

REPORT SUMMARY

REFERENCE NO - 17/502767/REM			
APPLICATION PROPOSAL Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale being sought) Phase 2 for the erection of 119 dwellings with associated infrastructure pursuant of 13/1749 allowed on appeal APP/U2235/A/14/2226326.			
ADDRESS - Land to the East of Hermitage Lane Maidstone Kent			
RECOMMENDATION – Approve subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The reserved matters application follows the key principles established by the outline planning permission and the illustrative masterplan and accords with the adopted Maidstone Borough Local Plan (2017).			
REASON FOR REFERRAL TO COMMITTEE The application has been called to planning committee by Cllrs C.Robertson, D. Daley and D.Lewins due to the large scale nature of the proposals and the change to the character of the locality.			
WARD Allington	PARISH/TOWN COUNCIL N/A	APPLICANT Croudace Homes Ltd AGENT Croudace Homes Ltd	
DECISION DUE DATE 05/09/17 – Extension of Time agreed to 10.11.17	PUBLICITY EXPIRY DATE 18/09/17	OFFICER SITE VISIT DATE Various	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
17/503680	Reserved matters of appearance, landscaping, layout and scale for Phase 2A of the outline approval 13/1749 comprising Community centre with associated infrastructure.	Awaiting decision	
16/503641	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.	Approved	20.12.16
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.	Approved	30.12.16
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 Provision	Withdrawn Resolved to be approved	04.02.16

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	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	by planning committee 30.07.2015.	
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 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 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.	Refused – Allowed on appeal	19.10.15
MA/12/2307	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.	Not EIA development	24.01.13
MA/01/0080	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	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.

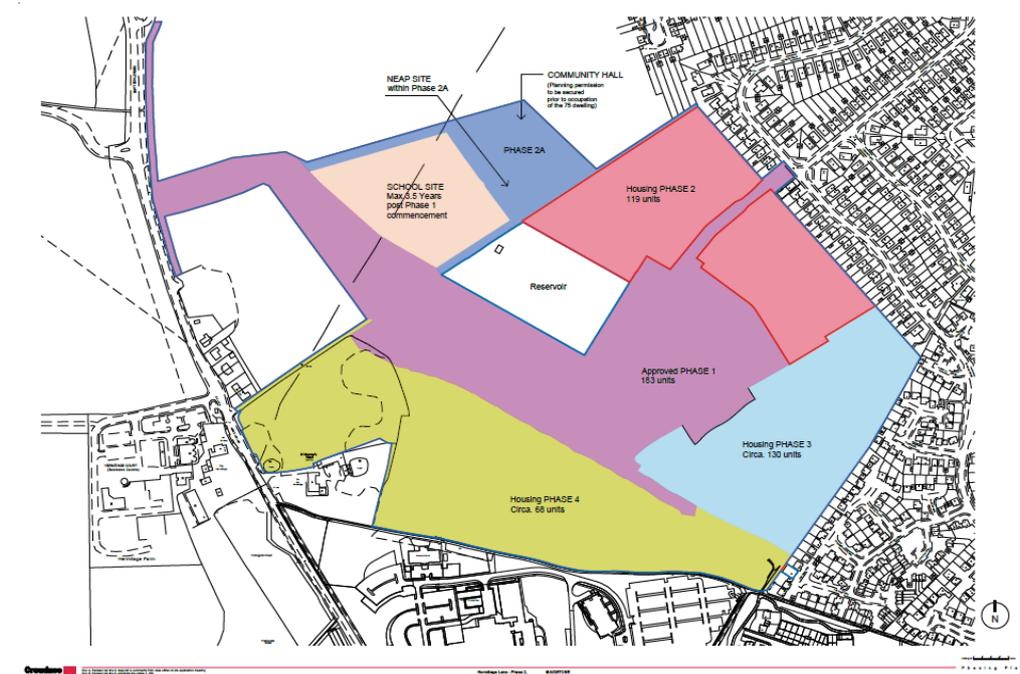
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- 1.02 The western boundary of the wider site follows Hermitage Lane in parts and also a paddock to the rear of properties fronting Hermitage Lane. Areas of open agricultural land including a pear orchard are located immediately north of the site.
- 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 on appeal under 13/1749 extends to approximately 30.66 ha and comprises a strategic allocation in the adopted Maidstone Borough Local Plan (2017) (and one in the former Local Plan 2000) and is within both Maidstone Borough and Tonbridge and Malling Borough, however the site area the subject of the current phase 2 application extends to approximately 3.43 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 2 only for 119 dwellings with associated infrastructure. Matters relating to access were approved as part of the outline approved under 13/1749.
- 2.02 The Phasing plan (shown in red below), shows the subject application with a Phase 2A comprising the community centre (the subject of a separate application) with a further 2 phases to follow. Phase 4 (which includes the Ancient Woodland) and the area known as the "hospital field" is shown in green.

