

**REPORT SUMMARY**

<b>REFERENCE NO - 17/503680/REM</b>			
<b>APPLICATION PROPOSAL</b> Reserved Matters (Appearance, landscaping, layout and scale) for Phase 2A of the outline approval 13/1749 comprising Community Centre with associated infrastructure.			
<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> 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).			
<b>REASON FOR REFERRAL TO COMMITTEE</b> 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.			
<b>WARD</b> Allington	<b>PARISH/TOWN COUNCIL</b> N/A	<b>APPLICANT</b> Croudace Homes Ltd <b>AGENT</b> Croudace Homes Ltd	
<b>DECISION DUE DATE</b> 12/10/17 – Extension of Time agreed to 10.11.17	<b>PUBLICITY EXPIRY DATE</b> 25/08/17	<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>
17/502767/REM	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.	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up to 420 residential dwellings (including Affordable homes), land safeguarded for an education facility and land	Withdrawn Resolved to be approved	04.02.16

	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	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 wider 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 2A application extends to approximately 1.9 hectares, is located immediately north of the restricted byway KB47 and contains a commercial pear orchard.
- 1.05 Aside from orchard trees occupying the site, there are a limited number of Grade C within the site. Tree Preservation Orders cover the trees along the north eastern and south eastern boundaries of the larger site forming the strategic allocation.
- 1.06 A number of Public Rights of Way traverse or lie adjacent to the whole 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

