



**3. The Site:**

- 3.1 The overall development site extends to approximately 30.66 ha, with 3 ha being within Tonbridge and Malling. The land as a whole is predominantly agricultural with an area of ancient woodland towards the southern end of the site towards Maidstone Hospital. The site is to the east of Hermitage Lane and north of Maidstone Hospital. The new access to Hermitage Lane would be approximately 350m south of the railway bridge at Barming Station.

**4. Planning History (most relevant):**

TM/06/02691/EASC screening opinion EIA not required 4 September 2006

Request for environmental screening opinion for mixed use development, open space and vehicular access

TM/01/00203/OA Appeal Dismissed 2 October 2002

Outline application for residential development, creation of new vehicular accesses, provision of a local centre, community building, school site, public open space, informal parkland, greenways and landscaping

TM/01/00270/A10 Appeal Dismissed 2 October 2002

Article 10 consultation by Maidstone Borough Council for Outline Application residential development, creation of new vehicular access, provision of local centre, community building, school site, public open space, informal parkland, etc.

The two applications dating from 2001 listed above were for a similar, but smaller, development than that proposed under the current submissions. In dismissing the appeals the Inspector at the time was not convinced that the land should be released for housing as there were brownfield sites making up the MBC Urban Capacity study that should be brought forward first and that these sites had suitable capacity to ensure that the appeal site, although forming a Local Plan allocation, should not be released at that stage. On the subject of the development on land within Tonbridge and Malling, the Secretary of State commented that, whilst the proposed road access from Hermitage Lane is a departure from the Local Plan, the impact of what little development falls within the Tonbridge and Malling area would not be so material as to weigh against the development of housing land in Maidstone Borough if that was found to be necessary to meet the requirement for housing.

**5. Consultees (in respect of application (A)) (Consultations with regard to application (B) by MBC).**

- 5.1 Aylesford PC: Object. Hermitage Lane will not be able to cope with the additional traffic. Other developments are already planned in the area and the cumulative impact will be too much for the road network.

5.2 East Malling and Larkfield PC: Object due to traffic generation and the impact on the road network in the vicinity.

5.3 KCC Heritage: Site has potential for archaeological remains and this should be investigated further.

5.4 Private Reps: 28/0X/150R/0S + site and press notice:

- 150 letters of objection received mainly making comments on the principle of the overall development package ((A) &(B)), impact on the ancient woodland and traffic generation. These mainly relate to issues within MBC.
- Objections have also been raised to the access road being inappropriate development within the Strategic Gap and therefore not in accordance with adopted planning policy (A).

## **6. Determining Issues:**

6.1 The principal consideration with these applications is the principle of the development in the context of the designation of the site in both the Tonbridge and Malling Local Development Framework and also the Maidstone Local Plan.

6.2 By way of background the land within MBC control was allocated in the MBC Local Plan (2000) for residential development for approximately 380 units. The site therefore has to be considered on the basis that the general principle of residential development on that land is acceptable.

6.3 TMBC objected to more recent proposed strategic land allocations in the Hermitage Lane area in general (both east and west sides of the road). The area was originally allocated for 975 houses, which was reduced to 880. This level of allocation was objected to on the grounds that it was a significant increase in what had been proposed before and, whilst there would be a duty to cooperate with TMBC in delivering road improvements within the borough, it was not considered that there would be a funding source available for all necessary works. There was also a concern that the increased traffic would have a detrimental impact on the AQMAs at Watringbury Crossroads and the M20 corridor at the northern end of Hermitage Lane.

6.4 Subsequently the site has been put forward in the most recent MBC Local Plan Regulation 18 Consultation as a proposal for approximately 500 units. This proposal requires the provision of a country park and the retention of the ancient woodland in the vicinity of Maidstone Hospital.

6.5 In light of the current circumstances TMBC submitted an officer level objection to application (B) in the following terms:

*"1 The Borough Council is aware that the land is allocated for 380 dwellings within the adopted Maidstone Local Plan, with the emerging policy proposing 500*

*dwellings. However, the submitted scheme does not appear to conform with either adopted or emerging policy insofar as the proposals could lead to harmful effects on recognised features on the site and impact on traffic and environmental conditions off site.”*

- 6.6 MBC has resolved to refuse the application (B) on the grounds that it would have an adverse impact on an area designated as ancient woodland and does not provide a country park to retain the open character between Allington and the Medway Gap settlements contained within Tonbridge and Malling.
- 6.7 In the absence of the grant of planning permission on application (B) there is no justification for the grant of permission on application (A). The development requires the creation of an access from Hermitage Lane. This access is over land that is designated in the TMBC Core Strategy as Strategic Gap. It is accepted that, given the Maidstone Local Plan designation, there may be, at some time in the future and with an appropriate form of development in the MBC area, a requirement for an access road in this location. However, given the resolution by MBC to refuse the current housing development, it is considered that there is no requirement for the access at the present time. It is therefore considered that the development is unacceptable and unjustified.

**7. Recommendation:**

(A) TM/13/03147/OA:

**7.1 Refuse Planning Permission** for the following reason:-

- 1 The development proposed is unacceptable as it would result in an unjustified incursion into the Strategic Gap as there is no development approved that would be served by the new access and road. The proposal is therefore contrary to Policies CP1 and CP5 of the Tonbridge and Malling Local Development Framework Core Strategy 2007.

(B) TM/13/03275/CNA:

**7.2 Raise Objections** to the development as follows:-

- 1 The Borough Council is aware that the land is allocated for 380 dwellings within the adopted Maidstone Local Plan, with the emerging policy proposing 500 dwellings. However, the submitted scheme does not appear to conform with either adopted or emerging policy insofar as the proposals could lead to harmful effects on recognised features on the site and impact on traffic and environmental conditions off site.

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