Local Plan and there are several other large planning applications for this area (both within the Tonbridge & Malling Borough and the Maidstone Borough). The planning applications for this area such as MA/12/2255 and MA/13/1749; may cumulatively have an impact on traffic noise, congestion and air quality. Any demolition or construction activities may have an impact on local residents and so the usual informatives should apply in this respect.

An Acoustic Report by Grant Acoustics, ref GA-2013-0042-R1, has been submitted with this current planning application. This report examines the potential for noise from current local traffic noise sources such as Hermitage Lane and the M20 adversely impacting the site plus noise from blasting at the local quarry. The report concludes that all internal plot noises are predicted to fall within relevant criteria whether windows are open or closed; and that external amenity noise levels will fall within the WHO guidelines for all plots. The report also examined vibration levels on site due to blasting at the nearby quarry. The vibration levels were measured at the closest boundary to the site. Peak Particle Velocities (PPV's) indicate that no mitigation with regards to vibration is likely to be required.

The site is immediately adjacent to the boundary of the Maidstone Town Air Quality Management Area and is approximately 500m from the nearest known MBC Air Quality hotspot at the Fountain Lane – Tonbridge Road junction. The site is also close (1.8km) to a T&M Air Quality hotspot which has been declared as a single AQMA in its own right, Aylesford AQMA (encompassing A20 London Rd and the junction with Hall Rd & Mills Rd). An Air Quality Assessment by REC (Resource & Environmental Consultants Ltd), ref 33721r1, has been submitted with this current planning application. The assessment used an appropriate ADMS model and concluded that future residents of the site were unlikely to be exposed to air pollution above the Air Quality Limit Values (AQLVs). It also concluded that impacts on the annual mean NO₂ and PM₁₀ concentrations as a result of operational

phase road vehicle exhaust emissions were predicted to be negligible within the vicinity of the site and overall significance of potential impacts of this development were also considered to be negligible in accordance with the EPUK guidance. Whilst Environmental Health accept the validity of this report and its findings, it is also noted that the cumulative effect of several significantly large potential developments in the area has not been reflected in the detail (for example predicted increases in traffic due to other potential developments). However, I note that the assessment report suggests that “an aim for the proposals should be to decrease vehicle trips to and from the site in order to help reduce the overall impacts from cumulative developments on sensitive areas”. The assessment report goes on to state that “specific consideration should be made to the following measures:

- Promotion of public transport provisions;
- Integration of green infrastructure within the development; and,
- Promote walking and cycling within the local area.”

In connection with the above Environmental Health recommend that an appropriate Low Emissions condition be applied to any planning permission granted.

There is no indication from the latest British Geological Survey maps of any significant chance of high radon concentrations.

No objections subject to the imposition of conditions relating to external lighting, air quality emissions reduction, noise and vibration transmission between properties and informatives relating to working practices, refuse storage and disposal and a site waste management plan.

- 5.18 **MBC Landscape:** There are no protected trees on or immediately adjacent to this site but there are clearly significant trees along boundary lines/ hedgerows. Fullingpits Wood to the northwest of the site is designated as semi natural ancient woodland and is protected by a Tonbridge and Malling TPO.

In terms of Maidstone’s landscape character, the site falls within character area 19, Barming Heath Arable Land, which is assessed as being of poor condition and low sensitivity. It is considered a fragmented landscape in close proximity to the urban edge, which has impacted on the land use and traditional landscape characteristics. The visual detractors include views to Maidstone Hospital, a large commercial warehouse on the urban edge and security fencing. The ecological integrity however is strong throughout the area with Fullingpits Wood (ancient woodland) and mature native vegetation but the cultural integrity is poor. Visibility is low because immediate views are generally interrupted by intervening vegetation and the urban edge of Maidstone. It should be noted, though, that parts of the landscape are visible from the residential edge of Maidstone and there are also some longer views of the North Downs. The guideline is therefore to ‘improve’ the landscape character, with the relevant key points for the summary of actions being as follows:

Greensand Orchards and Mixed Farmlands generic guidelines:

- Reinstatement of the historic hedgerow network, particularly in-between woodland areas, to improve habitat connectivity

- Conserve the species rich hedgerow boundaries and promote enhanced species diversity within hedgerows where this has been weakened
- Encourage the planting of new community orchards around settlements, within large housing development schemes and on land of currently low biodiversity value to form part of the green infrastructure provision for strategic development schemes in the fruit belt. Such orchard planting would provide landscape, biodiversity and cultural benefits in addition to recreation and access opportunities, which would constitute locally relevant examples of the multi-functional green infrastructure that is advised by the South East Green Infrastructure Framework

Barming Heath Arable Land:

- Soften views of security fencing with native vegetation
 - Improve boundaries by gapping up native hedgerows
 - Seek to establish semi-natural habitat link between Fullingpits Wood, Oaken Wood and Ditton Common

An initial tree survey and very brief landscape and visual impact assessment (LVIA) have been submitted in support of this application. As an outline application it is accepted that the impacts of the proposal cannot be fully assessed at this stage but the potential arboricultural constraints do not outweigh the feasibility of achieving an appropriate development scheme in this location. If you are therefore on balance minded to grant consent for this proposal I would want to see the following information at detailed submission stage:

- An arboricultural method statement and tree protection plan in accordance with BS5837:2012
 - Detailed landscape proposals with implementation details and a long term management plan.

5.19 MBC Housing: As the application is currently only for outline permission, there is no indication at this stage of the size and type of units planned and for the layout of the scheme. At 2.1.1 of the Planning Statement it states that , "... the specific housing mix is not fixed at this stage due to the outline nature of the application. This enables the final mix to respond to the market at Reserved Matters stage, and for such matters to be fully influenced by the Council".

We would therefore welcome early engagement and consultation regarding the affordable mix, as this will affect any masterplan layouts.

It is acknowledged by the applicant at 3.3.2 of the planning statement that the Affordable Housing DPD (2006) "... seeks to secure a minimum of 40% of the total number of dwellings as affordable with 60% of these for social rent and 40% for shared ownership, shared equity and discounted market rent properties.."

However, the planning statement continues at 3.4.2 "... The Council's Affordable Housing DPD was adopted in December 2006 and sought 40% affordable housing provision.

However interim Policy CS10 based on local viability testing seeks 30% affordable housing provision.”

We are still of the view that the Council’s Affordable Housing DPD should still be adhered to, until such time as the Maidstone Borough Local Plan and policies are actually adopted.

If they are intent on only delivering 30% then this will need to be considered against the submission of a viability appraisal which demonstrates that it is only financially viable to deliver 30%. Any such appraisal should take into account offers from registered providers for an agreed affordable housing mix and tenure. I would also point out that in terms of contributions, affordable housing is still considered to be top priority.