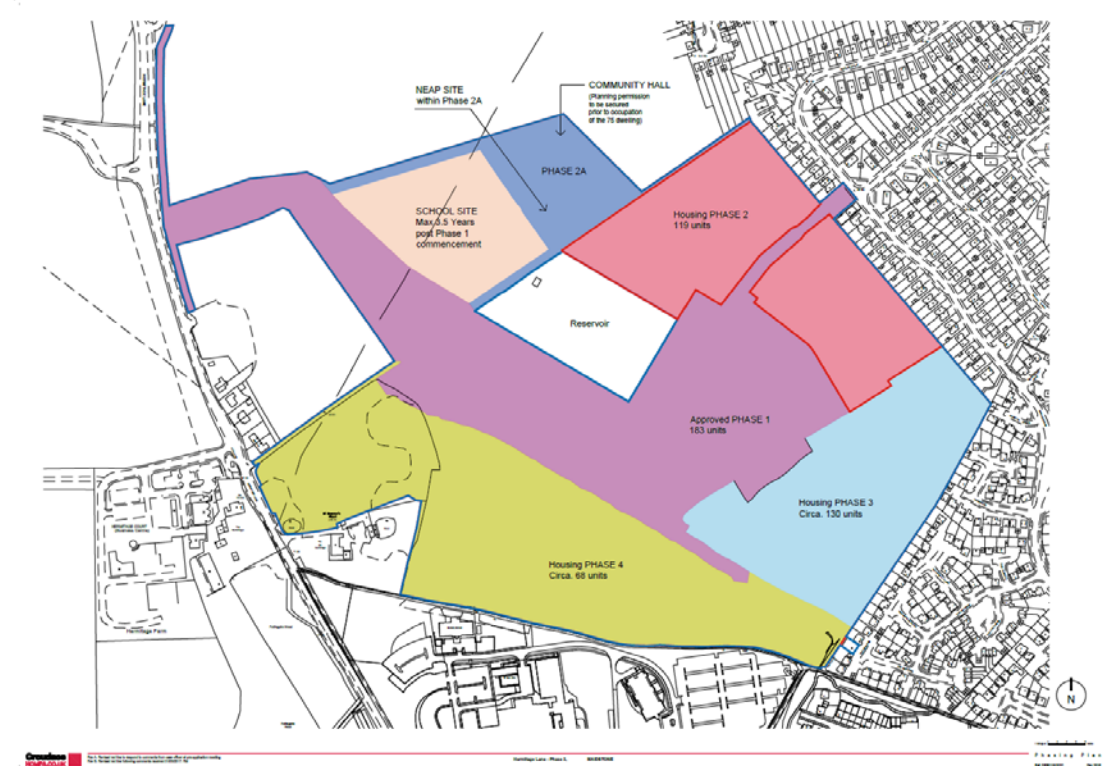
## **2.0 PROPOSAL**

- 2.01 The reserved matters application seeks approval of matters relating to layout, appearance, scale and landscaping for Phase 2A only for the construction of a Community Centre with associated infrastructure and provision of public open space including the provision of a Neighbourhood Equipped Area for Play (NEAP).
- 2.02 The Phasing plan below shows the subject application shaded in blue and follows the principles of the outline masterplan and the revised Design and Access Statement approved as part of condition 21 of the outline planning permission. The phase 2A application site measures 1.9 hectares of which 0.36 hectares is set aside as Community Hall land for the provision of a community hall, structural planting, and associated access and parking. The community centre measures 615 sqm with provision for a multi-purpose hall (180sqm) crèche (which includes separate toilets/small kitchen facilities), male and female toilets and separate changing facilities, a separate multi-purpose room with a kitchen which serves this room and the multi-purpose hall, a plant room and separate multi-purpose hall. This is all arranged over 1 floor with the building being designed with a steeply mono-pitched roof to provide for a vaulted double height ceiling to create headroom height to the multi-purpose hall. The DAS states that the steeply pitched roof is ideally orientated

to accommodate PV collectors (panel or tiles) with no part of the roof exceeding 11 metres in height (a requirement of condition 20 of the outline permission).

- 2.03 The palette of materials comprises a mixture of Kentish ragstone, yellow London stock brickwork, standing seam zinc cladding, grey aluminium grey windows and a standing seam zinc roof. Parking is provided on site with a total number of 35 spaces.
- 2.04 A separately demarcated outside crèche garden is provided to the west of the community hall with a NEAP play area provided further westwards. Open space land is provided to the north of the community building and this incorporates the use of swales and a large attenuation pond within the overall landscaping design.

### Phase 2A phasing plan



## 3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Supplementary Planning Documents: Open space DPD (2006)  
The Maidstone Borough Local Plan (2017): SS1, SP1, SP2, SP18, SP23, H1, H1(2), DM1, DM2, DM3, DM4, DM6, DM20, DM21, DM23, 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:** 31 representations received from local residents raising the following (summarised) issues. Included within this number is a standardised tick box

questionnaire (similar to survey-monkey) where individuals tick the box that they wish to raise issues with and add their name and e-mail address.

- Excessive traffic
- Access to the community centre should not be via the byway. Traffic lights or a pedestrian crossing are required
- A walkway for pedestrians should be provided around phase 2A
- The NEAP is in the wrong location. It would be better placed in phase 2
- Inappropriate use of swales and attenuation basins in close proximity to a school, play area and crèche
- Plans for phase “a are unacceptable on health and safety grounds
- Community Centre and school cannot be located near a working orchard

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

- Health and Safety - questions location of the NEAP in close proximity to water and in this location, should be located within main development site
- Byway/PROW KB47 – vehicle access should be prohibited from using the byway to access the community centre – this is a safety issue
- Community building should be no higher than 2 storeys
- Question the provision of changing rooms
- Provision of a circular walkway footpath around the site should be included
- Biodiversity ponds as shown are a safety hazard
- Questions comments made in the Arboricultural Method Statement
- No provision for access road to the primary school has been made

## 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 UK Power Networks: -: No objections
- 5.02 MBC Environmental Services - No objection but request an external lighting condition and noise report and what noise mitigation measures will be integrated into the building.
- 5.03 MBC Arboricultural and Landscape Officer – no objection raised
- 5.04 KCC PROW – No objection – refers to protection of restricted byway KB47. Verbal confirmation from PROW officer that demountable bollard to prevent unauthorised access along the restricted byway KB47 is acceptable.
- 5.05 KCC Highways –Requested clarification on access matters. Following the submission of amended details and clarification on certain matters, KCC are now satisfied with the responses and raise no objection to the proposals. They request that the lockable bollards to prevent vehicles driving up to the community centre via the restricted byway must be a lockable Kent carriage gap
- 5.06 KCC Ecology – No comments on the proposal but note the native species incorporated into the development which will benefit biodiversity.

