

Aylesford
Aylesford South

14 June 2017

TM/17/01595/OAEA

Proposal: Outline Application: The erection of up to 840 dwellings (including affordable homes) with public open space, landscaping, sustainable drainage systems, land for a Primary School, a doctors surgery and for junction improvements at Hermitage Lane/A20 junction, and a link road between Poppy Fields roundabout and Hermitage Lane. Vehicular accesses into the site from Poppy Fields Roundabout and Hermitage Lane. All matters reserved with the exception of means of access

Location: Land South Of London Road And East Of Hermitage Lane
Aylesford Kent

Go to: [Recommendation](#)

1. Description:

- 1.1 Members may recall that this application was the subject of an Information Report to the 31 January meeting of the Area 3 Planning Committee. That report is reproduced in Annex 1 of this report to avoid repetition and for completeness of information.
- 1.2 Planning permission is sought in outline form with all matters reserved for future consideration with the exception of access, which is to be determined at this stage. The proposed development comprises:
- The erection of up to 840 dwellings (of which 40% would be affordable)
 - Alterations to the 'Poppyfields' roundabout to provide access to the site
 - A link road from the 'Poppyfields' roundabout running south west across the site to a new roundabout junction with Hermitage Lane
 - Land to be used for the provision of a new primary school.
 - Provision of a LEAP (Locally Equipped Area of Play)
 - Improvements to the Hermitage Lane junction with the London Road A20.
 - Provision of public open space within the site
 - Provision of a cycle land along the east side of Heritage Lane from the junction of the London Road A20 to Barming railway station.
 - A green corridor would run through the site in a north west/south east alignment.

- 1.3 In addition, indicative plans which will guide the detailed design of the scheme (the reserved matters) in the event that outline planning permission is granted have been put forward as follows:
- 1.4 A Development Framework plan has been submitted that shows 4 housing development parcel areas providing areas of 9.81ha, 7.80 ha, 3.38ha and 1.05 ha. The parcel of land to be set aside for the provision of a new 2 form entry (2FE) primary school is 2ha in area, rectangular in shape and located at the south west corner of the site, adjacent to the proposed junction of the link road with Hermitage Lane.
- 1.5 It has been stated that the 'Green Infrastructure' within the site amount to 7.2ha in area (including the green corridor and site of the proposed NEAP). An attenuation pond is proposed in the North West corner of the site, joining onto the end of the green corridor. The NEAP is proposed within the centre of the green corridor of the site. The existing boundary trees and hedgerows located along the northern and southern boundaries of the site are to be retained and supplemented with additional planting.
- 1.6 The 840 dwellings proposed are to be provided at a density of 37.5dph. The buildings will comprise 2-5 bedroom dwellings, generally 6-15m wide and 5-12m deep that will not exceed 2.5 storeys in height. A mix of dwelling types are proposed, including a 60/40 market/affordable split. The design and appearance of the dwellings will include gable facades, chimneys, stone lintels and entrance canopies, with the use of red brick and render external finishes with timber and stone detailing.
- 1.7 Plan details have also been submitted showing a potential 3m wide cycle path on the north side of the A228 linking the site to the A228/Tower View roundabout. Walking and cycling routes and footpaths are proposed within the site that will connect to the public realm. Parking is to be provided in accordance with the adopted standards in the form of garages, carports, on-plot drives, undercroft parking, on-street and limited shared parking courts.
- 1.8 The development is EIA (Schedule 2) development and an Environmental Statement (ES) has been submitted in support of the application. The ES covers the following topics:
- Transport
 - Air Quality
 - Noise and vibration
 - Social- Economic
 - Landscape and Visual

1.9 In addition to the ES, the following documents have also been submitted in support of the application:

- Planning Statement,
- Design and Access Statement,
- Residential Travel Plan,
- Soil and Agricultural Quality report,
- Arboricultural Assessment,
- Phase 1 Desk Study (Contaminated land),
- Flood Risk Assessment,
- Drainage Report,
- Soil and irrigation report
- Mineral Resource Assessment,
- Ecological Assessment
- Viability Report

2. Reason for reporting to Committee:

2.1 Given the balance to be struck between diverging and significant material planning considerations.

3. The Site:

3.1 The site is triangular in shape and measures approx. 34 ha in area. It lies outside the settlement confines of Aylesford, on the east side of Hermitage Lane and south of the London Road A20. The Kent Police (Coldharbour) site and a traveller site adjoin the application site to the north. The main railway line adjoins the site to the south east and a warehouse distribution depot adjoins the site to the south.

3.2 Residential dwellings are located on the west side of Hermitage Lane opposite the application site, as well as a recent retails/food and drink development at the junction of the London Road A20. Further retail, food and drink and commercial properties are located further to the east of the site, accessed from Mills Road (South Aylesford retail Park and the Quarry Wood Industrial Estate).

3.3 The site was last used for horse grazing, laid to pasture with hedgerows and trees located around its boundaries.

4. Planning History (relevant):

TM/16/01967/FL Approved 21 September 2016

Change of use from agricultural to equestrian, the erection of a stable block with associated hard standing, fencing, vehicular access and access track

TM/16/03758/EAS screening opinion EIA 9 January 2017
C required

Request for screening opinion under the Town and Country Planning (Environmental Impact Assessment) regulations 2011: Proposed development for Outline planning permission for up to 841 residential dwellings, land for a primary school, land for a Doctors Surgery, a local centre, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Hermitage Lane and the A20 and associated ancillary works. All matters to be reserved with the exception of the main site access

TM/17/00942/EAS EIA opinion scoping 4 May 2017
P application

Request for Scoping Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for the development of up to 865 dwellings, school, doctors surgery, link road, public open space and landscaping

5. Consultees:

DPHEH:

In the interests of completeness, and for ease of information, full representations received by Highways England and KCC (Highways and Transportation) are reproduced in full at Annexes 2 and 3 respectively. As such, these are not reproduced or summarised within the report itself. All other representations received are summarised below as follows:

5.1 Aylesford PC: Initial comments received:

5.1.1 Objects to the above application on the following grounds:-

(A) There is no need for this development unless it brings with it the much needed infrastructure improvements, particularly for the road network, which improves the current position for local residents rather than making it potentially worse as a result of the additional housing.

(B) Any development at this location is premature and unnecessary at this stage until there is a clear plan setting out the infrastructure improvements needed, particularly to the road network, to bring about the significant improvements needed to the road network within the Aylesford Parish and in particular Hermitage Lane along its whole length and the A20 including the access and egress from the Quarrywood Industrial Estate and the entry and exit from the Coldharbour Roundabout both from Aylesford and Maidstone.

(C) The proposal from the developer clearly shows that for the proposed Link Road to work it will be necessary for a number of other highway schemes to be completed, and currently some of these schemes are planned but for the rest there are no plans.

(D) There is no indication of any improvements to be made to the already very busy section of the A20 between the Poppy Fields Roundabout and the Coldharbour Roundabout.

(E) There appears to be no intention to develop the Link Road before work on the whole development commences.

(F) There appears to be no proposal to for the provision of a footway on the eastern side of Hermitage Lane from the termination of the footway starting at the A20 to the footway leading to Barming Railway Station

Subsequent comments:

5.1.2 **Aylesford PC:** upholds its original objections to this amended application and now has added concerns relating to the removal of a doctors' surgery provision. We reiterate that the transport infrastructure in this area is already overwhelmed. We note that the amended plans now include the provision of a footway on the eastern side of Hermitage and we have therefore removed our original comment at (F) from our objections.

5.2 **Ditton PC:** Objects to this application based on the following points:

5.2.1 It's felt the School's proposed location would be better suited being further into the development, as its current location is too close to Hermitage Lane. This will have an adverse effect on drop off and pick up times which will result in more cars being parked on Hermitage Lane and create too much extra traffic on an already over congested road. It was suggested double yellow lines on Hermitage Lane are required. The main thoroughfare/relief road is required to be of very high standard to cope with extra traffic and congestion in and out of the development. A Doctors surgery must be placed within this development.

5.3 **E Malling and Larkfield PC:** The parish council are commenting on this application as it is relevant to the additional areas of land, mostly greenfield sites,

being considered in the Local Plan Review. It would also have a big impact, if approved, on local traffic issues along the A20 corridor and Hermitage Lane.

