

Aylesford
Aylesford

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24 September 2014

(A)TM/14/03596/CNA
(B)TM/14/03598/CNA
(C)TM/14/03290/OA

Proposal:

(A) Consultation by Maidstone Borough Council (ref. 14/503735/OUT/JAB1) Outline - access not reserved - mixed use development comprising up to 420 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (including children's play areas) associated infrastructure and necessary demolition and earthworks. The formation of 2 no. new vehicle accesses from Hermitage Lane and Howard Drive
(B) Consultation by Maidstone Borough Council: (ref.14/503786/OUT/JAB1) Outline application for up to 80 residential dwellings with access to be considered at this stage with all other matters reserved for future consideration
(C) Outline Application: Mixed-use development comprising up to 420 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (inc. children's play areas) associated infrastructure and necessary demolition and earthworks. The formation of 2 no. new vehicular accesses from Hermitage Lane and Howard Drive. All other matters reserved

Location:

Land East Of Hermitage Lane Aylesford Kent

Applicant:

Croudace Strategic Ltd

1. Description:

1.1 This report relates to an application for outline planning permission and also two consultations from Maidstone Borough Council, all for development east of Hermitage Lane. The overall development proposed, in the consultations by MBC (applications (A & B), is for up to 500 homes, a school, community centre and open space and this proposal forms the context for the application (C) in this Borough. Vehicular access is proposed to be gained from Hermitage Lane (as in application (C)) and Howard Drive, in the MBC area. The overall development site crosses over the boundary between Maidstone Borough and Tonbridge & Malling. All of the proposed housing is within Maidstone with the only development within Tonbridge & Malling being the access road from Hermitage Lane to serve the west side of the development and a car park area for the school. The remainder of the land within this Borough is indicated as being open space.

2. Reason for reporting to Committee:

2.1 These applications are being reported to the Planning Committee at the request of the Ward Member Cllr Balcombe.

3. The Site:

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

4. Planning History:

TM/92/00494/FL grant with conditions 28 January 1993

erection of stables for private use

TM/97/00735/FL Grant With Conditions 17 October 1997

proposed two storey stables

TM/00/00108/FL Grant With Conditions 26 September 2000

erection of two storey stable building

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

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

TM/09/02835/FL Approved 5 March 2010

Change of use of land for the keeping of horses and erection of a two storey stable building with hardstanding and parking (resubmission of application TM/00/00108/FL)

TM/10/00840/RD Approved 21 May 2010

Details pursuant to conditions 2 (materials), 3 (disposal of waste) and 6 (landscaping) of planning permission TM/09/02835/FL (Change of use of land for the keeping of horses and erection of a two storey stable building with hardstanding and parking)

TM/13/03147/OA Refuse 30 July 2014

Outline Application: Mixed-use development comprising up to 500 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (inc. children's play areas) associated infrastructure and necessary demolition and earthworks. The formation of 2 no. new vehicular accesses from Hermitage Lane and Howard Drive. All other matters reserved

TM/13/03275/CNA Refuse

3 July 2014

Consultation by Maidstone Borough Council: Mixed-use development comprising up to 500 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (inc. children's play areas) associated infrastructure and necessary demolition and earthworks. The formation of 2 no. new vehicular accesses from Hermitage Lane and Howard Drive. With access to be considered at this stage and all other matters reserved for future consideration

5. Consultees (combination of all applications):

5.1 Aylesford PC: Object on the following grounds:

- Hermitage Lane will not be able to cope with the additional traffic.
- Cumulative impact with other developments with other development approved / proposed in the local area.

5.2 East Malling and Larkfield PC: Object on the following grounds:

- Traffic impacts for the A20/Hermitage Lane and J5 of the M20.
- Question the long term management and future of the woodland and hospital field.
- Brownfield land should be used in preference to greenfield land which would also prevent the erosion of the green wedge / gap between Allington / Barming and the Medway Gap.
- The country park has been deleted from the application, question whether this was because no authority was prepared to take it on.
- There should be open space provided for residents and this will have to be in Tonbridge and Malling.
- Issue of air quality has not been properly addressed. The cumulative impact must be considered in relation to pollution along the M20/A20 corridor.
- The amenity of rural footpaths will be lost.

5.3 KCC PROW: Support the application subject to the following conditions:

- Contributions towards a pedestrian / cycle link to the nearest point of Barming Station.
- A suitable road crossing with clear and open sightlines at the crossing point of public footpath KB47 on the main access road.

- The provision of a 3m wide tarmac surfaced path along the alignment of path KB47 between the most north easterly internal road and Howards Drive prior to the completion of the school.
- The provision of a 3m wide tarmac cycle route linking the nearest internal road to path KB18 prior to the occupation of the 50th unit.

