

**Aylesford**  
Aylesford South

**8 December 2020**

**TM/20/02749/OAEA**

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Proposal: Outline Application: erection of up to 330 dwellings (including 40% affordable homes), together with associated open space, play areas, and landscaping (including details of access)

Location: Land South Of Barming Station And East Of Hermitage Lane  
Aylesford Kent

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**1. Description:**

- 1.1 Outline planning permission is sought for a residential development of up to 330 dwellings on land currently used for agricultural purposes. Whilst the application is in outline form, access is a matter to be considered at this stage with all other matters reserved for future consideration. However, plans and documents have been submitted to illustrate how a development of this amount could be realised on site.
- 1.2 Access to the site would be taken from the north side of Chapelfield Way, with a secondary access (left in and out only) taken directly from Hermitage Lane, north of Chapelfield Way.
- 1.3 The residential development would be broadly arranged within three land parcels separated by landscaped areas including an existing shelter belt and a public open space that could also be used for surface water storage should the need arise (wetland corridor).
- 1.4 The submission indicates that the dwellings would consist of 2, 2 ½ and 3 storey buildings and provision would include detached, semi-detached and terraced dwellings as well as apartment buildings.
- 1.5 The development is proposed to include a 40% provision of affordable housing, and in terms of public open space, children's/young person's play areas, amenity green space and natural/semi-natural green space will be provided on 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 is approx. 14 hectares in area and comprises undulating agricultural land, mainly laid to pasture but with a smaller section of commercial orchard lying in the southeastern corner of the site.

- 3.2 The site contains two distinct shelter belts of poplar trees running in a northwest-southeast alignment across the site. One runs across the entire length of the site whilst the second, smaller one covers only the southwest corner of it. Both of these shelter belts bisect the orchards located within the southern east corner of the site.
- 3.3 The site lies immediately east of Hermitage Lane and is bound to the north by the railway line and Barming Station. To the south/south east lies the residential led development of Hermitage Park. To the north east, the site is bound by a field and the confines of Maidstone lie to the east.

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

TM/01/00203/OA	Non-determination appeal	18 October 2001
Outline application for residential development, creation of new vehicular accesses, provision of a local centre, community building, school site, public open space, informal parkland, greenways and landscaping		
TM/01/00270/A10	Non-determination appeal	18 October 2001
Article 10 consultation by Maidstone Borough Council for Outline Application residential development, creation of new vehicular access, provision of local centre, community building, school site, public open space, informal parkland, etc		
TM/01/02654/A10	Non-determination appeal	13 September 2001
Consultation under Article 10 by Maidstone Borough Council for O/A residential development, creation of new vehicular accesses, provision of local centre, community building, school site, p.o.s, informal parkland, greenways and landscaping		
TM/20/01656/EASP	EIA opinion scoping application	17 September 2020
Request for Scoping Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Proposed residential development of up to 350 dwellings		

5. **Consultees:**

- 5.1 Aylesford PC: The Aylesford Parish Council strongly objects to the above application on the following grounds:
- A. This site is not allocated to housing within the existing or draft Tonbridge and Malling Borough Council Local Plan and therefore should be refused on the grounds that it is not included in either of these local plans.
- B. There is a need to maintain and preserve what remains of the Mid Kent Strategic Gap separating the built-up areas of the Medway Gap and

Maidstone. This development destroys what is left of this very important green lung between these built-up areas. The retention of this gap is essential in order to prevent one extremely long urban sprawl.

C. Hermitage Lane with all the existing developments either built, in the process of being built or sites for which planning permission has been given means that Hermitage Lane is already completely over developed with new housing and is not capable of taking anymore new housing.

D. This development will only increase further the traffic movements along the already heavily congested Hermitage Lane and the already over capacity A20, both of which are not capable of taking the existing levels of traffic for those developments already completed. This position will already be made worse by the already approved developments such as the 890 dwelling development at the northern end of Hermitage Lane let alone this additional development. This means that this road will become a traffic congestion nightmare particularly as it acts as the main access point to Maidstone Hospital which has already seen difficulties for ambulances seeking to access Maidstone Hospital.

5.2 Ditton PC: Objects for the following reasons:

1. This site is not in the current or draft TMBC Local Plan.

2. TRAFFIC – the area is already heavily congested leading down to the A20 which is also heavily congested. The A20 is already going to be impacted by the approval of applications in Ditton for 300 new dwellings plus a new Lidl store. The area cannot cope with this amount of proposed development and the additional traffic.

3. Lack of infrastructure – local services are already at breaking point.

4. Sink Holes – there is great concern for safety in the Hermitage Lane area as many sinkholes have already been reported so it would seem dangerous to develop this area without further investigation into the causes.

5.2.1 Ditton Parish Council supports the objections raised by our neighbouring parishes of Aylesford and East Malling & Larkfield along with the concerns raised by Tracey Crouch MP.

5.3 East Malling and Larkfield PC: East Malling and Larkfield Parish Council make the following comments on the above application:-

1.This site, mainly in Tonbridge and Malling is not shown as for development in the existing Local Plan where it is part of the Strategic Gap between the Medway Gap and Maidstone.

2.It was a potential part of development for housing at an early stage of the draft Local Plan process but was not proceeded with due to concerns with

regard to the local highway network capacity and especially Hermitage Lane with a restricted junction within a residential area where it joins the A26. It would seem that any scheme to increase capacity here would require properties to be acquired and demolished. In effect in substitution sites at Parkside and Ditton Edge were included in the submitted draft Local Plan and those sites for around 400 houses have been passed by the Borough Council. However, at present the draft Local Plan is stalled following the Inspectors cancelling the November hearings with the issue for them being if the duty to consult with adjoining councils particularly Sevenoaks has been met.

3. Accordingly, the starting point is the site is not shown on the current existing Local Plan where it is a green field site which in fact is how it exists on the ground.

4. The history in respect of highways means that the impact of this site being permitted needs to be assessed on an up-to-date basis and taking into account that permission has been given for White Post Field for residential development on a conditional basis include a new road from Hermitage Lane to the roundabout at Poppyfields. That site too was included in the draft Local plan unlike this one and was considered by KCC Highways to be acceptable with the new link road. But presumably there is no definite timetable for that road to be produced on the ground so far as this application is concerned and it was not previously accepted further development was acceptable in highway terms just with that road when built and adopted for public use.

5. As an A20 parish with its residents using Maidstone as its major centre we are concerned that allowing this site would have an adverse effect on traffic flows and congestion along the A20 into and out of Maidstone. The KCC has a plan to change the junctions along the A20 but so far, the only change which has been implemented is at the New Hythe Lane junction in Larkfield. We therefore OBJECT on traffic grounds.

6. We note that the developers rely heavily on Tonbridge and Malling not having a 5-year land supply for residential development but given the borough councils evidence at the recent "Forty Acres" inquiry the position is not clear as it officers sought to show the number was nearing 5 years. It is considered the borough council need urgently to review the situation and produce up to-date figures rather than those for July 2019. It should not decide this or any similar applications without that exercise being carried out rather than using out of date statistics.

7. As mentioned about this is a green field site and can be viewed from Hermitage Lane and well used public footpath MR489 and K847. There is a good hedge along the northern boundary of this footpath which should in any event be retained as a landscape feature. There are trees and hedges with the site being in landscape terms more interesting than the site of flat White Post

Field. It provides some separation from the new houses to the east and from the footpath there are views across the site to the North Downs. There are trees and hedges, and it is considered the area is of local landscape value.