The planning statement continues to quote interim policy CS10 at 3.5.6 which states that the rental/shared ownership split should be 50%/50%.

The tenure split current mentioned in the draft Local Plan (50/50) is to be revised in accordance with the final draft (yet to be published) Strategic Housing Market Assessment (SHMA) says (65%/35%).

As the Local Plan Policies are not adopted and still subject to consultation, I do not believe they can be considered a material consideration in the determination of this outline application.

The Planning Statement indicates that the scheme will incorporate a mix of dwellings from 2 bed flats to 5 bedroom dwellings.

At the moment, we are using the following mix as a starting point for new sites coming forward – 1 beds 35%, 2 beds 30%, 3 beds 25%, 4 beds 10%. This is based on housing need bedroom allocation priorities as identified on the Housing Register and also reflects what the latest SHMA is recommending in terms of future affordable mix.

I would also like to raise the issue of design and quality standards, in particular Life Time Homes, which should be taken into consideration for the affordable housing provision.

- 5.20 **MBC Parks and Leisure:** We note that there is planned provision of open space within the development in the form of a LEAP. The developer has indicated that there will be a provision of 0.75ha of onsite open space.

For a development of this size we would expect a minimum onsite provision of open space of 1.03ha. The development is located primarily within the Barming ward (whilst also spilling into Heath Ward) which is generally underprovided for in all categories of open space (with the exception of Allotments and Community Gardens)

We would have reservations about a development of this size having an impact on existing areas of open space, particularly Outdoor Sports Facilities.

From the information provided we would consider that the developer is not providing adequate on-site open space to meet the minimum 1.03ha

We would be interested to see the plans for the onsite LEAP provision and would welcome the chance to advise on equipment to be provided to ensure that the best possible mix of equipment is provided to the residents. We would like to point out at this point that the Parks and Leisure team would not wish to adopt any form of onsite open space provided.

Due to the presumed shortfall in on-site open space provision, we would seek an off-site contribution to cover this.

The amount calculated would be worked out as follows;
Barming Ward has a Local minimum Standard of 5.39ha of open space per 1000 population

Based on 80 dwellings we would calculate an increase to population of 192 people (80 dwellings x 2.4 people)

$192/1000 * 5.39 = 1.03\text{ha}$ required

0.75ha onsite provided = shortfall of 0.28ha

Typically we request £1575 per dwelling for a development with no open space provision.

$£1575/103 = £15.29$ per 0.01ha

$£15.29 * 28 = £428.12$ per dwelling to cover the shortfall of 0.28ha

We would therefore request £34249.60 (80 * £428.12) in off-site contributions

We would seek to utilise this money in key sites within a one mile radius.

Barming Heath, Gatland Lane and Clare Park are all key sites which are well used and offer a wide range of terms of outdoor sports activities and equipped area of play. Whilst Clare Park is also a key Green Flag site and key Park and Garden site.

6.0 BACKGROUND PAPERS AND PLANS

The application is supported by a Planning Statement, Transport Statement, Outline Flood Risk Assessment, Air Quality Assessment, Landscape and Visual Impact Assessment, Statement of Community Involvement, Impact of Vibration and noise sources on proposed Residential Development Assessment, Tree Survey, Renewable Energy Assessment, Design and Access Statement Archaeological Desk Based Assessment, Ecological Scoping Survey, Dormouse Survey and a draft S106 Agreement.

7.0 APPRAISAL

Principle of Development

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

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

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

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

- 7.4 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan.
- 7.5 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm. (Detailed issues of harm will be discussed later in the report).
- 7.6 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;

‘identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;’

- 7.7 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the “objectively assessed need for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014.
- 7.8 Most recently calculated (April 2013), the Council had a 2.2 year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings.
- 7.9 Taking into account housing permissions granted since April 2013 and the lower need figure, this position will have changed very marginally and would still remain well below the 5 year target.
- 7.10 This lack of a five year supply is a significant factor and at paragraph 49 the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 7.11 In terms of the location of the site, the NPPF advises that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. The site lies immediately adjacent to the north west boundary of Maidstone although currently in agricultural use. This area of Maidstone has good access to the M20, A20 and the A26 with good local services including a mix of health, retail, employment and education facilities within walking distance and good access to public transport. As such, the site is at a sustainable location and immediately adjoins the existing settlement. The loss of Grade 3a agricultural land is noted, but it is considered that the contributions to the Council’s Housing land supply from this site would outweigh this loss. The fact that the site lies within the Strategic Gap to the north west of Maidstone and that development on the site would encroach into this gap is an important issue when considering whether the development of the site is acceptable in principle. The site has robust boundaries and is seen more as part of the urban edge of Maidstone than a piece of countryside. I am satisfied that the development of the application sites would not set a precedent for other site’s within the Strategic Gap to come forward for development as its character lends itself uniquely to development. Furthermore, it is clear that there is insufficient brownfield land to meet the Borough’s housing and the fact that the Council does not have a 5 year land supply mean that some housing on greenfield sites is inevitable.

7.12 The Council has recently finished its Regulation 18 Consultation on its emerging local plan and the representations received from that are currently being reviewed. The emerging plan therefore carries weight when considering planning applications. The emerging plan is proposing 1205 dwellings to the north west of Maidstone and the application site is allocated (together with the western part of Oakapple Lane site) for housing development of up to 300 units.

7.13 The draft allocation for the site has the following criteria:

- Inclusion of a 15 metre wide landscape buffer along the north west boundary adjacent to the designated area of ancient woodland, to be planted as per recommendations detailed in a landscape survey.
- Provision of landscaping on the B2246 Hermitage Lane frontage to maintain an element of its current open character.
- Provision of a new pedestrian footpath along the B2246 Hermitage Lane frontage of the site, linking south along the western side of Hermitage Lane to the existing footpath.
- Securing vehicular access only from B2246 Hermitage Lane.
- Provision of a pedestrian crossing point close to the site access on Hermitage Lane.
- Complementary enhancement of the unmade section of Oakapple Lane, retaining the features that are integral to its character, to provide a secondary access, used by emergency vehicles, pedestrians and cyclists.
- Development will be subject to the results and recommendations of a phase one ecological survey.
- Appropriate air quality mitigation measures will be implemented as part of the development.
- Provision of publicly accessible open space as proven necessary, and/or contributions.
- Appropriate contributions towards community infrastructure, where proven necessary.
- Contributions towards pedestrian and cycle links to existing residential areas, shops, schools and health facilities incorporating a link along the unmade section of Oakapple Lane.
- Along with draft allocations at Bridge Nursery, Land east of Hermitage Lane and Oakapple Lane, contributions , as proven necessary, towards junction improvements (and associated approaches) at M20 junction 5 and Coldharbour roundabout, A20 London with St Laurence Avenue, B2246 Hermitage Lane with the A20 London Road and junctions in the vicinity of the southern end of Hermitage Lane, where it meets the A26 Tonbridge Road.
- A proportionate contribution towards a circular bus route.
- Approximate density of 30 dwellings per hectare.