5.4 KCC (Heritage): There is insufficient consideration of the heritage asset of the medieval chapel complex.

5.4.1 There is poor consideration of historic landscape issues within the Heritage Statement. There is a need for further assessment of the historic landscape, especially with regard to the possible medieval chapel complex.

5.4.2 Recommendation that enhancement measures and safeguarding of any remains associated with the medieval chapel are secured through a S.106 agreement.

5.5 KCC (Highways): Raise no objection as the highway and transport aspects are consistent with those previously agreed between KCC Highways and Transportation, MBC and the developer.

5.6 KWT: Object to the application with regard to the development which is proposed in Maidstone Borough and beyond the borough boundary of TMBC.

5.7 Private Reps: 12/0X/62R/0S. Objections received on the following grounds.

- The land is the last remaining green space for local people to enjoy in urban Maidstone.
- The water reservoir presents a flood risk for future residents.
- The site would become a rat run for vehicles passing between Howard Drive and Hermitage Lane.
- There would be a need to significantly improve surrounding infrastructure.
- Need to consider cumulative impact with other residential developments.
- Traffic light controlled junction onto Hermitage Lane would have a detrimental effect on traffic flow.
- The access through Howard Drive should be single lane and should be controlled by a lockable gate.
- Provision should be made for healthcare facilities as there is a deficit in the local area.
- Land within TMBC should be for use as a country park.

- Congestion on local roads.
- Impact of the school building on the openness of the strategic gap.
- Impact upon ancient woodland.
- Lack of school provision in the local area.
- Impact upon highway safety with added cars on local roads.
- Pollution and impact upon air quality.
- Drainage of the field is inadequate and it floods every time it rains.
- Impact upon protected species.
- Loss of crop growing in the local fields which will erode the ability to feed ourselves.
- Impact upon parking in the town centre resulting in longer vehicle trips for residents to shop at Bluewater.
- The proposed highway improvements would not address the highway congestion issues.

6. Determining Issues:

- 6.1 The two applications in the MBC area (A & B) are in combination a re-submission of one of two previous applications which were reported to the Planning Committee of 24 July 2014; one was a consultation request from MBC for an application for outline planning permission for the construction of 500 houses, a school, community centre and open space and the other (now C in this report) was an application for outline planning permission made to TMBC for the construction of an access road onto Hermitage Lane. The two previous applications were refused and are currently the subject of a joint appeal scheduled to be heard next summer (see below).
- 6.2 The most current applications remain for the same overall proposal insofar as outline planning permission is sought for the construction of an access road onto Hermitage Lane, the construction of 500 houses, a school and open space. However, the applications to MBC for the housing have now been split in two, with one seeking permission for 420 dwellings on the land to east of the ancient woodland belt, and the other an application for 80 dwellings on the western side of the ancient woodland with an access road through connecting to the remainder of the housing. This is in an endeavour to overcome some of the reasons that MBC refused permission earlier this year.

- 6.3 In respect of the application within TMBC area (now C in this report) that earlier application was refused permission because, in light of the refusal by MBC, there was no justification for the road across the land in TMBC area.
- 6.4 The Committee resolved to refuse the previous application for outline planning permission made to TMBC for the following reason:
- “The development proposed is unacceptable as it would result in an unjustified incursion into the Strategic Gap as there is no development approved that would be served by the new access and road. The proposal is therefore contrary to Policies CP1 and CP5 of the Tonbridge and Malling Local Development Framework Core Strategy 2007.”
- 6.5 The Committee also resolved to raise objection to the previous consultation from Maidstone Borough Council with regard to the erection of 500 houses, a school, community centre and open space for the following reason:
- “The Borough Council is aware that the land is allocated for 380 dwellings within the adopted Maidstone Local Plan, with the emerging policy proposing 500 dwellings. However, the submitted scheme does not appear to conform with either adopted or emerging policy insofar as the proposals could lead to harmful effects on recognised features on the site and impact on traffic and environmental conditions off site. The development proposed is unacceptable as it would result in an unjustified incursion into the Strategic Gap as there is no development approved that would be served by the new access and road. The proposal is therefore contrary to Policies CP1 and CP5 of the Tonbridge and Malling Local Development Framework Core Strategy 2007.”
- 6.6 The previous committee report which provides a useful background to the history of this site is attached as an annex to this report. As the previous report highlights, *the principle of residential development on the site has been established as being acceptable with the site being allocated in the MBC Local Plan (2000) for residential development for approximately 380 units.*
- 6.7 Both MBC and TMBC refused applications for permission for the development and the applicants are now appealing the decision to the Secretary of State. A Public Inquiry to determine these appeals is to be held in June 2015.
- 6.8 At this stage, it is not clear as to whether MBC officers will be recommending refusal of the outline application for housing (as per the consultation requests A & B). If permission is refused by MBC there would remain no justification for the grant of permission on application (C) which seeks the creation of an access from Hermitage Lane. This access is over land that is designated in the TMBC Core Strategy as Strategic Gap. It is accepted that, given the Maidstone Local Plan designation, there may be, with an appropriate form of development in the MBC

area, a requirement for an access road in this location. Without planning permission being granted by MBC for the residential development the proposal to construct a new access in this location would be unacceptable and unjustified.