- 5.3.1 The starting point is the existing approved Local Plan. The site is not allocated for residential development in that plan and forms part of the green fields seen as separating Maidstone from the built up area of the Medway Gap.
- 5.3.2 It is appreciated that the site is within part of a larger area being considered in the document "The Way Forward" to meet assessed housing need for another 6000 homes. However at the time of submitting these comments the draft plan has not yet been published and it would be wrong to approve this site in advance of the review of the plan being completed including public involvement.
- 5.3.3 Therefore in our view if the application was decided now it should be refused as contrary to the policies in the approved Local Plan and as premature.
- 5.3.4 From the point of view of the wider area the issue is traffic especially at the A20/Hermitage Lane junction, Hermitage Lane, Coldharbour roundabout and the access to the M20 at junction 5. Residents of the parish look to Maidstone as its main shopping area so use the M20 or A20 and there is also the question of access to Maidstone Hospital in Hermitage Lane.
- 5.3.5 We note the applicants accept "the existing local network is clearly under strain with significant queuing at some junction" We are aware KCC are shortly to carry out some works to improve, but not in our view, "solve" matters at the A20 Hermitage Lane junction. With the development already approved and taking place just over the border in Maidstone traffic flows along Hermitage Lane going to the A20 and M20 will increase. If the larger area suggested in the Local Plan for Tonbridge and Malling is released the situation without action to increase the capacity of the local road network would in our view become unsustainable and "severe".
- 5.3.6 One of the arguments for releasing land in the location is to provide for the possibility of improving the local road network including access to the A20 and M20 at junction 5. The council would not wish to see this land released so prejudicing a comprehensive approach. A "fill up the next field" piece meal approach here we think would have very serious consequences to the road network.
- 5.3.7 We note in effect the applicants argue their new road from Hermitage Lane to "Poppyfields" roundabout would offer new capacity. This is no doubt correct but we think there should be included in the Local Plan a clear strategy to both address the existing problems and accommodate additional development (if approved) in terms of the highway network. This should address the A20 Hermitage Lane junction, the access to the M20 junction 5, the capacity of the new road proposed and its design at junctions and issues such as parking at Barming Station, improved bus services and cycle/pedestrian routes.

5.3.8 The parish council realises work is being done on these matters and will make further comments as these emerge.

5.4 **Maidstone BC:** Raises the following objections:

5.4.1 The proposed development will substantially increase traffic movements to a level which would adversely impact upon the highway network beyond the capacity of the existing roads and junctions. This will result in significant harm and adverse highway conditions due to delays and queuing on the existing highway network within Maidstone and the wider local area. In particular the proposal will result in significant adverse impact upon the following junctions:

A26/Fountain Lane/Farleigh Lane

Hermitage Lane, St Andrews Road/Heath Road.

5.4.2 No mitigation or improvements to these junctions has been shown and no details provided as to whether or not any possible improvements works would actually meet the impacts of the development and more importantly whether they are actually deliverable given the constraints on this junctions.

5.4.3 The removal of the land for doctor's surgery is seen as retrospective step in meeting the healthcare needs of the future residents and wider area. Your Council will need to be satisfied that there is adequate off site healthcare facilities and/or contributions being provided to meet healthcare needs arising from this development.

The proposed development does not provide sufficient open space, semi natural open space, landscaped belts or woodland shaws to help soften the proposed development, enhance the visual character of the local area and prevent the coalescence of the Maidstone and Malling urban areas.

5.5 **KCC (SUDS):initial comments:**

5.5.1 We have no objection in principle to the application given the favourable infiltration rates present over much of the site. Whilst no layout is available given the outline nature of the planning application, we consider a drainage strategy will be deliverable for the site.

5.5.2 We would note the draining of much of the site to only two infiltration basins in the north western corner would not be best practice for proposals of this size and would introduce a single point of failure. This is in particular due to the ground conditions and the risks associated with concentrated discharges of surface water into the Hythe Formation from a large catchment areas.

5.5.3 The underlying strata is the Hythe Formation (Ragstone) in which there is a risk of encountering loosely infilled features known as 'gulls'. The installation of large

point infiltration areas or sources may lead to ground instability if these features are present and are inundated with water. There has historically been a high frequency of collapses occurring in the Hermitage Lane area due to these features being washed out from water leaks, soakaway discharges and other sources of water.

5.5.4 We would therefore strongly recommend that the detailed design aims to spread out the discharges of surface water across the development to help to minimise the residual risks of ground failure and therefore possible drainage system failure. This may be achieved with devices including individual plot soakaways, permeable driveways and car parking areas, swales, localised rain gardens and smaller strategic open infiltration features.

5.5.5 Should your authority be minded to grant permission for the development, we would recommend that [conditions] are attached

Subsequent comments:

5.5.6 We have no additional comments to make with respect to this application and would refer you to the advisory comments (dated 13 July 2017) which remain valid, although an additional condition is recommended that was not contained in the original response.

5.6 KCC (Economic Development):

5.6.1 KCC has assessed the implications of the proposal in terms of the delivery of its Education and Community Services (i.e. Libraries, Youth, Community Learning and Social Care), and it is of the opinion that the proposed development will have an additional impact, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

Primary Education

5.6.2 The proposed development is forecast to generate up to 235 primary school pupils. The County Council does not forecast surplus places within existing schools being available and it will therefore be essential that new provision is incorporated within the development. The County Council is currently working with TMBC to identify the additional demand for school places that will be generated from development proposed in the emerging Local Plan, with the objective of ensuring the Plan incorporates sufficient provision for sustainable growth. This planning application has been submitted ahead of this work's conclusion.

5.6.3 The options included within the Borough's Regulation 18 Issues and Options consultation indicate that a significant amount of growth may take place in this part of the Borough. The County Council's response to this would be through the commissioning of strategic education provision; ensuring new schools are

sufficient in size and located within areas accessible to the greatest number of pupils.

- 5.6.4 It is requested that a primary school site of 2.9ha be transferred to the County Council at nil value and in accordance with the General Site Transfer Terms (set out in appendix 2). It is intended this will provide up to 3FE to meet the needs of this development and others likely to arise in the nearby area.
- 5.6.5 It is acknowledged that should this application be viewed in complete isolation, a smaller school (and therefore less land) would be required. However, for the proper sustainable provision of education in the area, the County Council as Local Education Authority considers strategic education provision on this site to be required and will seek to secure this within the Local Plan as it emerges.
- 5.6.6 The County Council should not suffer cost associated with providing provision in direct mitigation of development and as such, it is requested the land is transferred at nil value. However, it is recognised that the new school would provide provision for pupils generated by other developments, which will not forego land through the provision of a new school. The County Council would agree to seek land contributions from other contributing developments and the land value used in seeking those contributions should respect planning policy and the need to ensure development within the Borough is viable and deliverable.
- 5.6.7 A contribution of £4,535 per house and £1,134 per flat is requested towards the construction of the new primary school. The total required will be dependent on the final dwelling mix.

Secondary Education

- 5.6.8 The proposed development is forecast to generate up to 168 additional secondary school pupils. As with primary, the County Council does not forecast surplus places within existing secondary schools being available and will be required to create additional places in mitigation. A contribution of £2,360 per house and £590 per flat is requested towards the expansion of The Mailing School.

Community Services Requirements

- 5.6.9 The County Council has assessed the implications of the proposed development on its community services and sets out the required mitigation measures in the table below:

	Per dwelling	Comment
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Community learning and skills	£32.37	Towards equipping the Community Services Area with IT and other learning resources.
Youth services	£13.47	Towards equipment within the Community Services Area and to enable Youth workers to conduct outreach work within the community
Library bookstock	£49.00	To serve the demand generated from new borrowers and provision of a library kiosk within the community services Area.
Community Services	The new community will generate significant demand on KCC delivered community services. Given the scale of the proposal, it is suitable for provision to be made within the development itself. KCC requests provision within a community building capable of accommodating two teaching areas or rooms of 50 square metres (Net Internal Area) with access, during hours of use, to kitchen facilities, lockable storage areas, toilets and disabled changing facilities, and which is accessible to the disabled and persons otherwise with impaired mobility. It is requested that a full specification be agreed with the County Council and included in the associated planning obligation.	
Social Care	17 Wheelchair Adaptable homes to enable clients to live in their own homes. In addition, it is requested that consideration be given to providing a small block of 8-12 flats (with staff overnight/office provision) for those with learning difficulties as part of the on-site affordable homes delivery	

5.7 **KCC (Gypsy and Traveller Unit):** KCC have noted the main objection to be that the residents, it would seem, are unable to move their static caravans on and off site, which they do quite regularly. The size of a static caravan can be approx. 40ft long and obviously cannot go round corners easily. The Poppyfields roundabout and Hermitage Lane access would not be possible to navigate due to the road layout and the size of the static caravans.

5.8 **KCC (Minerals and waste):** The NPPF requires that development proposals should not be permitted within mineral safeguarding areas where they might constrain potential future use of the economic mineral resource. As such, the

policies within the Kent Minerals and Waste Local Plan 2013-30 (KWMLP) aim to prevent the sterilisation of Kent's potentially economic mineral assets.