Phase 2 phasing plan



- 2.03 The phase 2 land connects directly with the recently approved phase 1 (shown in purple) land to the north east and continues the primary link through the site linking with Howard Drive. 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 forming part of phase 1 – now approved) and a secondary access from Howard Drive extending some 67m into the site which is included within the phase 2 detail. 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 The application was the subject of pre-application discussions which involved a number of amendments to the scheme prior to submission and recently was the subject of amended plans to address concerns relating to layout and the design format of some of the buildings.
- 2.05 The Phase 2 scheme builds upon the parameters set by the outline permission regarding quantity and type of open space provision (secured by condition 21 of the outline planning permission) with phase 2 following the principle established by the illustrative Masterplan. Phase 2 contributes 1.68 hectares of principally semi natural open space which includes that part of the retained tree belt covered by TPO No. 36 of 2003 and which includes within this area SUDs features to manage the surface water drainage for the site. The cumulative total provision of open space across phases 1 and 2 totals 4.62 hectares with Phase 2A (a separate item on the agenda) contributing an additional 1.55 ha. This is in line with condition 21 of the outline planning permission.
- 2.06 The Phase 2 scheme incorporates a buffer area with retained established landscaping between the rear of houses along Howard Drive ranging from between 100-135 metres in depth from the front facing elevation of the new properties to the rear fence line of the Howard Drive properties.

- 2.07 Specific building forms are provided at prominent locations within the Phase 2 site which consist of “vista” and “key” buildings and continue the design format laid out by the Phase 1 approval. The scale of buildings range from one to three storey’s with taller buildings fronting the primary road and smaller scale buildings positioned around the fringes of the site. All building heights are below or at 11m, as required by condition 20 of the outline permission (see Appendix A). Parking is provided in accordance with vehicle parking standards. A mix of dwelling types are proposed within the 119 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 36 affordable dwellings are proposed within Phase 2, which comprise 61% affordable rent (8 – 1 bed flats, 7 – 2 bed houses, 6 - 3 bed houses and 1 - 4 bed house and 39% shared ownership (6 – 1 bed flats, 6 – 2 bed houses and 2 – 3 bed houses, all following the requirements established by the outline planning permission.

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents: MBC Affordable Housing DPD (2006) and Open space DPD (2006)

The Maidstone Borough Local Plan (2017): SS1, SP1, SP2, SP18, SP23, H1, H1(2), DM1, DM2, DM3, DM4, DM6, DM11, DM12, DM13, DM21, DM24,

Former policies no longer applicable - Maidstone Borough-Wide Local Plan 2000: ENV6, ENV24, ENV27, ENV31, H1 (xvii), H12, CF1, CF6, CF8, T3

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** 141 representations received from local residents raising the following (summarised) issues:

- 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
- Air pollution
- Excessive height

4.02 Letter received from the New Allington Action Group (NAAG) raising concerns on the following information.

- Abuse of ancient Woodland buffer on Phase 1
- Premature for Phase 2 to come forward when phase 1 is making slow progress
- Sewerage and Drainage – a detailed drainage design has not been submitted
- Phase 2 LEMP - no long term management for the ancient woodland set out.
- 3 storey building heights are not in keeping with the local area
- Visitor parking is inadequate
- No details about the bus gate from Howard Drive is provided
- PROW/Byway – Inadequate protection to user of the byway. Demand speed restrictions for new access road.