8. It is noted on the OS map that bronze age beakers were found to the south close to Old Hermitage farm which is also the site of an ancient chapel and therefore the possibility of finds may arise.

- 5.4 Teston PC: Our Parish is not within Tonbridge & Malling, but Hermitage Lane is a road used frequently by our residents and by others wishing to travel broadly north/south to/from the A20 and M20.
- 5.4.1 In the current absence of a valid Tonbridge & Malling Local Plan, NPPF's presumption in favour of sustainable development applies.
- 5.4.2 The proposed access is to/from Hermitage Lane, although the Croudace Design & Access Statement refers to "Further emergency access is provided via the permitted Croudace site". No doubt there would be a subsequent endeavour to expand emergency access to buses and then to general traffic. While that might siphon away some traffic from this proposed development accessing Hermitage Lane, it would open up Hermitage Lane to even more traffic related to the permitted development and beyond.
- 5.4.3 This proposal could easily generate 750-1,000 additional vehicle movements using Hermitage Lane at each rush hour and, despite the too-frequent apparent absence of KCC Highways in taking a stand on such matters, that must challenge the bounds of sustainability and cumulative "severity" of impact.
- 5.4.4 Hermitage Lane is already suffering from too much traffic derived from the cumulative effect of past planning permissions. As a viable route for traffic, it tests the boundaries of sustainability at rush-hours, even during the current pandemic. It therefore does not merit the NPPF's presumed acceptability.
- 5.4.5 An additional factor is that much of Hermitage Lane traffic transits the traffic lights at Wateringbury on the Tonbridge Road (A26). That is already one of the worst sites for air pollution, requiring mitigation, not additional adverse impacts.
- 5.4.6 We ask you, please, to recommend refusal of this application
- 5.4.7 Should this application go to Planning Committee, we request the opportunity to speak.
- 5.5 West Malling PC: West Malling Parish Council Planning Committee met on the 26th January 2021 to discuss this planning application and has decided that it objects to the application for the following reasons:

- This area was not earmarked for development in the Local Plan and is a green field site.
- The longstanding issues of traffic congestion on Hermitage Lane are both well-known and well evidenced. This not only impacts on entry and egress into Maidstone for communities along the A20, but also poses risks around the accessibility of the nearby hospital. An additional 330 homes would mean at least 396 extra vehicles becoming regular users of this stretch of highway, using the average car ownership level of 1.2 cars per home in the UK. This would place unacceptable additional pressure on the local road network.
- In West Malling, we have repeatedly made the argument about the importance of green space for peoples' wellbeing, but also to preserve the distinct identity of our and other nearby communities. The same argument stands in this case, with this vital green space between Maidstone and Barming providing a crucial resource for local residents and acting as a buffer against endless ribbon urbanisation.
- In taking into account the successful application for White Post Field which will erect a further 800 properties, the pressure on wider local services will be unsustainable. By adding a further 330 homes at this development, NHS services and schools will not be able to cope with the already significant demand placed on them, risking both the health and education of the communities which occupy both them and existing dwellings.

5.5.1 Please note: If this application is significantly amended subsequent to the Parish Council considering it, we would appreciate notification as this might affect our comments.

5.6 Maidstone Borough Council: Objections raised for the following reasons:

(1) Maidstone Borough Council notes that the site is not included within T&MBCs draft Local Plan and therefore it is assumed that the site is not required to meet projected local housing needs. On this basis, MBC objects to the principle of the development due to the wider adverse impacts.

(2) The proposals would be highly visible from Hermitage Lane and introduce significant development close to the road which is out of keeping with the character of this part of Hermitage Lane.

(3) The site together with the open fields to the south of Chapelfield Way provide an important open space between the Land East of Hermitage Lane development (site H1(2) in the Maidstone Local Plan) and the approved 'Whitepost Field' development to the north. This space would be eroded to the detriment of the character and appearance of the local area and the proposals will have the effect of consolidating the Maidstone urban area with the 'Whitepost Field' development and the 'South Aylesford' strategic housing

allocation in the emerging T&M Local Plan. The site is not a draft housing allocation and as such there is no justification for this harmful impact to the local area.

(4) The transport impacts of the development have not been adequately assessed as the junction capacity assessment for the Fountain Lane/A26/Farleigh Lane junction predicts impacts that are well below those provided within planning applications off Oakapple in both Maidstone and T&M (20/501733 & 20/502412) which KCC Highways have accepted.

(5) Maidstone Borough Council considers that proportionate financial contributions must be made to improvements to the Fountain Lane/A26/Farleigh Lane junction.

(6) Maidstone Borough Council considers that a direct connection from the site to the southern platform of Barming Train station should be explored as should upgrades to the station to promote public transport use.

Improvements and/or financial contributions should be secured for the following:

- Funding of the new shared cycle/footway from Maidstone Hospital to Barming Station.
- Upgrades where necessary and appropriate to public footpaths in the vicinity of the site to improve accessibility.
- The contributions requested by KCC towards local primary and secondary education, community learning, youth services, libraries, social care, and waste.
- The development will place additional pressure on public open space within Maidstone Borough and therefore the applicant should liaise with the MBC Parks department to agree an appropriate financial contribution to mitigate this additional pressure.

5.7 KCC (H&T): Reproduced in full at Annexes 1A-1E

5.8 Highways England: Reproduced in full at Annexes 2A-2E

5.9 EA: Reproduced in full at Annex 3

5.10 NHS (CCG): Reproduced in full at Annex 4

5.11 KCC (Economic Development): Reproduced in full at Annex 5

5.12 KCC (Ecology): Reproduced in full at Annex 6

5.13 KCC (Minerals): The application is supported by a Minerals Assessment which correctly identifies that the site is in conflict with an area of economic mineral which is safeguarded under Policy CSM 5 of the Kent Minerals and Waste Local Plan (KMWLP), the safeguarded mineral being Limestone Hythe Formation, (Kentish Ragstone). As such, it is necessary to demonstrate compliance with one of the exemption criterion of Policy DM7 of the KMWLP.

5.13.1 The County Council is in agreement with the conclusions made in the report that prior extraction of this material would be unviable given the location of the development and the nature of the material and associated means of extraction/processing. We therefore raise no objection on the basis of land-won mineral safeguarding.

5.14 KCC (SUDS): Kent County Council as Lead Local Flood Authority have the following comments:

5.14.1 The application is supported by Flood Risk Assessment and Outline Sustainable Drainage Strategy (Stantec, October 2020). We do not have any objection to the proposed drainage strategy. Should your local authority be minded to grant permission for this development, we would recommend the following conditions:

**Condition:**

5.14.2 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 on Flood Risk Assessment and Outline Sustainable Drainage Strategy prepared by Stantec (October 2020) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of 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.
- 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

**Condition**

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.

**Condition**

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 and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of 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.

### **Informative**

An infiltration basin is proposed in the north of the site. Infiltration test undertaken in a trial pit located in the northern corner of the site (SA101) resulted in a failed test. This could suggest that infiltration suds are not feasible in this area. During detailed design, the applicant will need to demonstrate that infiltration is feasible in all locations of proposed infiltration suds.