- 5.8.1 This planning application site is within a minerals safeguarding area as defined by the Kent KWMLP; the safeguarded economic minerals being Limestone Hythe Formation (Kentish Ragstone) and Sandstone - Sandgate Formation. Policy OM 7 of the KWMLP sets out the circumstance in which planning applications for this type of development can be permitted, having regard to safeguarding requirements.
- 5.8.2 The potential mineral reserves for Ragstone (Hythe Formation) could be substantial, although this is not quantified by the consultant's report. Also, the use of the suggested large standoff margins is not necessarily justifiable where there is no immediately adjacent residential development (to the north and south). However, it is accepted that the Ragstone would be unlikely to be capable of extraction and subsequent restoration without adversely affecting the viability or deliverability of the non-minerals development. As this is a crustal geology, full exploitation of the winnable reserves as an act of prior extraction, as advocated by the adopted Plan, would result in delay to the non-minerals development and would probably have a substantial effect on its deliverability.
- 5.8.3 The current reserves of Ragstone are in excess of the adopted KWMLP requirements by a considerable margin (the current landbank of 25.8 million tonnes gives a 33 year landbank and the Plan requires 20.5mt) so there is also a case that the prior extracted reserves (quantity unknown) would be not be of sufficient quality to make extraction economically worthwhile. It appears that there may be some 0.3 metres of 'Solid Stone' overlain by 9 meters of Ragstone of variable quality, with a 4 metre horizon of 'Loose Rock and Stone'.
- 5.8.4 There is therefore sufficient evidence that Ragstone extraction at this location appears uneconomic, and so exemption criterion 1 of Policy OM 7, which states 'the mineral is not of economic value or does not exist' can be reasonably invoked.
- 5.8.5 The Sandgate Sands that outcrop on the site to a lesser degree appears to be present in only geologically academic quantities and thus can be said to be not economically present; again, criterion 1 of Policy OM 7 can be reasonably invoked.
- 5.8.6 The County Council, as Minerals Planning Authority for Kent, therefore raises no objection to the proposal.
- 5.8.7 In relation to waste management, the County Council's waste management facilities available to the Borough of Tonbridge and Mailing are close to their operating capacity and to accommodate the increased demand from growth, additional capacity will be required. KCC is currently undertaking forecasting, to identify this additional demand as well as identifying appropriate mitigation projects.

5.9 **KCC (Biodiversity):**

5.9.1 KCC would expect any planning application to follow the mitigation hierarchy described in British Standard BS 42020:2013, which involves the following step-wise process:

- Avoidance - avoiding adverse effects through good design;
- Mitigation - where it is unavoidable, mitigation measures should be employed to minimise adverse effects;
- Compensation - where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm;
- Enhancement - planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.

5.9.2 The final design of the proposed development will need input from the applicant's ecologist to ensure the ecological interest can be retained on site and the site is designed to enhance biodiversity.

5.10 **KCC (Heritage Conservation):**

5.10.1 KCC Heritage Conservation has provided the following comments in relation to the Archaeological Desk-based Assessment (DBA) submitted with the planning application.

5.10.2 The DBA seems to have mis-located the site for the geology. According to KCC's data, the site does not lie on Chalk but on Hythe Beds and Sandgate Beds. The geology is important to understand in view of the potential for early prehistoric remains. Recent geo-archaeological works at Hermitage Quarry have focused on the Pleistocene deposits which can occur in ragstone deposits within Hythe Beds. As such, it is recommended that the DBA is revised to reflect the correct geology and therefore demonstrate an understanding of the potential for early prehistoric remains.

5.10.3 It would be preferable for the DBA to refer to the Historic Environment Record (HER) national numbering system rather than the MKE number.

5.10.4 The overall assessment of archaeology is rather limited. There is no detailed assessment of Palaeolithic remains, which should preferably refer to the importance of the discoveries along the Medway Valley, placing the nearby discoveries of Palaeolithic flints in their landscape context.

5.10.5 There is also very little mention of Bronze Age and Iron Age activity. There is a focus of activity relating to these periods to the south around the Maidstone

Hospital area. This later prehistoric activity could extend down towards the application site.

5.10.6 KCC Heritage Conservation does not agree with the assessment of Roman Period archaeology. There is no clear focus of Roman activity in Maidstone; but rather a spread of Roman villas along the river valleys. There are a few Roman villas at Maidstone and there are villas known at Snodland and Eccles to the north and a villa at East Mailing, a settlement to the west at Ditton and Roman cemeteries west and south.

5.10.7 In conclusion, the description of geology needs revising, along with the assessment of early prehistoric and Bronze Age, Iron Age and Roman potential.

5.10.8 In view of the potential for early prehistoric remains, it is recommended that there is a need for more detailed Palaeolithic assessment, preferably in the form of a review of geotechnical data. As this is an outline application, the applicant may wish to consider preliminary archaeological evaluation works to inform any detailed applications. KCC would recommend consideration of geo-archaeological test pitting and/or geophysical survey of the entire site. The results of this preliminary evaluation work would ensure any detailed mitigation for heritage is suitably informed.

5.10.9 In view of the general archaeological potential, there is a need for robust consideration of heritage and for a phased programme of archaeological works. It is recommended that a condition is placed on any planning permission issued to secure such a programme of works.

Further comments:

5.10.10 I note the submission of the revised archaeological DBA. The revisions are welcome and I am happy with the report now.

5.11 **NHS (CCG):** Our previous response detailed that the growth from this development could not be absorbed within existing general practice capacity and that re-location of an existing practice to a new site would need to be explored; including the option presented by the proposed development site.

5.11.1 This proposal will generate in excess of 1965 new patient registrations based on an average of 2.34 people per dwelling.

- The Aylesford Medical Centre is located less than 0.5 miles from the proposed development and would therefore be expected to be the practice where the majority of the new residents register for general medical services.
- The proposed development also falls within the current boundaries of Blackthorn Medical Centre and Bower Mount Medical Practice; the practices are approximately 1.7 miles and 2.2 miles from the proposed site.

- 5.11.2 At Aylesford Medical Practice the physical constraints of the existing site mean that the current premises cannot be extended and opportunities to re-configure existing space to accommodate current growth have already been undertaken.
- 5.11.3 The new patient registrations generated by this proposed development can only be met through the development of new premises for Aylesford Medical Centre in order to ensure sustainable general practice services.
- 5.11.4 It is however important to note that the growth generated from this proposed development would not trigger consideration of the commissioning of a new general practice as it is not a resilient, safe, sustainable or attractive service model to commission new practices serving a small population; this is specifically in relation to workforce as locally and nationally there are significant pressures and challenges. The same principle applies to branch surgeries; practices are generally looking to expand service provision and existing premises to provide the most efficient operating model.
- 5.11.5 The CCG's Local Plan details that investment in new general practice premises would be considered where population growth would support a list of over 8000; this is however a guide and in some cases may still not be considered a viable list size.
- 5.11.6 In an area of significant growth a strategic approach is required to ensure plans will deliver resilient and sustainable general practice services for the area. To do this the CCG has been actively working with our groups of practices (clusters) to assess impacts of growth in an area and strategically define a set of priorities that provide an initial response to the growth. The output of this work is documented in the CCG's GP Estates Strategy that was approved by the CCG Governing Body in November 2018; this will now provide the framework for continued assessment of the priorities and development of plans to be considered through CCG governance. Options will include the pooling of S106 contributions to support plans where appropriate.
- 5.11.7 In addition, and from a wider strategic perspective, the CCG Governing Body has recently (August 2018) endorsed recommendations to further explore the establishment of three local care hubs and two mini hubs in the West Kent area for out of hospital services. The strategic case identifies the general locality of Maidstone for a hub along with the potential for a mini hub in the Aylesford area. This is a strategic piece of work that may, through the next phase and depending on specific site options, also identify opportunities for general practice to be co-located in a hub.
- 5.11.8 Planning for growth in general practice is complex; physical infrastructure is one element but alongside this workforce is a critical consideration both in terms of new workforce requirements and retirements. From a general practice perspective it is not possible at this time, for the reasons detailed above, to set out a specific

project detailing exactly what will be built and where and when; we can however confirm that the project would relate to Aylesford Medical Centre.

5.11.9 Whilst the doctor's surgery has been removed from the current masterplan the CCG's position remains that the site could provide an option for consideration as part of wider strategic options development and appraisal; it would however need to respond to a need greater than the growth created by the development alone for the reasons stated above. Clearly this will be fully assessed once the planning decision is known and taken into account as part of the strategic planning that the CCG is undertaking.

