

## REPORT SUMMARY

<b>REFERENCE NO -</b> 16/503641/REM			
<b>APPLICATION PROPOSAL</b> Reserved matters of appearance, landscaping, layout and scale for Phase 1 for erection of 183 dwellings with associated infrastructure pursuant to outline approval ref 13/1749.			
<b>ADDRESS</b> Land to the East of Hermitage Lane, Maidstone Kent			
<b>RECOMMENDATION</b> Approve subject to conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> See Report below			
<b>REASON FOR REFERRAL TO COMMITTEE</b> <b>Cllr Cynthia Robertson</b> has called the application to Planning Committee due to the large scale nature of the proposals which are on a prominent site and which will have a considerable impact on the local area.			
<b>WARD</b> Allington		<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Croudace Homes Ltd <b>AGENT</b> Croudace Homes Ltd
<b>DECISION DUE DATE</b> 22/12/16		<b>PUBLICITY EXPIRY DATE</b> 19/10/16 – latest round 01.12.16	<b>OFFICER SITE VISIT DATE</b> Various
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
16/507319	Submission of details pursuant to conditions 10, 11, 12, 14 and 18 of outline planning permission MA/13/1749 for the access road (from Hermitage Lane) only.	Awaiting determination	
14/503735	Outline - Access not reserved - Mixed use development comprising up to 420 residential dwellings (including Affordable homes), land safeguarded for an education facility and land safeguarding 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 new vehicle accesses from Hermitage Lane and Howard Drive	Withdrawn  Resolved to be approved by planning committee 30.07.2015.	04.02.16
14/503786/OUT	Outline application for up to 80 residential dwellings with access to be considered at this stage with all other matters reserved for future consideration.	Withdrawn	04.02.16
13/1749	An Outline application for a Mixed-Use development comprising up to 500 residential	Refused – Allowed	19.10.15

	<p>dwelling (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 2No. 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.</p>	on appeal	
MA/12/2307	<p>Request for a screening opinion as to whether the proposed development incorporating up to 700 dwellings, a mixed use centre, a 2 form entry primary school, access from Hermitage Lane, up to 15,000sqft employment uses, extension to Barming Railway Station car park, drainage infrastructure and open space is development requiring an Environmental Impact Assessment.</p>	Not EIA development	24.01.13
MA/01/0080	<p>Outline application for residential development, the creation of new vehicular accesses, provision for a local centre, community building, school site, public open space, informal parkland, greenways and landscaping, with all matters except means of access reserved for future consideration</p>	Refused – Non determine  Appeal dismissed	02.10.02

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

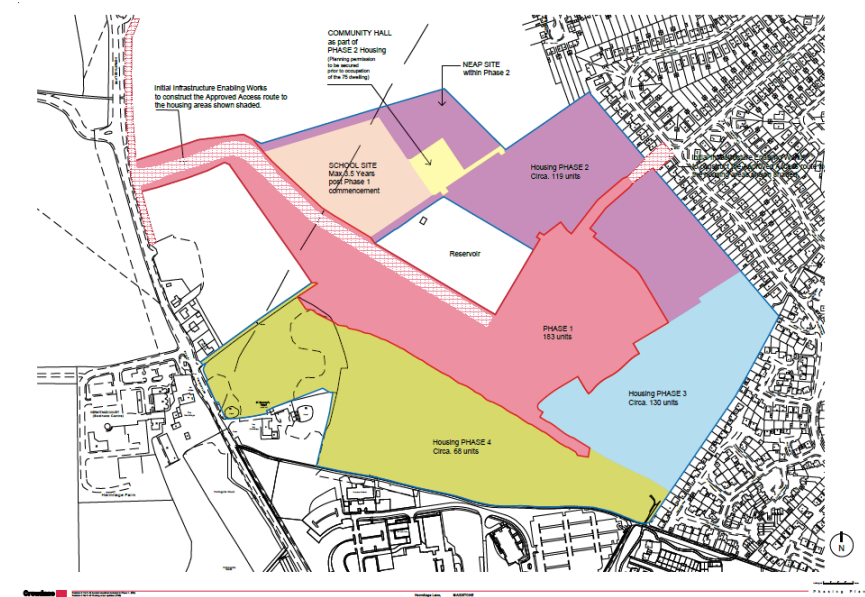
- 1.01 The site is located to the east of Hermitage Lane (the B2246). The southern boundary is demarcated by a belt of designated Ancient Woodland with a smaller fallow field beyond. The Maidstone Hospital and land associated with the Old Hermitage/St Lawrence's Chapel are located further beyond.
- 1.02 The western boundary of the wider site follows Hermitage Lane in parts and also a paddock to the rear of properties fronting Hermitage Lane. Areas of open agricultural land including a pear orchard are located immediately north of the site.
- 1.03 The remaining boundaries of the wider site are adjacent to existing residential development. To the north-east are properties on Howard Drive and to the south east are the rear gardens and properties located on Rosslyn Green, Hawkwood, Watermill Close and The Weavers.
- 1.04 The whole site granted outline permission under 13/1749 extends to approximately 30.66 ha and is within both Maidstone Borough and Tonbridge and Malling Borough, however the site area the subject of the current application extends to approximately 7.12 hectares. The site is irregular in shape (and excludes a covered reservoir in the

centre) and comprises fields and areas of woodland which vary in character and use. The northern field contains a commercial pear orchard with the main field previously used for crop growing. The site also comprises two residential properties, nos. 100 and 102 Howard Drive. These properties are proposed to be demolished to facilitate a secondary emergency/bus access.

- 1.05 There are a number of trees within the site predominantly located in woodland groups. The most substantial of these is located along the southern boundary, with part of this belt designated as Ancient Woodland. The remainder of trees are located along the other boundaries. Tree Preservation Orders cover the trees along the north eastern and south eastern boundaries.
- 1.06 A number of Public Rights of Way traverse or lie adjacent to the site including PROW MR489/KB47 extending between Hermitage Lane and Howard Drive, PROW KB51, extending south east from MR489/KB47 through the main block of woodland and PROW KB19, following the south eastern boundary to Howard Drive.
- 1.07 The site lies on the transition between the Greensand Ridge to the south and the river Medway valley to the north and is gently undulating, falling steadily to the north - north east, from a high point of 80m AOD at the south eastern corner, to a low point of approximately 60m AOD at the north western and western corners. Beyond this, the land continues to fall gradually to the north-west and north.

## 2.0 PROPOSAL

- 2.01 The reserved matters application seeks approval of matters relating to layout, appearance, scale and landscaping for Phase 1 only for 183 dwellings. It also seeks approval of a number of conditions (1,2,10,18 20 and 21 – see Appendix A) contained within the outline approval (13/1749) which are required to be submitted for each phase of development.
- 2.02 The Phasing plan submitted for approval as part of condition 1 of the outline permission sets out the phasing of the site, with Phase 1, the subject of the current reserved matters application (shown red below), with a further 3 phases to follow. Phase 4 (which includes the Ancient Woodland) and the area known as the “hospital field” is shown in green.