5.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

5.01 SGN Natural Gas -: standard response citing location of gas pipeline – but will not be affected by application proposal.

5.02 UK Power Networks: -: No objections

5.03 MBC Environmental Services - No objection

5.04 MBC Arboricultural and Landscape Officer – The main change from the outline proposals to the current application is the extent and layout of the proposed attenuation basins with the resultant impact on further tree and scrub losses (including a number of larger trees). The resultant effect is a negative visual impact in the short term where additional trees will have to be felled to accommodate the attenuation basins, although the individual quality of these trees is moderate to low. Significant semi-natural replanting is proposed around the basins which will naturally become vegetated in time such that the area will regain a semi-natural character in time.

The landscape details follow the principles already approved and no objection is raised to the details submitted.

5.05 KCC PROW – No objection – refers to protection of restricted byway KB47

5.06 KCC LLFA – No objection to reserved matters details

5.07 KCC Highways – Following the receipt of requested information, no objection raised

5.08 KCC Ecology - Following receipt of additional information no objection to the detail of the submitted amended LEMP for Phase 2.

5.09 KCC Archaeology – Recommends an archaeological field evaluation condition.

5.10 Natural England – No comment

- 5.11 Highways England – In accordance with outline approval – no further comments to make.
- 5.12 E.A – No objection to reserved matters details but await final drainage design to be submitted in support of condition 11 of the outline permission. Acknowledge letter from Croudace dated 14.07.17 and find the response acceptable.
- 5.13 Southern Water – an application under S104 and 106 under the Water Industry acts needs to be submitted and approved by SW.

6.0 APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Principle of development
 - Layout – visual amenity
 - Design
 - Landscaping of the site

Background matters

- 6.02 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.
- 6.03 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.
- 6.04 Phase 1 approval for 183 dwellings as part of the reserved matters application was granted on 20 December 2016. 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.
- 6.05 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 2 (as they did 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 2.

Principle of Development

- 6.06 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 19th 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.
- 6.07 The adopted Maidstone Borough Local Plan (2017) (which was adopted by the Council on 25th October 2017) includes the whole site as an allocation for residential led housing development under polices SP2 and H1(2) (formerly under polices H1(xvii) and H12 of the Maidstone Borough Wide Local Plan 2000) and consideration of this application needs to be assessed against the criteria set out below.

Policy H1(2) of the Maidstone Borough Local Plan (2017) is set out below:

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.

Community Infrastructure

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

15. 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

16. 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.

17. 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.

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

Strategic highways and transportation

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

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

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

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

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

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

Utility infrastructure

25. A connection is provided to the local sewerage system at the nearest point of adequate capacity, in collaboration with the service provider.

Minerals safeguarding

26. The site falls within the Mineral Safeguarding Areas as shown on the policies map and therefore development proposals will be required to undertake a minerals assessment to assess the viability and practicability of prior extraction of the minerals resource. The minerals assessment will comply with policy DM7 of the Kent Minerals and Waste Local Plan (2013-2030) and any supplementary planning guidance produced by the minerals Planning authority in respect of minerals safeguarding.

- 6.08 Phase 1 of the development which was approved by members of this committee with planning issued on 20th December 2016 and with development progressing on site, has established the key street hierarchy, with key “feature” buildings framing the primary route (primarily 3 storeys) with principally 2 storey building fanning out to the more suburban edges. The current Phase 2 proposal seeks to continue this layout and provide a key vista to the new community building accessed off the new primary route.
- 6.09 Policy SP2 of the adopted Local Plan requires amongst other matters, the provision of local shopping facilities on the H1(2) site. The outline application considered the appropriateness and likely success of sustaining shopping facilities within the overall development, however it was concluded (and evidenced) that the allocation could not sustain local shopping facilities. As such, no such facilities were included in the outline approval.
- 6.10 The current proposals are details pursuant to the outline permission and as such no such requirement could be imposed on the current application. So whilst the policy sets out a requirement for such facilities within the overall site, there is no mechanism available under the current reserved matters application for this to be included.