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- 5.07 Kent Police – recommends the applicant contact the Crime Prevention Team at Kent Police to ensure crime prevention is addressed effectively.
- 5.08 Natural England – Defers to principally standing advice but provides comment on opportunities to enhance biodiversity on the site in accordance with paragraph 118 of the NPPF
- 5.09 Highways England – In accordance with outline approval – no further comments to make.
- 5.10 E.A – No comments.
- 5.11 Southern Water – Defer to the advice of the E.A regarding protection of the public water supply.
- 5.12 Tonbridge & Malling Borough Council - no objections to the consultation as neighbouring authority.

## **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 2 No. 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 and this is discussed in the phase 2 report also on the current agenda tonight.
- 6.06 The S106 agreement as part of the outline planning permission required the provision of the “Community Hall Land” – meaning an area of land not less than 0.36 hectares to be set aside for the construction of the community hall, which was defined as a single storey building with ancillary parking to be provided on the Community Hall Land for use for community purpose having a floor area of approximately 600 sqm. The S106 also requires the owners to construct the community hall and to transfer the facility to a management company. The S106 also requires a limit on the occupation of no more than 75 dwellings until the owners have obtained planning permission with no more than 400 dwellings occupied until the community hall has been practically completed.

### **Principle of Development**

- 6.07 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.
- 6.08 The adopted Maidstone Borough Local Plan (2017) (which was adopted by the Council on 25<sup>th</sup> 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.

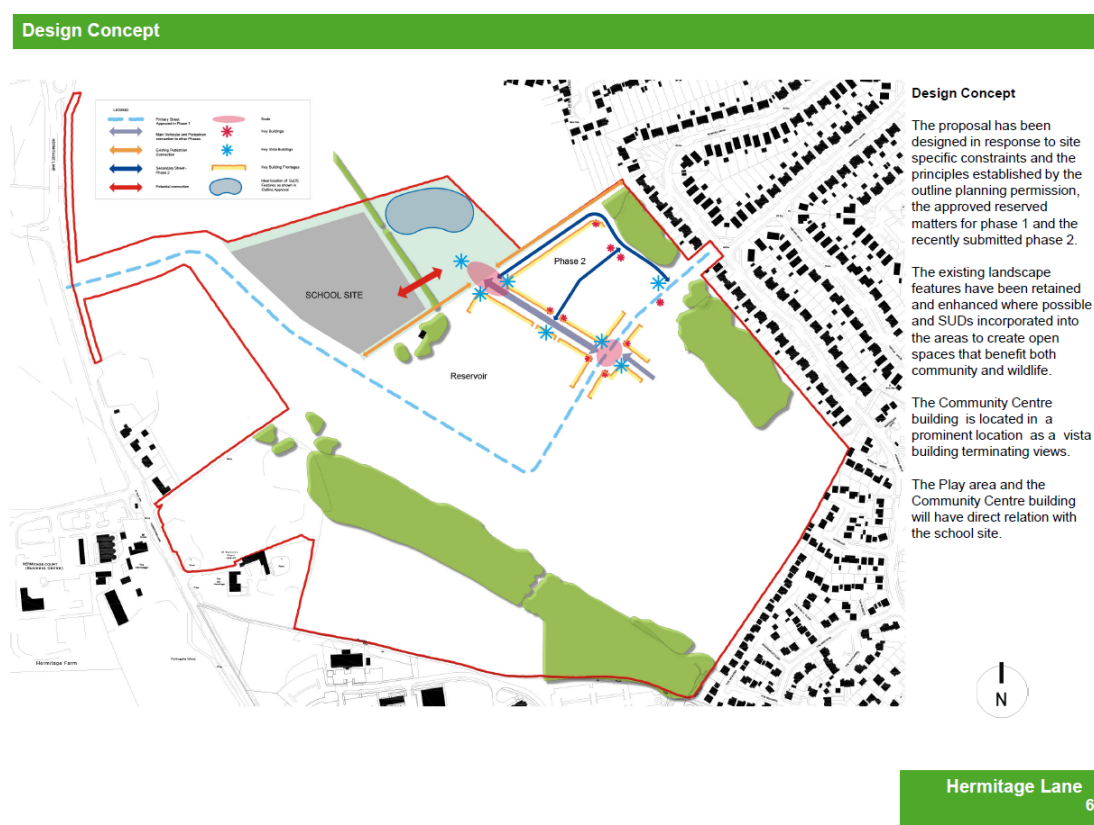
- 6.09 Point 15 above is the significant part of the policy in relation to the phase 2A proposals in that it seeks to locate a “multi-functional community centre will be provided. The use of the north western part of the site (land to the north of the restricted byway and south of the borough boundary) for the siting of community infrastructure is strongly encouraged”.
- 6.10 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.
- 6.11 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.
- 6.12 The location of the proposed community hall not only follows the principles of the illustrative outline masterplan but also adheres to the principles established by point 15 above.