7.14 In the light of the above five year housing supply position, bringing development forward on this sustainably located site immediately adjacent to the built up area of Maidstone would

assist in helping to meet the shortfall in housing supply and I consider this is a strong material consideration in favour of the development. This would be in line with the guidance of the NPPF which states that *“the supply of new homes can sometimes be best achieved through planning for larger scale developments, such as new settlements or extensions to existing villages and towns.”*

- 7.15 For the above reasons, I consider the policy principle of residential development at the site is acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. I will now go on to consider the key planning issues which are visual impact and whether the site can suitably accommodate 80 dwellings, residential amenity, heritage impacts, access/highway safety, ecology and drainage. The cumulative impact with other developments also needs to be considered.

8.0 Visual Impact

- 8.1 A Landscape and Visual Impact Assessment has been submitted in support of the application. It concludes that *“The location of the site ensures that there are no readily available views of the site from surrounding villages or properties, due to a combination of topography and vegetation. Clear views of the site are limited by the change in topography and interceding vegetation. In any even views will be limited to roof forms due to the extensive boundary treatment of the site. The topography and surrounding development minimises long distance views of the site, from where any glimpses of the site would be lost in the backdrop of existing development in the locality and in and around Maidstone in general”*
- 8.2 It is difficult to isolate the site in long range views from Bluebell Hill and the Pilgrims Way; it is seen as part of Maidstone with its landscaping and buildings. Short range views generally highlight the site’s existing robust boundaries, although there are views from nearby footpaths and the adjacent cemetery. The assessment concludes that the impact of the proposed scheme on the character of the wider area is largely negligible to slight. It also states that the scheme has been formulated to respect its surroundings and to ensure that the proposal does not impact on the wider countryside to the west of the site. The use of additional panting will minimise the visual impact of the development.
- 8.3 The site falls within Barming Heath Arable Land in the Maidstone Landscape Character Assessment. This area is considered low sensitivity and a fragmented landscape in close proximity to the urban edge of Maidstone. The visual detractors to the area include the hospital, commercial buildings and fencing in the surrounding area. Whilst the ecological integrity is strong, cultural integrity is poor. It states that the visibility is low as immediate views are interrupted by intervening vegetation and the development in the surrounding area, but there are some long range views of the North Downs.

- 8.4 The site is surrounded by a mix of uses including residential, mature landscaping, footpaths and the redundant Oakwood cemetery (which has a Cabinet resolution to become a park) and adjoins the site to the north (which has a resolution to grant planning permission for up to 250 dwellings (MA/13/1702 refers). It is noted that the proposed development would introduce built form onto the site, but would be seen against existing development in the area. Long range views of the site are possible from the top of the North Downs, but it is difficult to isolate the site within these views. In terms of short range views, these would be from the footpaths adjacent to the site and glimpses from the redundant cemetery and surrounding area. The application is outline and given the fact there is a high degree of landscaping to the site's boundaries and the applicants' proposals to provide additional landscaping, it is considered that the proposed development could be delivered on site in such a way as to minimise its visual impact from both long and short range views.
- 8.6 Based on there being limited long and short range views of the site and that the development, whilst being in the countryside in policy terms, would be seen as an extension to the built up area of Maidstone contained by strong visual boundaries. I consider that the harm to the character and appearance of the area would be low to medium.
- 8.7 Whilst the design of the development is not being considered at this stage parameters to future development can be set at this stage. I do not consider it necessary to impose design codes (to dictate themes or styles) or parameters in terms of layout, height or materials. It is considered that should be left open to the developer. The applicants proposed approach of utilising differing densities within the site to respect the surrounding area is welcomed and will be considered in detail at the reserved matters stage.

9.0 Density

- 9.1 It is clear that using land efficiently means that each site will contribute more so less land is needed in total. The NPPF supports such an approach and policy H2 of the Council's emerging local plan sets out a range of densities for development within the Borough. These range from development within/close to town centres achieving densities of between 45 and 170 dwellings, sites adjacent to urban areas at 35 dwellings per hectare and sites within/adjacent to rural service centres and larger villages achieving 30 dwellings per hectare. It concludes that development proposals that fail to make efficient use of land for housing, having regard to the character and location of the area, may be refused permission.
- 9.2 The draft site allocation states that the site should accommodate some 300 residential units at a density of 30 dwellings per hectare, but it must be remembered that the draft allocation includes the site to the north of the application site, known as land west of Hermitage Lane. The current application seeks consent for up to 80 dwellings and the scheme recently considered on the site to the north (MA/13/1702 refers) sought consent for up to 250 dwellings. This would give a total of 330

dwellings across the two sites. The gross density of the application site would be approximately 28 units per hectare. As an outline application with all matters reserved for future consideration, the detailed layout of the site is not yet known or how much of the site will be given over to open space, landscaping and other uses. The net density for the developable area of the site cannot, therefore, be calculated at this stage. It will, of course, be higher than the gross density of the site and it is considered that the density proposed makes good use of the land and also meets the criteria of the draft allocation.

- 9.3 The applicants advise that the density within the detailed scheme would vary within the site with the lowest density development to the south of the site adjacent to the existing residential development at Broomshaw Road and Banky Meadow. The higher density development would be located within the central and northern areas of the site. This approach is considered acceptable and I consider that there is sufficient space to allow for the units proposed with sufficient parking space, open space and landscaping. Clearly, the detailed design, layout, appearance and landscaping will be dealt with at the reserved matters stage.

10 Residential Amenity

- 10.1 The detailed layout and appearance of the units is not being considered at this stage but I consider that the site could be developed without causing any loss of privacy or light to existing nearby properties as there is sufficient space between these and the application site. I also consider a layout can be achieved which provides suitable living conditions in terms of outlook and privacy for future residents. I do not consider noise from future occupants using their properties or from vehicles associated with the development would be such to warrant an objection. This would be in accordance with policy EV28 of the Local Plan and the NPPF.
- 10.2 A noise and vibration assessment and an air quality assessment were submitted to support the application. The noise and vibration report concluded that in terms of predicted internal noise levels within the site standard thermal double glazing and ventilation is adequate in terms of mitigation. External noise levels will fall within WHO guidelines for all plots and no mitigation is, therefore, proposed. Vibration levels from the blasting activities associated with the nearby quarry have been measured at the closest boundary to the site. They have been assessed to determine whether the levels will be perceptible or cause damage to buildings. The assessment concludes that, although residents close to the northern boundary of the site might just be able to perceive vibration, it is unlikely that cosmetic damage would occur and no mitigation in relation to vibration is proposed. The Council's Environmental Health Team have reviewed the document and agree with its findings, subject

to the imposition of a condition relating to noise and vibration transmission between properties.