Summary:

5.11.10 In line with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) requests for development contributions must comply with the three specific legal tests:

1. Necessary
2. Related to the development
3. Reasonably related in scale and kind

5.11.11 The CCG has applied these tests in relation to this planning application and outlined the justifications above. The CCG is of the opinion that the proposal will have a direct impact on the delivery of general practice services which will require mitigation through either:

- The direct provision of land. The CCG is seeking the option for land to be safeguarded for a medical facility for an agreed period of time; we propose that this be discussed but could be a period of 2 years from commencement of development. Within this option the CCG is requesting that the safeguarded land be transferred to the NHS at nil cost and discussions to also take place regarding a wider option that also included the building of a facility or funding towards a facility on the safeguarded land.

The size of the medical facility, if occupied only by general practice, is estimated to be c700 sqm (GIA) or c1400 sqm (GIA) for a medical facility that included both mini-hub and general practice services; in either option provision for parking would also need to be included. This is estimated and further discussions would be needed to agree the size of any safeguarded land.

Identifying an area of land to be safeguarded for a period of time for a medical facility would provide a reasonable timescale for the NHS to continue to progress the work to assess future needs and requirements, formally assess options and be in a position to confirm whether the land would be utilised for a medical facility by the end of the agreed period.

- The payment of an appropriate financial contribution (index linked). If the land option is confirmed as not being required for a medical facility then the CCG would be seeking the financial contribution be paid at the end of the agreed safeguarding period in order to support the option for the medical facility that will be progressed. The contribution would be towards new general practice premises for Aylesford Medical Centre. This is calculated as £707,616

It is important to understand that general practice capacity would need to be created in advance of the full growth in population so that both the infrastructure and workforce are in place. The trigger for the financial contribution is set out as above for this reason.

5.11.12 Please note that general practice premises plans will be kept under review and may be subject to change as the CCG must ensure appropriate general medical service capacity is available as part of our commissioning responsibilities.

5.11.13 The CCG is of the view that the above complies with the CIL regulations and is necessary in order to mitigate the impacts of the proposal on the provision of general practice services. In accordance with CIL regulation 123 the CCG confirms that there would not be more than four other obligations towards the final project.

5.12 **EA:** We have reviewed the document 'Phase 1 Desk Study' by RLE (reference P16-217 V3 dated 8th June 2017). The study indicates that the site is in agricultural usage but there is evidence of unspecified fly-tipping both on site and at the boundary. Scrapped cars are also present nearby. The study recommends an intrusive ground investigation to assess the site's current ground contamination status.

5.12.1 We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed [relating to drainage and land contamination].

Further comments:

5.12.2 At this stage we have no objection to the submitted surface water drainage layout and outline plans. However, we would need to be consulted again as more detailed drainage plans are created using site investigation information/data. We would then provide further comment. Our position on this proposal is on the condition that the areas proposed for infiltration systems are proved to be free from contamination. A site investigation and contamination risk assessment will allow such areas to be identified.

5.12.3 We have reviewed the drainage strategy submitted in the Flood Risk Assessment (ref: SHF.1132.143.HY.R.005.A) dated August 2018. We do not object to the drainage strategy that has been proposed however we realise that this is an outline strategy which could change as the development progresses. Although we

do not object at this stage, we will need to be provided with further information at the detailed design stage when the locations of SuDs have been chosen. As infiltration based SuDs have been proposed we would need the following to be clarified during the detailed design stage to ensure groundwater is not put at unnecessary risk:

5.12.4 The following points should be considered wherever infiltration systems are proposed at the site:

- Appropriate pollution control methods (such as trapped gullies/interceptors or swale & infiltration basin systems) should be used for drainage from access roads, made ground, hardstandings and car parking areas to reduce the risk of hydrocarbons from entering groundwater.
- Only clean uncontaminated water should drain to the proposed infiltration system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures).
- No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of infiltration system and the water table.
- A series of shallow infiltration systems are preferable to deep bored systems, as deep bored systems can act as conduits for rapid transport of contaminants to groundwater

5.12.5 The points above should be clarified using information/data gathered from intrusive site investigation and should then inform the surface water drainage plans/strategy produced at the detailed design stage.

5.13 **Historic England:** No comments

5.14 **Natural England:** Natural England's comments in relation to this application are provided in the following sections.

5.14.1 Statutory nature conservation sites – no objection

5.14.2 Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

5.14.3 Protected species: We have not assessed this application and associated documents for impacts on protected species.

5.14.4 Natural England has published [Standing Advice](#) on protected species.

- 5.14.5 You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.
- 5.14.6 The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Priority Habitat as identified on Section 41 list of the Natural Environment and Rural Communities (NERC) Act 2006.

- 5.14.7 The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'.
- 5.14.8 Green Infrastructure: The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.
- 5.14.9 Local Sites: If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.
- 5.14.10 Biodiversity enhancements: This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*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*'. Section 40(3) of the same Act also states that '*conserving*

biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

- 5.14.11 Landscape Enhancements: This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.
- 5.14.12 Sites of Special Scientific Interest Impact Risk Zones: The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.
- 5.15 **Kent Wildlife Trust**: We note the contents of the Ecological Appraisal. However, reference is made to specific species survey results in the evaluation section - for bats and breeding birds in particular- and yet the "raw" results of survey have not been provided. These need to be provided and The Borough Council should not make a planning application decision in the absence of this data. These results are vital to inform adequate on-site mitigation for lost habitats or species.
- 5.15.1 We note from the evaluation of breeding birds that there appears to be two skylark territories using this field, the loss of which no mitigation is suggested. The Borough Council needs to adequately mitigate for the loss of such farmland birds as a strategic matter in its Local Plan, where adequate mitigation cannot be provided on the application site.
- 5.15.2 Boundary features of hedgerow, scrub and mature trees should be retained wherever possible and where this is not possible any loss should be mitigated for in new native, local provenance planting. A lighting strategy should be submitted, supported by condition, in order to reduce impact upon bats, breeding birds and invertebrates, particularly at the boundary features.
- 5.15.3 If approved, this application should be accompanied by a condition requiring a detailed Mitigation Plan and a Conservation Management Plan to include both existing habitats and new areas of green infrastructure. Provision should be made for the Priority Species of Hedgehog with 13cm sq. holes in residential garden fencing, in order to facilitate movement across the development.

5.15.4 Effective functional green infrastructure will be key in this development, which effectively "infills" an existing green corridor from the River Medway through to open agricultural land to the South West. At the moment, detailed information is lacking and we look forward to receiving more detail on this at the reserved matters stage. The site is adjacent to the Biodiversity Opportunity Area of Greensand Heaths and Commons and this should be considered when designing new habitat areas.

5.15.5 Kent Wildlife Trust would like to submit a holding objection to this application, subject to the above recommendations being addressed.

5.16 **Southern Water:** The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

5.16.1 Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. "Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable."

5.16.2 Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

5.16.3 The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

5.16.4 Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

5.16.5 Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme

- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

5.16.6 This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

5.16.7 The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

5.16.8 Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

5.16.9 We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water". Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

5.17 **Network Rail:** The developer should comply with the comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land [as set out in full in the response].

5.18 **Private Reps:** 126/0X/360R/0S. The representations raising objection do so for the following reasons:

- The local area is already heavily congested
- The development will overload the existing roads that are at capacity
- Ambulances will struggle to get to and from the hospital
- The construction traffic will cause additional congestion on local roads
- This is not a sustainable development
- Loss of wildlife
- Loss of Green, open land

- The junction of hermitage Lane and the London Road is poorly designed and leads to heavy congestion.
- The area needs now infrastructure such as a new bridge across the river, GP surgery, more school place before any more housing is built.
- Impacts upon air quality
- The developer has abandoned plans to provide a doctor's surgery in the amended scheme.
- The scheme could prejudice the future development of land to the west of Hermitage Lane

6. Determining Issues:

Principle of the development:

6.1 As Members are aware, the Council cannot currently demonstrate an up to date five year supply of housing when measured against its objectively assessed need (OAN). This means that the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF (February 2019) must be applied. For decision taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.2 In undertaking this exercise, it must be recognised that the adopted development plan remains the starting point for the determination of any planning application (as required by s.38 (6) of the Planning and Compulsory Purchase Act 2004) and which is reiterated at paragraph 12 of the NPPF. The consequence of this in these circumstances must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole.

