

Aylesford
Aylesford South

12 June 2020

TM/20/01218/OA

Proposal: Outline Application: all matters reserved except for access for the erection of up to 118 dwellings, together with associated works for access, open space, infrastructure, earthworks, surface water drainage systems and landscaping

Location: Land Adjacent Ditton Common North of Rede Wood Road
Oakapple Lane Barming Kent

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1. Description:

- 1.1 Outline planning permission is sought for the development of up to 118 dwellings within this site. All matters are reserved for future consideration other than access to the site.
- 1.2 Whilst matters of layout, scale, appearance and landscaping are reserved for future consideration the applicant has submitted indicative drawings of how a development of up to 118 dwellings could be laid out. 40% of the proposed dwellings would be affordable. The site forms the north west corner (approx.5.72ha in size) of a much larger field. The rest of this field lies within Maidstone Borough Council's (MBCs) area. Access to the application site would be via this larger part of the field and would connect to the existing residential development at Brokewood Way, which connects to Fullingpits Road which itself is accessed from Hermitage Lane.
- 1.3 The proposed development, therefore, forms part of a larger development scheme by the applicant for which permission has now been granted by Maidstone Borough Council for a residential development on its part of the field (for 187 dwellings and associated open space and infrastructure (ref. 20/501773/FULL)).
- 1.4 The indicative layout shows the principal road accessing the development from the centre of the south east boundary of the site from the MBC part of the wider development which will run through the central core of the development. This would connect to a looped road layout, which is shown running broadly parallel to the perimeter of the site, which would be formed by green lanes and shared surface roads.
- 1.5 The layout plans also indicate that a mix of apartments, terraced, semi-detached and detached houses will be laid out mainly fronting onto the access roads in a typical suburban layout. The development would be set back from the periphery of the site behind substantial green buffers, the main one being located along the south eastern boundary of the site, separating the built form from that within the MBC portion of the wider field. A LEAP is proposed to the

north east corner of the site but would be connected to and accessed from the open space buffers surrounding the built development. The submitted parameters plan shows that the dwellings located at the western end of the site would be up to 2 storeys in height, the central core of the development up to 3 storeys in height with the remainder being up to 2.5 storeys.

- 1.6 In addition to the main access to the site being from within with the MBC area, a secondary access would also be provided, also within the MBC part of the wider site. This would enable access from Broomshaw Road (which also lies within Maidstone BCs area) to the south of the site.

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 has a wedged shaped area covering some 5.72ha of land. Its forms the north west part of a single field with the remaining (larger) part located in MBCs area. The borough boundary bisects the field in a north-east/south west direction although more than half of the site lies within MBCs area.
- 3.2 The field that the site forms part of lies directly west of the existing Taylor Wimpey development on the west side of Hermitage Lane, which is still under construction.
- 3.3 The wider field is bounded by woodland on the north side with the Gallagher's Quarry beyond to the north, and by tree and hedge lines on the east, south and west boundaries. The rear gardens of houses on Broomshaw Road and Rede Wood Road are to the south. There is an area of Ancient Woodland (AW) touching the northeast corner of the field; this adjoins the MBC part of the field.
- 3.4 PROW MR496 (Byway) runs along the eastern boundary of the site which continues north easterly to join onto Kiln Barn Road. This terminates at the south eastern corner of the site where it joins PROW MR108 (bridleway) that runs east into Oaken Woods (a separate Ancient Woodland) and beyond to Sweets Lane.
- 3.5 The site is allocated for housing under draft policy LP25 (Site f) for 118 houses in the emerging Tonbridge and Malling Local Plan.

4. Planning History (relevant):

TM/05/03189/FL Grant With Conditions 3 July 2006

Change of use of land to grazing in association with the erection of stables and formation of a menage

5. Consultees:

- 5.1 Aylesford PC: The Aylesford Parish Council objects to the above application on the following grounds:-
- 5.1.1 This development will increase traffic movements along the already heavily congested Hermitage Lane and the already over capacity A20. This additional traffic movement will primarily be at peak times, which is different to the current traffic movement at this site which is during the day and not at peak time. Therefore no further development, whatever the size, should take place along Hermitage Lane until 1) the works required to improve the capacity of the Coldharbour roundabout on the A20 have been completed; 2) the necessary improvements required to the A20/Hall Road/Mills Road junction have been completed, and as the current proposals are not guaranteed at present but if approved must be in place before this development is undertaken; 3) the further necessary local improvements required to the Hermitage Lane/A20 junction have been completed; and 4) the necessary and required improvements at the southern end of Hermitage Lane at and leading to the junction between Fountain Lane and the A26 Tonbridge Road have been completed rather than the shambolic improvements proposed with this development which the applicant accepts would still leave this junction over capacity.
- 5.1.2 This development will also make the already poor air quality in this area even worse including affecting quite significantly the existing Aylesford and Maidstone A20 AQMA's as more traffic from this development use the A20 and its access to the motorway.
- 5.1.3 This development also increases the already over congested highway network serving the Hospital which the current Pandemic crisis only goes to justify the need for quick and speedy access to these much-needed health facilities.
- 5.2 Teston PC: While COVID-19 has, for obvious reasons, curtailed traffic volumes over the past few months, in "normal" times traffic volumes can be very large and traffic flow highly disrupted along Hermitage Lane that provides access to Oakapple Lane. That is primarily due to the huge amount of development permitted by Maidstone Borough Council and Tonbridge & Malling Borough Council along that route.
- 5.2.1 Neither Borough Council appears to have thought through the traffic implications and KCC/Highways has not highlighted the issue, because they would appear usually to analyse on a site-by-site basis, rather than cumulatively. In essence, KCC/Highways seems to have absented itself from overall analysis of traffic flows in this part of Kent and abdicated responsibility

for adverse impacts, although, to be fair, some improvements are appearing, supported by VISUM modelling.

- 5.2.2 The traffic flows generated by up to 118 plus 187 new homes could amount to another 650 or more vehicle movements during each rush-hour, with consequential further adverse impact on traffic flow along Hermitage Lane. Teston residents, like many others, depend on Hermitage Lane as a key north-south route – this would be just another impediment to sustainable traffic flow along it.
- 5.2.3 Not all T&M Councillors may be aware of the situation along Hermitage Lane, but it is hoped that your Planning Officers are all fully aware. The current situation is not itself sustainable, let alone with another 300 plus homes as envisaged by the above applications.
- 5.2.4 As a very important detail, we would note that the site for 187 homes does not meet all of the criteria stipulated in Maidstone Borough Council's Local Plan Policy H1(4) Oakapple Lane, Barming. The second application, for 118 homes, is not in that Local Plan. Therefore the two applications that are being consulted on are not compatible with Maidstone Borough Council's adopted Local Plan. The third application above depends on permission for the site with 187 sites and therefore should not be permitted until that is approved and, as stated above, it fails to meet all stipulated criteria in Maidstone's adopted Local Plan.
- 5.2.5 To include either of these sites in any windfall allowance would stretch credibility.
- 5.2.6 We ask that, at last, Tonbridge & Malling declares that enough-is-enough development along Hermitage Lane and that you persuade Maidstone Borough Council of the same.
- 5.2.7 We ask you, please, to recommend to your Members that they draw the line and refuse the third of the above applications and recommend refusal to Maidstone Borough Council for the first two.
- 5.3 Wateringbury PC: We write supporting the objection of our neighbours Teston Parish Council to the outline application 20/01218/OA for 118 dwellings on land adjacent Ditton Common North of Rede Wood Road Oak Apple Lane Barming.
- 5.3.1 Whilst we appreciate that the development is outside our Parish we are deeply concerned about the excess amount of traffic the development would add to all the other proposed developments along Hermitage Lane to our already overloaded A26 Tonbridge Road.
- 5.3.2 We also refer to the Traffic and Highways Planning Statement Paragraph 3.9 that refers to a secondary access that provides vehicular access from the development site onto Broomshaw Road that would open up an access direct

from Hermitage Lane via Broomshaw Road into Rede Wood Road onto Heath Road, allowing traffic to travel either through Beverley Estate or North Road opposite the Barming Bull pub to gain access to the A26 Tonbridge Road.