**Layout**

- 6.13 As set out above, the principle for the provision of a multi-functional community centre building was established by the grant of the outline planning permission and the S106 agreement attached to that permission. Whilst matters relating to layout were reserved for future consideration, the outline proposals were accompanied by a detailed illustrative masterplan which showed how the site could be developed out, with the location of the proposed school site and community centre shown to the north west of the byway. No objection was raised to the location of these facilities at the time of the appeal into the outline proposals on the basis of having the new school accessed directly off the new primary road. As such, the S106 agreement signed by the developers with KCC as part of the outline planning permission secures the land to the immediate west of the application site for use as a primary school (the S106 secures an area of land measuring no less than 2.05 ha)
- 6.14 The proposed location of the community centre therefore follows the principles established by the illustrative master plan and point 15 of the adopted policy for this site.

6.15 The positing of the community centre building, as set out in the report on application 17/502767 is located in a prominent position within the site to act as a “vista” building (see plan below showing pink circular highlighted area to NW) with terming views along the newly created street accessed a short distance away from the primary road (shown by the light blue dotted line in the plan below). The new street is framed by more dominant buildings, some of which are Kentish ragstone faced, to promote the importance of the street and to direct views to the community building. This approach seeks to firmly place the importance of the community building in place making/shaping and to allow for the easily recognisable access route to the building to be clearly defined.

### Positioning of building



6.16 SUDs features have been incorporated into the overall layout of the open space area forming part of the phase 2A considerations which consist of swales and an attenuation basin. Again and similar to the phase 2 application, the attenuation basin has been has been designed as a “wet” pond with silt forbays for biodiversity enhancement, the details of which are set out in the updated drainage strategy report submitted with phase 2 to enable a more detailed assessment of how surface water is to be managed through the whole site.