- 6.3 In terms of the principles of the development, policies CP6, CP11 and CP14 are the most important to the determination of this application, due to its specific locational characteristics outside, but close to the Malling Gap urban area. However as the development relates to the provision of housing, these policies are considered to be out of date, pursuant to footnote 7 of the NPPF because the LPA cannot demonstrate a 5 year supply of housing land at the moment. This has been repeatedly confirmed in decisions across the Borough.
- 6.4 With regard to the application of the presumption in favour of sustainable development, regard must first be had for whether any restrictive policies within the Framework (paragraph 11 d (i), footnote 6) provide a clear reason for refusing the development proposed. In this case, none of the policies referred to in footnote 6 of the NPPF apply to the site the subject of this application. As such, pursuant to paragraph 11(d) (ii) of the NPPF, permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when the proposal is assessed against the policies in the Framework taken as a whole. It is on this basis that my assessment follows:

Locational characteristics and associated impacts:

- 6.5 Paragraph 78 of the NPPF advises that “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.” Paragraph 79 then follows stating that “planning policies and decisions should avoid the development of isolated homes in the countryside”.
- 6.6 Given that the site lies within the countryside as designated – and notwithstanding my earlier commentary concerning the application of policies CP 11, CP14 and CP6 of the TMBCS – and assessment of the development on this basis must take place.
- 6.7 The interpretation of isolated homes in the countryside has been clarified in the Court of Appeal judgment in Braintree DC v SSCLG [2018] EWCA Civ. 610. In this judgment, LJ Lindblom stated that when taken in its particular context within the policy “the word ‘isolated’ in the phrase ‘isolated homes in the countryside’ simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling that is, or is not, “isolated” in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand”. (para.31)
- 6.8 The site is immediately adjacent to the urban area of the Medway Gap and although Hermitage Lane intervenes I consider that the development would, provide a spatial expansion of this urban area. Furthermore, the confines of Maidstone are located less than 200m away to the east of the site. Given the scale of the development and its location, it would certainly not result in isolated dwellings being introduced within a rural area but would instead be a sustainable location for new dwellings to be located as a meaningful expansion of the existing

urban area. The development would not, therefore conflict with paragraph 79 of the NPPF.

- 6.9 Overall, given the very close proximity of the site to the Medway Gap and the physical characteristics of the site (the location of the railway line on the raised embankment along the south east corner of the site), I am of the view that the proposed development would not erode the identity of Medway Gap or Maidstone or harm the setting or character of these urban areas.
- 6.10 As such, in locational terms and having due regard to relevant case law and material planning considerations, I conclude that the development of this site for residential purposes in the manner proposed would not be harmful.

Character and pattern of development and impact upon visual amenities:

- 6.11 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its setting in relation to the pattern of the settlement, roads and surrounding landscape. These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments.
- 6.12 In particular, paragraph 127 seeks to ensure that development will function well, be sympathetic to local character, establish a strong sense of place and create attractive, safe places in which to live, work and visit. Furthermore, paragraph 130 sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 6.13 The Landscape and Visual (LV) section of the ES identifies two separate aspects to consider when assessing the landscape and visual effects of a development. These are:
- Assessment of landscape effects – assessing the effects on the landscape as resource in its own right and,
 - Assessment of visual effects: assessing the effects on specific views and on the general visual amenity experienced by people

- 6.14 With regard the former (Landscape effects) such matters as landscape designations, the landscape quality, scenic quality, rarity, recreational value and perceptual aspects and associations should to be considered.
- 6.15 The site is not the subject of any specific landscape designation. It's quality is typical of other open land in the wider locality; open, gently undulating grazing land (albeit for equine purposes) and which is enclosed by urbanising elements to the west and north (and further to the east on the opposite side of the railway line). The site is of limited scenic quality and its most notable features are the hedgerows and trees that stand along the boundaries of the site. Consequently, the landscape of the site is not considered to be rare or contain rare features or characteristics.
- 6.16 The site is not accessible for recreational purposes and does not contain any public rights of way. The site has no known cultural or historical associations.
- 6.17 The proposed development would, of course introduce a significant amount of built development into the site and this change from being undeveloped to developed will of course, alter the landscape of the site. The LV section of the ES acknowledges this change to the landscape and considers this to be a minor adverse impact in the longer term. However, it must be noted that the most significant features of the site (the existing boundary hedgerows and trees are to be retained as part of the development and 7ha of green infrastructure would be designed into the development included a green way running from the north west to the south east corner of the site, which will link footpaths and cycle ways around/through the site. As such, public access through the site will actually improve as a result of the development. The existing boundary planting is to be supplemented with additional planting that can be secured by a landscaping condition.
- 6.18 The other aspect of visual impact arises from how receptors will perceive the change in the landscape following the development. Those receptors who are most susceptible to a change in the local landscape include the residential properties that face onto the site and people engaged in outdoor recreation, whose attenuation is likely to be focused on the local landscape. People travelling along the local roads and rail routes are likely to be less susceptible to change as their focus is more likely to be on the journey, unless of course the journey involves a highly scenic landscape, which the application site does not form part of.
- 6.19 The site is visible to those residential properties that have a view across the site (e.g. those in White Post Wood Lane and Hermitage Lane to the west of the site). They will experience the greatest change in the landscape of the site as housing parcels will be located up to the western boundary of the site. However as there is ribbon development along this section of Hermitage Lane, these residents will perceive housing along the opposite side of the road in a similar fashion to their own.

- 6.20 Residents living on the north side of London Road will be less aware than those living in Hermitage Lane of the proposed development due to the separation from the site and that the built envelope is to be set back from the northern frontage of the site behind mature boundary screening. Any impact upon their perception of the landscape is likely to be minor.
- 6.21 Residents living within the Castor Park development (with Maidstone BC area) to the west of the site will not experience a notable change in the landscape resulting from the proposed development. This is due to the intervening railway line and boundary landscaping along it.
- 6.22 Views into the site from the local highway network and footpaths around the site would be limited and filtered by the existing boundary treatments which are to be supplemented under the proposed development.
- 6.23 Views from PROWs, including the Medway Valley Walk along the River Medway and from further afield at the top of Blue Bell Hill (North Downs Way) would be at best very limited. Indeed any views of the development would be seen from the elevated position of the North Downs Way in the context of the adjacent developed part of the Medway Gap urban area and the M20 motorway,
- 6.24 Although reserved for future consideration, the indicative plans provided show that the dwellings will be of a similar scale to those in the locality and the scheme has been designed to retain and manage the existing boundary treatments. A green corridor will be located within the site. Breaking up the expanse of the proposed built areas and additional landscaping is proposed to take place, including appropriate tree planting as the development plans take shape at the next (Reserved Matters) stage.
- 6.25 The two new accesses (off the Poppyfields roundabout and Hermitage Lane) and associated visibility splays would also intervene within the frontages which will require removal of some trees/hedgerow but I do not consider the visual impact of this to be significant, in the context of the development as a whole.
- 6.26 Similarly, the parameters provided indicate that the scheme would come forward in manner that would ensure residential amenities of existing and future residents would not be harmed. I do appreciate that the experience of surrounding land for existing residents would change through the development of this site but this does not automatically render it unacceptable in planning terms. On receipt of the relevant reserved matters, further consideration of the detail would be given and public consultation undertaken as part of that.
- 6.27 In all these respects, I consider that the development would come forward in an acceptable manner that would accord with the adopted development plan and the policies contained within the Framework.

Highway safety, capacity and parking provision:

- 6.28 Policy SQ8 of the MDE DPD sets out that before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development is in place or is certain to be provided.
- 6.29 It goes on to state that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.
- 6.30 Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.
- 6.31 Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.
- 6.32 Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.
- 6.33 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 110 goes on to state that within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

6.34 Paragraph 111 then sets out that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

6.35 Two access points will be created to serve the development as a whole. One is from the Poppyfields roundabout located at the north eastern corner of the site and the existing access into the adjacent traveller site will be reconfigured as part of the changes to the highway. A new roundabout junction would be created with Hermitage Lane and the two junctions would be linked by a new through (spine) road. Details of the access with associated footpaths and splays have been provided on the submitted drawings. A Transport Assessment has also been submitted.

6.36 Members will note from Section 5 of this report and the attached Information Report that was presented to the January meeting of APC 3 that the local highway Authority (KCC H&T) and Highways England initially raised objections to the scheme because additional information was required to demonstrate the impacts of the development upon the local and strategic highway networks (most notably, the impacts upon Jct. 5 of the M20 and along the A20 London Road corridor and Hermitage Lane. The Council has been undertaking modelling of the A20 corridor between Jcts. 4 and 5 of the M20 as part of the evidence base feeding into the local plan process. This was undertaken in order to assess what the existing road and individual junctions' capacity was in the study area. This would help to inform what mitigation measures would be required for proposed residential development allocations in the south Aylesford area that would be included within the draft local plan. Additionally KCC confirmed that whilst improvements were being planned for some of the junctions along the A20 corridor, these had not been fully designed or funded at that time.

6.37 Over the course of the last two years a great of additional work has been undertaken by the Borough Council (primarily for the local plan process), KCC as local Highway Authority and the applicant in order to fully assess the impacts of the proposed development upon the highway network and to establish what mitigation measures would be necessary (and who would provide them) in order to make the development acceptable in highway safety terms.