- 5.3.3 We would also point out that the NPPF Paragraph 109 points out ‘Quote, that Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe, unquote.’
- 5.3.4 We suggest that is exactly what would happen if this development went ahead and the secondary access was opened allowing a rat run from Hermitage Lane to the A26 taking into account the heavily inhabited areas that the traffic would pass through to reach the A26.
- 5.3.5 As you may be aware Wateringbury has one of the highest Pollution problems in the Tonbridge & Malling Borough and object to the possibility of having an increase of pollution forced onto our residents by a greater increase in traffic volume.
- 5.4 Highways England: Representations are reproduced in full in Annex 1
- 5.5 KCC (H&T): Representations are reproduced in Annex 2
- 5.6 KCC (Economic development): Representations are reproduced in Annex 3
- 5.7 KCC (Minerals and waste): The planning application site is coincident with a Mineral Safeguarding Area (MSA), the safeguarded mineral being The Sandgate Formation-Sandstone and the Kentish Ragstone (Hythe Formation) which occurs at depth below the Sandgate Formation. Therefore, the planning application would need to comply with Policy DM 7 Safeguarding Mineral Resources of the Kent Minerals and Waste Local Plan 2013-30 (KMWLP) which seeks to safeguard economic minerals from being sterilised by surface development. The application includes a Mineral Assessment that addresses land-won mineral safeguarding. The report prepared by WYG for Taylor Wimpy concludes that the Sandgate Formation and the Kentish Ragstone (Hythe Formation) is of limited economic potential, given the lack of need for the Sandgate Formation materials and the extensive landbank of the underlying Kentish Ragstone (Hythe Formation) renders this material in this location potentially unviable due to a lack of need. On the evidence available at this time the County Council is satisfied on mineral safeguarding issues and wishes to raise no objection on this matter.
- 5.7.1 The application is also within 250m of the Hermitage Quarry, which is safeguarded under Policy CSM 5 Land-won Mineral Safeguarding of the KMWLP. Therefore, this planning application also needs to satisfy Policy DM 8 of the KMWLP which seeks to ensure minerals and waste infrastructure is safeguarded from other forms of development. When development is granted

planning permission in close proximity to minerals and waste development this can result in future occupants being subject to unacceptable adverse impacts (such as noise, dust and vibrations) which may legitimately arise from the operations at such facilities. This can, through Statutory Nuisance legislation, result in restrictions being placed on such facilities which can constrain their lawful operations.

- 5.7.2 An acoustic assessment has been submitted in support of this application which effectively concludes that such impacts would not be experienced to an unacceptable level by future occupants of the residential development proposed. It states:

6.1.6. Operational vibration and the effects of quarry blasting have also been assessed and any associated impacts deemed to be acceptable.

6.1.7. Mitigation measures with regards to glazing and ventilation for noise have been recommended. With the implementation of these recommendations it is considered that a suitable and commensurate level of protection against noise and vibration will be provided to the occupants of the proposed residential development.

- 5.7.3 The adjacent quarry consistently operates within what is considered to be an acceptable limit by the conditions placed on their planning permission and government guidance. The County Council does concur with the conclusions made in this assessment and would therefore wish to raise no objection to the proposals. However, this is done under the provision of it being noted here and in any relevant planning committee report, that there are already a high number of complaints received concerning vibration and air overpressure from blasting at the quarry, notwithstanding that the operational limits are well adhered to. A number of these complaints are received from residents living further away from the site than the proposed development. In light of this, it is anticipated that should planning permission be granted for the development before your Council, these complaints are very likely to continue and may increase in number. **The County Council as Mineral Planning Authority are powerless to act on such complaints all the time that the operator is not exceeding the limits imposed within their planning permission.** Therefore, such complaints would fall to Tonbridge and Malling Borough Council action as the local Environmental Health Authority. It is advised that the Brough Council takes this into account when determining the application.

- 5.8 KCC (SUDS): We have recently made comment upon the same application for Maidstone Borough Council (20/502412/OUT) and as such our comments shall mirror those given to MBC.

- 5.8.1 Having reviewed the information submitted we are satisfied that the proposed design at this stage will not increase the risk of flooding on or off site and would recommend the granting of approval for the application on a flood risk basis.
- 5.8.2 We note that the design submitted has utilised the FEH 1999 dataset and would advise that for the detailed design submission we will require this to be updated to the 2013 version.
- 5.8.3 The submitted design is based on a 5l/s assumed infiltration rate, we would emphasize that ground investigation will be required and a confirmed infiltration rate be submitted to support the use of infiltration as part of the detailed design. Detailed design should utilise a modified infiltrate rate and demonstrate that any soakaway will have an appropriate half drain time.
- 5.8.4 Some of 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 soakaways may lead to ground instability if these features are present and are inundated with water. As part of the ground investigation works referred to above it should be demonstrated that the position of soakaways are appropriate and do not increase potential instability risks associated with infiltration drainage into these deposits.
- 5.8.5 Given the site is located within Zone 3 Groundwater Source Protection Zone. We would recommend consultation is undertaken with the Environment Agency's groundwater protection team regarding the use of infiltration on this site, and their comments included within the submission.
- 5.8.6 Should you as LPA be minded to grant planning permission we would recommend conditions be used [to ensure a suitable SUDS scheme is incorporated into the development and to ensure protection of the groundwater].
- 5.8.7 KCC (Archaeology): The site lies in an area of potential associated with Multi Period activity, especially Late Iron Age/Early Romano-British. In view of this potential, I recommend a condition is placed on any forthcoming consent for any potential archaeological remains to be evaluated].
- 5.9 KCC (Ecology): The submitted information has detailed the following have been recorded within the site:
- At least 7 species of foraging/commuting bats – particularly in the north of the site
 - Dormouse – within the northern boundary
 - 34 species of birds – with at least 25 species considered to be breeding
 - Presence of slow worm, common lizards and grass snakes

- 293 species of invertebrates

- 5.9.2 The detailed surveys were largely carried out in 2017 and therefore a lot of the data is now approximately 3 years old. We are satisfied that there has been no significant change in the habitats within the site since the original surveys were carried out in 2017. Therefore we are satisfied that the conclusions of the surveys are valid.
- 5.9.3 The submitted surveys have highlighted that the greatest ecological interest are the site boundaries and in particular the northern boundary. The submitted plans have confirmed that the site boundaries will be retained and not incorporated into the curtilage of the dwellings.

Ancient Woodland

- 5.9.4 There are areas of ancient woodland to the northeast and south west of the site but the proposed development is not within 15 meters of the ancient woodland so we accept that a specific ancient woodland buffer is not required within the site boundary.
- 5.9.5 However we would encourage additional planting to be located along the western boundary to try and reduce light spill from the proposed development into the area of ancient woodland.

Bats

- 5.9.6 Bats have been recorded foraging/commuting within the site particularly along the northern boundary – this is largely due to the adjacent area of ancient woodland and wide woodland belt to the north of the site.
- 5.9.7 The application is proposing to retain the site boundaries and therefore the greatest impact on bat usage of the site is the increase in lighting – particularly from any street or security lighting.
- 5.9.8 We highlight that additional scrub/hedgerow planting has not been proposed along the northern boundary and to try and reduce light spill into the north of the site we would encourage additional scrub planting along this boundary – as this is an outline application we would recommend that the reserved matters application demonstrate additional planting within the site boundaries.
- 5.9.9 We recommend that no or minimal street lighting is included but instead security lighting is installed on the houses – the security lighting installed to minimise light spill to the adjacent boundary. It's likely that even if street lighting is present residents will still install security lighting.

Dormouse

- 5.9.10 Dormouse have been recorded within the site and as the hedgerows will largely retained we are satisfied that suitable habitat will be retained on site and enhanced through the creation of the AW buffer area. We are satisfied that the proposed mitigation is appropriate.
- 5.9.11 We highlight that the comments we made about lighting in the bat section also applies to dormouse.