- 10.3 The Environmental Health team did, however, raise some concerns about the air quality assessment on the basis that it may not have accounted for the full quantum of proposed development in the surrounding area. They highlight that there are several known hotspots around Hermitage Lane that are exceeding air quality objectives and they do not currently accept that air quality is adequate. I note, however, that they advise that this matter can be dealt with via an appropriately worded planning condition relating to air quality emissions reduction.

11 Heritage

- 11.1 The NPPF, Local Plan and the emerging local plan all seek to protect and enhance the historic environment. Development proposals will not be permitted where they lead to adverse impacts on natural and heritage assets for which mitigation measures appropriate to the scale and nature of the impact cannot be achieved.
- 11.2 The application site is not within a conservation area and there are no listed buildings on or adjacent to it. The Conservation Officer is, therefore, satisfied that the development would not adversely affect any heritage assets due to the distances involved and the presence of intervening development.
- 11.3 KCC Heritage has advised that the site lies in an area which contains evidence of prehistoric and Roman activity. They have reviewed the desk based Archaeological Assessment and, advise that in view of the archaeological potential of the site, a condition to secure the implementation of a programme of archaeological work is appropriate.

12 Highways

- 12.1 Issues of traffic generation and safety are key considerations in the determination of this application; given that Hermitage Lane is a key distributor road within the borough and other sites being promoted for development in the north west of Maidstone.
- 12.2 As set out above, this application is an outline application with all matters, including access reserved for future consideration. It is noted, however, that the applicants are proposing that the main vehicular access serving the site would be Oakapple Lane with a secondary access through the site to the north (Land west of Hermitage Lane MA/13/1702). They wish to see this agreed in principle to inform the submission of the reserved matters applications. This issue is considered in detail below.
- 12.3 The site is located at the edge of Maidstone, close to numerous facilities, such as shops, employment opportunities, medical/dental facilities and leisure facilities. There are numerous bus routes within walking distance of the site and Barming train stationing is also

within walking distance. The site is, therefore, considered to be sustainable in terms of public transport, walking and cycling provision and its proximity to local employment, education, retail and leisure facilities. Future occupiers of the site would be afforded a choice of travel modes reducing their reliance on private car travel.

- 12.4 Trip attraction forecasting has been undertaken, as has traffic modelling, to assess the impact of the development on the local and strategic high networks. Whilst the majority of junctions would not be adversely affected by the impact of the development it was noted that there are existing deficiencies at the Fountain Lane/Tonbridge Road/Farleigh Lane junction which mostly suffers capacity problems during the evening peak. A scheme of mitigation was proposed by the applicants of MA/13/1702 comprising the reconfiguration of the junction marking layout to provide a conventional nearside to nearside right turn layout; the installation of a microprocessor optimised vehicle actuation (MOVA) signal optimisation system with associated vehicle detection and queue loops and the provision of Puffin pedestrian indicators.
- 12.5 The Highways Agency and KCC Highways have accepted that the scheme of mitigation proposed under MA/13/1702 dealt with not only the issues of the additional traffic from that development, but could be used to mitigate the cumulative effect of the additional traffic generation from the other sites (both under consideration and allocated) in the surrounding area. They are keen to see this mitigation proposal come forward and for each development in the surrounding area to make a contribution to funding these works. This would be secured by a S106 agreement. The figures for these contributions have now been confirmed by KCC Highways. They advise that they have focussed on the two junctions that exhibit the most pressing future capacity concerns – the A26/Fountain Lane junction to the south and the A20/Coldharbour Lane (M20 Link Road) junction to the north.
- 12.6 For the A26/Fountain Lane junction the full cost of the capacity improvements would be in the order of £400,000 and a contribution of £400 per dwelling is requested. This figure is based on KCC estimated costs – proportion based on 1000 units on Hermitage Lane sites (KCC numbers). This figure is slightly higher than that requested per dwelling (£385) for application MA/13/1702, but matched the request made per dwelling on application MA/13/1749. KCC Highways advise that this discrepancy has arisen on the basis that the consultants for application MA/13/1702 designed the proposed junction improvements and they have, therefore contributed in kind.
- 12.7 For the A20/Coldharbour Lane junction the draft IDP proposes an additional lane at a cost of £2.6m as part of the strategic solution to mitigate highways impacts of proposed development in the draft Local Plan to the northwest of Maidstone. This work is ongoing but in advance of this being finalised, a more immediate solution to deal with the impact from planning applications submitted and currently under consideration is proposed by MBC and KCC Highways. This solution would involve a filter lane on the north west corner of the Coldharbour roundabout (western approach) so traffic can bypass the roundabout. This junction capacity improvement is considered to be an appropriate solution to current planning applications by KCC Highways, and design and modelling work is currently being

carried out. The exact cost of this is unknown at this stage and therefore delegated powers are sought to seek an appropriate contribution towards this improvement.

- 12.8 The Highways Agency have advised that they would also require a contribution of £86 per dwelling for white lining and minor improvements to the junction 5 of the M20. This figure is the same as requested for applications MA/13/1749 and MA/13/1702.
- 12.9 I consider that the proposed mitigation is necessary and securing the contributions through a Section 106 agreement would meet the requirements of the three tests of Regulation 122 of the CIL regulations and paragraph 204 of the NPPF. .
- 12.10 The Transport Statement submitted in support of the application included a Sustainable Travel Statement. This sets out measures to reduce reliance on the use of the private car. This is welcomed and it is considered appropriate to impose a condition to secure this. It is noted that one of the measures set out in this Statement includes a contribution to the circular bus route proposed under policy SS1 of the emerging Local Plan. This is welcomed, but no details of the contribution proposed has been set out in the statement. This figure would need to be agreed with the service provider and would form part of the S106 agreement.
- 12.11 The specific details of parking are not being considered at this stage but it is considered that it will be possible to provide sufficient parking at the site whilst achieving a high quality design.
- 12.12 For the above reasons, it is considered that the development would be sustainably located providing a choice of transport modes. Access would be safe and the development would mitigate impacts on the local highway network in terms of the remodelling of the Fountain Lane and Coldharbour Lane junctions. KCC Highways have raised no objections and I, therefore, consider that the proposal accords with Local Plan policies and the NPPF and there are no highway grounds to refuse this application.
- 12.13 Turning to the details of access for the proposed development, the applicants have submitted the scheme as an outline application with all matters, including access, reserved for future consideration. They have sought, however, to agree the principle of taking the main vehicular and pedestrian access from Oakapple Lane, with secondary access from the site to the north. The agent for the scheme advises this is to allow the site to be developed independently of the adjoining site.
- 12.14 The majority of Oakapple Lane is adopted highway and becomes private to the west as it heads towards the cemetery. The adopted part of Oakapple Lane links to Hermitage Lane via a simple priority junction. There are no restrictions relating to on street parking, there are street lights and is subject to a speed limit of 30 miles per hour. The private section of Oakapple Lane has a carriageway of some 6.4m in width as it moves from the adopted highway, it then narrows to around 4.4m with wide tree and shrub boundaries to either side. It is hardsurfaced, although there are some rutting and large potholes to its surface. At the far end of the private road, there is an existing gated access to the site, beyond which the