The underlying strata of the site is the Hythe Formation 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. For this reason, specific information will be required at the location of the proposed infiltration basin. This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

- 5.15 KCC (Archaeology): The proposed development lies in an area of potential for multi-period activity ranging from Early Prehistoric remains and evidence of Mesolithic communities to Iron Age and Romano- British settlement and burials and through to Post Medieval and Modern activity. Iron Age and Romano British settlements and burials are known to the south and an Early Medieval knife has been located on the site itself. The 19th century railway line and station lie to the north and there are known WWII pillboxes in the area.
- 5.15.1 I note this application is supported by a heritage assessment, including an Archaeological DBA by Orion, a Geophysical Survey and an Archaeological Evaluation Report by PCA. The DBA is fine and highlights the general archaeological background of this site. The geophysical survey has highlighted some anomalies which may be of archaeological interest. Of particular note is an enclosure within the centre of the site. In view of these anomalies, some targeted trenching took place and clarified that the enclosure is probably of Roman date and that other archaeology survives across the site including a trackway.
- 5.15.2 These preliminary archaeological assessments have confirmed the presence of archaeological remains some of which may be significant. However, on the basis of this fairly robust preliminary assessment, archaeological issues could be addressed through a multi-staged condition. I recommend the following conditions are placed on any forthcoming consent:
1. *Prior to commencement of development, the applicant, or their agents or*

*successors in title, has secured the implementation of:*

*i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and*

*ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority*

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

*2. Prior to occupation, the applicant, or their agents or successors in title, will secure the implementation and completion of a programme of archaeological post excavation, interpretation and publication work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.*

*Reason: To ensure that results of archaeological investigation are properly assessed and disseminated in accordance with NPPF section 16*

5.16 Natural England: No comments to make. General information provided.

5.17 Network Rail: Thank you for consulting Network Rail on the above planning application. Following an internal consultation which included Southeastern Railways (who manage Barming Railway Station), Network Rail would like to make the following comments.

Barming Station contribution

5.17.1 The centre of the proposed development is 600m from Barming Railway Station and includes the erection of up to 330 dwellings. The site is therefore considered to be highly accessible to sustainable modes of travel and well placed to promote sustainable development. It can be expected that developments of this scale and nature (residential) within proximity to railway stations tend to generate a significant amount of railway trips. Without sight of any rail trip forecasts which would give Network Rail a better understanding of the impact on the station, Network Rail would expect contribution to provide new and improved facilities at Barming Station. The contribution would not only provide a better station for the future residents, but also the local community.

5.17.2 Network Rail Infrastructure Limited Registered Office: Network Rail, One Eversholt Street, London, NW1 2DN Registered in England and Wales No. 2904587 [www.networkrail.co.uk](http://www.networkrail.co.uk)

5.17.3 Network Rail welcome further discussions with applicant to identify a suitable contribution to improve the station facilities.

Asset Protection

5.17.4 Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant/developer contacts Network Rail's Asset Protection and Optimisation (ASPRO) team via [AssetProtectionLondonSouthEast@networkrail.co.uk](mailto:AssetProtectionLondonSouthEast@networkrail.co.uk) prior to works commencing. Our Asset Protection will ensure that the proposed development can be completed without any risk to the operational railway. The applicant/developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

5.17.5 As well as contacting Network Rail's ASPRO Team, the applicant/developer must also follow the attached Asset Protection Informatives found within the appendix of this letter (compliance with the Informatives does not remove the need to contact ASPRO).

5.18 Southern Water Services: Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

5.18.1 To make an application visit: [developerservices.southernwater.co.uk](http://developerservices.southernwater.co.uk) and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](http://southernwater.co.uk/developing-building/connection-charging-arrangements)

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

5.18.3 Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

[water.org.uk/sewerage-sector-guidance-approved-documents/](http://water.org.uk/sewerage-sector-guidance-approved-documents/)

[ciria.org/Memberships/The\\_SuDS\\_Manual\\_C753\\_Chapters.aspx](http://ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

- 5.18.4 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. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.
- 5.18.5 Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:
- Specify the responsibilities of each party for the implementation of the SuDS scheme.
  - Specify a timetable for implementation.
  - Provide a management and maintenance plan for the lifetime of the development.
- 5.18.6 This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 5.18.7 The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.
- 5.18.8 It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

5.19 EP (TMBC):

*Contaminated land:*

- 5.19.1 Based on the review of: Phase 1 Land Quality Desk Study (Stantec, October 2020)
- 5.19.2 The report presents the findings of a desk study and site walkover. It adequately reviews the history and environmental setting of the site. Widespread contamination is not expected; however, an area of potentially infilled land has been identified on the site which requires further investigation. I therefore recommend the following conditions:

- Standard Contamination 2 (no phasing) (Submission of Remediation Scheme & Implementation)

- Standard Contamination 3 (no phasing) (Verification)

Noise:

- 5.19.3 The Applicant has submitted a Noise Assessment carried out by their Consultant, Cole Jarman (their ref 20/0277/R01, dated 28 October 2020).
- 5.19.4 The Assessment details noise measurements taken at the site and uses these to predict likely noise levels across the site in order demonstrate the site's suitability for the proposed development from a noise perspective.
- 5.19.5 I am broadly in agreement with the Assessment, in that with suitable attenuation measures that satisfactory noise levels can be achieved both inside and outside the proposed dwellings. However, comments provided as follows:
- 5.19.6 At Section 6.2.2, the Assessment offers a glazing specification in terms of Rw to secure satisfactory internal noise levels with windows closed. This figure should cite in terms of Rw+Ctr to take account of the dominant noise being traffic related. The Rw+Ctr figure typically provides a lower level of attenuation than the Rw figure.
- 5.19.7 At Section 6.3.3, the Assessment states that the Noise Contour plan ref 20/0277/F1 shows that much of the site is below 50 dB LAeq,16h. However, this does not appear to be the case, as the boundary between the 45-50 and 50-55 contours appears to cut through the middle of the site. This would suggest that roughly 40-45% the site is above the desirable level (50dB, LAeq,T) and would indicate that some form of attenuation is required to achieve this level, albeit that this may be achieved in some areas by the proposed dwellings themselves.
- 5.19.8 The subsequent Section, 6.3.4, does acknowledge that screening will be required for those properties close to both Hermitage Lane and the Railway line.
- 5.19.9 In conclusion, I am content that the site is suitable on noise grounds with appropriate attenuation being put in place.
- 5.19.10 At Appendix L3, the Consultant provides an example of a Code of Construction Practice. It is difficult to comment upon this, as it is offered as an example and not what is proposed. However, I would invite the Applicant to compile a Code of Construction Practice, which I can then comment upon.

5.19.11 I would also invite the Applicant to discuss with the Environmental Protection team an application for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

5.19.12 Informatives are recommended.

*Air Quality:*

5.19.13 Occupants in the new development themselves won't be affected by poor air quality from Hermitage Lane itself. Increase in traffic won't affect residents at the junction to the A20 at Hermitage Lane. The developing Royal Legion development near the retail park is from memory far enough away from the road and shouldn't be affected by traffic queuing there at junction to turn into McDonalds. New roundabout at A20, retail park and Hall Lane crossroads should help reduce traffic pollution here (although I have struggled to find the traffic predictions from the development that might be using the junction).