Breeding birds

- 5.9.12 The mitigation strategy states the following: Although the semi-improved grassland on-Site is regularly used by dogwalkers, so subject to a high level of disturbance and unlikely to be used by nesting birds, it does offer foraging opportunities. However the breeding bird survey states that a skylark territory was recorded within the grassland (although it was not included within the breeding bird plan) which suggests that the above statement is incorrect.
- 5.9.13 However we accept that the breeding bird survey did state that only 1 territory was recorded and due to the high recreational use of the site we accept that it's unlikely that significant numbers of skylarks will use the site. Therefore we agree with the conclusions that no specific skylark mitigation is required but the management of Mote Park for the reptile population is likely to increase foraging and nesting opportunities within the Maidstone area.
- 5.9.14 We are satisfied that the retention of the hedgerows and the proposed planting will retain suitable breeding bird habitat on site – however we highlight that there is risk that numbers will decline due to proposed development.
- 5.9.15 Therefore, as detailed above, we do encourage the increase in buffer planting along the norther boundary to further reduce disturbance to the habitats to the north of the site.
- 5.9.16 We highlight that the comments we made about lighting in the bat section also applies to breeding birds.

Hedgehogs/badger/invertebrates

- 5.9.17 The proposed development will result in the reduction of habitats for these species/species groups. The proposed development is proposing to retain suitable habitat for these species/species groups – particularly around the site boundaries and therefore we are satisfied that if these habitats are managed appropriately suitable habitat for these species and species groups can be retained.
- 5.9.18 With regard to hedgehogs there is a need to ensure that hedgehog highways are included within all fences within the site – we advise that this must be demonstrated within the reserved matters application.

- 5.9.19 We note that the management of the proposed off site reptile receptor area will provide benefit to these species/species groups within the Maidstone area.

Reptiles

- 5.9.20 Slow worms, common lizards and grass snake have been recorded within the wider site and it has been proposed to translocate the common lizards and slow worms to an offsite receptor site in Mote Park and the grass snakes to be retained on site. While we do prefer the reptile population to be retained on site or in the immediate area we accept that the proposed receptor site is acceptable for this application.
- 5.9.21 We advise that if the translocation is to commence significantly in advance of any construction works commencing there is a need to ensure that, following completion of the reptile mitigation, the site is regularly cut and the reptile fencing maintained. This is to ensure that that reptiles will not re-establish on site between translocation and construction commencing (if granted).
- 5.9.22 We highlight that we are not supportive of Mote Park being used regularly as an off site receptor site. We recommend that, following on from this and the adjacent development, no future developments propose to use it for a number of years until monitoring has been implemented and it understood what the population is. There is a need to ensure that carrying capacity of Mote Park is not exceeded for reptiles or it is used as the receptor site for all developments within the Maidstone.

Biodiversity mitigation and enhancement plan

- 5.9.23 A biodiversity mitigation and enhancement plan has been submitted and it provides details of the mitigation and enhancement features – this includes bat, bird and dormouse boxes. We note that other than confirming that hedgehog highways will be included within the gardens no enhancement features are to be included within the residential curtilage. We recommend that integrated bat and bird boxes are included within the dwellings – particularly those adjacent to the site boundaries/green space and recommend that this is demonstrated on the reserved matters application.
- 5.9.24 We advise that if planning permission is granted the Biodiversity Mitigation and Enhancement Strategy; CSA; April 2020 must be implemented as a condition of planning permission and details of the enhancements must be demonstrated on the detailed landscaping and site layout plans to be submitted as part of the reserved matters application.
- 5.10 KCC (PROW): This response is in regard to the majority of the development site which falls within the borough of Tonbridge and Malling, with means of access through adjacent land administered by Maidstone Borough Council. The PROW

and Access Service have provided comments regarding the means of access in the Borough of Maidstone in a separate response direct to MBC.

- 5.10.1 Attention is drawn to the existence of Public Byway MR496, which runs along the western boundary of the site. Public Footpath MR108 is a continuation of Public Footpath KM11 running along the southern boundary of the development site. The location of these routes can be found on the attached extract of the Network Map of Kent. The existence of these rights of way is a material consideration.
- 5.10.2 Concerns are raised with the impacts of the access route out of the site on the western boundary as shown on the Development Framework Plan – 4923608. KCC PROW require confirmation if this access in the northwest corner is for walking and cycling. We would draw attention to the visibility necessary for both users of the new access and Public Byway MR496 which carries vehicular rights. Appropriate infrastructure would need to be provided by the applicant, to safeguard the access point along with appropriate visibility splays, to assist all use from and to the development and along the Byway.
- 5.10.3 Public Footpath MR108 /KM11 runs along the southern boundary and again the Development Framework Plan 4923608 shows a new access point from the development in the southwestern corner onto the Public Right of Way at its junction with MR496.
- 5.10.4 KCC PROW require details of the access to ensure safety of all users at this point. The Development Framework Plan also shows this southwestern corner of the development as the location for a “potential foul pumping station”. We request details of this pumping station and its impact (both during construction and thereafter) on the quality of use of the PROW in the vicinity.
- 5.10.5 The applicant should be aware that the PROW network provides valuable opportunities for outdoor recreation and active travel. With this in mind, it is expected that use of the PROW network in the vicinity of this site will increase as a result of the new development. In anticipation of this increased use, a S106 financial contribution is requested to enhance the environment of Public Byway MR496 – localised surface improvements with full surface scrape and clearance. Our request would be for a total sum of £24,000 (calculated per dwelling). MR496 provides an important Active Travel link through the PROW network to East Malling Station and facilities; the network in this area is benefitting from central government Active Travel funding and these enhancements to MR496 would give this further reach.

Summary

- 5.10.6 On balance, we have no objection to the application, provided that our considerations are taken into account and the Public Rights of Way network is not obstructed by the development.

- 5.11 Natural England: No objection
- 5.12 Kent Wildlife Trust: Object to the application for the following (summarised) reasons:
- Development does not provide net gains in line with the NPPF or Environment Bill.
 - It is likely that this development will result in losses for biodiversity of 75%.
 - Does not provide ecological links between woodlands.
 - More green infrastructure and useable space should be provided.
 - Likely to be negative impacts upon Ancient Woodland and 15m buffer is not sufficient.
- 5.13 Woodland Trust: Raises objections for the following (summarised) reasons:
- Potential damage and deterioration of Fullingpits Ancient Woodland from direct and in-direct impacts. Buffer should be at least 30m.
 - Consider there are two Veteran Trees on site what may be affected and should have adequate buffers.
- 5.14 NHS (CCG): Summary: No objection subject to financial contribution of £101,952 to refurbish/enhance the existing facilities at Blackthorn Medical Centre, The Vine Medical Centre and College Practice.
- 5.15 Environment Agency: We have assessed this application as having a low environmental risk. We therefore have no comments to make.

Non planning consents

- 5.15.1 Although we have no comments on this planning application, the applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.
- 5.16 TMBC (Environmental Protection):

Contamination:

- 5.16.1 The report presents the findings of a desk study and site walkover. It adequately reviews the history and environmental setting of the site. The identified potential sources of contamination are classed as low risk, however it is recommended that an intrusive investigation be undertaken to confirm this assessment. I agree

with the proposals and recommend the following conditions

Noise:

- 5.16.2 The Applicant has submitted a Noise and Vibration Assessment carried out by their Consultant, WSP (their ref 70068982-ACOUSTICS-R03, dated April 2020). The Assessment details measurements carried out of both noise and vibration associated with the nearby Hermitage Quarry. Noise from traffic on the highways has not been considered, as it was believed that this was not a significant contributor; I would agree with that assumption.
- 5.16.3 The measured noise levels have been compared with modelled noise using an appropriate noise program, taking inputs from plant/equipment locations and noise outputs. This showed a high degree of correlation, differing by only 1dB.
- 5.16.4 The noise levels have then been modelled across the proposed development to determine the likely noise levels to be experienced at the nearest noise sensitive receptors, namely those closest to the Quarry.
- 5.16.5 With some fairly standard attenuation measures (1.8m high acoustic fence & some enhanced trickle ventilators) appropriate noise levels are predicted both inside and outside the proposed dwellings. I would concur with these findings. It should also be noted that the proposed site benefits from an existing 4-6m high earth bund at the South of the Quarry.
- 5.16.6 Vibration measurements from blasting have been taken at two locations and found to be comfortably within the limits for the Quarry – measured levels of up to 0.6mm/s against a limit of 6mm/s.
- 5.16.7 Air overpressure has also been considered in the Assessment, but this can be difficult to predict. The Assessment expects air overpressure to be low, following a similar trend to vibration. I do have some concerns over this particular matter and am aware that Kent County Council receive a number of complaints about this (and vibration) from distances considerably further than the proposed site. However, I am unaware of how this can be attenuated, given that air overpressure does not respond to noise mitigation techniques in the same way as 'normal' sound.