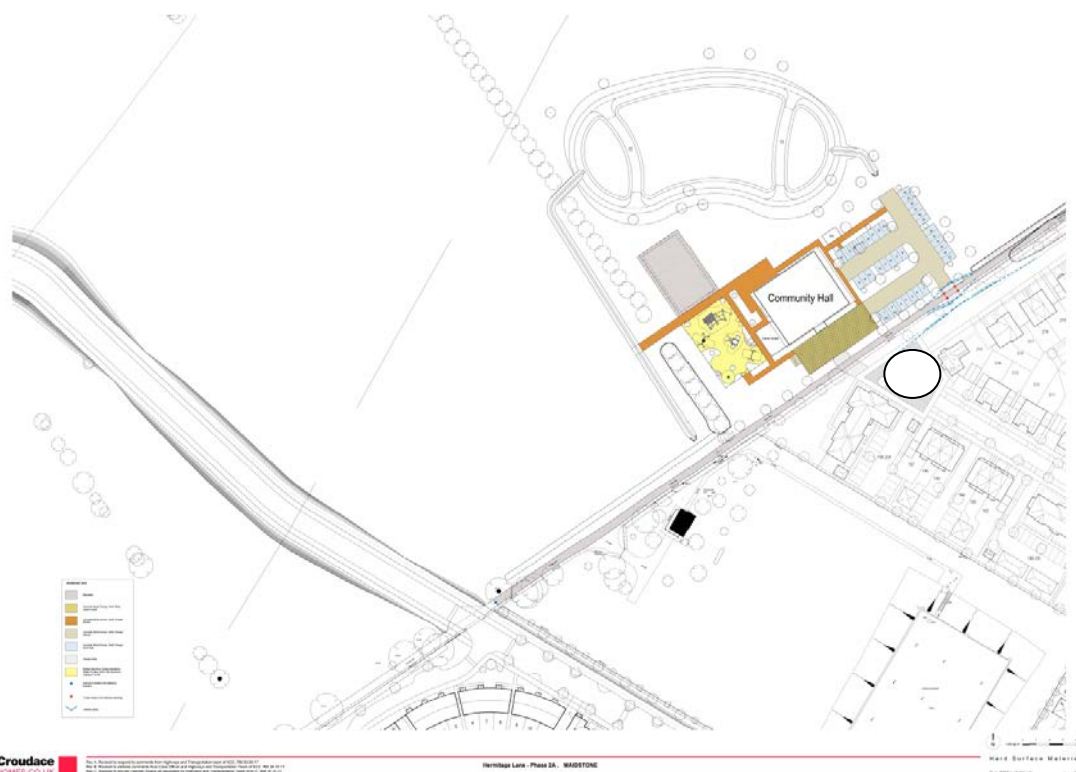
6.17 To the immediate west of the community building and shown in yellow on the plan below is the proposed NEAP, which has been positioned in this location to have a direct relationship with the adjoining primary school site further westwards, the community building and the open space land forming part of this reserved matter detail for open space use.

- 6.18 With 35 off street parking spaces provided for, 2 of which are designated for disabled users, the provision of bollards to the entrance to the parking area (shown by the red dots on the plan below), and low level illuminated bollards to prevent access to the new square located immediately outside the community building (shown on the plan below by ○) and measures to prevent unauthorised use of the byway from users attending the community building, proposed to be a fold down bollard (shown by a blue dot on the plan below), then KCC raise no objection to the proposals on highways safety. However, they request that the lockable bollards which are designed to prevent vehicles driving up to the community centre via the restricted byway must be a lockable Kent carriage gap. KCC PROW agree with this and this can be secured by a suitably worded condition.
- 6.19 Whilst concerns have been raised by local residents and NAAG to the location of the community building and the positioning of the NEAP and SUDs features, the proposals follow the principles established by the illustrative masterplan of the outline approval and point 15 of adopted policy H1(2) for the site and seek to co-locate facilities which serve their perspective end users i.e the primary school and users of the community building and public open space. The positioning of the SUDs attention basin and swales will improve the biodiversity of this public space and in the medium term could be a focal point for teaching conservation principles to the nearby school and community groups. A condition is suggested to require details of the gradient and protection measures to be installed to protect public safety.
- 6.20 The internal layout of the building provides for a range of uses and allows for an “anchor tenant” in the form of a “crèche” with independent facilities, which is so important in community buildings to create an income stream and for an organisation to take “ownership” of part of the building. The overall provision of facilities, both in the creation of separate rooms, shared catering facilities, separate toilet and changing facilities and design of the building (with high vaulted ceiling over the multi – purpose hall) to cater for sporting and drama based activities, all at the developers expense, leads to the overall conclusion that the building has been designed to meet a variety of uses and needs of the community. The floor space fulfils the requirements of the outline S106 agreement.
- 6.21 Overall, I consider the applicants have worked pro-actively with the Local Planning Authority to seek to provide a community building capable of accommodating and meeting the needs of a wide variety of community uses which fulfils the requirement of the policy.