Layout

- 6.11 As set out above, policy H1(2) of the Maidstone Borough Local Plan (2017) provides the detailed criteria to be met for developing out the site. The phase 1 permission has established the key design principles for the centre of the site with the current application seeking to establish the key design principles for the more suburban outer edges of the site, whilst also proving a clear and visible route, promoted by the enhanced scale of the buildings, to the new community building. Most of the criteria for the H1(2) policy has been established by the outline permission and the phase 1 reserved matters, with a key criteria for the second phase being point 3 of the above policy, which seeks to retain a buffer 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.
- 6.12 The phase 2 application maintains the principles adopted by the illustrative master plan and seeks the retention of a significant amount of existing semi natural landscaping to the north-west boundary (approximately 1.68 ha) which includes those trees protected under TPO No.36 of 2003 . Whilst the proposals will remove a number of these trees – a matter recognised when the outline approval was granted (by virtue of the detailed FLAC Tree Survey) a significant buffer area will be maintained between the new houses and the rear garden fences of those properties backing onto the site (but fronting Howard Drive). This buffer varies along the length of the north west boundaries from 100 -135 metres in depth. The buffer area contains the existing semi-natural appearance but will also include the swale basins and attenuation ponds to manage the surface water disposal of the site. This matter is discussed in more detail in the landscaping section of the report but the layout proposals establish the retention of a significant amount of existing semi-natural open space along the boundary of the site aiding the creation of potential new habitats and thereby increasing the biodiversity potential of the site in accordance with paragraph 118 of the NPPF.
- 6.13 The phase 2 proposals continue the established and accepted design form of the phase 1 reserved matters with principally 3 storey dwellings along the primary street frontage with tree lined avenues and on street parking to create a clear and legible

street which has been intentionally elevated to create the main street. Off the primary street - to the NW and NE, dwellings are reduced in scale comprising principally 2 and 2.5 storey dwelling houses to reflect a more suburban and edge of settlement character with reduced width roads and limited on street parking which frame the edges of the development and are generally informal and shared spaces.

- 6.14 Outside the phase 2 application site but on the same agenda for planning committee is the Community Centre building, which forms a key focal point of the whole scheme. Whilst not for consideration as part of the phase 2 application, its positioning within the overall site has a major implication for the positioning of dwellings on the application site as it is key that this community building is easily identified with a clear logical route off the primary street. To this end, the street leading to the community centre has been intentionally positioned so that the community building is the focal building at the end of the street with buildings along this street elevated in scale to 2.5 and 3 storey buildings to focus attention along the street to the new community building.

Phase 2 Layout



- 6.15 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 continues the strong urban form established by the phase 1 design in the centre axis of the site and 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 create an identity and continue the use of Kentish ragstone (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.

- 6.16 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 final Draft 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

- 6.17 Visitor parking is provided on street 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

- 6.18 A good mix of housing types are dispersed throughout the phase 2 site area which meet the identified needs of the borough -ranging from 1 bed flats/maisonette to 5 bedroom houses. A detailed mix has been submitted with the application. Affordable housing is distributed within the site and provides for 36 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 2 scheme provides for 22 affordable rental dwellings comprising a mix of 1, 2, 3 and 4 bed units and 14 affordable shared ownership dwellings comprising a mix of 1, 2 and 3 bed units.

Residential amenity

- 6.19 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 2 proposals are considered acceptable on the amenity of future residential properties.
- 6.20 The pedestrian/cycle and bus only access from Howard Drive which runs through the phase 2 site area 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.
- 6.21 Given the distance away from other existing residential properties, especially those fronting Howard Drive, the phase 2 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.
- 6.22 Overall and with changes negotiated to the layout of phase 2 through the progression of the application and at pre-application stage, the layout of phase 2 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 with enhanced habitats for biodiversity, provides for sufficient on and off street parking and provides an acceptable level of residential amenity for future and existing dwellings.