5.19.14 Before putting no comment, I was going put a comment that all houses are to be built with electric car charging facilities but thought you would already have a policy on that given that from 2030 only electric cars can be sold. What is the policy on electric car charging for any new developments?

5.20 TMBC Housing: 130 Affordable housing units representing 40% of the development is policy compliant.

5.20.1 In terms of the indicative mix, the number of flats needs to decrease and increase the number of houses. The number of 1bed units needs to be reduced and the number of 2, 3 and 4beds increased. As the development includes 5 bed houses, I'd expect to see provision of a 5bed unit as part of the affordable housing.

5.20.2 The intention to ensure design and delivery is tenure blind is noted however the number of flats indicated as part of the affordable housing provision is significantly higher than the number of private flats, with one block of private flats providing 8 2bed units and nine blocks delivery 78 flats for affordable housing. Along with the number of flats reducing, early engagement with Registered Providers is advised for their input on design and location of units to allow for effective management of them. Private outside space should also be provided to the flats.

5.20.3 Units will need to meet the size requirements outlined in the Affordable Housing SPD. 10% of the affordable provision needs to be wheelchair accessible.

5.20.4 The draft S106 heads of terms are noted, it would be helpful to have further information on the intended tenure split of the affordable housing provision; policy requires a 70/30 split, 70% affordable homes for rent and 30% intermediate tenure (including shared ownership). Reference to a Local

Lettings Plan relating to all the affordable housing units, to be agreed between TMBC and the Registered Provider, will also need to be included.

- 5.21 TMBC (Leisure): There is insufficient info on the application to provide detailed comments (application states unknown unit sizes). At 330 units I would expect LAPS, LEAP and you could argue for a NEAP. Further details on this would be needed as their map does not give specific detail. There appears to be no outdoor sport which we would expect onsite if not then a contribution would be sought. Amenity space appears to be provided on site but contributions for outdoor sport, parks, natural green spaces (possibly) may be sought.
- 5.21.1 I've attached the rough amount of contribution based on 330 3 bed houses which may help. My thoughts remain the same, for 330 houses guidance would say LAPS, LEAPS and MUGA and potentially a contribution to a NEAP. I do not know if the parish are putting in a MUGA or not but in any case, any provision being put in now is for the current population and may not cater for the increase in population. So, I would still suggest a NEAP instead of the MUGA. Again, outdoor sport we would expect on a development this size, if not a contribution may be sought. Their comment regarding the school pitches may not be available to the general public and most likely already in use.
- 5.21.2 Based on the current outline info I think there could be scope to change the LAP for a LEAP and the LEAP for a NEAP and no MUGA provision. It appears that amenity and natural green is provided on site, so parks and outdoor sport contribution may be sought. The applicant may also wish to consult with RoSPA regarding any water features on site and mitigation measure with the public.
- 5.22 TMBC (Waste services): Please see full comments in Appendix 7.
- 5.23 Private Reps (including responses to site and press notices): 2:/OX/OS/225R. The reasons for objecting to this application are:
- Traffic is already bad in the area and this will make things worse
  - Traffic already experiences problems accessing the hospital and the development could cause a risk to anyone who is trying to access it
  - The local infrastructure cannot cope with the additional houses proposed
  - Loss of important green space
  - The houses are not going to be affordable
  - There are numerous brown sites that could be built on instead.
  - Sink holes are common in this area



- Pollution along Hermitage Lane is already dreadful. This will make it worse
- Building on this land would ruin the aesthetics of the area
- Loss of trees and other wildlife habitats
- The development will cause increased levels of stress to commuters using Hermitage Lane as a result of the grid lock that will ensue.

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 (July 2021) 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 Members will be aware that Council has taken the decision to withdraw the previously submitted draft local plan. As such, the policies contained within this plan hold no weight for decision making purposes.

6.4 The adopted development plan therefore continues to consist of:

- Tonbridge and Malling Borough Core Strategy 2007 (TMBCS)
- Managing Development and the Environment Development Plan Document 2010 (MDE DPD)
- Development Land Allocation – Development Plan Document 2008 (DLA DPD)
- Tonbridge Central Area Action Plan 2008 (TCAAP)

6.5 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.

6.6 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.”*

6.7 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 cannot, therefore, be attributed weight in the determination of this particular planning application.

- 6.8 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.
- 6.9 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 7) provide a clear reason for refusing the development proposed. In this case, none of the policies referred to in footnote 7 of the NPPF apply to the site the subject of this application. As such, as directed by paragraph 11(d) (ii) of the NPPF, permission should be granted for this development 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 the following assessment is made.

*Locational characteristics and associated impacts:*

- 6.10 Policy CP 6, which relates to the separate identity of settlements, does remain a key consideration as it continues to accord with policy set out within the NPPF. It states:

*“1. Development will not be permitted within the countryside or on the edge of a settlement where it might unduly erode the separate identity of settlements or harm the setting or character of a settlement when viewed from the countryside or from adjoining settlements.*

*2. Any development that is considered acceptable in terms of this policy should maintain or enhance the setting and identity of the settlement, and in the countryside, be consistent with Policy CP14.”*

- 6.11 This policy does not seek to arbitrarily prevent development in out of settlement locations such as that the subject of this particular application. Rather it seeks to preserve the separate identity of different settlements and their particular character.
- 6.12 The site is such that it would adjoin a residential development which is currently under construction (Hermitage Park) in Maidstone BC's area. The

eastern corner of the site also lies adjacent to the settlement confines of Maidstone (Corben Close). The railway embankment spatially and visually cuts off the site from the existing developed confines of Aylesford located further to the north and the submitted master plan which, although indicative only at this stage, shows a buffer approx. 35-40m in width between the developed section of the site and the railway embankment. A similar buffer to that approved for the Clarendon Homes development is located to the north east of the site and also lies between the Maidstone confines and the railway line. As such, it is my judgement that the proposed development would appear as an extension to the Hermitage Park development and by association Maidstone itself. Furthermore, whilst I acknowledge that the Whitepost Field site located north of the railway line and the application site would, when developed, infill the gap between Aylesford and the railway, again due to the railway embankment that separates the two and the proposed green buffer, both sites would be visually separated from one another. Consequently, the development would not be contrary to the requirements of policy CP 6 of the TMBCS.

- 6.13 Paragraph 79 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 80 provides further guidance by stating that “planning policies and decisions should avoid the development of isolated homes in the countryside”.
- 6.14 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.
- 6.15 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)
- 6.16 The site is immediately adjacent to the urban area of Maidstone and the development would provide a spatial expansion of this urban area. Furthermore, the site lies a very short distance away from Barming Railway Station which provides access to London, Kent towns and the coast. Bus routes travel along Hermitage Lane in both directions connecting Maidstone, and the Medway gap area. Taking these locational factors into account and 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 highly sustainable location for new dwellings to be provided as a meaningful expansion of the existing urban area. The development would not, therefore, conflict with paragraph 80 of the NPPF.

- 6.17 As such, in locational (spatial planning) 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 landscape and visual amenities:*

- 6.18 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.

- 6.19 In particular, paragraph 126 states:

*“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

- 6.20 Paragraph 130 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 134 sets out that permission should be refused for development that is not well designed especially where it fails to reflect local design policies and government guidance on design. expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

- 6.21 Section 8 of the Environmental Statement submitted as part of this application concerns the landscape and the likely significant and visual effects of the proposed development upon it.