#### *Parking*

- 6.22 Sufficient parking is provided on site to meet adopted vehicle parking standards with provision for disabled parking. Kent Highways are now satisfied with the proposals and raise no objection to the application on highway safety matters. As set out in paragraphs 6.18 above and 6.40/41 below suitable arrangements can be put in place and secured by condition to prevent unauthorised use of the restricted byway by vehicles trying to access the community centre. KCC’s PROW team and the Highway team are satisfied with the arrangements proposed.

## Phase 2A Layout



### *Residential amenity*

- 6.23 The Council's Environmental Health Officer (EHO) has requested a condition be imposed to require details of a lighting scheme to be submitted to and approved by the LPA. In fact a lighting scheme has been submitted – plan no. DES/145/605 which shows the provision of lighting columns (with reflectors built into the design) to the parking area and immediately to the north of the building and 750mm illuminated bollards to the front of the building. This is a requirement of condition 18 of the outline approval. Having reviewed the details, I am satisfied that the impact to new and existing residents in the locality is acceptable. Any additional lighting over and above this would require a separate application for permission.
- 6.24 The EHO has also requested additional information and an input from an acoustic consultant in order for a report to be provided on the anticipated noise impact arising from the development and how this can be mitigated, e.g high spec glazing, how the building will be used, hours of operation, noise insulation etc.
- 6.25 The details of how the community building will operate are not known at this stage as the S106 requires the developer to build the community facility and then to transfer this over to the management company who are responsible for the management of the community building and the open space areas (including the Ancient Woodland). The detailed times of opening are also not know at this stage and as a community

building, it will need to raise its own revenue to support the upkeep and maintenance of the building and provide for any ancillary equipment. Whilst the thinking behind the request is perfectly laudable, I do not consider it appropriate at this time to require a full acoustic report to set out details of activities which may or may not be delivered or would not meet the aspirations of the elected management committee. I would therefore propose a condition be used to require details of the buildings insulation against internally generated noise to be submitted prior to development commencing above dpc level and a general opening and closing time for the facility. This will give the opportunity for the management company to be set up and become operational before the details are provided and for the insulation details to protect against noise transmission to be investigated further prior to the building being erected. With such measures in place, I consider the concerns raised by the EHO can be addressed by the conditions suggested.

- 6.26 With the nearest existing residential properties located approximately 170 metres away from the community building, and accepting the proximity of new properties (forming Phase 2) to the community centre who will have knowledge of the location of the community building when they buy their properties, I consider the impact on residential amenity to be acceptable and can be appropriately mitigated for by conditions.

### **Scale**

- 6.27 The maximum scale of buildings was restricted by outline condition 20 – (see Appendix A) which limits building heights to 11m. The community building falls within this height restriction and with a maximum roof height of just over 10m, is of an appropriate scale befitting its end use whilst also acting as a vista building terminating views along the newly created street.
- 6.28 The overall scale of the building is also regulated to a degree by the detail of the S106 agreement as set out in paragraph 6.06 above. Overall, the scale is considered appropriate to the site context and surrounding built form as currently under construction and permitted by the Phase 1 reserved matters approval.

### **Appearance**

- 6.29 As befitting a vista building and one which has been purposefully positioned to terminate views along the new street and promote wayfinding of the new community facility in a very accessible location by all forms of transport, the attention to detail is paramount. The new building incorporates Kentish ragstone walling to the key ground floor elevations (the front and side elevations) which are most visible and prominent from the public domain with yellow stock brickwork and standing seam zinc cladding to the higher elevations. This provides longevity and durability to the building with minimal maintenance. Similarly a standing seam zinc roof is also proposed which, due to design and orientation of the building, is capable of accommodating renewable energy devices such a solar pv..
- 6.30 The use of materials for the proposed community building helps to re-inforce the cohesive feeling adopted by the Phase 1 and 2 schemes and seeks to promote the overall importance of the building in the context of the re-development of the whole site. The materials proposed are high specification/quality materials which will require little annual maintenance and upkeep and are befitting a building in this location.
- 6.31 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 proposed phase 2 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