Oakapple Lane narrows significantly and becomes a public footpath leading to a network of public rights of way.

- 12.15 As set out, the allocation for the site in the emerging local plan shows it as a large allocation for up to 300 dwellings with the area to the north (land to the west of Hermitage Lane). The allocation states that the primary access to the site would be via Hermitage Lane and Oakapple Lane would be a secondary access used by pedestrians, cyclists and emergency vehicles only. The reasoning behind this part of the allocation is to minimise the impact of the development on the countryside, by the creation of additional hard surfacing and urbanisation and an attempt to retain the character and appearance of this well used pedestrian route which links Hermitage Lane to a wider network of public rights of way. The allocation refers to the complimentary enhancement of the unmade section of Oakapple Lane, retaining the features that are integral to its character, to provide a secondary access, used by emergency vehicles, pedestrians and cyclists.
- 12.16 Having reviewed the application and consider the comments of the applicants' agent in relation to the need to provide vehicular access via Oakapple Lane, I consider that use of Oakapple Lane as a primary access to the site would introduce an unacceptable amount of urbanisation within the area. To be used as a primary access, Oakapple Lane would need to be formally surfaced to an adoptable standard wide enough for a HGV to pass a car, together with a hard surfaced footpath along its length. It is noted that Oakapple Lane is a well used and provides a route for pedestrians and cyclists to the wider network of public footpaths in the local area. It will also provide a route to the proposed public open space to be created at Oakwood cemetery. As the lane moves away from Hermitage Lane, it becomes much more rural in character, with strong tree/shrub boundaries. It is seen as a rural footpath leading to the open countryside beyond. It is acknowledged that the enhancements to the lane proposed under the allocation will have some impact on its character and appearance, but these will be significantly less than those required for use as the primary access to the site.
- 12.17 The applicants' advise that the burden of enhancing Oakapple Lane to provide a pedestrian route would be significant as the responsibility would fall solely on them. They propose that as the enhancement of the Oakapple Lane will allow for a more pleasant easily accessible route to the network of public footpaths and the open countryside beyond that the enhancement to be offset against all/part of the contributions sought in relation to open space. The enhancement would be carried out as part of this development and allow the Council's funding to be utilised elsewhere. It is considered that the agents' proposition is reasonable consideration and would allow other contributions to be secured, together with 40% affordable housing and Code for Sustainable Homes Level 4 to be achieved as part of the scheme. As such, delegated powers are sought to negotiate the offsetting of the cost of upgrading the lane to provide emergency access and a cycle and pedestrian link, against the open space contribution.

13 Ecology

- 13.1 NPPF, Local Plan and the emerging local plan all seek to protect and enhance the natural environment. Development proposals will not be permitted where they lead to adverse impacts on natural assets for which mitigation measures appropriate to the scale and nature of the impact cannot be achieved.
- 13.2 The applicant has carried out a Phase 1 Habitat Survey in September 2013. Its findings are set out below.
- 13.3 The survey identified no rare or nationally scarce plant species and that the plants on the site were common and widespread. It recommends no further survey work for flora or fauna be undertaken. It advised that there were no rare birds nesting on site, but that there was the potential for birds to be nesting within the shrubs and structures on site and any works should be timed to avoid disturbance to them. In terms of bats, it was recognised that the site provided foraging opportunities for bats, but that the structures and trees on site offered limited potential for any roosting bats. It was noted however some trees had woodpecker holes and splits which had some limited potential for bats roosts. Measures to deal with the potential presence of bat roosts were proposed in the report, including checking trees for bats roost prior to works and minimising lighting to the site edges post during and post construction. No sett or evidence of foraging badgers were found on the site, but the report proposes precautionary measures in relation to foraging badgers occasionally entering the site. Dormice are known to be present in the surrounding area to the site, but it is noted that the site is largely grazed paddock, a suboptimal habitat for dormice. It advised that the site's boundaries are however relatively dense and could offer habitat suitable for dormice. They recommended that further survey work for dormice be carried out prior to the start of the development works to inform any mitigation. The site was also investigated the potential for Great Crested Newts, reptiles and invertebrates to be present on site but no suitable habitat was found for them within/adjacent to the site. No additional survey work was therefore proposed.
- 13.4 KCC Ecology reviewed the information submitted and initially advised that additional information was required to be submitted in relation to ecology prior to the determination of the application. They requested that, given that dormice had been recorded to the north of the site in October 2013, the additional survey work proposed by the applicant's ecological survey should be carried out prior to determination of the application. They also requested details of which trees would be directly impacted by the proposed development. Lastly they raised concerns about the presence of Ancient Woodland and a Local Wildlife Site in close proximity of the site and whether the impact on these had been assessed.
- 13.5 The applicants submitted a Dormouse Survey to address KCC Ecology's concerns. This advised that a survey for dormice was undertaken within the application site and the surrounding area. Evidence of dormice was discovered within the adjacent woodland (a single nest and an adult individual), indicating the likely presence of the species within the wooded habitat (hedgerows and tree lines) within the site. On the basis of the survey and the proposals for the site it will be necessary to obtain a European Protected Species Mitigation (ESPM) licence for dormice prior to the start of works on site. Further survey work will be required in order to define and the level of impact and to facilitate the application for

the ESPM licence. The report states that based on the current proposals, mitigation and compensation is achievable and an ESPM licence is likely to be granted. They advise that the key principles set out below would inform the mitigation strategy:

- The retention of boundary hedgerows to ensure habitat connectivity and long term population viability;
- Creation, reinforcement and restoration of hedgerows to retain existing ecological functionality;
- Canopy planting to create ecological hop overs; and
- Minimising indirect impacts post development including disturbance and predation.