- 6.22 Given the characteristics of the site and its surroundings, the Council sought the advice of an independent expert consultant to advise on matters of landscape impact. The consultant advice focuses on:

- Whether the methodology used in the landscape and visual impact assessment was undertaken in a sound manner using best practice; and

- Whether the conclusions are sound and agreed with.

- 6.23 The advice is reproduced in full at Appendix 8 to this report and is referred to as necessary in the assessment below.
- 6.24 When undertaking a landscape and visual impact assessment (LVIA), a distinction is normally made between landscape effects (those effects on the character or quality of the landscape irrespective of whether there are any views of the landscape, or viewers to see them) and visual effects. These are the effects on people's views of the landscape, not just from public rights of way and areas with public access, but also private views from residential properties as well. Landscape quality is assessed using a subjective judgement, often informed by whether a site lies within a designation area (such as an AONB, Conservation Area), and taking into account what features within the site itself (such as woodlands, trees, landform) and how/where it is seen from outside. Context is also important consideration.
- 6.25 As has been stated above, the site is not the subject of a specific landscape designation. The built confines of Maidstone lie immediately to the east of the site and the existing Hermitage Park development lies to the south/southeast, which is already accessed by Chapelfield Way. To the north of the site lies the railway line, with Barming Station located just beyond the northwest corner.
- 6.26 Kent County Council has assessed the landscape of Kent and the site lies within an area known as "Greensand Fruit Belt - Malling". This assessment describes the landscape condition of the wider area as poor, noting detracting features such as the intrusive urban edge of new developments and the suburbanisation or rural lanes. The assessment also describes the sensitivity of the wider character area as very low and notes that the gently undulating landform (which is also present within the site) is unremarkable.
- 6.27 This context is a key consideration when assessing the impact of a development in landscape/visual terms. The key issues to consider are how the landscape itself will change under a proposed development and how people's view of the site will change as well.
- 6.28 Members will note that the Council's appointed consultant agrees with the applicant's assessment concerning the nature of the existing site commenting:
- "the site is reasonably well contained, by the railway line and the vegetation alongside it to the north (and also by the distribution centre to the north of the railway line), the tall poplar shelter belt along its northeastern boundary, the rising ground and Hermitage Park development to the south and Hermitage Lane and the trees alongside it to the west. As a result, most views of the site are from the areas immediately adjoining it. The tall poplar shelter belt within the site also provides some internal landscape structure and separates the two parts of the site."*

- 6.29 He also provides the following advice concerning the methodology of the applicant's assessment:

*“my general view is that it is detailed, comprehensive and based upon an appropriate methodology, and is in general a fair assessment of the likely levels of landscape and visual effects which would result from the development.”*

- 6.30 However, Members will note that he does raise some issues with the analysis undertaken by the applicant. For example, at paragraph 8.7.4 of the LVIA the applicant sets out that the completed development will result in a moderate adverse landscape effect on the character of the site and immediate surrounding area at year 1. Paragraph 8.10.2 goes on to state that the permanent loss of arable land and the commercial orchard trees within the site result in a permanent moderate adverse effect. Both of these effects are not considered by the applicant's assessment to be significant.
- 6.31 However, the Council's consultant advises that as the character of the site itself would change permanently, with the permanent loss of the agricultural fields and commercial orchard - to be replaced by a housing development - the effect of that change on the site would be significant in year 1. He also considers that the moderate adverse effects on the area around the site should also be regarded as significant to ensure they are given due weight in the overall planning balance.
- 6.32 In the context of the effects of the development upon the landscape within the site itself and its immediate vicinity, I concur with the Council's consultant that they will be significant both in terms of the loss of the existing agricultural land and by virtue of the undertaking of a housing development in its place. Whilst the retention of the existing structural landscaping within and around the site (which is planned to be the case) and the inclusion of a high-quality landscaping scheme as part of the development will help to diminish the significant impact of the built form in time, the change from an open, undeveloped agricultural site will be permanent and the initial impact of the development upon the site and its immediate environment should attract significant weight in the overall planning balance.
- 6.33 The applicant's assessment of the other landscape and visual impacts of the development (upon the wider landscape and views from further afield) is that they would be negligible to slight adverse. This assessment is considered to be sound and reasonable. However, they are still negative impacts of the development that need to be weighed in the overall planning balance.

*Highway safety, capacity and parking provision:*

- 6.34 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.

- 6.35 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.
- 6.36 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.
- 6.37 It goes on to state that 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.
- 6.38 Concerning national planning policy, this has been updated in the latest iteration of the NPPF. Paragraph 110 states:

*“ In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

*a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*

*b) safe and suitable access to the site can be achieved for all users;*

*c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*

*d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*

- 6.39 Paragraph 111 states:

*“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.”*

- 6.40 Paragraph 112 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.”*

- 6.41 When assessing whether a development of this nature and scale is acceptable in transportation terms different matters need to be considered: whether the existing highway network, (including key junctions) is capable of accommodating the additional traffic with or without mitigation, the accessibility of the site to public transport and whether any measures are proposed to help reduce the number of car journeys. The applicant has sought to address these matters in a Transport Assessment (TA), and subsequent documents including addendums and technical notes. The Highway authorities have both assessed the scheme reviewing all of the technical information and the Council has also appointed its own highway consultant to independently assess both the applicant's submission and the response from the local highway authority, given the significant committed developments already permitted for this part of Aylesford area.
- 6.42 It is apparent that the main areas of concern highlighted by all parties are the impacts of the development upon the junctions of London Road/Hermitage Lane and Fountain Lane/A26/Farleigh Road. Both junctions would be adversely affected by the development over and above that which would occur just with background growth and the traffic movements from committed developments.
- 6.43 Regarding the London Road/Hermitage Lane junction, the applicant is proposing a mitigation scheme that reduces the harm to a level accepted by the local highway authority and this will be secured by a s.278 agreement with the highway authority

- 6.44 The local highway authority has been developing a scheme for an improvement to the Fountain Lane/A26 junction for some time now. The applicant has agreed to make a financial contribution that will enable the junction improvement to now be delivered by the highway authority. The contribution will be secured through a s106 agreement prior to the commencement of the development.
- 6.45 Other key junctions are planned to be improved by the local highway authority (Coldharbour roundabout and the junction of Mills Road/Hall Road/London Road) which will again provide sufficient capacity to accommodate the traffic generated by the proposed development and committed schemes in the locality.
- 6.46 The highway impacts of a development are, of course, not just related to the impacts upon specific junctions and whether the local network can accommodate the anticipated level of additional traffic. Consideration must also be given to the sustainability of the development as well. The site, of course, is located right next to Barming Railway Station. Therefore, any residents of it will have easy access to it to travel to London, Maidstone or the Kent coast without needing to drive to the station. Hermitage Lane lies on several bus routes including a direct link from the Park and Ride at Beaver Road to Maidstone Hospital. Another route travels from Wrotham Heath to Maidstone Hospital and a further one links Kings Hill to Maidstone Hospital. These routes would run past the site and, like Barming Railway Station, offer opportunities to local residents to make use of transport modes other than the private motor car. In line with recent developments in the locality, the applicant has agreed to make contributions for the enhancement of bus services in the local area (£910 per dwelling).
- 6.47 The applicant will, under a s.278 agreement, upgrade the footpath on the east side of Hermitage Lane, between Barming Railway Station and the north side of Chapelfield Lane to accommodate a shared cycle lane/footpath. The applicant will also make contributions towards the enhancement of the footpath on the east side of Hermitage Lane, south of Chapelfield Way, a scheme that is currently being developed by KCC as local highway authority. These improvements when linked with that delivered by the Whitepost Field development to the north would provide improved cycle and pedestrian links along Hermitage Lane between the London Road in the north and Maidstone Hospital to the south.
- 6.48 The applicant has provided a Framework Travel Plan for the development (which is effectively an extension of the one that relates to the existing Croudace development at Hermitage Park). This seeks to encourage sustainable travel with potential measures and initiatives including the provision of resident travel information packs, cycle parking, bicycle discounts, promotion of public transport use and cycling/walking in the local area. The

applicant has also agreed to set up cycle hire facilities and a car club as part of the wider development. The full range of sustainable travel measures are being secured through a s.106 Agreement.