- 6.32 The application is accompanied by detailed landscaping drawings for the open space area, together with Arboriculture Method Statements and the detail for a NEAP - play area. These again follow the principles already established by the phase 1 landscaping detail and that proposed for the phase 2 scheme on the same planning committee agenda. As set out above, the phase 2 application is accompanied by an updated Drainage Strategy Report which sets out how surface water disposal will be managed across the site. Phase 2A includes a “wet” pond within the area designated as open space which has been designed with swales linking to it to manage surface water, to help attenuate flows, manage water quality and to provide biodiversity overall enhancement.
- 6.33 As set out in paragraph 6.18 above, concerns have been raised over public health and safety due to the location of the SUDs features in close proximity to the school and community centre. Whilst these concerns are noted, I note government policy set out in the NPPF which actively support strategies to mitigate flood risk and to use opportunities to reduce the causes and impacts from flooding whilst providing net gains in biodiversity where possible. I consider the proposed landscape details to meet these objectives and with proper management in place and safety measures included (see suggested condition 4 below) concerns over public health and safety can be managed.
- 6.34 Existing structural landscaping will generally be maintained and protected in accordance with BS5837 standards, especially to boundaries of the site and the byway. The Council’s landscape and arboricultural officers raise no objection to the landscape detail or tree removal proposals in this phase, citing the loss of only orchard trees and a few other C grade trees.
- 6.35 The landscaping detail also makes provision for a NEAP to the west of the community building to be utilised by both new and existing residents. The plans accompanying the application together with the Play Equipment specification details seeks to provide a range of play equipment suitable for the younger children. Given the proximity of the primary school and the links being provided between the school site and the community building, together with the remainder of the site being used for public open space, I consider the provision of a NEAP in this location to be appropriate and to supplement the play provision provided by the Phase 1 approval.

## 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 2A .The condition should be discharged for phase 2A 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 2A. This is considered acceptable and should be discharged for phase 2A only. Condition 20 limits height of all buildings to 11m. The community building within the phase 2A is 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 for Phase 2, but includes an attenuation pond within Phase 2A.. KCC as Lead Local Flood Authority raised no objection to the discharge of the reserved matters phase for phase 2 and noted the revisions to the drainage strategy and were satisfied with the proposed disposal of surface water via deep-bored soakaways and attenuation ponds. The E.A's provided updated comments for Phase 2 and confirmed 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, found the details acceptable. Therefore, the same principles apply to the current phase as the drainage strategy covered the whole site and included the attenuation basin within phase 2A.

*Kent Police*

- 6.38 Kent Police have commented on the application stating that they can find no reference within the application as to how crime prevention measures have been addressed, with particular reference to accreditation to Secured by Design. The applicants have confirmed that they met with the Crime Prevention Design Advisor in August of this year to discuss crime prevention measures. It was agreed that the suggestions put forward would be considered at the technical design stage and that accreditation for Secured by Design would not be sought.
- 6.39 Accreditation to Secured by Design is not mandatory and it would not meet the statutory tests to require a developer to sign up to this accreditation. However, crime prevention is significant design matter, encouraged in adopted policy DM1 and therefore particularly relevant when considering a community building. I accept that it may be difficult at this stage to commit the management committee to a particular strategy for crime prevention, but it is important that this matter is considered within the detailed design stage. I therefore suggestion a condition be imposed to require details of crime prevention measures to be installed into/on the building prior to development commencing above dpc level.

*KCC PROW*

- 6.40 KCC PROW have confirmed verbally on 31.10.17 that they are satisfied with the solution put forward by the applicants to restrict access along the restricted byway by way of a lockable bollard. KCC highways have confirmed that this must be a Kent carriage gap. An informative is proposed to advise the applicant of the details of the Kent carriage gap. Condition 11 below requires the provision of this and its replacement in the event that it is removed/damaged.
- 6.41 KCC PROW and KCC highways therefore raise no objection to the proposals which include the pedestrian/vehicle crossing points.