- 2.03 The Phase 1 land includes the primary route through the site, linking Hermitage Lane with Howard Drive and includes land within Tonbridge and Malling Borough. The outline approval granted permission for the access road from Hermitage Lane to a point some 581m into the site (almost parallel with the reservoir to the east) and a secondary access from Howard Drive extending some 67m into the site. Use of this access is restricted by condition 7 (see Appendix A) for buses, emergency vehicles, pedestrians and cyclists only. As such means of access is not for consideration with this reserved matters application.
- 2.04 Significant amendments have been negotiated during the progression of the application to the design, layout, landscaping and extent of the Phase 1 reserved matters to accommodate concerns expressed by the case officer, local residents and statutory consultees. These include but are not exclusive to, enlargement of red line area of Phase 1 to include the access road and open spaces areas to north and south of the road and to include the open space area to south east within Phase 1, inclusion of the 15m buffer to the Ancient Woodland (AW) within Phase 1 which extends further SE wards (previously contained within phase 3) – to enable the buffer planting to establish to help protect the AW, re-design of landscaping detail which includes the open space areas to the north and south of the main access road (some of which lies within and the buffer to the AW and redesigns to layout and design of dwellings. The amended details cover a comprehensive landscaping strategy which includes detailed planting plans and specifications for the open space areas, semi natural open space areas, play area (to the NW of the AW) and 15m buffer planting to the AW.
- 2.05 The Phase 1 scheme includes a minimum 15 metre buffer from the designated AW along its entire length – NW-SE axis) which is proposed to be fenced off with 1.2 m high timber post and rail fencing with a further amenity verge/meadow grassland ranging from 2-12m along most of its length but accommodating an additional 31m in the area to the NW corner which is proposed to accommodate the woodland play area.
- 2.06 Specific building forms are provided at prominent locations within the Phase 1 site which consist of “vista” and “key” buildings. The scale of buildings range from one to three storey’s with taller buildings fronting the primary road. All building heights are below or at 11m, as required by condition 20 of the outline permission (see Appendix A). A mix of dwelling types are proposed within the 183 units ranging from 1-5 bedroom units with materials comprising of facing brickwork, brick features, tile hanging, ragstone walling on “key” buildings and render. A variety of bays and entrance porches, set under a mix of plain tile and slate roofs are proposed. A total of 55 affordable dwellings are proposed within Phase 1 the details of which are set out below.

### 3.0 SUMMARY INFORMATION

	Outline permission	Phase 1	Remaining for phases 2-4
Site Area (ha)	30.66	7.12	23.54
Approximate Ridge Height (m)	No more than 11m	Various but no more than 11m	N/A
Approximate Eaves	N/A	Various	-

Height (m)			
Approximate Depth (m)	N/A	Various	-
Approximate Width (m)	N/A	Various	-
No. of Storeys	Limited to 11m high	Ranging 1-3 –no more than 11m high	No more than 11m high
Parking Spaces	N/A	Various -Meets IGN 3 standards	-
No. of Residential Units	Up to 500	183	Up to 317
No. of Affordable Units	Upto 150 (30%)	55 (30% of 183) – 60% affordable rent, 40% shared ownership.	Up to 95

#### 4.0 PLANNING CONSTRAINTS

- The site contains woodland TPO's
- There are a number of public rights of way that run through or adjacent to its boundaries.
- Part of the site lies in an area of Special Archaeological Potential.
- The site falls within Flood Zone 1
- There is an Air Quality “hotspot” at the junction of Fountain Lane and Tonbridge Road and at the Watlingbury crossroads.
- An area of designated Ancient Woodland lies to the immediate south (but outside the site).
- The site forms part of an allocated housing site in the Maidstone Borough-Wide Local Plan (2000) and the Submitted version of Local Plan.

#### 5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone borough-Wide Local Plan 2000: ENV6, ENV24, ENV27, ENV31, H1 (xvii), H12, CF1, CF6, CF8, T3  
MBC Affordable Housing DPD (2006)  
MBC Open Space DPD (2006)  
Submitted version Maidstone Borough Local Plan Feb 2016 - SS1, SP2, H1, H1(2), DM1, DM2, DM3, DM5, DM7, DM11, DM12, DM13, DM22, DM24, DM27

#### 6.0 LOCAL REPRESENTATIONS

6.01 Approximately 30 representations objecting to the application have been received raising the following main (summarised) points:

- Significant traffic congestion
- Over-capacity in local schools

- Harm to countryside character
- Flooding issues
- Restricted access due to traffic to major hospital
- Lack of sufficient infrastructure capacity
- Insufficient parking for the new houses
- New retail park at end of Hermitage lane has caused traffic chaos
- Too many apartments being built in phase 1
- Concern over exit into Howard Drive and who may use this
- Concerns over air quality
- Loss of green spaces
- Objects to the loss of woodland TG3001- protected by TPO No.36
- Phase 1 plan appears to show an access road leading up to the Ancient woodland
- Work should not take place during the bird nesting season
- Protection of fauna and flora

6.02 2 representations commenting on the application (neither objection/supporting raising the following main (summarised) points:

- Protection of community facilities
- Retention of existing buffer/landscaping areas important
- Need to build cycle and footpaths

6.03 Various letters/documents received from the New Allington Action Group (NAAG) raising concerns on the following information.

- Informed by residents in Howard Drive that the two properties owned by Croudace have Bats roosting in their lofts
- Heritage – lack of acknowledgement in the current Local Plan about the site's important heritage connections – Phase 1 is immediately next to a confirmed Anglo Saxon/Iron Age settlement.
- Landscape Strategy - lacks detail and fails to protect the woodland from the start of development. Proposed play areas are too close to the Ancient Woodland
- Excessive traffic in Hermitage Lane
- Buffer zones - Phase 1 does not include buffer zones and is left to Phase 4 which is unacceptable. The LEMP should be agreed prior to the commencement of development. 15m buffer is inadequate.
- TPO Order – TPO No.36 will be removed. This is not necessary. Full details for the whole site should be known before development commences.
- Drainage – concerns raised by KCC - Lead Local Flood Authority – no detailed drainage designs have been submitted for the Phase 1 scheme.
- Parking – the apartment have no allocated car spaces and some plots have no nearby visitor parking spaces. Inadequate parking has been provided on site.

A letter addressed to the Head of Planning has also been submitted with the title “No more development and Stop Hermitage Lane Traffic Jams” promoted by the New Allington Action Group . The letter contains a list compiling over 200 plus local residents and road user comments on what they think about Hermitage Lane. The letter also encloses an on-line social media petition purporting to have 1021 signatories at the time of submission on the same subject matter.

## **7.0 CONSULTATIONS**

### **Statutory**

- 7.01 UK Power Networks – No objection
- 7.02 Highways England – No objections
- 7.03 Kent Police – No objection- expecting Croudace Homes to achieve Secured By Design Silver award.
- 7.04 Natural England – No comment on the application
- 7.05 Southern Water – comments in response dated 11.11.13 remain unchanged and are valid for this application - no objection  
AMENDED PLANS – no further comments
- 7.06 SGN Networks (Gas) – No objection in principle
- 7.07 KCC – Lead Local Flood Authority – Insufficient information to enable a recommendation that permission be granted – there is no detailed drainage design for phase 1.  
AMENDED PLANS - No further comments
- 7.08 KCC – Archaeology – most archaeological issues relating to the details of this reserved matters application are being addressed through an agreed programme of evaluation works, with trial trenching underway. Some proposed reserved matters planting could have an impact on archaeology within the medieval chapel safeguarded zone and no works at all should take place within this zone.  
Recommend a condition on archaeology field evaluation works.
- 7.09 KCC – PROW - no objection - suggest 2 conditions relating to public footpath KB51 – relating to any proposed surfacing and no restriction of public access.
- 7.10 MBC Housing – 30% Affordable housing provided within Phase 1 - no objection
- 7.11 MBC Landscape/Arboricultural – Indicative landscape strategy is acceptable in principle although further details required. The submitted Arboricultural Method Statements are acceptable in principle subject to the submission of a programme of monitoring at appropriate stages of construction.  
AMENDED PLANS – No objection to amended details submitted.
- 7.12 MBC Conservation Officer- no objection
- 7.13 KCC Biodiversity - require additional information prior to determination relating to provision of woodland buffer within Phase 1  
AMENDED PLANS - awaiting submission of amended LEMP details.
- 7.14 KCC Highways – No objection in principle but suggest some variation in surface treatment due to the long straight section of road on the entrance road to the site, additional plans to show vehicle including bus tracking and a plan to show which roads are proposed to be adopted. Street lighting plan required to accommodate tree lined streets.