- 6.49 Given the significant amount of development that has been approved by the Council in this part of the Borough in recent months, the Council has taken the opportunity to engage independent consultants to review the transport evidence alongside the representations made by KCC (H+T). This advice is appended in full within Appendix 9 of this report. The summary of their assessment is set out in section 5 of their report, for Member's attention.
- 6.50 It is apparent, therefore, that the independent consultant appointed by the Council considers that the applicant's assessment of the likely transport impacts is sound and robust and the responses from the local highway authority are appropriate including the mitigation measures sought.
- 6.51 In conclusion, I am satisfied the adverse transport impacts of the development can be mitigated where necessary (the Fountain Lane junction and the junction of the A20 London Road with Hermitage Lane) and is acceptable in terms of other junctions and traffic flow more generally. Contributions for the enhancement of local bus services will be provided and the development will also result in a shared cycle lane/footpath along the east side of Hermitage between Barming Station and Maidstone Hospital (which of course will link into the cycle lane/footpath between Barming Station and London Road that is to be provided as a result of the Whitepost Field development). Being located next to Barming railway station, combined with the improved cycle lane/footpath, the inclusion of a cycle hire facility and a car club, will make this a highly sustainable form development. It will provide meaningful transport choices for its residents other than the private motor car. Consequently, the development accords with policy SQ 8 of the MDE DPD as well as paragraphs 110-112 of the NPPF.

Ecology:

- 6.52 The applicant's survey highlights that the greatest ecological interest is the well-established hedgerows that form the west and east boundaries to the site as well the trees that stand within the hedgerows. These are to be retained as part of the development. The shelter belts of trees that run across the site also considered to have local importance. The two main fields within the site are considered to be modified grassland in poor condition. These are not considered to be a priority habitat. The pear orchard in the southeast corner of the site is an intensively cultivated orchard, considered to be of a poor quality. Nonetheless it provides a biodiversity resource to be of local level importance.
- 6.53 The ecological surveys detail that the following species were recorded/likely to be present within the site:

- At least 8 species of bats
- At least 30 species of birds including those which are notable/conservation importance
- Common lizard and Slow worm
- Potential for hedgehogs

6.54 KCC Ecology agrees that the only habitat on site considered to be a priority are the traditional hedgerows, which are to be retained and enhanced under the development save to access arrangements. It is noted the loss of the modified grassland and part of the existing intensive orchard would result in the loss of habitat for birds within the site. However, it is proposed to enhance the landscaping around the site with new tree planting, wildflower meadows, amenity grassland and SUDS basins. Overall, the strategy to retain as much of the priority habitats as possible combined with the new landscaping strategy of the proposed planting around the site, the creation of wildflower meadows, new amenity grassland and enhancing the existing grassland with a wider range of species will mitigate the impacts of the development upon birds and bats. A sensitive lighting strategy will also be required (as recommended by the applicant's consultant) and a condition can be used to secure this. Due to the low populations of reptiles found on site it is proposed to relocate these to the site's margins when found. KCC ecology consider that there would be insufficient room within the site itself to do this but there is suitable land within the applicant's control (the combined red and blue land) to support the population of reptiles. Conditions are required to secure the mitigation measures, a site wide management plan, and bat sensitive lighting.

6.55 It is noted that the requirements of the Environmental Bill 2019, which will seek a 10% biodiversity net gain, have not yet come into effect. However, the applicant considers that net gain of 11% will be delivered by the development. This will be dependent on how the landscaped areas will be managed and so a condition will be required to ensure the mitigation measured are not only provided but long-term provision for the management is also put in place. Again, the applicant's consultant considers this to be necessary.

*Best and most versatile agricultural land:*

6.56 Policy CP9 of the TMBCS states that development of the best and most versatile land (DEFRA Grades 1, 2 and 3a) will 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.

- 6.57 Paragraph 174 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.
- 6.58 Whilst I appreciate that policy CP9 relates to the allocation of sites rather than decision making, this policy when considered in conjunction with paragraph 174 (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.
- 6.59 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. 14 ha) in size. It is confined on three sides by a railway line to the north, Hermitage Lane to the west and by residential development to the east/southeast. Only the land to the northeast lies open and this stands between the site and that of the residential development that Members have resolved to grant outline planning permission for under ref TM/19/00376/OAEA earlier this year.
- 6.60 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, which is constrained by man-made features on three sides, would have little tangible impact on agricultural yield.
- 6.61 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 Feld 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. Members have also resolved to grant permission for another residential development (known as the Oakapple Lane site) further south and on the west side of Hermitage Lane that would result in a further loss of 5.7ha of good quality agricultural land. However, the harm arising from this loss of agricultural land was considered to be outweighed by the benefit of boosting housing supply by a significant amount (and which includes a 40% provision of affordable housing).

- 6.62 The proposed development would result in a further loss of 14 ha of good quality agricultural land in the Aylesford area. However, this loss is considered to be outweighed by the social and economic benefits arising from the development which includes the benefit of boosting housing supply by a significant amount (and which includes a 40% provision of affordable housing).

*Renewable technologies and climate change strategy:*

- 6.63 The Council's climate change strategy covers the period 2020-2030 and applies to all aspects of the Council's business, not just planning. It states quite clearly that where the local plan is silent on a specific issue, the NPPF and the climate change strategy will remain material planning considerations to be considered when determining planning applications. Whilst the current adopted development plan policies relating to climate change and renewables are largely out of date now, the NPPF provides clear policy guidance.

- 6.64 Paragraph 154 states that new development should be planned for in ways that:

*“can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.”*

- 6.65 Paragraph 157 states:

*“In determining planning applications, local planning authorities should expect new development to:*

*a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*

*b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.”*

- 6.66 The development will make contributions to improve the bus services in the locality and result in the enhancement of the cycle lane and footpath along Hermitage Lane. A car club and cycle hire facilities will also be set up as part of the travel plan. The development will, therefore, maximise opportunities for sustainable travel. EV charging points will be installed with all houses with independent car parking and provision will also be made for EV charging points where it is not.
- 6.67 As has been reported in the ecology section, the development is shown to deliver a bio-diversity net gain and create/improve the existing wildlife habitats within the site.
- 6.68 Matters such as passive solar gain and the use of renewable technology will be considered at the detailed design stage of the development. However, a condition can be used to ensure that such matters are submitted as part of those details and designed into the scheme from day one.
- 6.69 On this basis, I can conclude that the proposed development meets the national and Council requirements in terms of climate change and renewable technologies.