- 6.9 Notwithstanding this, should either or both of the residential proposals sought by applications (A & B) was granted planning permission by MBC, the access and access road would be of a limited scale and size, with open land around. The intrusion into the Strategic Gap would be relatively limited and fully justified by the residential development. TMBC has accepted such a provision to be acceptable as long ago as an earlier Planning Inquiry in the early 2000s.
- 6.10 Applications (A & B) seek permission for a total of 500 houses, a school community centre and open space, with application (A) containing the majority of the developed area and application (B) seeking permission for 80 dwellings. Since the time the previous application consultations were reported to APC3 additional discussions have been had between the applicant, MBC and KCC Highways and supplementary information has been provided with regard to the impact of the development upon the highway network, not least as preparation for the June 2015 Inquiry.
- 6.11 KCC Highways and MBC transport planners are in the process of designing and traffic modelling a new roundabout junction at Coldharbour with the aim of increasing the free flow of traffic onto the motorway. This design work is potentially due for completion in January 2015 and therefore at present it is not possible to fully understand the impact of these works of accommodating the additional traffic. I have high expectations, arising from officer level discussions, that a suitable improvement to Coldharbour roundabout can be achieved. If this proves to be acceptable then a financial contribution should be secured by S106 obligation to help fund these junction improvements.
- 6.12 The Highways Agency raised no objection to the previous application and requested a commuted sum towards motorway junction improvements at M20 Junction 5. In addition, the retail development at the northern end of Hermitage Lane was granted permission in 2014 and provides significant enhancements to the traffic light controlled junction at the end of Hermitage Lane, linking it more decisively with other traffic signals in the vicinity. Subject to all of these highway works being adequately designed and modelled and the developer providing funding towards such works to mitigate the impact of the residential development on the road network, a significant adverse impact should not be caused to highway safety.
- 6.13 In light of the previous concerns expressed with regard to Air Quality considerations, the applicant has also provided enhanced information with regard to the measures to be implemented to reduce the need to travel by private car and to reduce vehicle emissions. This was not available to view on the MBC website at the time of the last report to APC3. These include providing funding towards

enhanced bus services, a new shared cycle/footway on Hermitage Lane and use of a Travel Plan (and possibly a travel plan co-ordinator). The housing application site is within walking distance from Barming train station which links to Maidstone, the surrounding villages and ultimately to London. This rail connection with pedestrian links to the site would provide a viable alternative method of transport than the private car. Moreover the contributions to enhancements of Coldharbour roundabout and M20/J5 will aid the free flow of traffic. These matters would reduce the impact of vehicular traffic passing through the AQMAs both in Waterringbury village and on the A20 London Road. I am satisfied that these provisions, when brought into sharper detail in the future will overcome the concerns that arose in the previous APC3 report.

- 6.14 Issues raised by consultees such as the impact upon Heritage Assets, wildlife and footpaths all relate to the development within Maidstone Borough and it is therefore for MBC to consider these matters further.
- 6.15 East Malling and Larkfield PC question the removal of the country park from the proposals. The country park is a requirement of an MBC *emerging* policy contained within their draft consultation local plan. The draft policy seeks the provision of a country park on land within TMBC area , and the lack of provision of this facility formed one of MBC's reasons for refusal on the previous application. However, the MBC draft policy is at an early stage and should play no decisive role in the decision making on the housing schemes in applications (B) and (C). The developers have confirmed that they are not proposing to make provision of the country park.
- 6.16 In essence this is a reprise of the decisions made earlier this year. However, now the matters identified in discussions with the applicant and MBC, as identified in paragraphs 6.11 – 6.13 above have been revealed further I am satisfied that the previous objections to up to 500 dwellings (A & B) in the MBC area can be overcome subject to the necessary S106 obligations being secured. No objections should be made to applications A & B subject to the S106 obligations as identified above.
- 6.17 The position regarding application (C) remains as previously, that planning permission is granted for the housing in MBC area then the grant of permission is justified but the permission should not allow the development of the road except in circumstances where the housing in MBC area has been permitted. This can be secured by condition.

7. Recommendation:

(A) TM/14/03596/CNA & (B) TM/14/03598/CNA:

7.1 No Objection Be Raised subject to:

- S106 obligations being secured to cover the matters raised in paragraphs 6.11 – 6.13 above

(C) TM/14/03290/OA:

7.2 Grant Planning Permission subject to conditions:

- 1 All normal conditions plus a condition which says that permission (C) can only n be implemented if planning permission is granted and implemented under (A) or (A) and (B).

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