Air Quality

- 5.16.8 With the bulk of the traffic either going North up hermitage lane and to the M20 or South and into Maidstone there is not much traffic predicted to go into Aylesford AQMA or Watlington AQMA. Along Hermitage Lane there are only a few houses on the lane opposite Hermitage Court but these are set back from the road and have shown low readings for consecutive years since they were put up. I don't predict this development will have significant air quality effects on the borough.

- 5.17 TMBC (Housing): Planning statement includes provision of 40% of total homes to be affordable housing, with a tenure split of 70/30 (70 rented and 30 intermediate tenure), in line CP17.
- 5.17.1 Housing Services need to be consulted on the proposed mix of the affordable housing when a breakdown is worked on at reserved matters stage, and provision of wheelchair accessible units needs to be included.
- 5.18 TMBC (Leisure): For housing of this size we would expect a LAP and a LEAP in the TMBC area and the same for the other area. I believe there is only the LEAP. Perhaps something like wooden play sculptures running through the middle green space could be added.
- 5.18.1 Further details on the LEAP equipment should be provided suggest targeted towards Toddler to Junior.
- 5.18.2 Based on the masterplan, I would suspect that natural green, amenity and play space (if above is included) is provided therefore Parks and Gardens and outdoor sport we would seek a contribution. As no defined house/unit size is given, a rough idea of finance is provided on the attached.
- 5.18.3 Future maintenance of open spaces would need to be confirmed (assume management company).
- 5.19 Southern Water (summarised): Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development.
- Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
 - We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

- Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer.
- Where SUDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities in perpetuity.

- 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.
- 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.
- 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.”

5.20 Private reps (site and press notices only): 0S/0X/114R: The reasons for objecting are:

- Increased traffic and congestion.
- Local roads and junctions are at/beyond capacity.
- Secondary access route/roads are not suitable for the levels of traffic and will create a rat run.
- Broomshaw Road was only supposed to be for emergency access and its use does not comply with policy.
- Traffic will be dangerous.
- Traffic will affect access to Hospital.
- Journey times supporting case that Broomshaw Road will not be used as a rat run are inaccurate.
- Transport Assessment is not accurate.
- Junction improvements have not taken place.
- Fullingpits junction is not suitable.

- Public transport is poor.
- Poor cycle routes in the locality.
- Construction traffic will cause problems.
- Access to site is not wide enough.
- Increase in home delivery traffic since Covid has not been factored in.
- Lack of parking.
- Barming station should be upgraded.
- Pedestrian safety on rights of way.
- Footpaths should be widened.
- Should not be considered in isolation from the TMBC application.
- Loss of valuable open space that is used by local community for many years particularly during lockdown.
- Paths on the field have been used for over 20 years.
- Harm to wildlife/ecology/loss of habitat.
- Lack of green space proposed.
- Should be biodiversity net gain.
- Rare and endangered species on site.
- TMBC land should be safeguarded as a nature area.
- Will increase pollution from car fumes.
- Air quality standards exceeded.
- Lack of car charging.
- Dust pollution.
- Light pollution.
- Noise and dust from quarry.
- Noise from future residents/use.

- Quarry is dangerous.
- Harm to quality of life from construction.
- Loss of privacy and overlooking.
- Density is too high.
- Overdevelopment.
- Sink hole recently occurred on Broomshaw Road and in the local area.
- Ground is unstable.
- Contamination.
- Drainage.
- Flood risk.
- Lack of surveys in FRA.
- Cumulative impact of multiple developments.
- Local infrastructure cannot cope or be expanded.
- Houses are not needed.
- No community facilities proposed.

6. Determining Issues:

Principle of 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, policy CP14 is the most important to the determination of this application, due to its specific locational characteristics outside, but close to, the Malling Gap urban area.
- 6.4 Policy CP 14 states that within the countryside development will be restricted to:
- a) Extensions to existing settlements in accordance with Policies CP11 or CP12; or
 - b) The 1 for 1 replacement, or appropriate extension, of an existing dwelling or conversion of an existing building for residential use; or
 - c) Development that is necessary for the purposes of agriculture or forestry including essential housing for farm or forestry workers; or
 - d) Development required for the limited expansion of an existing authorised employment use; or
 - e) Development that secures the viability of a farm, provided it forms part of a comprehensive farm diversification scheme supported by a business case; or
 - (f) redevelopment of the defined Major Developed Sites in the Green Belt which improves visual appearance, enhances openness and improves sustainability, or*
 - g) affordable housing which is justified as an exception under Policy CP19; or*
 - (h) predominantly open recreation uses together with associated essential built infrastructure; or*
 - (i) any other development for which a rural location is essential.*

- 6.5 This policy seeks to limit development within the countryside including housing. As such the Borough Council has accepted on numerous occasions when dealing with other planning applications for residential developments within the countryside that this policy is out of date with the NPPF and can, therefore, be attributed only limited weight.
- 6.6 The application site lies within the area designated on the proposals map accompanying the current Development Plan as the Strategic Gap to which to policy CP5 of TMBCS applies. This policy seeks to protect the strategic gap between the built-up areas of the Medway Gap and Maidstone. However, following the abolition of the Regional Spatial Strategies (which supported such policy) by central Government and the subsequent production of the NPPF, which no longer supports the strategic gap policy, policy CP5 is out of date and cannot be given any weight in the consideration of this application.
- 6.7 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 the 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:

- 6.8 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”.
- 6.9 Given that the site lies within the countryside as designated – and notwithstanding my earlier comments concerning the application of policy CP14 of the TMBCS – an assessment of the development on this basis must take place.
- 6.10 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)

- 6.11 The site is immediately adjacent to the urban area of Maidstone. I consider that the development would provide a spatial expansion of this urban area. 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.
- 6.12 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:

- 6.13 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.
- 6.14 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.
- 6.15 The Landscape and Visual assessment comments on how the site relates to the wider locality. It considers it to be artificially separated by the borough, well enclosed by the woodland to the west, north and northeast and the large quarry to the north, and the built edge of Maidstone to the south and east. The built edge of Maidstone is dominant in views from the site. It further considers the site to be extremely well contained as a result of the strong woodland belt and woodland to the west and north, in combination with the built up areas to the south and east of the site. This means that views of the site are limited to the boundaries of the site with very few opportunities for middle or long distance views. There are no middle or long distance views of the site's groundplane.