Minerals:

- 6.70 The development would be undertaken on land that is safeguarded within the Kent Mineral and Waste Local Plan OL7 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:

- 6.71 Paragraph 183 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.”*

6.72 Paragraph 184 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.

6.73 In terms of land contamination, the submitted Geo-Environmental Report is considered to adequately review the history and environmental setting of the site. Widespread contamination is not expected but there is an area of potentially infilled land that requires further investigation. As such the Council's Contaminated Land Officer recommends that conditions be used to address potential contamination within the site.

Noise:

6.74 Paragraph 185 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.

6.75 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.

6.76 It is considered that appropriate internal and external noise levels can be achieved for the proposed development although some appropriate noise mitigation measures will be required but this will be dependent upon the final overall site layout. A condition can 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.

Air quality:

6.77 Paragraph 186 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.

- 6.78 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 Wateringbury crossroads located approx. 4km away.
- 6.79 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 to include mechanisms for discouraging high emission vehicle use, encouraging the uptake of low emission fuels/technologies and the provision of EV charging points for houses with dedicated parking. These measures which are proportionate will be secured by condition.
- 6.80 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 186 of the NPPF.

*Flooding and surface water management:*

- 6.81 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.
- 6.82 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.
- 6.83 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.

*Archaeology:*

6.84 The submitted preliminary site assessments have confirmed the presence of archaeological remains, some of which may be significant, according to KCC (Heritage). Further investigation is recommended, but KCC (Heritage) considers that this does not have to be prior to the grant of a permission and has, instead, recommended conditions to be attached to a permission.

Planning obligations:

6.85 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.

6.86 Paragraph 57 of the NPPF reflects this statutory requirement.

6.87 The scheme proposes to provide 40% of the total number of dwellings (330) as affordable housing, which would be 132 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.

6.88 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 £402,471 is also being secured through a s.106 obligation for the enhancement of Leybourne Lakes Country Park. A further sum of £738,394 is also being sought for the enhancement of outdoor sports facilities in the locality as well.

6.89 The development generates a need for 91 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 northwest 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 contribution of £6,800 per dwellings and

£1,700 per applicable flat 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 £3,208.18 per house and £802.05 per applicable flat 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.

6.90 With regard to secondary school provision, the development generates a need for 65 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 £5,176 per dwelling and £1,294 per applicable flat towards the cost of building the new school. KCC is also seeking a maximum financial contribution towards securing the land for this new school up to a maximum of £4,173.24 per house and £1,043.31 per applicable flat.

6.91 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 earlier this year. 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 65 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).

6.92 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 £55.45 per applicable dwelling for enhancements and addition book stock for Larkfield library and £16.42 per applicable dwelling for additional equipment at

the adult education centre in Aylesford. Further contributions of £65.50 per dwelling for youth services, £146.88 for social care and £183.67 for the new waste transfer station are also being sought. As with all the other contributions, these are being secured by a s.106 planning obligation.

- 6.93 NHS CCG has advised that the proposal will generate approximately 780 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 £280,800 towards the refurbishment/reconfiguration or extension of Blackthorn Medical Centre, Bower Mount Medical Practice, The Vine Medical Centre and/or The Medical Centre Group. This is also being secured by the s106 planning obligation.
- 6.94 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.
- 6.95 Network Rail has requested contributions for new and improved facilities at Barming Station. However, it has not identified the amount of the contribution or what it should be used for. As such, this request does not meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

*Planning balance and overall conclusions:*

- 6.96 The presumption in favour of sustainable development as set out at paragraph 11 (d) of the NPPF applies in this instance. The test in this case is whether or not there are any adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.97 I accept that the proposal would bring about significant benefits associated with the provision of 330 new dwellings including 40% affordable housing. In addition, the proposal would provide net gains to biodiversity providing the site is managed going forward.
- 6.98 Equally, I agree with the Council's consultant that the development would cause moderate adverse impacts in year 1 to the character of the site which should be attributed significant weight although this is tempered by the fact that the impact will reduce as the landscaping contained within the site matures. I also agree that the permanent loss of the open landscape and orchard should also be attributed significant weight as well in the overall planning balance.

6.99 On balance, it is my judgement that these adverse impacts do not significantly and demonstrably outweigh the benefits of granting planning permission on this occasion. 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** in accordance with the following submitted details:

Report C \_ A Standard Linsig dated 26.05.2021, Other Technical note 15 KCC Response dated 26.05.2021, Other Technical note Highways England Response dated 26.05.2021, Other Basic Traffic Flows Figure 4.30 dated 26.05.2021, Other Basic Traffic Flow 4.31 dated 26.05.2021, Other Technical note 17 dated 02.06.2021, Other Technical Note 18 dated 22.07.2021, Transport Assessment Addendum Figures 2 of 2 dated 22.04.2021, Transport Assessment Addendum Appendices dated 22.04.2021, Transport Assessment Addendum Drawings dated 22.04.2021, Transport Assessment Addendum Figures 1 of 2 dated 22.04.2021, Design and Access Statement 2951-A-4000-D dated 02.12.2020, Other Technical Note dated 01.06.2021, Transport Assessment Addendum dated 15.03.2021, Other Revised Technical note (18) Rev A dated 05.08.2021, Other PRELIMINARY MINERALS ASSESSMENT dated 02.12.2020, Location Plan 2951-A-1001-PL-A dated 02.12.2020, Other ECONOMIC BENEFITS OF DEVELOPMENT dated 02.12.2020, Statement Planning dated 02.12.2020, Other S106 DRAFT HEADS OF TERMS dated 02.12.2020, Transport Assessment VOLUME 3 OF 4 APPENDIX A E dated 02.12.2020, Transport Assessment VOLUME 4 OF 4 APPENDIX F U dated 02.12.2020, Other INFOGRAPH dated 08.12.2020, Report BIODIVERSITY NET GAIN ASSESSMENT dated 08.12.2020, Travel Plan 14 REV A dated 08.12.2020, Report 1\_APPENDIX D dated 02.12.2020, Report 2\_APPENDIX D dated 02.12.2020, Report 1\_APPENDIX H dated 02.12.2020, Report 1\_APPENDIX N dated 02.12.2020, Report 1\_PHASE 1 LAND QUALITY DESK dated 02.12.2020, Report 2\_APPENDIX H dated 02.12.2020, Report 2\_APPENDIX N dated 02.12.2020, Report 2\_PHASE 1 LAND QUALITY DESK dated 02.12.2020, Report 3\_APPENDIX D dated 02.12.2020, Report 3\_APPENDIX H dated 02.12.2020, Report 2\_APPENDIX N dated 02.12.2020, Report 2\_PHASE 1 LAND QUALITY DESK dated 02.12.2020, Report 3\_APPENDIX D dated 02.12.2020, Report 3\_APPENDIX H dated 02.12.2020, Report 3\_PHASE 1 LAND QUALITY DESK dated 02.12.2020, Habitat Survey Report 3604\_11 dated 02.12.2020, Report BIODIVERSITY NET GAIN ASSESSMENT dated 02.12.2020, Report 4\_APPENDIX H dated 02.12.2020, Report 4\_PHASE 1 LAND QUALITY DESK dated 02.12.2020, Report 5\_PHASE 1 LAND