Scale

- 6.23 The overall scale of the buildings varies across the phase 2 site (similarly to that of the phase 1 scheme) from single storey garage units (shown in red below) to two storey dwellings (shown in light blue) and three storey buildings, (in purple). 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 2 are at or below 11m. As can be seen from the drawing below, the three storey buildings are predominately those which continue the primary street and those which front the new street leading to the Community Centre. Whilst not part of this application, this building is key to the wayfinding for future visitors to the site and to how this building is easily located. The scale of buildings along this street denotes its importance in the street hierarchy and seeks to promote and identify wayfinding to this important community resource. Lower storey heights are used to reflect the changing character areas and reduced density toward the fringes of the site.
- 6.24 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 and continues the theme created by the approved phase 1 layout to create a strong coherent strategy for the remaining phases of the site.

Building Heights



Appearance

- 6.25 The proposed buildings include a variety of house types and designs which are of a traditional design and continue the theme created by the phase 1 development. Materials include a mixture of brickwork – (yellow stock and red multi bricks), ragstone walling to key buildings, render, hardie-plank cedar boarding and vertical tile hanging. Roofs are proposed in two key materials, grey natural slate and plain tiles. The use of these materials follow the themes established under the phase 1 consent where natural slate is used on the dwellings fronting the main street and the street leading to the community centre and plan tiles and natural slate is used on the other buildings. A variety of bays and entrance porches are used to help articulate the buildings with windows to be finished with a mixture of tiled and cast stone cills and brick window heads.
- 6.26 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 with hedging proposed in certain locations. Details of the boundary treatment across the phase 2 site have been carefully considered to ensure high quality boundary treatment is used in association with a strong public realm landscaping scheme.
- 6.27 Key buildings are promoted in the site, predominately along the route leading to the Community Centre by the use of ragstone walling fronted buildings with yellow stock brickwork under natural slate roofs. This promotes the importance of these buildings and of the street – leading to a focal building of the development, while the palette of materials, establishes a coherent link to the phase 1 consent scheme. 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.
- 6.28 Overall, it is considered that the proposed appearance of the development will create a high quality development site which responds to the local context, builds upon the consented Phase 1 scheme and continues the use of high quality materials and meets the objectives of local plan policies and the NPPF - paragraphs 56, 57, 58 and 60.

Landscaping

- 6.29 The application is accompanied by detailed landscaping drawings for all the open spaces areas within phase 2, together with Arboriculture Method Statements and a revised LEMP for phase 2.
- 6.30 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 2. However the developers have submitted the LEMP provisions to provide members with the confidence that they are fulfilling the requirements of the S106 agreement and due to commitments given on the phase1 proposals where it was agreed to include management of the Ancient Woodland within the Phase 2 LEMP proposals. The LEMP has been reviewed by the KCC Ecology and following a number of suggested changes, is now in a form which they confirm “that the updated information is sufficient to demonstrate that the site will be under active management and it will commence as soon as the works within the relevant section has been completed”.