- 13.6 The potential for dormice to be present in the area was considered in some length during the consideration of the planning application for the 250 dwellings on the site to the north (13/1702 refers). In this instance, given that an ESPM would be required prior to works commencing on site, KCC advised that the matter could be dealt with via a planning condition. It is considered that the same approach should be adopted in this instance.
- 13.7 KCC Ecology also requested that the trees which would be directly impacted by the development be identified and surveys carried out in relation to their potential as bat roosts. This is an outline application which all matters reserved for future consideration and as such the layout of the development has not yet been finalised. Without this information it is not possible to identify which, if any, of the existing trees will be directly impacted by the proposal. It is, therefore appropriate to deal with this matter via a planning condition.
- 13.8 Lastly KCC Ecology requested additional information as to how the potential impact of the proposed development on the nearby Ancient Woodland and Local Wildlife Site. The Ecological Scoping Report considered the impact and noted that the development of the application site would not directly or indirectly impact on these areas on conservation interest. They also noted that the species assemblages associated with these designated area as the application site does not support the same habitat types. This echoes the position promoted during the consideration of the application on the site to the north of the site, which was accepted by KCC Ecology.
- 13.9 The NPPF states that *“the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible.”*
- 13.10 Some suggestions for gains in biodiversity are put forward in the Phase 1 Habitat Survey and include additional planting of native species to the site’s boundaries and incorporating nectar rich plants within on site landscaping. These suggestions are welcomed and considered appropriate and can be addressed via the proposed landscaping scheme. It is recognised that additional opportunities for biodiversity gains may also be available by features such as swift bricks and bat boxes and it is considered that a condition to secure these should also be imposed.

14 Flood Risk and Drainage

- 14.1 The NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and the technical guide outlines that opportunities to reduce the overall level of flood risk in the area should be sought through the layout and form of the development and appropriate use of Sustainable Urban Drainage (SUDs).
- 14.2 The site is not within a high risk flood area as identified by the Environment Agency, but the applicants have submitted a Flood Risk Assessment (FRA) as is required for major housing applications. Being in a low risk area, the management of surface water runoff is the main issue.
- 14.3 The FRA assessed various SUDs options for attenuating surface water runoff from the site and concluded that there were three main SUDs that could be incorporated into the proposed development – deep bored soakaways, permeable paving and rainwater harvesting.
- 14.4 This being an outline application, the detailed design for the development is not provided at this stage but the preliminary design works by the applicants' consultants indicate that a SUDs system will be used to accommodate the 1 in 100 year rainfall event with a 30% allowance for climate change.
- 14.5 The Environment Agency raise no objection to the principle of the development at this site, subject to a condition requiring a surface water drainage scheme for the development to be submitted and agreed. This will ensure that surface water will be managed within the development to ensure flooding does not occur and ensure flood risk will not be increased off site. They also suggest a condition requiring additional more detailed groundworks investigation is attached to inform development on the site.
- 14.6 In terms of foul water, Southern Water as confirmed there is inadequate capacity in the local network to provide foul sewage disposal for the proposed development. They advise that additional off site sewers or improvements to existing sewers would be required to provide sufficient capacity to serve the development. It is considered appropriate to impose a condition requiring details of the foul water drainage scheme to be submitted to, and approved by the Local Planning Authority. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested and request that an informative setting out the need for the applicants to enter into a formal agreement with them to any formal grant of planning consent.

15 Affordable Housing

- 15.1 The Council's Affordable Housing DPD2006 requires affordable housing to be provided on housing or mixed use sites of 10 residential units or more, the Council will seek the delivery of affordable housing and set a rate of 40% for countryside sites and rural service centres and larger villages. The Council will seek a tenure split in the borough of not less than 60% affordable rented housing, social rented housing or a mixture of the two. The balance of 40% of affordable dwellings delivered will be intermediate affordable housing (shared ownership and/or intermediate rent).
- 15.2 The applicants acknowledge that the development at Oakapple Lane will require the provision of an element of affordable housing. The applicants originally proposed 30% affordable housing to be spread across the site, but did not submit a viability assessment to support their approach.
- 15.3 MBC Housing raised concerns about the applicants' proposed approach and advise that the Affordable Housing DPD should be adhered to until such time as the emerging local plan is formally adopted. In terms of mix of affordable units the DPD states that not less than 24% of the affordable units should be affordable rented although there is discretion for the Local Planning Authority to agree a different mix. Based on the DPD, the applicants would need to provide 32 affordable units with at least 8 units being affordable rented.
- 15.4 Following discussions, the applicants advised that they were prepared to provide 40% affordable housing in accordance with Council policies and this was welcomed. This will be secured via the S106 Planning Agreement.

16 Planning Obligations

- 16.1 A development of this scale is clearly likely to place extra demand on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD. Policy ID1 of the emerging plan relates to infrastructure delivery and its preamble sets out the Council's moves towards developing its Community Infrastructure Levy (CIL). Where there are competing demands for developers' contributions towards the delivery of infrastructure for new development proposals, the Council will prioritise these demands as follows – affordable housing, transport, open space, public realm, education, social services, utilities, libraries and emergency services.
- 16.2 However, any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements:
- (a) Necessary to make the development acceptable in planning terms;

(b) Directly related to the development; and

(c) Fairly and reasonably related in scale and kind to the development.

16.3 The following contributions have been sought:

- Contribution of £34249.60 (80 x £428.12) is sought to address the demand from the development on open space provision in the local area, given the shortfall in on site provision.
- Contribution of £4,000 per “applicable” house and £1,000 per “applicable” flat is sought on the assumption that land will be transferred to KCC for a nominal sum for the provision of a Primary School. Should this not be the case, an additional £2701.63 per “applicable” house and £675 per “applicable” flat towards the provision of a new primary school in west Maidstone. Applicable meaning all dwellings except 1bed units of less than 56sqm gross internal area and sheltered accommodation).
- Contribution of £106.37 per dwelling is sought to address the demand from the development towards additional library equipment and services at Maidstone library.
- Contribution of £47.44 per dwelling is sought to address the demand from the development towards the provision of adult social care facilities local to the development.
- Contribution of £30.70 per dwelling is sought to address the demand from the development towards the provision of new/expanded facilities and services through detailed adult education centres and outreach community learning facilities local to the development
- Contribution of £8.44 per dwelling is sought to address the demand from the development towards youth services locally.
- Contribution of £67,392 towards extensions and works to local medical centres/surgeries
- Contribution of £400 per dwelling towards offsite highway works at the Fountain Lane junction;
- Contribution towards offsite highway works at the Coldharbour Lane junction (amount to be finalised)
- Contribution of £86 per dwelling towards offsite highway works and white lining at junction 5 of the M20;
- Contributions for proposed surface improvements and status upgrades to nearby footpaths.