- 6.16 The site is not the subject of any specific landscape designation. Its quality is the same as the larger part of the field that the site forms part of and which has now received a resolution from MBC to grant permission for a residential development of 187 dwellings upon it. I concur with the assessment of the applicant's landscape and visual assessment in terms of the nature of the site its landscape features and visibility from outside. It is an open, grassy field surrounded by mature hedgerows to the field boundaries. The built confines of Maidstone lie immediately to the east and south of the overall field. The site is of limited scenic quality and its most notable features are the hedgerow and trees that stand along the field's boundaries.
- 6.17 Currently, the site is not accessible to the public for any lawful recreational purpose and does not contain any public rights of way. Notwithstanding this it is understood to be used informally by local people for dog walking. However, PROWs are located close to the site and lead to Ditton to the North, Oaken Wood to the West and Maidstone to the East of the site. It is noted that Oaken Wood to the East of the site is an ancient woodland. However, the development does not extend into this protected area and indeed the site has a 15 m buffer in this area to protect the root systems and understorey of the ancient woodland.
- 6.18 The other aspect of visual impact arises from how receptors will perceive the change in the landscape following the development. Those receptors which are most susceptible to a change in the local landscape include any residential properties that face onto the site and people engaged in outdoor recreation, whose attention 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 located to the south that back onto it (Broomshaw and Rede Wood Roads, which lies within MBC's area). Residential properties located with the existing Taylor Wimpey development to the north west of the site do not have clear views into the site due to their location and orientation. Any views of the site from this development will also be seen in the context of or beyond the consented development (by MBC for a residential development of 187 dwellings on its part of the wider field). Consequently, whilst these neighbouring properties would be sensitive to the change in the landscape, given the context, the proposed development would be seen as a completion of the already consented development of the wider field that the site forms part of.
- 6.20 Views into the site from the PROWs around the site would be limited and filtered by the existing boundary treatments which are to be supplemented under the proposed development.

- 6.21 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 soft boundary treatments. A green corridor is shown to be located along the boundary of the site with the MBC section of the field and link to green corridors or buffers around the north and eastern sides of the development (and which link with similar corridors within the MBC part of the field as well. It is clear the field as a whole has been planned as a single development notwithstanding the borough boundary bisecting 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.
- 6.22 As has been highlighted above, the site lies relatively close to existing residential properties (to the east and south) and access to the site will have to come via the access road serving them. The development has the potential to harm the amenities of these neighbouring properties both during the construction phase and operation phase of the development. With regard to the construction phase the applicant is suggesting the use of a Construction Management Plan (CMP) to help reduce those impacts upon residents. This will cover such matters as how the site is to be accessed for the duration of the construction works, when and how deliveries will be made, how waste is taken away, working hours and how construction workers should access the site (including where they should park their vehicles). Whilst the impacts arising from a construction project (such as noise, disturbance, dust etc) can be significant for the local residents, they will be temporary and cease once the development is complete. However, the operation of an agreed construction management plan will help to minimise such harm to residents and clearly set out for everyone's benefit how the construction works are to be undertaken.
- 6.23 With regard to the operational phase, the siting and layout of the dwellings, which will not be more than 3 stories in height based on the submitted parameters plan, can be achieved without causing unacceptable impacts upon the existing houses to the south and east of the site in terms of loss of light or privacy. The detailed layout of the site will be considered at the Reserved Matters stage where the impacts of that scheme will be considered afresh.
- 6.24 The development will also generate traffic that will have to travel through Fullingpits Road (primary access) to access the site from Hermitage Lane. Whilst this new through traffic will create noise from vehicles driving through, the houses are set well back and the impacts would not cause such harm to residential amenity (and taking into to account the traffic from the development on the MBC part of the site) that would warrant a recommendation to refuse permission.

6.25 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:

6.26 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.

6.27 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.

6.28 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.

6.29 Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.

6.30 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.

6.31 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.

6.32 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.

- 6.33 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.
- 6.34 The applicant has provided a Transport Assessment (TA) and carried out recent traffic surveys on local roads and assessments of key local junctions that were agreed at the pre-application stage with KCC Highways. Whilst objectors have questioned the accuracy of the traffic surveys, KCC Highways have raised no issues with them. The TA assesses the cumulative traffic impact from the application site, the adjoining proposals for 187 houses in MBC, and other approved developments including others in northwest Maidstone and the 840 houses recently approved to the east of Hermitage Lane and south of the A20 (known as Whitepost Field) all with a forecast year of 2025. Again, this was agreed with KCC Highways.
- 6.35 The TA also takes into account proposed highway improvements to the north including junction capacity improvements on the A20/Coldharbour Lane roundabout and the provision of a new link road between Hermitage Lane and the A20 London Road at the Poppy Fields roundabout in association with the approved 'Whitepost Field' housing scheme.
- 6.36 Highways England have confirmed that the trips generated by the development using Junction 5 during peak hours are predicted to be minimal and are therefore not expected to have a significant impact on the junction. They raise no objections and do not require any mitigation. KCC Highways have also advised that the improvements to the Coldharbour roundabout mean that signalisation of M20 J5 roundabout is not required.
- 6.37 Concerning the Fountain Lane/A26 junction, at the southern end of Hermitage Lane, this junction is forecasted to operate over capacity on 3 arms with background growth in traffic and traffic from the committed schemes in 2025, and the development would make this marginally worse. Therefore, the applicant has designed an improvement scheme that could be implemented and would mitigate the impact of the proposed development and reduce queuing on all but one arm of the junction in the peaks than is predicted in 2025. KCC Highways have advised that these proposals for the junction are consistent with

those put forward in support of a residential development at Fant Farm for 225 houses in MBC's area where it did not raise objections, and so follow an established precedent. They also consider the proposals would be safe following submission of a safety audit and raise the issue of some on-street parking potentially being lost. It is considered that this is an appropriate and proportionate response that demonstrates how the proposed development can be mitigated. I understand that least £328,000 of Section 106 money has already been secured from other approved developments within MBC's area for mitigation at this junction and further contributions could be secured from the Whitepost Field development for this junction as well.

6.38 However, with regard to this junction KCC Highways state that:

“the (Member led) working group concluded that a new roundabout layout would provide the most effective means of upgrading the junction to reduce congestion and accommodate planned growth. KCC Highways is moving forward with this scheme in seeking to secure the land and funding necessary for its implementation. It would therefore be more appropriate for the applicant to provide a financial contribution towards the County Council's roundabout scheme as the means of mitigating the impact of the proposed development.”

6.39 Such a scheme will cost significantly more than the improvement the applicant has shown and would require external funding in addition to Section 106 monies and/or CIL from development. It is the Highway Authority's decision whether to pursue a greater improvement at the junction and it would need to secure sufficient funding. However, the applicant's proposal is sufficient to mitigate the proposed development and KCC Highways are not raising objections on the basis of this smaller scheme but are obviously looking to pursue a wider improvement. A financial contribution to this more comprehensive scheme of mitigation would be via a s106 planning obligation.

6.40 Other junctions where KCC Highways consider mitigation is required include the A20 London Road/Mills Road/Hall Road Junction where they advise there is a planned junction upgrade scheduled to commence in Summer 2021 and be completed by Summer 2022 which will accommodate the development.

6.41 KCC also consider that the development should contribute monies towards an improvement scheme which has been designed at the A26 Watlington Crossroads just within T&MBC. As the proposed development will only put a maximum of 12 additional movements at this junction during the peak times, I do not consider this request is justified, reasonable or necessary.

6.42 The delivery of the planned highway improvements is not the responsibility of the Local Planning Authority (LPA) or the applicant. The Borough Council as LPA can secure improvements via s106 planning obligations (financial contributions) or planning conditions, but it is the responsibility of the relevant

Highway Authority to implement highways works which they intend to do in the near future for some of the junctions. Therefore, the LPA cannot withhold planning permission because not all the highways works have been delivered.