- 6.31 A key requirement of adopted policy H1(2) - criterion 3, is the “provision of a buffer along the north eastern boundary of the site (rear of Howard Drive dwellings), incorporating existing protected trees the details of which are to be agreed by the council”. The Council’s Arboricultural officer has inspected the submitted Arboricultural Method Statement plans. His comments are mainly directed at the semi-natural area along the northern boundary (covered by criterion 3 of policy H1(2)). He acknowledges the fairly significant changes from those submitted for the outline application to the current proposals, this being attributable to the extent and layout of the proposed attenuation basins and the resultant further loss of trees/scrub cover. He accepts this will have a negative short term visual impact but with the additional planting proposed, that this area will regain a semi- natural character in time. He also acknowledges the balances between SUDs and biodiversity objectives (as proposed by the current reserved matters details and the retention of existing tree cover as advocated by the policy.
- 6.32 The Council’s Landscape officer has 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.
- 6.33 Clearly, there is a balance that needs to be struck which seeks to meet the criteria of the adopted policy whilst seeking to improve biodiversity objectives and provide for sustainable surface water drainage solutions. To have a better understanding of the surface water drainage requirements for the site and the implications of this on the proposed landscaped areas, the applicants were asked to provide a drainage strategy to support the current application (as it was known at the outline stage that swales/attenuation basins were proposed in northern buffer area). The updated Drainage Strategy submitted with the application and included within the landscaping detail provides for swales and attenuation ponds which are to be designed as “wet” ponds to provide biodiversity enhancements and manage water quality. Whilst this will meet the objectives of paragraph 118 of the NPPF which seek to enhance biodiversity within development sites, the consequences are the loss of existing trees/shrubs, which although of moderate to low quality, do contribute to the visual character of the boundaries of the site.
- 6.34 Having weighted the benefits arising from new habitat creation and a site wide designed SUDs scheme, whilst acknowledging the negative impact in the short term due to the loss of trees within this northern boundary buffer, the benefits of the current proposals outweigh the short term harm, especially as the proposed landscaping will mature over time to regain a semi natural character. I therefore concur with the Arboricultural officer’ comment that the initial effects can be mitigated with appropriate landscaping and long term management objectives. I have recommended conditions to cover this.
- 6.35 Overall, it is considered that the landscaping proposals within phase 2 are acceptable and will meet the aspirations of adopted policy H1(2), the Council’s Landscape Guidelines as set out in the Landscape Character Assessment and condition 21 of the outline consent which 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 plans submitted demonstrate that the overall quantity and type of open space is on course to be delivered across the phases.

Other Matters

Conditional Approval of Outline Matters (conditions 2, 10, 18 & 20)

- 6.36 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. The Phasing plan was agreed as part of the Phase 1 details. 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 2. The condition should be discharged for phase 2 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 2. This is considered acceptable and should be discharged for phase 2 only. Condition 20 limits height of all buildings to 11m. All buildings within the phase 2 are at or under 11m.

Surface Water Drainage

- 6.37 The applicants have submitted an Updated Drainage Strategy for the site which has been reviewed by KCC's Flood and Water Management Team and the E.A. KCC as Lead Local Flood Authority have no objection to the discharge of the reserved matters phase for phase 2 and note the revisions to the drainage strategy and are satisfied with the proposed disposal of surface water via deep-bored soakaways and attenuation ponds. The E.A's updated comments following clarification from the applicants now confirm that as the agreed unsaturated zone will be maintained and where an increased depth of borehole is deemed necessary, then further testing and monitoring will be required, they find the details acceptable.

Archaeology

- 6.38 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 and KCC. Whilst KCC Archaeology in their statutory response have requested a condition to cover archaeological works, this was already imposed on the outline consent and it would not be appropriate to impose this again on the reserved matters phase 2 scheme. A scheme has been submitted to cover the phase 1 proposals and the applicants are working with KCC archaeology to address this matter.

KCC PROW

- 6.39 KCC's –PROW team have requested that the applicant be advised on the matters covered in informatives 2 and 3 below. As these matters are controlled by separate legislation - the Highways Act, I consider that these matters are best dealt with by the informatives set out below.

7.0 CONCLUSION

- 7.01 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 approval of the first phase of development for 183 dwellings in December 2016 established the key design principles for development of this site and the current phase 2 continues those established design and landscape principles.

- 7.02 The reserved matters application follows the requirements of the adopted Maidstone Borough Local Plan policies SS1, SP2 and H1(2) and the outline planning permission. Following revisions to the phase 2 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 routes. Landscape protection is afforded to the buffer area behind properties fronting Howard Drive which seeks to retain existing (albeit reduced in area) semi natural habitats with the introduction of swales and attention ponds designed to provide biodiversity enhancements to the site. The objectives and aspirations of the illustrative masterplan are on track to be met by the phase 2 scheme. 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 Ancient Woodland and the open space areas of the site.
- 7.03 The phase 2 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.