6.38 A position has now been reached whereby both Highways England and KCC (H&T) have removed their objections to the proposed development. Highways England is now satisfied that the development would not cause unacceptable harm to the strategic highway network (Jct. 5 of the M20). With regard to the local road network, numerous different factors now enable KCC (H&T) to withdraw its earlier objections to the development. These are:

Poppyfields roundabout

- 6.39 This is to be improved by the applicant to facilitate access to the link road that access the proposed development. This is now considered to operate within capacity, taking into account the proposed development and the others allocated within the local plan for this part of the Borough.

A20/Hermitage Lane (and new link road)

- 6.40 The provision of the planned link road from the Poppyfields roundabout to Hermitage Lane will improve capacity for the A20/Hermitage Lane junction. Essentially this will provide an alternative route for traffic that currently has to use this junction. It is essential that the link road is provided a timely fashion, although regard must be had to need for a developer/landowner to achieve a return for this significant investment. It has been agreed that no more than 175 of the dwellings within the proposed development will be occupied prior to the completion and opening of the full link road and in any case, the link road will be completed within 5 years of the first house being occupied, (in the event that less than 175 dwellings are occupied in this period of time). A S106 planning obligation will be used to secure the provision of the link road

Coldharbour roundabout

- 6.41 An improvement scheme for the roundabout has now been agreed and planned for by KCC to increase its capacity and this will accommodate the additional capacity requirements generated by the proposed development and other development also planned for in the forthcoming local plan. The works to this junction are scheduled to be undertaken during 2020.

Mills Road/London Road/Hall Road junction (Quarry Wood)

- 6.42 As has been discussed in the previous item on this agenda, KCC has now designed a detailed scheme to improve the capacity of this junction and has funding secured for it but which does not cover the full cost of the works. The proposed development would, of course, create additional pressure on this junction. The developer has, therefore, agreed to make a financial contribution to fill the funding gap to enable the junction to be delivered. The improvements to this junction are scheduled to be completed during 2020. The contribution to be made by the landowner will be secured by a S106 planning obligation.

Other Highway matters

- 6.43 The developer will make a contribution towards a cycle lane along Hermitage Lane between London Road and Barming Railway Station to be provided, which will be secured by way of a S278 agreement between the developer and the local

highway authority. The applicant has also agreed that the landowner/developer will make a financial contribution towards the enhancement of bus services in the local area. These measures will ensure that future residents of the development will have the ability to make use of alternative transport methods other than the private motor car.

- 6.44 In addition, a Travel Plan has been submitted for the development. This provides an action plan that includes the production of residential travel packs, promoting car sharing and use of public transport to future residents. Secure cycling provision will also be provided as part of the development. I consider this to be acceptable for the development given its location.
- 6.45 It is noted that the development is considered to cause additional use of the junctions at the southern end of Hermitage Lane (Hermitage Lane/St Andrew's Road/Fountain Lane/Heath Road and A26/Fountain Lane/Farleigh Lane), which are currently over capacity. A scheme for the improvement of these junctions is still in the process of being designed by the Highway Authority. The measures to be undertaken by the applicant would provide future residents with alternative transport choices for access Maidstone, which would help to mitigate the impacts upon these junctions to a degree.
- 6.46 A condition can be imposed on any permission granted requiring layout plans to provide for car parking at a level that is in accordance with the adopted residential parking standards (Kent Design Guide Review: IGN3).
- 6.47 In strategic terms, HE has now confirmed through representations that the proposed development would not give rise to any severe impact on the strategic road network. This, of course takes into account the committed development in the local area (which is specified within the submitted ES) and the proposed local plan allocations in the locality.
- 6.48 In light of the above and taking into account the comprehensive range of infrastructure improvements to be undertaken either by the developer or the local Highway Authority (with the necessary contributions from the developer) I am satisfied that the development would not now result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. It would therefore not conflict in any way with Policy SQ8 of the MDE DPD or paragraphs 109-111 of the NPPF.

Ecology and biodiversity:

- 6.49 Policy NE2 of the MDE DPD requires that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced.
- 6.50 Policy NE3 states that development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate

mitigation and/or compensation measures are provided which would result in overall enhancement. It goes on to state that proposals for development must make provision for the retention of the habitat and protection of its wildlife links. Opportunities to maximise the creation of new corridors and improve permeability and ecological conservation value will be sought.

- 6.51 Policy NE4 further sets out that the extent of tree cover and the hedgerow network should be maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations to support and enhance the Green Infrastructure Network.
- 6.52 These policies broadly accord with the policies of the NPPF. In particular, paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.53 An Ecological Appraisal report has been submitted in support of the application. The report advises that the site comprises a single, large, grassland field. Boundary vegetation is present along the perimeters of the field with a hedgerow to the west, scattered scrub to the north and mature tree belts and woodland to the south and east.
- 6.54 The site provides very limited opportunities to foraging and commuting bats, with bat activity overall limited to low numbers of common species utilising boundary features. The boundary hedgerows and trees have been found to be used by a low number of foraging bats. This habitat will be retained and enhanced under this proposal and additional habitat will be created within the site as part of a landscaping scheme.
- 6.55 In respect of breeding birds, the vast majority of breeding activity was found to be associated with boundary habitats. Other breeding bird activity was limited to the presence of 2 skylark territories within areas of grassland on site. The Kent Wildlife Trust has objected to the loss of the Sky Lark habitat and the applicant has sought to find appropriate mitigation in discussion with the KWT. However, no suitable relocation of habitat has been found, although an option is still being explored with West Malling Parish Council.
- 6.56 The development proposals would result in losses to those invertebrate species including the Hornet Robberfly, a rare species. These are, however, dependent on the presence of horse dung and so are present on site due to the current use of the site for keeping horses. Any change of use of land or development the site would inevitably result in the site not being suited for these species, including many forms of agriculture, which would not require a grant of planning permission. However it is considered that the development would enable the creation of

species-rich habitats and ensure new opportunities for invertebrate populations as a whole to be created, thereby seeking to remediate its impact upon invertebrates.

6.57 It is noted that Natural England has decided to offer no comments on the application. In doing so it makes the point that this does not mean that there are no impacts arising from the development on the natural environment, but rather that it is unlikely to result in significant impacts upon statutory designated nature sites or landscapes.

6.58 Whilst the development would displace two territories of nesting Skylarks within the site, given the proposed inclusion of 7ha of open space and the ability to consider landscaping as a Reserved Matter, I consider that opportunities exist to enhance the overall ecological value of the site.

6.59 I am therefore satisfied that the development would have a net positive effect on habitats and biodiversity on the site which would be an overt benefit arising from the development. The proposal therefore accords with local and national policy focused on maintaining and enhancing biodiversity.

6.60 These matters can all be reasonably secured by a combination of planning condition and/or obligation.

Best and most versatile land:

6.61 Policy CP9 of the TMBCS states that development of the best and most versatile land (DEFRA Grades 1, 2 and 3a) will be not be proposed in the LDF unless there is an overriding need, and

6.62 (a) there is no suitable site in a sustainable location on land of poorer agricultural quality; or

6.63 (b) alternative sites have greater value for their landscape, biodiversity, amenity, heritage or natural resources or are subject to other constraints such as flooding.

6.64 I am mindful that this policy relates to proposing sites for allocation within the LDF process rather than overtly setting out that it is intended to be applied for decision making purposes. However, it is clear from the preceding sections of this report that there is a clear need for additional housing within the Borough, and the development would make a significant contribution to redressing the existing shortfall. Furthermore the Soils and Agricultural Quality report submitted with this application advises that whilst the majority of the site is classified as grade 3a or 2, this is typical of the agricultural land in the wider area. It must also be considered that the land is not used for agricultural purposes but is instead used for equine purposes following a grant of planning permission in 2016. Therefore, the development would not result in the loss of actively farmed high quality agricultural land. The proposal would therefore not conflict with Policy CP9 of the TMBCS even if it were to be applied in this instance for such purposes.

Minerals:

6.65 The development would be undertaken on land that is safeguarded within the Kent Mineral and Waste Local Plan (Policy OL 7) for Kent Ragstone and Sandstone. However, KCC (Minerals and Waste) has confirmed that neither type of mineral is economically viable to extract; and the development would not undermine the supply of these minerals within the County. As such it is not objecting to the proposed development.

Potential land contamination:

6.66 Paragraph 178 of the NPPF states that planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

6.67 Paragraph 179 makes clear that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner

6.68 In terms of land contamination, the submitted Phase 1 Geo-Environmental Report is considered to adequately review the history and environmental setting of the site. It notes that the site has not been previously developed but there identifies some isolated pockets of potential sources of contamination. It recommends that an intrusive investigation be carried out to target those small potential sources of contamination.