- 6.43 KCC Highways consider that a condition should be attached to prevent any occupation of the development until junction improvements at Coldharbour roundabout, A20 London Road/Mills Road/Hall Road Junction and Fountain Lane/A26 have been implemented. As these improvements are a requirement based on the cumulative traffic from all the committed development sites and the 'Whitepost Field' development and not solely this development it is not considered reasonable to restrict this development. Such a condition would therefore not pass the tests for planning conditions. Furthermore, as has been noted earlier in this report, the planned improvements to these junctions by KCC are scheduled to commence later this year and be completed by the end of 2022. This is of course much sooner than the planned scenario for the assessment of the proposed development on highways impacts (2025). This assumes that all of the dwellings would be occupied by this point in time. Given normal lead in times and build out timescales and that this scheme is the final part of the applicant's wider development in this area, it is highly unlikely that any dwellings within this development would be occupied prior to the completion of the planned improvements to the Coldharbour roundabout and the junction of the London Road/Mills Road/Hall Road.
- 6.44 As stated above, the applicant will pay a s106 contribution which can be used towards priority junction improvements (Fountain Lane/Hermitage Lane junction). It is also inconsistent in that KCC Highways are not requesting the same for the Wateringbury crossroads where they are satisfied for the applicant just to make a financial contribution.
- 6.45 KCC also request a condition to prevent any occupation of the development until a link road between Hermitage Lane and the Poppy Fields Roundabout junction, which is part of the approved Whitepost Field development, has been implemented. This is on the basis that without it, KCC consider that the development will result in additional queuing at the A20 London Road/Hermitage Lane/Preston Hall junction that needs to be mitigated. The development will result in additional queuing here but as the KCC Highways advice states, this would have a marginal impact on queuing and delay. The queue on the eastern London Road (A20) arm is predicted to increase in queues by 2 vehicles, which is considered to be negligible. Also, only one arm (the eastern London Road arm) would be over theoretical capacity by 0.8% which is not considered to be a severe impact upon the whole junction or the wider network. On this basis it is not considered reasonable or necessary to require any mitigation at this junction or indeed require a link road connected with a separate development that the applicant has no control over, prior to any occupation. For these reasons it is not considered necessary or reasonable to require mitigation or a condition restricting occupation as suggested by KCC.

- 6.46 Highways England has not objected to the proposed development. This is because the trips generated by the development using Junction 5 during peak hours are predicted to be minimal and therefore are not expected to have a significant impact on the junction.
- 6.47 The proposals are designed to accommodate buses, so they enter the wider housing scheme to the northeast off Hermitage Lane, through the scheme currently under construction to the east and then loop around the site and exit the same way with a bus stop provided within the development. The applicant held discussions with 'Arriva' prior to submitting the application. It has been agreed between the applicant and Arriva that the number 8 service can be diverted into the site, but this would need to be subsidised for the first 3 years. It has been agreed with Arriva that an AM and PM peak hour service into the site is appropriate and the applicant would fund this for 3 years at a cost of £246,159 which will be secured under a legal agreement. This service will benefit the whole of the new development, not just that part within TMBC. It is likely that this contribution will be secured by MBC in the first instance. Of course, if that does not happen, it will need to be secured by TMBC instead via s106 planning obligation.
- 6.48 Improvements to cycle parking facilities at Barming Train Station have been agreed by the applicant and will be secured via section 106 monies to provide a new secure cycle hub with lighting and CCTV coverage which would cost £50,000. This will promote cycle use to the station. Like the bus diversion and contribution, this is also planned to be secured by MBC in the first instance as this improvement will serve the wider development as a whole. However as with the bus contribution, if this is not delivered by MBC a mechanism will need to be provided within a s106 planning obligation between the applicant and TMBC to secure this contribution as well.
- 6.49 KCC Highways have requested monies (but has not defined the amount) towards a proposed cycle route between Hermitage Lane and the London Road Park & Ride site, which they say has no funding to date. It is considered that this route, which is somewhat distant from the site, is unlikely to be used by future residents to cycle to the shops at Allington as suggested by KCC when other shops and 'local' supermarkets are much nearer to the site. On this basis it is not considered to be necessary or directly related to this development contrary to the CIL Regulations.
- 6.50 The applicant has provided a Framework Travel Plan for the development which seeks to encourage sustainable travel with potential measures and initiatives including the provision of resident travel information packs, cycle parking, bicycle discounts, promotion of car sharing, and notice boards. Implementation will be overseen by a Travel Plan Co-ordinator with on-going monitoring. The indicative Travel Plan targets seek to achieve a 10% reduction in single occupancy car travel, and increases in cycling, car sharing, bus and rail use. Its

aims are proportionate for this development and its location. This can be secured by condition.

- 6.51 The development would provide access onto public byway MR496 which runs along the western boundary of the site. Whilst this is to be encouraged KCC (PROW) has expressed concerns about the potential for conflicts between pedestrians and cyclists from the development with motorised vehicles using the byway at the points the site would join on to the byway. However, details of the site accesses onto the byway would be designed into the detailed layout for the development as part of the planned opens space at the reserved matters stage. Such details can be required by a condition.
- 6.52 Overall, the transport impact of the development can be mitigated where necessary (the Fountain Lane junction) or is acceptable in terms of other junctions and traffic flow more generally. Public transport (bus services) will be provided into the site, which will be subsidised by the applicant for three years in addition to the provision of cycle storage facilities at Barming railway station. The site lends itself to being connected to the local footpath/cycle path networks. The development will therefore promote and enable travelling to and from the site by means other than the private motor car. Consequently, the development accords with policy SQ 8 of the MDE DPD as well as paragraphs 109-111 of the NPPF.

Ecology:

- 6.53 The applicant's survey highlights that the greatest ecological interest are the site boundaries and in particular the northern boundary which will be retained and not incorporated into the curtilage of the dwellings. In terms of protected species, slow worms, common lizards and grass snake have been recorded. KCC Ecology have raised no objections to the proposed translocation of the reptiles to Mote Park (which is where reptiles from the MBC part of the site are being translocated to). However, KCC advises that it would not be supportive of Mote Park being used for any further translocation beyond this site until further monitoring has been carried out to ensure the carrying capacity is not exceeded for reptiles.
- 6.54 Other protected species including foraging bats, dormice, badgers, hedgehogs and breeding birds are present mainly around the edges of the site. KCC Ecology advise generally that the retention of the hedgerows and the proposed planting around the edges of the site will be sufficient to provide suitable habitat, connectivity, and mitigation. Conditions are required to secure the mitigation measures, a site wide management plan, and bat sensitive lighting.
- 6.55 There would be an AW buffer increasing from 15m at its west edge to nearly 50m with this area fenced off and planted with native woodland and thicket planting to provide further protection to the AW.

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

Best and most versatile agricultural land:

- 6.58 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
- (a) there is no suitable site in a sustainable location on land of poorer agricultural quality; or
- (b) alternative sites have greater value for their landscape, biodiversity, amenity, heritage or natural resources or are subject to other constraints such as flooding.
- 6.59 Paragraph 170 of the NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment. In particular section b) requires the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services to be recognised – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 6.60 Whilst I appreciate that policy CP9 relates to the allocation of sites rather than decision making, this policy when considered in conjunction with paragraph 170 (b) of the NPPF makes it clear that there is a need to balance the need for additional housing with the loss of agricultural land.
- 6.61 The site is classified as grade 2 which is typical of the surrounding area. Grades 1, 2 and 3a are referred to as 'best and most versatile' land. It is recognised that the site comprises the best and most versatile agricultural land, although it is a relatively small area (approx. 5.7ha) in size and forms part of a larger field which has recently been granted planning permission by MBC for a residential development of 187 dwellings. It is confined on three sides by an existing working quarry (to the north) and residential development to the east and south. Whilst it is recognised that best and most versatile agricultural land

does have some economic benefits alongside its primary purpose of food production, it is considered that the loss of this relatively small parcel of agricultural land, in the context of being part of a field that will be developed in the short term, would have little tangible impact on agricultural yield.

- 6.62 Of course, the cumulative impacts of the loss of such agricultural land need to be considered. Last year the much larger Whitepost Field site (c.34ha) at the top end of Hermitage Lane which is grade 2-3 was granted planning permission to be developed. As part of the assessment of that application it was considered that the loss of the agricultural land was not sufficient to outweigh the benefits deriving from that scheme which included a substantial housing (including 40% affordable) provision at a time when the Council cannot demonstrate a 5-year supply of housing land in the Borough. More recently, Members of this committee resolved to grant permission in January for a development on land immediately to the east of the Whitepost Field site for a development of up to 106 dwellings. That site measured less than 4ha and would have resulted in only a minor additional loss of additional agricultural land, which itself is considered to be of little effect in terms of food production and would be outweighed by the benefit of providing a significant amount of additional housing within the Borough, including a policy compliant amount of affordable housing when there is a lack of a five year housing land supply.
- 6.63 Whilst the additional development would result in a further loss of 5.7ha of good quality agricultural land, this parcel would become land locked as the adjacent permitted development (within the same field) was built out and highly unlikely to revert to being actively farmed. Additionally, the harm arising from this loss of agricultural land would be outweighed by the benefit of boosting housing supply by a significant amount (and which includes a 40% provision of affordable housing).