QUALITY DESK dated 02.12.2020, Report 6\_PHASE 1 LAND QUALITY DESK dated 02.12.2020, Report APPENDIX A dated 02.12.2020, Report APPENDIX B dated 02.12.2020, Report APPENDIX C dated 02.12.2020, Report APPENDIX E dated 02.12.2020, Report APPENDIX F dated 02.12.2020, Report APPENDIX G dated 02.12.2020, Report APPENDIX I dated 02.12.2020, Report APPENDIX J dated 02.12.2020, Report APPENDIX K dated 02.12.2020, Report APPENDIX L dated 02.12.2020, Report APPENDIX M dated 02.12.2020, Arboricultural Assessment dated 02.12.2020, Ecological Assessment dated 02.12.2020, Flood Risk Assessment dated 02.12.2020, Travel Plan dated 02.12.2020, Statement COMMUNITY INVOLVEMENT dated 02.12.2020, Environmental Statement VOLUME 1 dated 02.12.2020, Environmental Statement VOLUME 2 dated 02.12.2020, Environmental Statement VOLUME 3 dated 02.12.2020, Transport Assessment VOLUME 1 OF 4 ISSUE 02 dated 02.12.2020, Transport Assessment VOLUME 2 OF 4 dated 02.12.2020, Master Plan 2951-C-1005-SK-H dated 24.06.2021,

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; and
- The applicant entering into a planning obligation with Kent County Council to make financial contributions towards off-site highway junction improvements, bus service improvements, 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

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 30 March 2022, 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**

*Development principles and phasing:*

- 1 Approval of details of the layout and appearance of the development, access to and within the site, 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 Applications for the approval of the reserved matters shall be in general conformity with the design principles described in the Design and Access Statement and the following plans:

- Illustrative Masterplan- Drawing no. 2951-C-1005-SK-C
- Landscape Strategy Plan– CSA/3604/112-A
- Secondary Access – Drawing No. 5407.003 Rev D

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

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

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

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

- 7 Prior to the commencement of the development in any phase hereby approved, arrangements for the management of all construction works for that particular phase shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:
- The days of the week and hours of the day when the construction works will be limited to and measured to ensure these are adhered to;
  - Procedures for managing all traffic movements associated with the construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to;
  - Procedures for notifying local residents as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and
  - The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.

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

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

Highway/Parking/Transportation:

- 8 None of the dwellings within any phase of the development shall be occupied until the works to improve the following road junctions have been completed by the local highway authority.
- Coldharbour roundabout on the A20 London Road (the junction with the spur road to junction 5 of the M20)

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



9 None of the dwellings within any phase of the development shall be occupied until the following works have been undertaken under a s278 agreement between the developer and the local highway authority:

- Footway/cycleway along the eastern side of Hermitage Lane between Barming Station and Chapelfield Way and to include a link to the public right of way adjacent to Hermitage Quarry including a pedestrian crossing facility on Hermitage Lane as shown in principle on Drawing 5407.003 rev D.
- Improvement scheme for the junction of the A20/Hermitage Lane as shown in principle on Drawing 004-SK-004 Rev A
- Primary access to be provided as shown in principle on drawing number 5407.005 Rev C.
- Secondary access to be a left in - left out only design as shown in principle on Drawing number 5407.003 Rev D but to include running lanes of 3.5m minimum width each side of the proposed central island.

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

10 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

11 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 112 of the National Planning Policy Framework 2021.

- 12 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 112 of the National Planning Policy Framework 2021.

- 13 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, communal car parking, the lighting 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.

*Drainage/ground contamination:*

- 14 No infiltration of surface water drainage into the ground is permitted other than with the written consent 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 contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 183 of the National Planning Policy Framework.

- 15 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 183 of the National Planning Policy Framework.

- 16 Development shall not commence 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 on Flood Risk Assessment and Outline Sustainable Drainage Strategy prepared by Stantec (October 2020) and shall demonstrate that the surface water

generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of 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.
- 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.

- 17 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 and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of 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 167 of the National Planning Policy Framework.

- 18 Prior to the commencement of the development in any phase 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 and the development will be undertaken in accordance with the approved details.

Reason: The National Planning Policy Framework paragraph 183 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.

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

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

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

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

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

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

Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

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

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

*Ecological/environmental matters:*

21 No development above slab level shall take place until a "bat sensitive lighting plan" for the site 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: To safeguard protected species and protect the biodiversity of the local area.

22 Notwithstanding the information submitted as part of the planning application, no development shall commence above ground level until further details of reptile mitigation have been submitted to and approved by the Local Planning Authority and the development shall be undertaken in accordance with the approved details.

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

23 No dwelling within any phase of the development shall be occupied until a Landscape and Ecology Management Plan (LEMP) has been submitted to and

approved by the Local Planning Authority. The LEMP will detail the establishment and long term management of retained and newly created habitats and the development shall be undertaken in accordance with the details of the approved LEMP.

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

- 24 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.

- 25 None of the dwellings within any phase of the development shall be occupied until the 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.

- 26 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.

- 27 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.

- 28 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.

- 29 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.

- 30 No works shall commence above ground on any dwelling until a scheme that demonstrates how the dwellings will be designed to reduce energy demands and which shows where renewable technologies will be employed within the development have first been submitted to and approved in writing by the Local Planning Authority. The development will be carried out in accordance with the approved details.

Reason: In the interest of reducing the energy demands of the development in accordance with paragraphs 112, 154 and 157 of the National Planning Policy Framework 2021 and the Borough Council's Climate Change Strategy.

- 31 No above ground development shall take place within any phase until details of the refuse storage facilities for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken 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.

- 32 Prior to commencement of development, the applicant, or their agents or successors in title, has secured the implementation of:

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

- 33 Prior to occupation of any dwellings, the applicant, or their agents or successors in title, will secure the implementation and completion of a programme of archaeological post excavation, interpretation and publication work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that results of archaeological investigation are properly assessed and disseminated in accordance with NPPF section 16

### **Informatives**

- 1 Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.
- 2 The majority of this site is located on the Hythe Beds. The use of soakaways in the Hythe Beds are not recommended as they can promote instability of the geology via washout of the sandier horizons, leading to the opening and enlargement of fissures and subsequent collapse.



- 3 Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with our guidance document “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73”.
- 4 The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:
  - excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
  - treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the EA
  - some naturally occurring clean material can be transferred directly between sites.
- 5 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
- 6 The Environment Agency recommends that developers should refer to:
  - The Position statement on the Definition of Waste: Development Industry Code of Practice and;
  - The Environmental regulations page on GOV.UK
- 7 We note there are several invasive non-native species recorded as being on the development site. The Developer should refer to guidance and follow the rules to prevent their spread. The latest guidance can be found on .GOV.UK  
  
<https://www.gov.uk/guidance/invasive-non-native-alien-plant-species-rules-in-england-and-wales>
- 8 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

- 9 An infiltration basin is proposed in the north of the site. Infiltration test undertaken in a trial pit located in the northern corner of the site (SA101) resulted in a failed test. This could suggest that infiltration suds are not feasible in this area. During detailed design, the applicant will need to demonstrate that infiltration is feasible in all locations of proposed infiltration suds. The underlying strata of the site is the Hythe Formation 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. For this reason specific information will be required at the location of the proposed infiltration basin.

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