6.69 The EA has agreed with this conclusion and considers that permission should only be granted subject to a number of conditions requiring appropriate site investigation and (where) appropriate remediation measures to take place. A number of conditions have therefore been recommended to be imposed on any permission granted, which are necessary.

Flooding and surface water management:

6.70 KCC (Flood and Water Management) have advised that it has no objection in principle to the development but is concerned with the use of a single large

infiltration feature serving the majority of the development (the SUDS pond in the north west corner of the site). Due to the underlying conditions (the Hythe Formation), there is a risk of encountering loosely infilled features known as 'gulls' and that the installation of large point infiltration areas or sources may lead to ground instability if these features are present and are inundated with water. It notes that there has been a high frequency of collapses in the Hermitage Lane area.

6.71 A detailed sustainable surface water drainage scheme has therefore been recommended that should also determine the potential instability risks associated with infiltration drainage into the mentioned deposits. Conditions have been advised which are entirely appropriate.

6.72 Southern Water have advised that it cannot accommodate the needs of the proposed development, without the development providing additional local infrastructure. The development would increase flows into wastewater sewerage systems and as a result, there would be an increased risk of flooding in and around the local area foul water for the development can be provided to this mains sewer. I am therefore satisfied that, with the suggested conditions, the development would accord with paragraph 178 of the NPPF.

Noise:

6.73 Paragraph 180 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

6.74 A Noise Assessment has been submitted as part of the ES, in support of the application. The report details the measurement of the noise climate present at the site, compares this with appropriate standards and offers advice on the attenuation measures that could be implemented to secure an acceptable environment. The report concludes that the main sources of noise to future occupiers of the development are from traffic using the major roads in the vicinity and from the railway. Appropriate glazing and trickle ventilators to mitigate any noise impact to dwellings. Further the detailed site design will need to take into account other necessary mitigation measures for noise sensitive premises. A condition can added to secure these requirements. The proposal therefore accords with paragraph 180 of the NPPF.

Air quality:

6.75 Paragraph 181 of the NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from

individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

- 6.76 An AQMA lies along the A20 corridor immediately to the north of the North West corner of the application site. A consultant was appointed to review the air quality section of the submitted ES and following the submission of additional information requested by the consultant, he found the submission to be robust and air quality impacts to be acceptable subject to the submission of a construction management plan, which can be secured by a condition.
- 6.77 In line with the conclusions of the submitted Air Quality Assessment and the assessment of the Council's appointed consultant, I am satisfied that the air quality effects of the development would not be significant. The development therefore accords with paragraph 181 of the NPPF.

The Draft Local Plan:

- 6.78 The site is part of an area that is proposed to form part of a strategic allocation site (South Aylesford) for approx.1000 dwellings and key infrastructure including a 2 FE entry primary school, new link road between the A20 London Road and Hermitage Lane, contributions towards the improvement of the A20/Hall Road/Mills Road junction as set out within policy LP 28 the draft local plan which was submitted to the Secretary of State for examination on 23 January 2019.
- 6.79 Under paragraph 48 of the NPPF, a local planning authority can give weight to relevant policies in an emerging plan according to (1) the stage of preparation of the plan, (2) whether there are unresolved objections to the relevant policies and (3) the degree of consistency of the relevant policies with the NPPF.
- 6.80 Paragraph 49 then advises that this, when taken in the context of the NPPF and "in particular the presumption in favour of sustainable development - arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area."

6.81 Of course, in this case, the proposed development would take place on the majority of the land the subject of the proposed local plan allocation, would include a quantum of residential dwellings commensurate with policy LP28 and now includes the provision of the necessary infrastructure required to mitigate the impacts of the development. Consequently, the proposed development complies with the requirements of policy LP28 in any event.

6.82 Whilst the development comprised with this proposed policy, only limited weight can be attributed to this as the policy and the local plan as a whole has yet to be examined and as such this cannot be determinative at this stage.

Planning Obligations:

6.83 Regulation 122 of the CIL Regulations (2010) set out the statutory framework for seeking planning obligations and states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

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

6.84 Paragraph 56 of the NPPF reflects this statutory requirement.

6.85 In addition to the matters set out above within the report concerning specific obligations that would be expected to come forward as part of this scheme, I address the following.

6.86 The scheme proposes to provide 40% of the total number of dwellings (up to 840) as affordable housing, which would be 336 residential units. The scheme therefore accords with Policy CP17 of the TMBCS. The approval of the specific size, type and tenure of affordable housing and implementation of the provision can be secured under a S106 agreement to ensure that the provision comes forward in a manner that reflects and meets local need. The applicant is agreeable to this provision, which is reflected in the draft s106 obligation.

6.87 Policy OS3 of the MDE DPD required all developments of 5 units or more (net) to provide an open space provision in line with Policy Annex OS3. The policy sets out that, where possible to do so, open space should be provided on-site. The indicative plans show that the development would incorporate a Neighbourhood Equipped Area for Play in the centre of the site, located within the green corridor (amenity space) and natural green space in the form of the retained and managed woodland area. After taking this on-site provision into account, it has been determined that a financial contribution towards off-site open space provision is sought in this case. Again, this can be secured through s106 obligation.

- 6.88 The development generates a need to for 235 additional primary school places that cannot be accommodated within local schools. The size of primary schools are considered in terms of form entry (FE) with a one FE school accommodating 210 pupil places. This would be too small to accommodate the need generated by the proposed development and so the applicant has agreed to set aside land for the construction of a 2 form entry (2FE) primary school within the site. KCC Economic Development has advised that in addition to this, a contribution will also need to be made towards the cost of actually building the school and this will be secured through a s106 planning obligation. However as a 2 FE primary school is larger in terms of land take than that necessary to accommodate the need generated by the proposed development, it will be necessary for other residential developments within the area that also generate a need for primary school places to make a contribution for primary land provision as they will not need to find land within their sites to accommodate a primary school. Such contributions will be returned to the developer/landowner of the site the subject of this application to compensate them for providing all of the land necessary to accommodate a 2FE primary school.
- 6.89 KCC has also advised that in order to mitigate the additional impact that the development would have on delivery of its community services, the payment of an appropriate financial contribution is required. This includes contributions for secondary education, library book stock and youth services. Projects to which these contributions would be put towards have been outlined in the representations received and summarised at paragraph 5.6.9 of this report. It has also sought the on-site provision of a community building, capable of accommodating two teaching areas together with kitchen and toilet facilities. No information, however, has been provided as to the intended purpose of this building and how this would be specifically required as a direct consequence of the proposed development. As such I do not consider that this request meets the three tests set out in section 122 of the CIL Regulations (as amended) and I do not consider that this request for provision be sought.
- 6.90 NHS CCG have advised that the proposal will generate approximately 1965 new patient registrations based on an average of 2.34 per dwelling and that this would have implications on the delivery of general practice services in the Aylesford area. Therefore, mitigation is required through either the safeguarding of land for set amount of time for a new medical facility or, if the land is found not to be necessary in this location, the payment of an appropriate financial contribution towards new GP premises for Aylesford Medical Centre. The applicant is agreeable to these requests and has included provisions within the draft s106 planning obligation.
- 6.91 These obligations, along with that also required for highways improvements, would ensure that the effects of the development would be adequately mitigated, and that these would meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Planning balance and overall conclusions:

- 6.92 The presumption in favour of sustainable development as set out at paragraph 11 (d) of the NPPF applies in this instance. The test in this case is whether or not there are any adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- 6.93 In terms of the benefits, the proposed development would provide 840 new dwellings which would assist in addressing the Borough's shortfall in housing supply. It would also provide 40% affordable housing with a mix of size and tenures which would contribute to addressing a recognised need for affordable housing in the Borough.
- 6.94 The proposal would not harm the local environment but would in fact provide net benefits to biodiversity.
- 6.95 The development would result in the provision of a new primary school. Whilst this would normally be considered as being a requirement to mitigate the impact of the development, the provision of the 2FE primary School in this case would provide more places than is actually required by the proposed development and will, therefore be a benefit to the wider community.
- 6.96 Overall, and for the reasons set out throughout this report, I consider that there would be no adverse impacts of granting planning permission for the development that would significantly and demonstrably outweigh the benefits that the development would bring, when assessed against the policies in the Framework taken as a whole.
- 6.97 It is therefore recommended that outline planning permission be granted subject to the finalisation of a legal agreement securing various planning obligations as set out throughout this report and various planning conditions to ensure that the development comes forward in an acceptable, high quality fashion.