Minerals:

- 6.64 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. Whilst the site's geology is consistent with the Hythe Formation (ragstone), it is considered too small to be commercially viable to extract. Furthermore, the last remaining company actively quarrying ragstone (Gallagher Group) operates two quarries locally with reserves until 2037 (Hermitage Quarry) and 2054 (Blaise Farm). As such the development of this site would not sterilise a commercially viable mineral deposit of which there is an adequate supply of in the local area. KCC concurs with this position. Accordingly, it is not considered that the development would fail to comply with policy OL7 of the KMWLP.

Potential land contamination:

- 6.65 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.
- 6.66 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.
- 6.67 In terms of land contamination, the submitted Geo-Environmental Report is considered to adequately review the history and environmental setting of the site. It identifies potential sources of contamination, which are classed as low risk. The Council's Contaminated Land Officer agrees with the conclusions of the assessment and recommend that conditions be used to address potential contamination within the site.

Noise/vibration/air over pressure:

- 6.68 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.
- 6.69 A Noise Assessment has been submitted 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.
- 6.70 It is considered that appropriate internal and external noise levels can be achieved for the proposed development by the use of standard attenuation measures such as acoustic fences and enhanced trickle ventilation. The specific need for such measures will be dependent on the eventual layout of the

development. However, it is clear that a residential scheme of the size proposed can be accommodated on this site and provide an adequate level of amenity for future residents. A condition can be added to ensure that the necessary noise mitigation/attenuation measures are incorporated into the development. The proposal therefore accords with paragraph 180 of the NPPF.

- 6.71 Being located close to the southern end of Gallagher's quarry, the site will be subject to vibration and over pressure when blasting occurs (which is permitted within the terms of its planning permissions). However, vibrations are well within the limits prescribed by the planning permissions and air over pressure is also expected to be of a low magnitude. Environmental protection has not objected to the proposed development.

Air quality:

- 6.72 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.
- 6.73 The site lies outside of any AQMAs with the nearest ones (within TMBC) being approx. 3km to the north, along the A20 corridor at the top of Hermitage Lane and the other at Watlington crossroads located approx. 4km away.
- 6.74 An air quality assessment has been submitted which concludes that the proposed development would not result in any exceedances of the relevant Air Quality Standards at any of the receptors assessed which include within the AQMA. The Environmental Health section has reviewed the assessment and raises no objections. An emissions mitigation calculation has been used to quantify potential emissions from the development and provides a mitigation value for proportionate mitigations to be integrated into the development. These include a Travel Plan, welcome packs for residents on first occupations containing up-to-date local travel information, promotion of 'Kent Journey Share' car sharing database, and EV charging points for houses with on-plot parking. These measures which are proportionate will be secured by condition.
- 6.75 In terms of new residents, an assessment of dust impact from operations at the adjacent quarry has been carried out. This concludes that operations at the

southern and eastern sections of the quarry and the minerals processing area could have a 'moderate adverse' and 'slight adverse' effect respectively on future residents, but this assumes there are no mitigation measures in place within the quarry to reduce the potential for dust impacts. It is understood that the quarry has an active policy of dust suppression and adequate mitigation in place to reduce the potential for adverse effects on the local area. The site is also not downwind of the prevailing wind direction locally for the majority of the time and the quarry is also surrounded by a bund of trees which will act to screen dust from the proposed dwellings. The assessment concludes the impact upon future residents will not be significant and Environmental Health have confirmed they support these conclusions.

- 6.76 In line with the conclusions of the submitted Air Quality Assessment and the assessment of the Council's own expert, 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.

Flooding and surface water management:

- 6.77 KCC (Flood and Water Management) has advised that it has no objection in principle to the development. Due to the underlying conditions (the Hythe Formation), there is a risk of encountering loosely infilled features known as 'gulls' and the installation of large point infiltration areas or sources may lead to ground instability if these features are present and are inundated with water.
- 6.78 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.
- 6.79 Southern Water has advised that it can accommodate the needs of the proposed development, without the development providing additional local infrastructure (in terms of foul waste). It advises that surface water should be dealt with by a SUDS scheme and not discharge to a public sewer.

Draft Local Plan:

- 6.80 It is acknowledged that this site is included within a policy for housing development in the draft local plan by policy LP 25 (f). This policy seeks to allocate the site for a total of 118 dwellings.
- 6.81 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.

- 6.82 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.”*
- 6.83 When considering the requirements of the NPPF in this respect, it must be noted that the draft local plan was submitted to the Secretary of State for examination on 23 January 2019. Following an initial phase of hearings which took place in October 2020, the examining inspectors have written to the Council expressing serious concerns regarding the Duty to Cooperate (letter received December 2020). The Council is currently considering its position in this respect. It is accepted that a significant period of time has elapsed since the Plan was originally submitted for examination. It is further accepted that, whatever the outcomes of the Inspector’s latest letter, there will be a further delay to adoption (as yet unknown). The requirements of the NPPF are clear and are not predicated on the length of time the draft plan has been with the Secretary of State/his appointed inspectors, but rather how far it has advanced successfully through the examination process.
- 6.84 It is clear at this time, on the basis of our current position and the relevant NPPF paragraphs, that the draft local plan is not at an advanced stage (notwithstanding the timeframes involved) and therefore carries only limited weight for decision making purposes, certainly until it has progressed further through the examination process. As such, the draft allocation cannot be determinative at this time.
- 6.85 The LPA is under a statutory duty to determine planning applications in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The Development Plan currently in force comprises the TMBCS (September 2007), the DLA DPD (April 2008), the MDE DPD (April 2010) and the saved policies of the TMBLP. The NPPF and guidance contained within the associated NPPG are material considerations. It is on the basis of the requirements of these policies and those contained within the NPPF (including relevant to the presumption in favour of sustainable development) that the following assessment takes place.

Planning obligations:

- 6.86 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.
- 6.87 Paragraph 56 of the NPPF reflects this statutory requirement.
- 6.88 The scheme proposes to provide 40% of the total number of dwellings (118) as affordable housing, which would be 47 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 will be secured under a S106 agreement to ensure that the provision comes forward in a manner that reflects and meets local need
- 6.89 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 children's play areas, amenity green space and areas of natural and semi-natural green space. After taking this on-site provision into account, a financial contribution of £115,900 is also being secured through a s.106 obligation for the enhancement of Leybourne Lakes Country Park.
- 6.90 The development generates a need for 33 additional primary school places that cannot be accommodated within existing local schools. A new 2FE primary school is to be provided as part of the development on the adjacent parcel of land (Whitepost Field) to the north west of the application site. That school will contain capacity larger than that required to accommodate the number of pupils generated by the Whitepost Field development. As such, there will be capacity to accommodate the primary aged children that will live within the proposed development. A maximum contribution of £802,400 will be secured by a s106 planning obligation from the applicant towards the cost of building the new school on the adjacent site. It will also be necessary for the applicant of this residential development to make a financial contribution of £378,565.24 for primary land provision as they will not need to find land within their site to accommodate a new primary school. This particular contribution will be returned to the developer/landowner of the Whitepost Field development to

compensate them for providing all of the land necessary to accommodate a 2FE primary school.