8.0 RECOMMENDATION – GRANT planning permission subject to the following conditions:

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

Layouts

- **4389/1:** Site Survey 1 Aworth Sheet 1
- **4389/2:** Site Survey 1 Aworth Sheet 2
- **4389/3:** Site Survey 1 Aworth Sheet 3
- **4389/4:** Site Survey 1 Aworth Sheet 4
- **4389/5:** Site Survey 1 Aworth Sheet 5
- **4694:** Site Survey 1 Aworth Tree Schedule
- **4694/1:** Site Survey 2 Aworth Sheet 1
- **4694/2:** Site Survey 2 Aworth Sheet 2
- **4389:** Site Survey 2 Aworth Tree Schedule
- **DES/118/021:** Site Photograph Key Plan
- **DES/145/100:** Site Location Plan **Rev. C**
- **DES/118/101:** Illustrative Master Plan **Rev. C**
- **DES/118/102:** Phasing Plan **Rev. C**
- **DES/145/101:** Phase 2 Site Layout **Rev. D**
- **DES/145/102:** Phase 2 Housing Mix Plan **Rev. B**
- **DES/145/103:** Phase 2 Affordable Housing Tenure Plan **Rev. B**
- **DES/145/104:** Phase2 Refuse Storage and Tracking Plan **Rev. B**
- **DES/145/105:** Phase 2 Parking Strategy Plan **Rev. B**
- **DES/145/106:** Phase 2 Storey Heights Plan **Rev. B**
- **DES/145/107:** Phase 2 Materials Plan **Rev. B**
- **DES/145/108:** Phase 2 Enclosures Plan **Rev. B**
- **DES/145/109:** Phase 2 Lighting Plan **Rev. B**

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- **DES/145/110:** Phase 2 Hard Surface Materials Plan **Rev. B**
- **DES/145/111:** Phase 2 Proposed Road Offer for Adoption Plan **Rev. A**

Street Scenes

- **DES/145/300:** Street Scenes Sheet 1 **Rev. A**
- **DES/145/301:** Street Scenes Sheet 2 **Rev. B**
- **DES/145/302:** Street Scenes Sheet 3 **Rev. A**

Landscape

- **DES/145/500:** Planting Plan 1 of 6 **Rev. B**
- **DES/145/501:** Planting plan 2 of 6 **Rev. B**
- **DES/145/502:** Planting plan 3 of 6 **Rev. B**
- **DES/145/503:** Planting plan 4 of 6 **Rev. B**
- **DES/145/504:** Planting plan 5 of 6 **Rev. B**
- **DES/145/505:** Planting plan 6 of 6 **Rev. B**
- **DES/145/511:** Arboricultural Method Statement 1 of 5 **Rev. A**
- **DES/145/512:** Arboricultural Method Statement 2 of 5 **Rev. A**
- **DES/145/513:** Arboricultural Method Statement 3 of 5 **Rev. A**
- **DES/145/514:** Arboricultural Method Statement 4 of 5 **Rev. A**
- **DES/145/515:** Arboricultural Method Statement 5 of 5 **Rev. A**

Documents

- **DES-145-400:** Design & Access Statement
- **DES-145-402:** Affordable Housing Statement
- **DES-145-403:** Drainage Strategy
- **DES-145-531:** Detailed LEMP- Phase 2 **Rev. C**
- **DES-145-404:** Parking Schedule
- **DEV/145/LPA-01:** EA Response Letter

House Types Plans and Elevations

- **DES-145-200:** S718 (Plots 184,185, 257,258, 263 & 264)
- **DES-145-201:** F768 (Plots 186-191)
- **DES-145-202:** F768 (Plots 186-191)
- **DES-145-203:** S718 (Plots 192, 193 & 194)
- **DES-145-204:** S718 (Plots 195, 196 & 197)
- **DES-145-205:** P176 (Plots 198-209)
- **DES-145-206:** P176 (Plots 198-209)
- **DES-145-207:** P176 (Plots 198-209)
- **DES-145-208:** S713 (Plot 210)
- **DES-145-209:** B276 (Plots 211, 212, 213,214, 289, 290, 291, 293, 294, 297, 298, 299, 300, 301 & 302)
- **DES-145-210:** S719 (Plot 215) **Rev. A**
- **DES-145-211:** P166-P168 (Plots 216 & 217)
- **DES-145-212:** P166 (Plots 218 & 219)