- 16.4 An off-site open space financial contribution has been requested by the Council's Parks & Leisure Section towards the repair, maintenance, improvements and provision of outdoor sports facilities and provision for children (equipped play) in the local area. The nearest play areas are at Barming Heath and Gatland Lane which are both within 1km of the application site. It is noted that whilst the indicative drawings for the proposed scheme show a LEAP and some informal open space, it is noted that the Council's Parks and Leisure Team believe there would still be a shortfall in open space provision on site and contributions are requested to make up this shortfall on site. As set out earlier in the report, the agent has expressed the view that the enhancements to Oakapple Lane for pedestrians, cyclists and emergency vehicles would offer significant open space benefits making an attractive route to the proposed new public park to be created at the old cemetery site. He also advises that the cost of these enhancement works would be significant and that his clients would be funding them solely. He proposes that these works could be offset against the open space contributions requested. There is merit in this proposal and delegated powers are sought to negotiate the offsetting of the cost of upgrading the land to provide emergency access and a cycle and pedestrian link against the open space contribution.
- 16.5 KCC has requested a contribution towards a new school to be built on land to the east of Hermitage Lane or alternatively towards the provision of a new primary school in west Maidstone (Langley Park). It is clear that the proposed development of up to 250 dwellings would result in additional demand placed on education facilities in the area and consider this request for contributions is considered appropriate and meets the tests set out above.
- 16.6 KCC have identified that there would be an additional requirement for library equipment and services at the local library on the basis that the development would result in additional active borrowers and therefore seek a contribution. It is clear that the proposed development of up to 80 residential units would result in additional demand placed on the equipment and services at Maidstone library and this request for a contribution is considered appropriate.
- 16.7 A contribution has also been requested towards the provision of adult social care facilities. It is clear that the proposed development would place extra demand placed on these services and it is considered appropriate to secure contributions towards the provision of such services within a 3 mile radius of the application site.
- 16.8 A contribution towards local youth services is sought as the current youth participation is in excess of current service capacity. It is clear that the proposed development would place extra demand on local youth services and it is considered appropriate to secure contributions towards the provision of such facilities within a 2 mile radius of the application site.
- 16.9 In terms of healthcare, the NHS property service request is considered directly related to the proposed new housing, necessary and reasonable and therefore accords with policy CF1 and passes the S106 tests.
- 16.10 A contribution has been requested by KCC Public Rights of Way for improved surfacing of the public footpaths KM11, KM10 and KM12 together with their upgrading to shared cycleways/footpaths. Whilst it is accepted that the development of the site is likely to

generate additional users for the surrounding footpath network, they would not be the only users of the footpath, given that there are existing users of the footpath and other permitted and current planning applications for development in the area which could all potentially generate additional users for the local footpath network as a whole. With this in mind, I do not consider that the request accords with policy CF1 and passes the S106 tests.

- 16.11 The contributions towards highway improvements have been outlined in paragraphs 12.05 to 12.8 above and are deemed to meet the required tests.

17 Other Matters

- 17.1 The applicants have submitted a Sustainable Construction and Renewable Energy Assessment in support of their proposal. This states that the development seeks to achieve Code for Sustainable Homes Level 4. Sustainable development is a key principle of the NPPF and it is considered appropriate to secure this via a planning condition.

- 17.2 Other matters raised and not considered above is that this is just one of numerous planning applications in the area. Each application for development in the local area will be considered on its own merits and if any are recommended for approval this would be subject to suitable contributions or on site provision of facilities to make the development acceptable in planning terms.

18 Conclusion

- 18.1 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the Local Plan and would be located on grade 3a agricultural land. However in the absence of a five year supply of housing the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and policies such as ENV28 cannot form grounds to object in principle.
- 18.2 The NPPF advises that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. The site lies immediately adjacent to the urban boundary of Maidstone. This area of Maidstone has good access to the M20, A20 and the A26 with good local services including a mix of health, retail, employment and education facilities within walking distance and good access to public transport.
- 18.3 As such, the application site is in a sustainable location, immediately adjoins the existing settlement, close to facilities, with good public transport links and is considered an appropriate location in principle for additional housing. It is an allocation in the emerging Local Plan which has been out for its Regulation 18 consultation.

- 18.4 Whilst the proposed development would add a significant amount of built form onto the site, it would be seen in the context of the development on the edge of Maidstone and the size of the site would allow this development to be offset by both formal and informal open space. Long range views of the site are possible from the top of the North Downs, but it is difficult to isolate the site within these views. Short range views of the site are possible but are limited and additional planting proposed as part of the development would help soften the visual impact of the development from both long and short views. The extension would be seen as an extension to the built up area of Maidstone with clear and robust boundaries and the harm to the character and appearance of the area is considered low to medium.
- 18.5 There are no highway objections subject to conditions securing necessary works, no objections from the Environment Agency subject to conditions and there would be no significant heritage assets. The development could be designed to ensure no harmful impact upon existing amenity and future occupants would have sufficient amenity.
- 18.6 The ecological impacts of the development can be suitably mitigated in line with the NPPF and mitigation/enhancement would be provided on site. KCC Ecology is raising no objections, subject to the imposition of conditions.
- 18.7 Appropriate and sufficient community contributions can be secured by a Section 106 agreement to ensure the extra demands upon local services and facilities are borne by the development, and the proposal would provide an appropriate level of affordable housing.
- 18.7 I have taken into account all representations received on the application and considering the low level of harm caused by the development, in the context of an objectively assessed need for 18,600 houses, and against the current housing supply, I consider that the low adverse impacts would not significantly and demonstrably outweigh the benefits of providing much needed housing, including affordable housing, at a sustainable location. This is the balancing test required under the NPPF. As such, I consider that compliance with policy within the NPPF is sufficient grounds to depart from the Local Plan. Therefore, I recommend permission is approved and that Members give delegated powers to the Head of Planning to approve the application, subject to the receipt of an appropriate S106 agreement and conditions.

19 RECOMMENDATION - Subject to:

- the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following;
- The provision of 40% percent affordable residential units within the application site.
- Contribution of £4,000 per 'applicable' house and £1,000 per 'applicable flat' on the assumption that land will be transferred to KCC for a nominal sum for the provision of a

Primary School on land to the east of Hermitage Lane. Should this not be the case, an additional £2701.63 per 'applicable' house and £675 per 'applicable' flat ('applicable' meaning all dwellings, excluding 1 bed units of less than 56sqm GIA, and sheltered accommodation) towards the provision of a new primary school in west Maidstone.