7. Recommendation:

- 7.1 **Grant outline planning permission**, as detailed in the following: Ecological Assessment dated 23.01.2018, Report dated 23.01.2018, Master Plan 7429-L-05 B dated 08.08.2018, Environmental Statement amended appendix 7.1-7.4 dated 06.04.2018, Environmental Statement amended chapter 7 dated 06.04.2018, Other supplementary information dated 06.04.2018, Drawing 7429-L-03 N dated 08.08.2018, Master Plan 7429-L-04 C dated 08.08.2018, Environmental Statement Addendum dated 08.08.2018, Flood Risk Assessment dated 08.08.2018, Arboricultural Survey dated 08.08.2018, Design and Access Statement dated 08.08.2018, Planning Statement dated 13.06.2017, Archaeological Assessment dated 10.08.2017, Letter dated 13.06.2017, Location Plan 7429-L-01 A dated 13.06.2017, Master Plan 7429-L-05 GI dated

13.06.2017, Sustainability Report SOCIO-ECONOMIC dated 13.06.2017, Plan 4964-00-19- B dated 13.06.2017, Plan 4964-00-16 Rev A, Ecological Assessment dated 13.06.2017, Soil Report dated 13.06.2017, Desk Study Assessment PHASE 1 dated 13.06.2017, Plan 7429-L-03 I dated 13.06.2017, Other FOUL DRAINAGE ANALYSIS dated 13.06.2017, Other STATEMENT OF COMMUNITY INVOLVEME dated 13.06.2017, Topographical Survey TOPO_01_2D dated 13.06.2017, Topographical Survey TOPO_02_2D dated 13.06.2017, Topographical Survey TOPO_03_2D dated 13.06.2017, Topographical Survey TOPO_04_2D dated 13.06.2017, Environmental Assessment dated 13.06.2017, Transport Statement dated 13.06.2017, Travel Plan dated 13.06.2017, Other NON TECHNICAL SUMMARY dated 13.06.2017, Drawing caravan out dated 23.07.2019, Report FOUL DRAINAGE ANALYSIS dated 30.06.2017, Letter odour letter dated 18.02.2019, Other Air quality response dated 18.02.2019, Email dated 05.08.2019, Report Walkover briefing note dated 05.08.2019, Email dated 23.07.2019, Drawing caravan in dated 23.07.2019, Email dated 02.07.2019, Report technical note dated 02.07.2019, Email dated 01.07.2019, Report technical note dated 01.07.2019,;

Subject to:

- The applicant entering into a planning obligation with the Borough Council to provide on-site affordable housing and financial contributions towards public open space provision and enhancement and health provision;
- The applicant entering into a planning obligation with Kent County Council to make financial contributions towards off-site highway junction improvements, public transport, the provision of education facilities and community services

It is expected that the section 106 agreement should be agreed in principle within 3 months and the legalities completed within 6 months of the committee resolution unless there are good reasons for the delay. Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties by 21 May 2020, a report back to the Area 3 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application may be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.

- The following conditions
1. Approval of details of the layout and appearance of the development, the landscaping of the site, and the scale of the development (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

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

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

4. Applications for the approval of the reserved matters shall be in general conformity with the design principles described in the Design and Access Statement and the following plans:

- o Development Framework - Drawing no. 7429-L-03 N
- o Proposed Site Access Arrangements – Drawing nos.4964-00-16 A and 4964-00-19B
- o Potential Pedestrian/Cycle Link – Drawing no. 7429 –L-04 C

Reason: To ensure that the parameters of the development proposed are followed.

5. Prior to or as part of the first submission pursuant to condition 1, a scheme detailing the phasing of the construction of the development including the means of access, layout of buildings, car parking and servicing arrangements, shall be submitted to and approved in writing by the Local Planning Authority. The development will be carried out in accordance with the details approved.

Reason: In the interests of highway safety and the amenity of the locality,

6. A scheme for the improved pedestrian/cycle path linking the development to Barming Station shall be submitted to the Local Planning Authority for approval after consultation with Kent County Council. It shall be accompanied by a Stage 1 safety audit and shall detail any necessary associated works. The approved scheme shall be implemented prior to first occupation of the development and retained and maintained at all times thereafter.

Reason: To provide appropriate access and connectivity to the site and in the interests of highway safety.

7. None of the dwellings within any phase of the development shall be occupied until the works to improve the following road junctions have been completed by the local highway authority.

- Coldharbour roundabout on the A20 London Road (the junction with the spur road to junction 5 of the M20), and;
- the junction of the A20 London Road/Mills Road/Hall Road

Reason: In order to ensure the local highway network can adequately accommodate the traffic generated by the development hereby approved.

8. No dwellings within any phase of the development shall be occupied until the junction of the access road with the Poppyfields Roundabout has been completed in accordance with the details shown on drawing no. 4964-00-16 A.

Reason: In the interests of highway safety

9. The details submitted in pursuance of Condition 1 shall show land, reserved for parking. None of the buildings shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

10. No development above the ground in a particular phase shall take place until a plan showing the proposed finished floor level of the new dwellings and finished ground levels of the site in relation to the existing levels of the site in that particular phase and adjoining land have been submitted for the written approval of the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

11. No development above ground in a particular phase shall commence until details and samples of all materials to be used externally on the buildings within that phase have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the area or the visual amenity of the locality.

12. No development shall commence until a Construction Environmental Management Plan detailing how the woodland, habitats and hedgerows within and surrounding the site will be protected during the construction phase. This shall also include details of appropriate fencing to restrict access into key ecological areas, information on any timing restrictions and measures to prevent

damage to sensitive ecological habitats. The development shall be carried out in accordance with the approved Management Plan.

Reason: To safeguard protected species and protect the biodiversity of the local area.

13. No development of any phase of the development (or part thereof) shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

(a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the particular phase of development (or part thereof) will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the particular phase of development (or part thereof) cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of each phase of the development (or part thereof) the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme of works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework.

14. Following completion of the approved remediation method statement for each phase of the development (or part thereof), and prior to the first occupation of the relevant phase a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR

11. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

Thereafter, no works shall take place within any phase of the development (or part thereof) such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework.

15. Prior to the commencement of any piling or other ground penetration type of foundations that are necessary for any building within any phase of the development, details of the piling techniques or foundations design to be used for those buildings shall be submitted to the Local Planning Authority for its approval together with details of any measures that are considered to be necessary to mitigate against noise disturbance and groundwater contamination. The development shall be undertaken in accordance with the details so approved.

Reason: In order to prevent contamination of ground water and to protect the aural amenity of neighbouring residential properties.

17. None of the dwellings within any phase of the development shall be occupied until any necessary noise mitigation measures have been incorporated into those dwellings, the details of which have first been submitted to and approved by the Local planning Authority.

Reason: In the interests of the aural amenity of the future occupiers of the development.

18. No development shall take place until the details required by Condition 1 have been submitted that demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within each phase of the proposed development layout. Each phase of development should aim to control and discharge surface water as close as is reasonably practicable to its source.

Reason: To demonstrate that the principles of sustainable drainage are incorporated into the layout of the proposed development and to promote best practice for the inclusion of sustainable drainage features.

19. Development shall not begin until a detailed sustainable surface water drainage scheme for each phase, compliant with the complete drainage strategy as approved under the Condition 1 above for the development site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants

resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The drainage scheme shall be implemented in accordance with the approved details prior to first occupation of the development (or within an agreed implementation schedule).

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

20. No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

A description of the drainage system and its key components

A general arrangement plan with the location of drainage measures and critical features clearly marked

An approximate timetable for the implementation of the drainage system

Details of the future maintenance requirements of each drainage or SuDS

component, and the frequency of such inspections and maintenance activities

Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

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

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled

waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

22. No development shall take place until a strategy detailing the proposed means of foul waste disposal and an implementation timetable, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and timetable.

Reason: To ensure that the adequate infrastructure is provided to meet the needs arising from the development hereby permitted.

23. No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (including a timetable for such investigation) which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: In the interests of archaeological research.

24. . None of the dwellings shall be occupied until details of a scheme to install electric vehicle charging points within the development has been submitted to and approved by the Local Planning Authority. The work shall be carried out in strict accordance with those details prior to the occupation of any of the dwellings within the site.

Reason: In order to encourage the occupation of the dwellings by people using electric vehicles to help reduce vehicle emissions in the interests of air quality and in accordance with paragraph 110 of the NPPF.

25. Prior to the commencement of the development in any phase hereby approved, arrangements for the management of all construction works for that particular phase shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:

- The days of the week and hours of the day when the construction works will be limited to and measured to ensure these are adhered to;

- Procedures for managing all traffic movements associated with the construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to;

- Procedures for notifying local residents as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and

- The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.

The development shall be undertaken in full compliance with the approved details.

Reason in order that the development is managed in a way to minimise harm to the amenities of local residents.

Informatives

- 1 It is recommended that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk
- 2 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Matthew Broome