- **DES-145-213:** B265-B635 (Plots 220 & 221) **Rev. A**
- **DES-145-214:** B265 (Plots 222, 223, 224, 225, 230 & 231)
- **DES-145-215:** B265-B635 (Plots 226 & 227) **Rev. A**
- **DES-145-216:** B678 (Plots 228 & 229)
- **DES-145-217:** B266 (Plot 232)
- **DES-145-218:** P166 (Plots 233 & 245)
- **DES-145-219:** P168 (Plots 234, 235, 238, 239, 246, 247, 250 & 251)
- **DES-145-220:** P168 (Plots 236, 237, 248 & 249)
- **DES-145-221:** P170 (Plot 240)
- **DES-145-222:** P198-P174 (Plots 241, 242 & 243)
- **DES-145-223:** P171 (Plot 244)
- **DES-145-224:** P166 (Plot 252)
- **DES-145-225:** B266 (Plot 253)
- **DES-145-226:** B265-B635 (Plots 254 & 255) **Rev. A**
- **DES-145-227:** G6 (Plot 256)
- **DES-145-228:** S718 (Plots 259, 260, 261, 262, 27, 272, 273 & 274)
- **DES-145-229:** G6 (Plots 265 & 275)
- **DES-145-230:** S717 (Plots 266 & 267)
- **DES-145-231:** S713 (Plot 268)
- **DES-145-232:** S290 (Plots 269 & 270)
- **DES-145-233:** S780 (Plot 276)
- **DES-145-234:** S688 (Plots 277 & 284) **Rev. A**
- **DES-145-235:** B291 (Plots 278,279, 282 & 283)
- **DES-145-236:** B291 (Plots 280 & 281)
- **DES-145-237:** S652 (Plot 285)
- **DES-145-238:** B265 (Plots 286 & 287)
- **DES-145-239:** S652 (Plot 288)
- **DES-145-240:** S713 (Plot 295)
- **DES-145-241:** S713 (Plot 296)
- **DES-145-242:** Sheet 1 Garages
- **DES-145-243:** Sheet 2 Garages and Carports
- **DES-145-244:** Sheet 3 Garages and Studio
- **DES-145-245:** Sheet 4 Garages and Studio **Rev. A**
- **DES-145-246:** Sheet 5 Carports and Studio **Rev. A**
- **DES-145-247:** Sheet 6 Bin and Cycle Stores
- **DES-145-248:** Sheet 7 Carports

Reason: For the avoidance of doubt.

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 and tree protection measures shall be carried out in accordance with the approved landscaping planting plans and the Arboricultural Method Statements, No occupation of the development hereby permitted shall commence until all planting, seeding and turfing 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 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 2
 - 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) Details of the existing and proposed contours levels to ODN in and around the attenuation basins within the northern boundary buffer area including measures to protect public safety.
 - g) Timing of delivery of the above matters

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

Reason: To protect and enhance biodiversity

5. 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.

6. 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. Notwithstanding the provisions of the General Permitted Development (England) Order 2015 as amended

or subsequent amendments, the car ports shown on the approved plans shall not be enclosed at any time.

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

7. 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 10 relating to details of tree retention and protection during Phase 2 is approved BUT for Phase 2 only. Condition 18 requiring details of public lighting for Phase 2 is approved BUT for Phase 2 only.
2. 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 KB47 are agreed by the County Council's PROW and Access Service.
4. KCC Highways have stated the following:
Public Rights of Way KB47 restricted byway runs along the north western boundary of the site and should not affect the application. I would ask that the restricted byway, has an overlay of tarmac as there will be far more use once the development is completed. I have however, enclosed a copy of the Public Rights of Way network map showing the line of this path for the information of yourself and the applicant. The County Council has a controlling interest in ensuring that the restricted byway is maintained to a standard suitable for use by pedestrians, horse riders, horse and cart cyclists. Any maintenance to the higher level required for continuous motorised vehicular access would be the responsibility of the relevant landowners.

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.

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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^o 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 2N^o 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