Proposed parking levels comply with requirements of IGN3 although there are imbalances in the distribution of visitor parking.

Amended plans: No objection - supports both primary access from Hermitage Lane and Howard Drive coming forward together in Phase 1. Supports features to reduce traffic speeds, lighting detail generally acceptable to accommodate street lighting and trees. Proposed parking levels meet standards with a more even distribution of visitor parking around the site.

Latest plans – No objections

7.15 MBC Parks – Awaiting comments

7.16 Tonbridge and Malling BC – Awaiting comments

### **Non Statutory**

7.17 Kent Wildlife Trust – disappointed that position of link road has not been included in Phase 1. Unclear about when buffer zone will be created to Ancient Woodland. Until this is resolved – holding objection.

7.18 Woodland Trust – Objects on damage to Ancient Woodland -15m buffer is not acceptable – suggests 50m.

## **8.0 BACKGROUND PAPERS AND PLANS**

8.01 Members will recall that outline planning permission 13/1749 was refused by the Council on a number of grounds, principally the impact on the Ancient Woodland, the absence of a Country Park within Tonbridge and Malling Borough Council and in the absence of a legal agreement to secure financial contributions to mitigate the impacts of the development. The appeal was recovered by the Secretary of State and was the subject of a public inquiry between 2-5 June and 9 June 2015. The Inspector submitted his report to the Secretary of State in August 2015 with the Secretary of State issuing his approval notice in October 2015 – see Appendix B.

8.02 The outline approval for the site granted planning permission for a mixed use development comprising of up to 500 dwellings, land safeguarded for an education facility and community facility, provision of open space, associated infrastructure and necessary demolition/earthworks and the formation of 2No. new vehicular access from Hermitage Lane and Howard Drive. Matters relating to the access were approved as part of the outline permission but all other matters were reserved for future consideration.

8.03 Therefore, the access road, from its ingress/egress from Hermitage Lane and extending into the site by approximately 581m and from Howard Drive, extending into the site by approximately 67m have already been approved by the outline planning permission. These matters do not need further consideration. Only matters relating to appearance, layout, scale and landscaping need further detailed approval.

8.04 Conditions imposed on the outline permission, amongst other matters require the submission of a phasing plan to identify the sequence of phases and site area coming forward. Conditions on the outline permission generally defer to the phasing plan to enable each phase and their subsequent conditions to be considered on a phase by phase basis. There are exceptions to this however, relating to the construction management plan.



- 8.05 A separate S106 agreement relating to infrastructure provision was accepted by the Inspector/ S of S and within this agreement requires the provision of a LEMP – Landscape Ecological Management Plan. Croudace have submitted this document as a supporting document to the current reserved matters for Phase 1, however, this document is not a requirement of the outline conditions or a detailed matter for consideration as part of the reserved matters application. It will need to be formally approved prior to development commencing on phase 1. I expect an updated version of the LEMP to be submitted imminently to the Council which takes on-board comments from the KCC Ecological officer. At the time of writing this report, the updated LEMP has not been submitted but Members will be updated on this via the urgent update papers or at the committee meeting.
- 8.06 A recent condition application (16/507319/SUB) to partly discharge certain conditions on the outline planning permission (conditions 10,11,12 and 18) relating to the access road only and condition 14 for the whole site is currently being considered and may be determined prior to the committee meeting. All relevant statutory consultees have agreed to the partial discharge of these conditions for the access road only (including KCC Archaeology). Some concern has been raised by local residents and members regarding the impact on potential archaeological remains in an area denoted on the landscape plans for the play area within Phase 1. KCC Archaeology have requested further information on the groundworks in this area and the impact on heritage assets and as such have not recommended discharge of the archaeology condition for the remainder Phase 1 area. The applicant is doing further work on this and will need to submit a further SUB application to partly discharge this condition for the remaining parts of Phase 1. This does not impact consideration of the reserved matters application as the archaeology condition forms part of the outline consent and requires to be discharged in its own right.

## **9.0 APPRAISAL**

### **Principle of Development**

- 9.01 The principle of development has already been established by the grant of outline planning permission by the Secretary of State (SoS) under planning reference 13/1749 on 19<sup>th</sup> October 2015. This granted permission for development of the site for up to 500 dwellings with access considered at the outline stage. Matters relating to layout, scale, appearance and landscaping were reserved for future consideration. Whilst a number of supporting plans were submitted with the outline application, most of these were for illustrative purposes only and the SoS in his decision notice – see Appendix A and B, only conditioned the access roads (condition 5), the height of the buildings not to exceed 11m (condition 20) and that the quality and type of open spaces shall be as set out in the Design and Access Statement dated Oct 2013 (condition 21). The submitted reserved matters application meets the specified criteria and is therefore a valid reserved matters application.
- 9.02 The matters for consideration therefore only relate to the layout, scale, appearance and landscaping of the site. Matters relating to highways impact, loss of agricultural land, air quality, etc etc are not for consideration with the current application.
- 9.03 It should be noted that condition 1 of the outline permission requires the submission of a phasing plan before any development begins. The applicant seeks approval of this phasing plan as part of the reserved matters application. Phase 1 seeks to establish the primary route through the site, linking Hermitage Road with Howard Drive with subsequent phases following in sequence. Phase 4, includes the southern

“hospital field” and the AW. The access road required to access this land and pass through either the AW or secondary woodland is not for consideration at this stage and will be considered as part of Phase 4. Notwithstanding this, the applicants are continuing work to establish the least harmful route in ecology terms (see para 13 of SoS decision notice - Appendix B) to inform a reserved matters application for Phase 4 in future years.

- 9.04 It should also be recognised that adopted policy H12 of the Maidstone Borough Wide Local Plan 2000 allocates the whole site for Housing (the site considered under appeal and granted permission by the SoS under 13/1749). Subsequent to the appeal decision, and for the Reg 19 submission to the Planning Inspectorate, which was agreed by Full Council on 25<sup>th</sup> January 2016, policy H1(2) of the submitted draft Local Plan establishes the key planning criteria to be met in development of the site. This policy allocation is considered to carry significant weight and the policy and subsequent site plan reflects the outline planning consent but also establishes key criteria for assessment of this reserved matters application which is discussed in further detail below. The policy is set out below.

### **Policy H1 (2)**

#### **East of Hermitage Lane, Maidstone**

East of Hermitage Lane, as shown on the policies map, is allocated for development of approximately 500 dwellings at an average density of 40 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.

#### **Design and layout**

1. A 15 metres wide landscape buffer will be implemented between the identified area of ancient woodland and the proposed housing development, to be planted as per recommendations detailed in a landscape survey. Development will not be permitted within this area.
2. The root protection area of trees identified as in and adjacent to the area of ancient woodland will be maintained and kept free from development.
3. A buffer will be provided along the north eastern boundary of the site (rear of Howard Drive dwellings), incorporating existing protected trees, the details of which will be agreed with the council.
4. The wooded character of the footpath (KB19) running along the south eastern boundary of the site will be maintained.
5. Development will be subject to the results and recommendations of an archaeological survey.

#### **Access**

6. Access to the site will be taken from B2246 Hermitage Lane. Subject to the agreement of junction details, this access will be made in the vicinity of the land opposite the entrance to Hermitage Quarry.
7. An automated bus gate will be provided that allows buses and emergency vehicles to access the site from Howard Drive. Pedestrian and cycle access from Howard Drive will enable permeability to the site.
8. Where ownership of component land parcels differs, access for development purposes will not be impeded to or from these component parcels.

#### **Air quality**

9. Appropriate air quality mitigation measures to be agreed with the council will be implemented as part of the development.