- 6.91 With regard to secondary school provision, the development generates a need for 24 additional school places. KCC has advised that in this case, as no capacity currently exists in local schools, the only way to provide the necessary school places will be within the new school to be provided on the Broadwater Farm development. KCC is therefore seeking a maximum contribution of £610,768 towards the cost of building the new school. KCC is also seeking a maximum financial contribution towards securing the land for this new school to the sum of £492,442.
- 6.92 Officers have considered these requests in light of those put forward by KCC for the Whitepost Field development granted permission in August 2020 and the one for the Clarendon Homes residential scheme for up to 106 dwellings that Members resolved to grant permission for last month. In both those cases, the secondary school contributions were sought to expand existing facilities within the Malling and Maidstone selective and non-selective schools. The new secondary school planned as part of the Broadwater Farm development will provide the need for the northern part of the Borough going forward. However, that scheme is not the subject of a planning permission and a s106 agreement has not been agreed by relevant parties setting out the terms of the land transfer necessary for KCC to secure the site of the new school. As such, at this time officers are continuing to discuss the issue of contributions for secondary school places with colleagues at KCC. It is considered, however, that the development will generate a need for the 24 additional places that cannot currently be met within existing schools in the relevant catchment area. A contribution of up to the maximum amount specified for the build cost will still be sought from the applicant on behalf of KCC. However, the project(s) that this could be spent on will need to be agreed within a planning obligation (such as the range of schools specified within the committee reports for the Clarendon Homes scheme, for example).
- 6.93 KCC has also advised that to mitigate the additional impact that the development would have on delivery of its community services, the payment of appropriate financial contributions is required. This consists of contributions for £6,543.10 for enhancements and addition book stock for Larkfield library and £1,937.56 for additional equipment at the adult education centre in Aylesford. As with all the other contributions, these are being secured by a s.106 planning obligation.
- 6.94 NHS CCG has advised that the proposal will generate approximately 283 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 and this will be in the form of the payment of a financial contribution of £101,952 towards the

refurbishment/reconfiguration or extension of Blackthorn Medical Centre, The Vine Medical Centre and College Practice. This is also being secured by the s106 planning obligation.

- 6.95 These obligations, along with that also required for highways and public transport 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.
- 6.96 KCC (PROW) has requested contributions of £24,000 to upgrade byway MR496 which runs north/south to the west of the application site. This is requested on the basis that the development will increase the use of this PROW. The contribution would be used for localised surface improvements with full surface scrape and clearance. However, there is no indication of how this sum has been calculated by KCC. Furthermore, whilst the opening up of the site onto this PROW will encourage the use of the PROW network, the use of the contribution appears to be to undertake maintenance works to the PROW rather than improving them as a direct consequence of the likely additional use by residents of the proposed development. As such I do not consider that this request meets Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Use of field:

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

Planning balance and overall conclusions:

- 6.98 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. In terms of the benefits, the proposed development would provide 118 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. In addition, the proposal would provide net benefits to biodiversity. Any adverse impacts on infrastructure, such as highways, schools and medical facilities, are considered to be adequately mitigated through planning obligations. The loss of 5.7ha of BMV land is considered to be a minor adverse impact in the overall

balance. Matters such as noise and air quality can be adequately mitigated through conditions and the Travel Plan secured through planning obligation.

6.99 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. 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 submitted details: Proposed Plans 15-009-041 dated 12.06.2020, Drawing 2929_115_C dated 12.06.2020, Drawing 2929_116_D dated 12.06.2020, Landscaping 2929_123 dated 12.06.2020, Landscaping 2929_124 dated 12.06.2020, Master Plan P19-1591_03D dated 12.06.2020, Drawing P19-1591_19B dated 12.06.2020, Drawing P19-1591_29A dated 12.06.2020, Location Plan P19-1591_24 dated 12.06.2020, Letter dated 12.06.2020, Design and Access Statement dated 12.06.2020, Schedule documents dated 12.06.2020, Notice dated 12.06.2020, Planning Statement dated 12.06.2020, Other s106 heads of terms dated 12.06.2020, Statement Community involvement dated 12.06.2020, Noise Assessment dated 12.06.2020, Air Quality Assessment dated 12.06.2020, Archaeological Assessment dated 12.06.2020, Ecological Assessment Biodiversity mitigation dated 12.06.2020, Desk Study Assessment dated 12.06.2020, Ecological Assessment Ecological impact assessment dated 12.06.2020, Flood Risk Assessment dated 12.06.2020, Visual Impact Assessment dated 12.06.2020, Transport Assessment dated 12.06.2020, Travel Plan dated 12.06.2020, Appraisal Minerals safeguarding dated 12.06.2020, Tree Report dated 12.06.2020, Transport Assessment Addendum dated 19.08.2020, 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 the Borough Council to make financial contributions for the diversion of the no.8 bus service into the site and the provision of cycle storage and associated lighting and CCTV cameras at Barming Railway Station in the event that such contributions and not first secured by Maidstone Borough Council through a s106 planning obligation; and

- The applicant entering into a planning obligation with Kent County Council to secure a Travel Plan and make a financial contribution towards its implementation and make financial contributions to the provision of education facilities and community services; as well as for improvements to the Fountain Lane junction with the A26.

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 28 July 2021, 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:

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 two years 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. The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or

such other date as may be agreed in writing by the Authority. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

5. No development shall take place above ground on any of the dwellings hereby approved until details of all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. 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 existing building or the visual amenity of the locality in accordance with policy CP 24 of the Tonbridge and Malling Core Strategy 2007.

6. 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.

7. Prior to or as part of the first submission pursuant to condition 1, a scheme detailing the layout of roads, footpaths, other means of access, car parking and the drainage of those areas 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.

8. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment ref: CCE/Y381/FRA-05 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

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

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

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

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

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

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

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

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

11. (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

12. The overall development hereby permitted shall not be commenced until such time as a scheme to connect all plots to mains foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons: The National Planning Policy Framework paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

13. No development on any new building shall commence until detailed topographical plans and cross-section drawings of the site showing the proposed changes to the ground levels within the site in relation to the existing levels of the site and adjoining land have been submitted to and approved in writing by 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

14. Prior to the commencement of the development hereby approved, arrangements for the management of all construction works 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.

15. 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 has been submitted to and approved in writing by the Local Planning Authority. 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.

16. 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.

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, their curtilages or the wider site, the details of which have first been submitted to and approved by the Local planning Authority.

Reason: In order to provide an acceptable aural environment for the residential properties.

18. No development above the ground shall take place until a plan showing the proposed finished floor level of the new dwellings in relation to the ground levels and finished ground levels of the site in relation to the existing levels of the site 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.

19. No dwellings shall be occupied until full details of the open space to be provided on site (including amenity space, children's play areas and natural green spaces) within the development along with a timetable for provision and a scheme for future management of the spaces have been submitted to and approved in writing by the Local Planning Authority. The details shall include any fencing and equipment to be installed. The approved scheme shall be fully implemented in accordance with the timescale approved and shall be maintained and retained at all times thereafter.

Reason: To ensure that the development is appropriately served by open space in accordance with the requirements of policy OS3 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010.

20. No dwellings shall be occupied until details of secure cycle storage provision for all of the proposed dwellings have been submitted to and approved in writing by the Local Planning Authority. The approved cycle storage facilities shall be provided prior to the occupation of the dwellings they would serve and retained at all times thereafter.

Reason: In order to facilitate sustainable transport choices for the residents of the development, in the interests of highway safety and in accordance with paragraph 110 of the National Planning Policy Framework 2019.

21. The development shall be carried out in accordance with the recommendations for the Biodiversity Mitigation and Enhancement Strategy; CSA; April 2020

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

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

a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;

b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

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

Reason: In the interest of biodiversity protection and enhancement.

- 23 No dwellings shall be occupied until accesses between the site and PROW 496 have been provided, which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that safe and appropriate access is provided onto this public byway.

Informatives

1. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highwayland/highway-boundary-enquiries>
2. The following points should be considered wherever soakaways are proposed at a site:
 - o 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.
 - o Only clean uncontaminated water should drain to the proposed soakaway. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures).
 - o No soakaway should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
 - o There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of

soakaway and the water table.

- o A series of shallow soakaways are preferable to deep bored systems, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.
- 3 The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked 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.
- 4 The applicant is strongly encouraged to incorporate renewable technologies within the development and undertake it in such a way as to reduce the energy consumption of each of the dwellings.

Contact: Matthew Broome