- Contribution of £106.37 per dwelling to be used to address the demand from the development towards additional bookstock and services at Maidstone library.
- Contribution of £47.44 per dwelling to be used to address the demand from the development towards the provision of adult social care facilities within 3 miles of the application site.
- Contribution of £30.70 per dwelling to be used to address the demand from the development towards the provision of new/expanded facilities and services both through detailed adult education centres and through outreach community learning facilities within 3 miles of the application site.
- Contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services within 2 miles of the application site.
- Contribution of £67,392 towards extensions and works to Barming Surgery, Blackthorn Medical Centre, Alyesford Medical Practice and Allington Park Surgery .
- Contribution of £400 per dwelling towards offsite highway works for improvement works to the A26/Fountain Lane.
- Contribution towards off site highway works to the A20/Coldharbour Lane junctions (to be negotiated)
- Contribution of £86 per dwelling towards offsite highway works for improvement works to junction 5 of the M20.
- Contribution towards the improvement and maintenance of open space within 1km of the application site, or offset against the complementary enhancement of the unmade section of Oakapple Lane, retaining the features that are integral to its character, to provide a secondary access, used by emergency vehicles, pedestrians and cyclists (to be negotiated).

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

1. The development shall not commence until approval of the following reserved matters has been obtained, in writing, from the Local Planning Authority:

a. Layout b. Scale c. Appearance d landscaping e. Access

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Such details shall be based on a masterplan which shall show a density of no more than 25 dwellings per hectare in the southern half of the site.

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

2. The details submitted in pursuance condition 1 shall not show Oakapple Lane as a primary access.

Reason: In the interest of visual amenity.

3. The development shall not commence until, written details and samples of the materials to be used in the external surfaces of the buildings hereby permitted have been submitted to and approved, in writing, by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development

4. The development shall not commence until, details of all fencing, walling and other boundary treatments 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 before the occupation of the buildings hereby permitted and maintained thereafter.

Reason: To ensure a satisfactory appearance to the development.

5. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to, and approved in writing by, the Local Planning Authority. The approved facilities shall be provided before the first occupation of the buildings hereby permitted and maintained thereafter.

Reason: In the interests of amenity.

6. An Arboricultural Implications Assessment (AIA) and tree protection measures in accordance with the recommendations of BS5837:2012, Trees in relation to design, demolition and construction – recommendations. The AIA shall include a realistic assessment of the probable impact of any proposed development on trees and vice versa, together with details of any tree works that would be necessary to implement the proposal. Where the AIA identifies a conflict between the proposal and retained trees, details should be provided to demonstrate that the trees can be successfully retained.

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

7. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme of landscaping, using indigenous species and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

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

8 . All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory setting and external appearance to the development.

9. A landscape and ecological management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and approved, in writing, by the Local Planning Authority prior to the first occupation of the development for its permitted use. The landscape management shall be carried out in accordance with the approved plan over the period specified.

Reason: To ensure satisfactory maintenance and management of the landscaped areas.

10. The development hereby permitted shall be built to a minimum four star rating within the Government's 'Code for Sustainable Homes or any equivalent nationally applied standard in place at the time the dwellings are implemented. Prior to first residential occupation of the individual residential units hereby permitted a copy of the post construction review certificate produced by the relevant assessor for that dwelling (or for the totality of the development or parts thereof) verifying that the aforementioned minimum star rating has been achieved for that residential unit shall be submitted to the Local Planning Authority.

Reason: To ensure the development takes place in an environmentally friendly way.

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

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

12. The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved, in writing, by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area.

13. The development shall not commence until details of foul and surface water drainage have been submitted to and approved, in writing, by the Local Planning Authority in consultation with Southern Water. The submitted details shall incorporate inter alia wildlife friendly drainage gullies and design features. The approved details and off site works shall be implemented in full prior to the first occupation of the development.

Reason: In the interests of pollution and flood prevention.

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

Reason: To protect vulnerable groundwater resources.

15. Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved, in writing by, the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on and off site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

16. No development shall take place until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved, in writing by the Local Planning Authority.

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

17. The commitments explicitly stated in the Sustainable Travel Plan (included in the Transport Statement) shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first residential occupation of the development hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the Local Planning Authority. Upon written request, the applicant or their successors in

title shall provide the Local Planning Authority with written details of how the measures contained in the Sustainable Travel Plan are being undertaken at any given time.

Reason: To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity.

18. No development shall commence until the developer has developed a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The report shall be submitted to and approved, in writing by, the local planning development.

Reason: In the interests of amenity.

19. No development shall take place until details of the proposed Dormice mitigation has been submitted and approved, in writing by, the Local Planning Authority. Mitigation will be carried out in accordance with the approved details.

Reason: To ensure that adequate mitigation for dormice is provided on site.

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

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

Reason: In the interests of biodiversity protection.

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

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

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

Reason: In the interests of residential amenity.

INFORMATIVES

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21, 2SW (0330 3030119) or www.southernwater.co.uk

Attention is drawn to Sections 60 and 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise requirements.

Clearance and burning of existing woodland or rubbish must be carried out without nuisance from smoke etc to nearby residential properties. Advice on minimising a potential nuisance is available from the EHM.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 and 1900 hours Monday to Fridays and between 0800 and 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Vehicles may only arrive, depart, be loaded or unloaded within the general site between 0800 and 1900 hours Monday to Fridays and between 0800 and 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

The applicant should have regard to the Environmental Services guidance document "Planning Regulations for Waste Collections" which can be obtained by contacting Environmental Services. This should ensure that the facilities for the storage and disposal of waste and recycling generated by this development, as well as the site access design and arrangements for waste collection are adequate.

Recommend that the developer produces a Site Waste Management Plan in order to reduce the volumes of waste produced, increase recycling potential and divert materials from landfill. This best practice has been demonstrated to both increase the sustainability of a project and maximise profits by reducing the cost of waste disposal.

All nesting birds are legally protected under the Wildlife and Countryside Act 1981 (as amended), as we recommend that all suitable habitat is removed outside of the breeding bird season (March – August inclusive). If that is not possible there is a need for an ecologist to examine the site prior to works starting and if any breeding birds are recorded all works in that area must cease until all the young have fledged.

The granting of planning permission confers on the developer no other permission or consent or rights to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

The developer should provide evidence that the development conforms with Approved Document E Building Regulations 2003 "Resistance to the Passage of sound to the Local Planning Authority.

The developer should have regard to the DEFRA guidance from the document Low Emissions Strategy – using the planning system to reduce transport emissions January 2010.

The Bat Conservation Trusts Bats and Lighting in the UK guidance is adhered to in the lighting design.

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

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

REASON FOR APPROVAL

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

Case Officer: Annabel Hemmings

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

Planning Committee Report

Case Officer: Annabel Hemmings

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