#### **Open space**

10. The ancient woodland on the south western boundary of the housing development will be retained as public open space.
11. The linear woodland, extending south and south east from the ancient woodland to the site boundary, will be retained as public open space.

12. The land currently used as a commercial orchard, north west of the restricted byway and extending as far as the borough boundary, will be retained for a combination of community infrastructure and public open space uses.

13. Provision of 12.95 ha of open space within the site comprising 6.62ha woodland/landscape buffers, 5.41ha amenity green space, 0.77ha of allotments (community orchard), 0.15ha of provision for children and young people and contributions towards outdoor sports facilities at Giddyhorn Lane. Development should maximise the use of the southern part of the site including Bluebell Wood and the "hospital field" for the provision of open space, making best use of existing features within the site.

14. Maintenance of the open character between Allington in Maidstone Borough and the Medway Gap settlements in Tonbridge and Malling Borough.

#### **Community Infrastructure**

15. Land will be transferred for primary education use, the details of which will be agreed with the local education authority.

16. A multi-functional community centre will be provided. The use of the north western part of the site (land to the north of the restricted byway and south of the borough boundary) for the siting of community infrastructure is strongly encouraged.

#### **Highways and transportation**

17. A direct pedestrian/cycle path, complementary to the current character of the orchard and open fields, will be provided alongside the western access to site.

18. Contributions will be made towards pedestrian and cycle links to existing residential areas, shops, schools and health facilities, including links through to Howard Drive and Queen's Road via Freshland Road.

19. Provision of pedestrian crossing facilities on Hermitage Lane to the north of the site.

#### **Strategic highways and transportation**

20. Interim improvement to M20 J5 roundabout including white lining scheme.

21. Traffic signalisation of M20 J5 roundabout and localised widening of slip roads and circulatory carriageway.

22. Provision of an additional lane at the Coldharbour roundabout.

23. Capacity improvements at the junction of Fountain Lane and A26.

24. Provision of a circular bus route to serve the north west Maidstone strategic development area.

25. Provision of a new cycle lane along B2246 Hermitage Lane.

- 9.05 As such, development of the whole site has already been established and the Phase 1 submission establishes a clear intent to commence works on the site. The Land East of Hermitage Lane site is included within the Council's Housing Land Supply figures for both 5 and 10 year supply.

#### **Layout**

- 9.06 Policy H12 of the adopted Local Plan sets out some key policy criteria for the development of the site, however the AW to the south of the site (known locally as Bluebell Woods) was not designated at the time of adoption of the 2000 Local Plan. Emerging Policy H1(2) sets out a more up to date list of criteria to be met in order for planning permission to be granted and importantly sets out a requirement for a 15m wide buffer between the AW and housing. This has been reflected in the proposed layout of Phase 1. Most of the criteria set out by this policy has been established by the granting of outline planning permission, with subsequent mitigation matters secured by the two S106 agreements, although this did not consider more detailed

matters such as layout and landscaping of the site. Whilst an illustrative Master Plan was submitted for the outline scheme, showing how the site was envisaged to come forward, this was for illustrative purposes only.

- 9.07 A key design form has been established by the approved road layout of the outline permission. This granted permission not only for the points of access from Hermitage Lane and Howard Drive but also for the access road into the site, extending as far as the eastern most point of the reservoir. This has established the “primary” route into the site and forms the focus for the main street with tree lined planting – linking the new access road from Hermitage Lane through to Howard Drive. Whilst vehicular access, except for buses/emergency vehicles is restricted from Howard Drive (see condition 7 – Appendix A) this route forms a primary street and establishes a strong built form, predominantly of three storeys with a clear hierarchy and legibility. The primary street also enables key buildings to be located in prominent positions, for instance the curved buildings at the entrance to the site and the buildings that front the “new square” which are proposed to be rag stone faced with yellow stock bricks (see highlighted areas). Secondary road junctions are promoted with paired gateway buildings. The surrounding road network then follows a clear hierarchy of reduced width roads that take the form of secondary routes, access streets and lanes which frame the edges of the development and are generally informal and shared spaces.



- 9.08 Strong well defined building lines are promoted by the establishment of principally perimeter blocks to each road frontage which provide an active street frontage with the use of vista buildings to terminate longer views. Corner buildings are used to actively turn corners and engage with the street. This strong urban form in the centre axis of the site helps to create clearly defined and legible streets which assist in way making across the early crucial phase of the development site. Key buildings are used to identify gateway junctions and provide access to areas of the site behind the

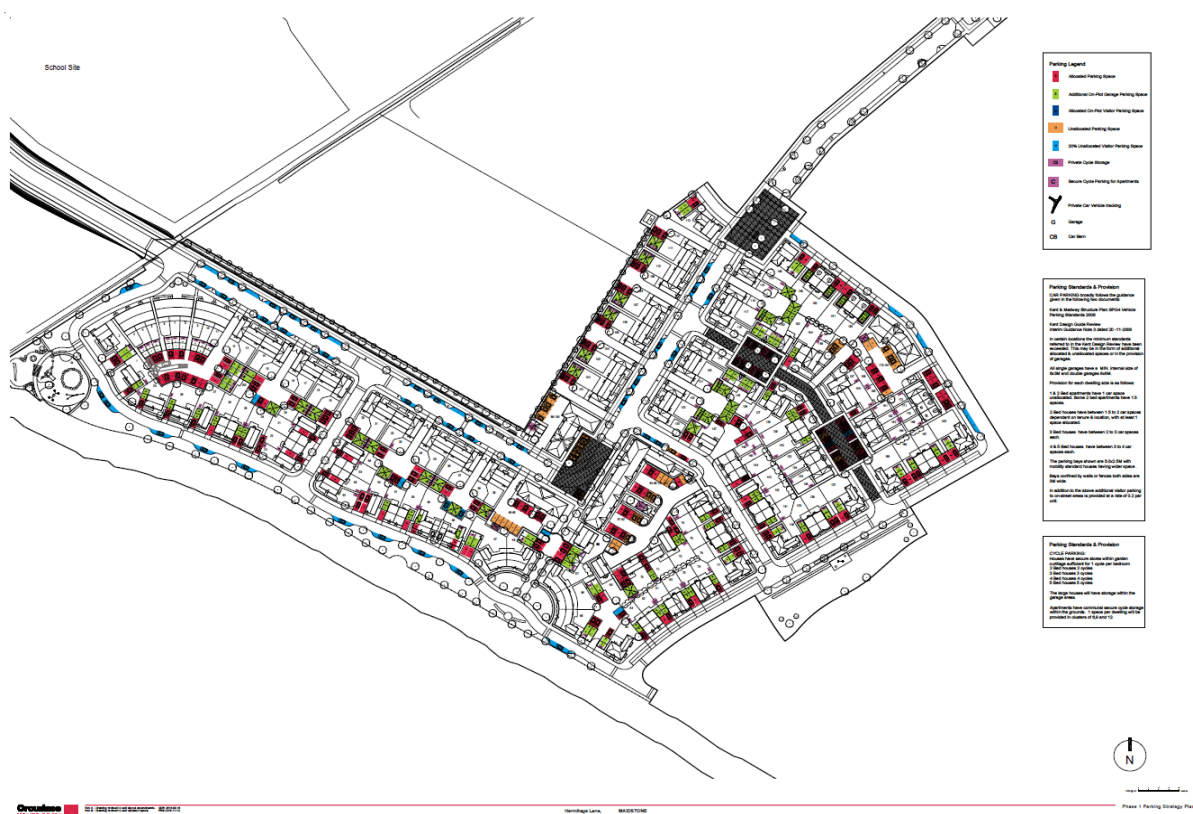


principle street (shown as ). Linkages with the surrounding PROW network is achieved by the phase 1 layout and this will be further enhanced as the relevant phases come forward.

- 9.09 As set out in paragraph 9.06 above, the Phase 1 scheme includes a minimum 15 metre buffer from the designated AW along its entire length – (NW-SE axis) which is proposed to be fenced off with 1.2 m high timber post and rail fencing with a further amenity verge/meadow grassland ranging from 2-12m along most of its length but accommodating an additional 31m in the area to the NW corner which is proposed to accommodate the woodland play area. The containment of the buffer area to the AV will ensure the ecological value of the woodland is protected in line with the illustrative LEMP attached to the outline planning permission and as required by emerging policy H1(2) criterion 1.
- 9.10 The layout of the site provides for the retention of important existing landscaping and trees which are discussed later in this report, whilst meeting the requirements of the emerging policy and the outline condition (21 – see Appendix A) which specifies the quantity and type of open space to be provided across the whole site.

### *Parking*

- 9.11 Visitor parking is provided on street (denoted by blue hatching below) with each unit being provided parking in accordance with KCC standards. The full parking details are set out below. Essentially 1 and 2 bed apartments have 1 parking space, 2 bed houses have on average 1.5 to 2 spaces, 3 bed houses have on average 2 to 3 spaces and 4 and 5 bed houses have 3 to 4 parking spaces. KCC Highways are satisfied with the parking and turning provision within the site.





*Housing Mix and Affordable Housing*

- 9.12 A good mix of housing types are dispersed throughout the phase 1 site area which meet the identified needs of the borough -ranging from 1 bed flats to 5 bedroom houses. A detailed mix has been submitted with the application. Affordable housing is distributed within the site and provides for 55 dwellings which equates to 30% of the overall housing provision in phase1 (as required by the S106 agreement).The S106 agreement for the outline application secured 30% affordable housing across the whole site. The Phase 1 scheme provides for 34 rental dwellings comprising a mix of 1, 2, 3 and 4 bed units and 21 Intermediate housing dwellings comprising a mix of 1, 2 and 3 bed units.

*Residential amenity*

- 9.13 The housing layout provides for good separation distances between houses which meet industry recognised standards and prevents significant overlooking of residential gardens. Windows are positioned on dwellings to reduce the occurrence of overlooking whilst creating active frontages and surveillance of public spaces. The perimeter block format adopted by the proposal establishes overlooking of public areas from residential dwellings and provides for natural surveillance of the public open spaces/squares which create a sense of safety for users of the space. The phase 1 proposals are considered acceptable on the amenity of future residential properties.
- 9.14 The pedestrian/cycle and bus only access from Howard Drive will have a limited impact on principally the properties either side of the access due to increased noise and disturbance however this was previously accepted by the SoS in the granting of outline permission for this access and therefore is not for consideration as part of this reserved matters application.
- 9.15 Given the distance away from other existing residential properties, the phase 1 proposals will not have an impact on overlooking/loss of privacy although surrounding properties will obviously experience a change as the site is developed out.
- 9.16 Overall and with substantial changes to the layout of phase 1 negotiated through the progression of the application, the layout of phase 1 will provide a high quality housing development which responds to the sensitivities of the site, promotes legibility and way making, utilises key landscape features as focal points, sensitively addresses the ecological value of the woodland, provides for sufficient on and off street parking and provides an acceptable level of residential amenity for future and existing dwellings.

**Scale**

- 9.17 The overall scale of the buildings varies across the phase 1 site from single storey garage units to two storey dwellings, shown in light blue below and three storey buildings, in dark blue. The maximum scale of buildings was restricted by outline condition 20 – (see Appendix A) which limits building heights to 11m. All the buildings across phase 1 are at or below 11m. As can be seen from the drawing below, the three storey buildings are predominately those which front the primary street and form the vista buildings. This sets a clear wayfinding for future users of the site, establishes key areas of interest and enables easy identification of key routes. Lower storey heights are used to reflect the changing character areas and reduced density toward the fringes of the site.

- 9.18 Significant amendments have been negotiated during the course of the application to ensure streets are coherent, clearly defined and create active street frontages. This is promoted and reinforced by appropriate building heights in key locations. I consider the correct balance has now been achieved and the scale of the buildings in the locations shown is appropriate within phase 1 to create a strong coherent strategy for the remaining phases of the site.



## Appearance

- 9.19 The proposed buildings include a variety of house types and designs which are of a traditional design which include a mixture of brickwork, ragstone walling, render and vertical tile hanging. Roofs are proposed in two key materials, grey natural slate and plain tile. The blue colouring on the buildings plan below denotes natural slate roofs and the orange, plain tile. Georgian style balconies are proposed to key buildings which predominantly front the main street with a variety of bays and entrance porches to other buildings. Windows are to be finished with a mixture of tiled and cast stone cills and brick window heads.
- 9.20 Boundaries fronting the public realm are to be constructed using facing brickwork to match the adjacent house. Those not immediately visible from public areas will use close boarded fencing and important vista areas which are accessible to the public will have 1.2m high bow top railings. Details of the boundary treatment across the whole phase 1 site have been carefully considered to ensure high quality boundary treatment is used in association with a strong public realm landscaping scheme.



- 9.21 Key buildings are promoted in the site, predominately in the main square by the use of ragstone walling fronted buildings with yellow stock brickwork under natural slate roofs. This promotes the importance of these buildings in the centre of the site while the palette of materials – principally yellow stock brickwork under natural slate roofs along the main primary route establishes a coherent link to this group of buildings. Towards the secondary access and lane streets, a mixture of red multi stock brickwork and limited use of render under plain tile roofs is used to add visual interest to the street scene and to denote the change in character towards the edges of the site. Whilst the palette of materials has been set out, the exact details, method of laying the ragstone, pointing detail, window details etc should be controlled by condition. I recommend the imposition of a materials condition.
- 9.22 Overall, it is considered that the proposed appearance of the development will create a high quality development site which responds to the local context, uses high quality materials and meets the objectives of emerging local plan policies and the NPPF -paragraphs 56, 57, 58 and 60.

### Landscaping/Play area

- 9.23 The application is accompanied by detailed landscaping drawings for all the open spaces areas within phase 1, together with: a Landscape Strategy Statement, Landscape Maintenance: Annual Work Plan, Arboriculture Method Statements, Phase 1 Timber Sculpture and Play Equipment Details and Tree Pit in Hard Standing – Typical detail. As a result of negotiations, the extent of the phase 1 site area has increased and has included a number of additional areas which originally were not proposed as part of the phase 1 site (but were included in the red outline granted permission by the SoS).
- 9.24 These areas include the open space to the north and south of the access road from Hermitage Lane (parts of which are within T&M), the open space area in the centre of



the site and the inclusion of the buffer area to the AW within the phase 1 area. The inclusion of these areas are considered essential to phase 1 to enable the landscaping to establish itself from the first phase and to provide amenity areas for the residents of the new dwellings, to establish a sense of place early in the development phase and establish key behavioural parameters from early residents, to provide protection to the AW in the form of buffer planting within the identified “buffer planting zone” and to conform to the overarching illustrative Landscape Ecological Management Plan LEMP which was attached to the S106 of the outline planning permission.

- 9.25 Members will note that the submission of the site wide LEMP was a requirement of the S106 agreement on the outline permission which requires its submission prior to commencement of development. It was NOT a requirement of the outline conditions. There is therefore no need to submit the LEMP provisions as part of the reserved matters detail for phase 1. However the developers have submitted a first draft of the LEMP provisions which have been reviewed by the KCC Ecology. KCC Ecology have requested amendments to the LEMP provisions to provide clarity on a site wide LEMP and also a phase by phase provision. The key principles are agreed, but further work is required.
- 9.26 An update on the LEMP provisions and its acceptability will be provided to members via the urgent update papers. It should be re-iterated however, that discharge of the LEMP is not a requirement of the outline conditions or reserved matters details.
- 9.27 A key requirement of emerging policy H1(2) - criterion 1, which follows advice from Natural England/Forestry Commission Standing Advice for Ancient Woodland and Veteran Trees, is the provision of a 15m wide landscape buffer to the AW. The phase 1 proposals maintain this requirement and as set out in paragraph 9.09 above, provide additional amenity land outside this area. The Landscape Strategy Statement sets out that planting in this area “will have the effect of extending the woodland habitat. It also has a defensive role as it will help to prevent the formation of informal footpaths across the woodland which could harm its ecology”...“Planting will be carried out prior to construction so that it has time to establish before occupation” and “will be protected from damage during construction by a tree protection fence”
- 9.28 As part of initial pre-application discussions on the phase 1 proposals, it was agreed in principle that instead of a more formal LEAP as shown illustratively on the outline Master Plan (to the immediate east of the reservoir), that a more holistic play proposal which took its cue from the woodland setting be developed and that this be extended around and through the site to create a circular route. The current play provision proposals are the first phase of this and seek the provision of wooden play facilities towards the western corner of phase 1. The Landscape Strategy Statement sets out the rationale for the play spaces and the creation of “play events or nodes” where the various play areas within the whole development site will be connected by paths along movement routes so that these areas form an integrated part of the green infrastructure of the site.
- 9.29 Condition 21 of the outline consent requires all reserved matters applications to provide for the quantity and type of open space specified in the Design and Access statement submitted for the outline application. The plan below demonstrates that the overall quantity and type of open space is on course to be delivered across the phases.



- 9.30 The Council's Landscape and Arboricultural officers have confirmed that the landscaping details are acceptable and are in general conformity with the Landscape Guidelines which are supplemental to the Maidstone Landscape Character Assessment. The Arboricultural officer has confirmed acceptance of removal of part of Tree Group 3001 which is part of TPO No 36. 2003 and TPO No.26 of 2003 as part of the overall landscape strategy for the site and accepts the tree protection measures as set out by the Arboricultural Method Statements. KCC Highways have confirmed acceptance of the lighting details in relation to the tree avenue planting areas. Updated comments on the acceptability of the LEMP will be provided by way of the urgent update papers.
- 9.31 Overall, it is considered that the landscaping proposals including those additional elements within phase 1 are acceptable and will meet the aspirations of emerging policy H1(2) and the Council's Landscape Guidelines as set out in the Landscape Character Assessment.

## Other Matters

- Conditional Approval of Outline Matters (conditions 1,2,10,18 & 20)*
- 9.32 The outline permission requires a number of details to be submitted as part of the reserved matters application. Condition 1 requires a phasing plan to be agreed by the LPA. Following amendments to the phasing plan, this is now considered acceptable and is recommended to be agreed as part of the Phase 1 reserved matters. Condition 2 requires the submission of reserved matters and is addressed by the current application. Condition 10 requires details of tree retention and protection during the relevant phase of development. The submitted details are considered acceptable with no objections raised by the Council's arboricultural officer for phase 1. The condition should be discharged for phase 1 only. Condition 18 requires details of public lighting to be agreed by the LPA for each phase of development. The applicants have submitted a lighting detail for phase 1. This is considered acceptable and should be discharged for phase 1 only. Condition

20 limits height of all buildings to 11m. All buildings within the phase 1 are at or under 11m.

*Surface Water Drainage*

- 9.33 KCC Lead Local Flood Authority (LLFA) have raised concerns that there is insufficient information regarding a detailed drainage design for them to comment on the application. Condition 11 of the outline planning permission – see Appendix A) imposed a condition requiring details of both foul and surface water drainage. This condition will be required to be discharged prior to development commencing on phase 1. Details relating to the access road only have been submitted for the SUB application cited below and KCC LLFA raise no objection to the partial discharge of this condition for the access road only. The applicants have not submitted details as part of the reserved matters for phase 1 and therefore such details will need to be provided at a later date. There is no requirement to provide these details as part of the current reserved matters application.

*Archaeology*

- 9.34 Condition 12 of the outline permission requires the submission of archaeological work in accordance with a scheme of investigation which requires the approval of the LPA. A condition application 16/507319/SUB has been submitted by the applicant which seeks approval of this condition for the access road only. A written scheme of investigation and project design for an Archaeological Watching Brief has been submitted which KCC Archaeology raise no objection to. However they have requested further work around the area proposed for the play facilities. The applicants are working with KCC Archaeology on this further information and this will need to be the subject of a further SUB submission application to the LPA prior to commencement of the remaining parts of Phase 1. The applicant is aware of this requirement. As this matter is dealt with under the outline permission, no further condition requirement is necessary under the phase 1 reserved matter.

*KCC PROW*

- 9.35 KCC's –PROW team have requested conditions to cover those matters set out in informative 2 and 3 below. As these matters are controlled by separate legislation - the Highways Act, there is no further need, nor would they meet the tests for planning conditions, to require these on the reserved matters application. I recommend that these are dealt with by the informatives set out below.

## **10.0 CONCLUSION**

- 10.01 The granting of outline planning permission by the SoS in October 2015 established the principle of a mixed use development across the site for up to 500 dwellings, education facility, community centre, provision of open space and two new accesses from Hermitage Lane/Howard Drive. The current reserved matters application for phase 1 and relating to matters of layout, scale, appearance and landscaping seeks to provide 183 dwellings comprising a mixture of 1-5 bedroom dwellings arranged across principally two and three storey dwellings.
- 10.02 The reserved matters application follows the policy requirements of both the adopted Local Plan (H12), emerging policies SS1, SP2 and H1(2) and the outline planning permission. Following extensive revisions to the phase 1 application, I am now satisfied that the proposals will create a high quality development with place making at its heart. Key legible routes are clearly defined with a hierarchy of streets with key vista buildings marking important destinations. Landscape protection is afforded to the AW in the form of a 15m buffer area with the AW being used to channel key

views and build upon the sense of place created by the woodland. High quality materials are proposed to the facing elements of buildings which will ensure a connection to the surrounding built form and local heritage. The guiding principles of the LEMP will ensure the long term protection of the AW and the open space areas of the site.

- 10.03 The phase 1 layout and material detail will set a high quality standard for the remaining parts of the site and is considered an appropriate response to this sensitive site on the edge of the Maidstone urban area.

## **11.0 RECOMMENDATION**

**The Head of Planning and Development BE GIVEN DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions below.**

### **CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

#### **Planning Drawings**

**4389/1-5, 4694, 4694/1, 4694/2, 4389**

**DES/118/021, 100 Rev F, 101 Rev A, 102 Rev D, 103 Rev A, 104 Rev B, 105 Rev B, 106 Rev B, 107 Rev B, 108 Rev B, 109 Rev B, 110 Rev B, 111 Rev B, 112 Rev B, 113 Rev A, 200 Rev A, 202 Rev A, 204 Rev A, 209 Rev B, 216 Rev A, 218 Rev A, 219 Rev A, 220 Rev B, 221 Rev A, 222 Rev B, 226 Rev B, 227 Rev B, 229 Rev B, 230 Rev A, 231 Rev B, 233 Rev B, 234 Rev C, 236 Rev B, 238 Rev B, 239 Rev B, 240 Rev C, 244 Rev A, 245 Rev A, 246 Rev C, 247 Rev C, 248 Rev B, 249 Rev B, 250 Rev B, 251 Rev C, 252 Rev C, 253.**

**DES/118/300 Rev A, 301 Rev A, 302 Rev B, 303, 304, 305 Rev A, 400 Rev B, 402 Rev B, 403 Rev A**

**DES/118/601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612**

#### **Landscape**

**DES/118/121 Rev B, 122 Rev B, 123 Rev B, 124 Rev B, 125 Rev B, 126 Rev B, 127 Rev C, 128, Rev C, 129 Rev C, 130, 132 Rev C, 133, 134 136**

**DES/118/404 Rev B, 405, 406 Rev A, 407 Rev A**

**DES/705/31 Rev A, 32 Rev A**

2. Prior to any development above damp proof course level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the method of laying the ragstone walling, mortar mix and pointing detail for those buildings comprising of ragstone walling. Prior to the first laying of the ragstone walling, a sample panel showing the agreed ragstone detailing shall be constructed on site and shall measure no less than 2 x 2 metres and the sample panel shall remain on site for the duration of the construction of those buildings which contain ragstone walling. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance of development.

3. The landscape planting, play area and tree protection measures shall be carried out in accordance with the approved landscaping planting plans, the Arboricultural

Method Statements, the Landscape Strategy Statement and the Landscape Maintenance; Annual Work Plan. No occupation of the development hereby permitted shall commence until all planting, seeding, turfing and play area provision specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory landscaped setting for the development.

4. Prior to any development above damp proof course level details of the on-going and long term management responsibilities and maintenance of the play area shall be submitted to and approved by in writing the Local Planning Authority. The play area shall thereafter be managed and maintained in accordance with the approved details.

Reason: No such details have been provided and to ensure the play area is properly managed and maintained.

5. Prior to any development above damp proof course level the following details shall be submitted to and approved in writing by the Local Planning Authority:
  - a) Details and locations of swift bricks and bat boxes integral to buildings
  - b) Details and locations of bird and bat boxes throughout the site of phase 1
  - c) Wildlife friendly gullies
  - d) Retention of cordwood on site
  - e) Provision of 12cm square gaps under any new boundary fencing to allow passage of small mammals
  - f) Timing of delivery of the above matters

Works shall be carried out in accordance with the agreed details.

Reason: To protect and enhance biodiversity

6. Prior to any development above damp proof course level details of measures to prevent parking on landscaped/amenity areas shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development and in the interest of safety.

7. The vehicle parking spaces and/or garages and vehicle loading/unloading and turning facilities shown on the submitted plans shall be permanently retained for parking and turning and shall not be used for any other purpose.

Reason: In the interest of highways safety and parking provision.

8. Prior to any development above damp proof course level details of the positioning of all external meter cupboards shall be submitted to and approved by in writing the Local Planning Authority. No external meter cupboards shall be positioned on the

front/primary elevation of any building. The development shall be carried out in accordance with the agreed details.

Reason: No such details have been provided and to ensure a satisfactory appearance to the development

## INFORMATIVES

1. The applicant is advised the condition 1 of outline permission 13/1749 and relating to the approval of a phasing plan - drawing DES/118/100F is hereby approved. Condition 10 relating to details of tree retention and protection during Phase 1 is approved BUT for Phase 1 only. Condition 18 requiring details of public lighting for Phase 1 is approved BUT for Phase 1 only.
2. That the applicant is advised that PROW KB15 shall be open and available to the public throughout construction and that measures are put in place to ensure Public safety is maintained. That the right of way shall be kept in a clean and usable condition.
3. That any proposed surfacing and changes to existing PROW KB51 are agreed by the County Council's PROW and Access Service.
4. KCC Highways have stated the following:  
It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>  
The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case Officer: James Bailey

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website

## **Appendix A**

### **Conditions applicable to planning applications referenced 13/1749 & TM/13/03147/OA:**

- 1) Details of a phasing plan for the development shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved details.
- 2) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for each phase or sub-phase of the development shall be submitted to and approved in writing by the local planning authority before any development begins within that phase or sub-phase and the development shall be carried out in accordance with the details as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 4) Each phase or sub-phase of the development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved for that phase or sub-phase.
- 5) The access to the development hereby permitted shall be carried out in accordance with the following approved plans: 1402-GA-32 revision B and 1402-GA-37 revision A.
- 6) No other development of any phase or sub-phase shall commence until the access to the development has been completed in accordance with approved plan 1402-GA-32 revision B.
- 7) Prior to the first use of the access from Howard Drive, details of the measures to prevent its use other than by buses, emergency vehicles, pedestrians and cyclists shall have been submitted to and approved in writing by the local planning authority and the approved measures shall have been installed and made operational and thereafter retained in operation.
- 8) No more than 250 dwellings within the development hereby permitted shall be occupied until the completion of the improvements to M20 Junction 5 shown on drawing number WSP Figure 5 (dated 1 May 2014).
- 9) No part of the development hereby approved shall be occupied until details of measures (known as a Green Travel Plan) to encourage the use of access to and from the site by a variety of non-car means have been submitted to and approved in writing by the local planning authority, put into operation and thereafter retained in operation.
- 10) No development shall commence on any phase or sub-phase until details of trees to be retained on that phase and of the measures to be taken for their protection during construction have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 11) No development shall commence on any phase or sub-phase until details of both foul and surface water drainage for that phase or sub-phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No building shall be occupied or used until its foul and

surface water drainage has been completed in accordance with the approved details. The drainage shall thereafter be retained in an operational condition.

12) No development shall take place within the areas indicated in paragraphs 8.3.2, 8.3.3 and 8.4.2 of the submitted Heritage Statement dated October 2013 prepared by Wessex Archaeology (report reference 86910.03) until a programme of archaeological work in accordance with those paragraphs has been implemented in accordance with a written scheme of investigation and, if necessary, preservation of finds, which has been submitted to and approved in writing by the local planning authority.

13) If, during development of any phase or sub-phase, contamination not previously identified is found to be present at the site then no further development of that phase or sub-phase (or any lesser but more appropriate area agreed in writing by the local planning authority) shall be carried out until details of a remediation strategy have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

14) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) working hours on site
- ii) the parking of vehicles of site operatives and visitors
- iii) loading and unloading of plant and materials
- iv) construction traffic management
- v) storage of plant and materials used in constructing the development
- vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vii) wheel washing facilities
- viii) measures to control the emission of dust and dirt during construction
- ix) measures to control noise and vibration during construction
- x) a scheme for recycling/disposing of waste resulting from demolition and construction works

15) No building shall be occupied until provision has been made for the storage of its refuse and recycling bins in accordance with details to be submitted to and approved by the local planning authority.

16) No building shall be occupied until underground ducts have been installed to enable it to be connected to telephone and internet services, electricity services and communal television services without recourse to the erection of distribution poles or overhead lines within the development hereby permitted. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 or any other or subsequent Order revoking or re-enacting that Order, no distribution pole or overhead line shall be erected within the site of the development hereby permitted.

17) No dwelling shall be occupied unless its bedrooms have been fitted with windows with acoustically treated trickle vents in accordance with the recommendations of paragraphs 4.1.8 to 4.1.10 and 5.4 of the submitted Site Suitability Assessment Report: Noise by WSP UK Ltd revision 1 dated 24/09/2013.



18) No development shall commence on any phase or sub-phase until details of public lighting for that phase or sub-phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No building shall be occupied or used until public lighting to it has been completed and made operational in accordance with the approved details. The lighting shall thereafter be retained in an operational condition.

19) Before the development of each phase or sub-phase begins a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of that phase or sub-phase from decentralised and renewable or low carbon energy sources shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained as operational thereafter.

20) The details of scale to be submitted in accordance with condition 2 shall limit to 11m the height from ground level to ridgeline of any building proposed.

21) The details of the layout to be submitted in accordance with condition 2 shall provide for the quantity and type of open space specified in the tables headed Land Use and Green Space Type on pages 38 and 41 and in paragraph 13.15 of the submitted revised Design and Access Statement revision 06 dated 21 October 2013.

Appendix B

**Secretary of State Decision Notice**

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78  
APPEALS BY CROUDACE STRATEGIC LTD  
LAND EAST OF HERMITAGE LANE, MAIDSTONE, KENT  
APPLICATION REFS: 13/1749 & TM/13/03147/OA**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, P W Clark MA MRTPI MCMI, who held a public inquiry on 5 days between 2 to 9 June 2015 into your client's appeals against the refusal of Maidstone Borough Council (MBC or 'the Council') and Tonbridge and Malling Borough Council (TMBC) to grant planning permission for a 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, the provision of open space (including children's play areas) associated infrastructure and necessary demolition and earthworks and the formation of 2N<sup>o</sup> new vehicular accesses from Hermitage Lane and Howard Drive, in accordance with applications 13/1749 & TM/13/03147/OA, both dated 11 October 2013.

2. On 14 October 2014 the appeals were recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990. The reason for recovery was that the appeals involve proposals for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

**Inspector's recommendation and summary of the decision**

4. The Inspector recommended that the appeals be allowed and planning permission granted. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and agrees with his recommendations. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

**Policy considerations**

5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the saved policies of the Maidstone Borough-Wide Local Plan, adopted December 2000, together with the Maidstone Local Development Plan Framework Affordable Housing and Open Space Development Plan Documents (DPDs) adopted December 2006 (IR27). Within Tonbridge and Malling, the statutory Development Plan comprises the Core Strategy adopted September 2007 and the Managing Development and the Environment Development Plan Document adopted April 2010 (IR27). The Secretary of State agrees with the Inspector that the most relevant policies to these appeals are those listed at IR29-36.

6. The Secretary of State notes that MBC is in the process of producing a new Local Plan (IR37 - 43). The latest draft is the 2014 Regulation 18 Consultation Document, which proposes to allocate the northern field for 500 dwellings, but the woodland and southern field are proposed to be designated for public open space. However, as this

plan is still at an early stage and may change, the Secretary of State gives it limited weight.

7. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework, March 2012 (The Framework), the associated planning practice guidance issued in March 2014, and the Community Infrastructure Levy (CIL) Regulations 2010 as amended. He has also considered the other documents referred to at IR26 and IR44 – 46.

### **Procedural matters**

8. The Secretary of State notes that there are two identical applications and two appeals because the development proposed straddles the boundary between the two local authorities, but that no buildings are envisaged within TMBC's area (IR3). He agrees with the Inspector's conclusion regarding Appeal B at IR209.

9. The Secretary of State notes that both MBC and TMBC adopted Screening Opinions to the effect that the proposed development would not require an Environmental Impact Assessment.

### **Main issues**

#### *Housing supply*

10. MBC cannot demonstrate a five year housing land supply and therefore the relevant policies in the development plan for the supply of housing should not be considered up to date in accordance with paragraph 49 of the Framework.

11. The Secretary of State notes that both the main parties agree that 30% of dwellings should be provided as affordable housing, and therefore the proportion of affordable housing offered is not an issue in this appeal.

#### *Ecology*

12. For the reasons given at IR218-236, the Secretary of State agrees with the Inspector's conclusions that majority of the area has been correctly designated as ancient woodland (IR227) and that the site has medium to high ecological value at local level (IR237).

13. The Secretary of State agrees with the Inspector's reasoning and conclusions at IR238-252, including that there is no convincing justification for a condition insisting on the delivery of the proposal through the option 3 route to gain access to the southern field, as other options may prove to be more preferable (IR252). As this is an outline application the exact route would be decided at reserved matters stage. The Secretary of State endorses the Inspector's consideration of the option 3 route as an exemplar of how access would be resolved at reserved matters stage because this option is the appellant's currently preferred option (IR247). However, for the reasons at IR245-252, the Secretary of State considers that further investigation at the reserved matters stage might lead to another option to gain access to the southern field being identified and chosen that would be less harmful in ecological terms than option 3. Consequently he considers that option 3 may be regarded as the 'worst case' scenario for the purpose of deciding if the proposal would comply with Framework paragraph 118.

14. Option 3, if taken forward, would result in an absolute loss of about 0.03 ha of Ancient Woodland, equating to only 1.8% of the designated area (IR98 and 253). The Secretary

of State agrees with the Inspector's assessment at IR253-260 of the ecological effects of the proposal on the basis of option 3. Although the small loss of Ancient Woodland would technically infringe the requirements of adopted Local Plan policy H12 which calls for the retention, without qualification, of trees and woodland, the Secretary of State agrees with the Inspector that the ecological effects of option 3 would be acceptable, notwithstanding the minor loss. For the reasons given at IR253-260, the Secretary of State does not consider that harm to biodiversity if option 3 were taken forward would be significant. In respect of the loss of Ancient Woodland, he considers that the need for, and benefits of the development in this location clearly outweigh the loss. He therefore agrees that the tests of Framework paragraph 118, bullets 1 and 5 are clearly met in this case (IR259 and 260).

#### *Landscape*

15. For the reasons given at IR261-270 the Secretary of State agrees with the Inspector's conclusion that the effects of the proposal on the landscape character of the neighbourhood would be acceptable, notwithstanding a technical contravention of adopted Local Plan policy H12 (IR271).

#### *Other matters*

16. The Secretary of State has had regard to the New Allington Action Group's concerns referred to at IR272 – 273. However he agrees with the Inspector that there is no substantive evidence on which to disagree with Kent County Council and TMBC that the outcomes of this proposal in terms of highway safety and air quality would be acceptable.

17. The Secretary of State agrees with the Inspector's reasons and conclusions at IR275-280 regarding infrastructure, loss of agricultural land, archaeological interest, the Strategic Gap, access to the development and issues arising with development on the Hythe beds.

#### **Conditions**

18. The Secretary of State agrees with the Inspector's assessment at IR281-300 regarding planning conditions. He is satisfied that conditions proposed by the Inspector and set out at pages 76-78 of the IR meet the tests of Paragraph 206 in the Framework and comply with the Planning Practice Guidance.

#### **Section 106 planning obligations**

19. The Secretary of State agrees with the Inspector's assessment at IR301-304 on the proposed planning obligations. He agrees with the Inspector that with the exception of the provision of £426 per dwelling for the provision and maintenance of strategic open space, the remaining obligations do accord with Paragraph 204 of the Framework and the CIL Regulations 2010 as amended, and so should be taken into account in making the decision.

#### **Overall balance and conclusion**

20. The Secretary of State agrees with the Inspector's conclusions at IR305-313. As the relevant policies for the supply of housing in the development plan are out of date the decision taking process in this case should be that set out in the final bullet of paragraph 14 of the Framework.

21.The social and economic benefits of the housing would be very significant. The effect of development on landscape character would be acceptable and there would be a positive overall environmental balance.

22.The harm to biodiversity would not be significant and Framework paragraph 118 does not represent a policy which indicates that development should be restricted in this case for the reasons set out in paragraph 14.

23.Overall, the significant benefits of the proposal would not be outweighed at all, let alone significantly or demonstrably, by the limited adverse impacts. It follows that the scheme should benefit from the presumption in favour of sustainable development.

### **Formal decision**

24.Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendations and hereby allows your client's appeals and grants planning permission for a 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, the provision of open space (including children's play areas) associated infrastructure and necessary demolition and earthworks and the formation of 2Nº new vehicular accesses from Hermitage Lane and Howard Drive, in accordance with applications 13/1749 & TM/13/03147/OA, both dated 11 October 2013, subject to the conditions set out at Annex A of this letter.

25.An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

26.This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

### **Right to challenge the decision**

27.A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

28.A copy of this letter has been sent to Maidstone Borough Council and Tonbridge and Milling Borough Council. A notification e-mail or letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

*Julian Pitt*

**JULIAN PITT**

Authorised by Secretary of State to sign in that behalf