## 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 the established design and landscape principles. The community building further embeds those design principles.
- 7.02 The reserved matters application follows the overall policy requirements of the adopted Local Plan policies SS1, SP2 and H1(2) and the outline planning permission. I am satisfied that the proposals will create a high quality development with place making at its heart. A key vista building will be created which terminates views and provides a legible route in close proximity to the main primary route. Landscape and biodiversity enhancement is provided for as part of the proposals with the provision of a NEAP to meet the needs of existing and new residents. The objectives and aspirations of the illustrative masterplan are on track to be met by the phase 2A scheme. High quality materials are proposed to the facing elements of community building which will ensure a connection to the surrounding built form and local heritage.
- 7.03 The phase 2A 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/145/600:** Site Location Plan **Rev. B**
- **DES/118/101:** Illustrative Master Plan **Rev. C**
- **DES/118/102:** Phasing Plan **Rev. B**
- **DES/145/601:** Phase 2A Site Layout
- **DES/145/602:** Phase 2A Refuse Storage and Tracking Plan
- **DES/145/603:** Phase 2A Parking Strategy Plan



- **DES/145/604:** Phase 2A Hard Surface Materials Plan **Rev. C**
- **DES/145/605:** Phase 2A Lighting Plan
- **DES/145/606:** Phase 2A Enclosure Plan

#### **Landscape**

- **DES/145/700:** Phase 2- Planting Plan 1 of 5
- **DES/145/701:** Phase 2- Planting Plan 2 of 5
- **DES/145/702:** Phase 2- Planting Plan 3 of 5
- **DES/145/703:** Phase 2- Planting Plan 4 of 5
- **DES/145/704:** Phase 2- Planting Plan 5 of 5
- **DES/145/710:** Phase 2- Arboricultural Method Statement 1 of 5
- **DES/145/711:** Phase 2- Arboricultural Method Statement 2 of 5
- **DES/145/712:** Phase 2- Arboricultural Method Statement 3 of 5
- **DES/145/713:** Phase 2- Arboricultural Method Statement 4 of 5
- **DES/145/714:** Phase 2- Arboricultural Method Statement 5 of 5

#### **Building Floor Plan and Elevations**

- **DES/145/800:** Phase 2- Community Centre
- **DES/145/801:** Phase 2- Bin Store

#### **Documents**

- **DES-145-900:** Design & Access Statement
- **DES-145-901:** Phase 2- Play Equipment Details

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 the building which shall consist of Kentish ragstone, yellow stock brickwork, standing seam Zinc cladding, aluminium windows and a standing seam zinc roof , 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 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, tree protection measures and play space provision shall be carried out in accordance with the approved landscaping planting plans, the Arboricultural Method Statements and NEAP details, No occupation of the development hereby permitted shall commence until all planting, seeding, turfing and NEAP 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 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 building
  - b) Details and locations of bird and bat boxes throughout the site of phase 2A
  - c) Wildlife friendly gullies
  - d) Retention of cordwood on site
  - e) Details of the existing and proposed contours levels to ODN in and around the attenuation basin within the open space area including measures to protect public safety.
  - 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

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 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.

7. Prior to any development above damp proof course level details of the positioning of any 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 the 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.

8. No development above dpc level shall commence on site until details of a scheme for insulating the building hereby approved against internally generated noise has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully completed before the building is first occupied or the use commences and shall thereafter be maintained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of preventing noise transmission from inside the building in the interests of the amenities of surrounding occupiers

9. The premises shall not open before 0700 hours or remain open after 2300 hours on Mondays to Sundays, excluding Saturdays when the premises shall not open before 0700 or remain open after 2400 hours.

Reason: In the interests of the amenities of surrounding occupiers.

10. No development above dpc level shall commence on site until details of a scheme for protecting the building against crime and anti social behaviour has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully installed before the building is first occupied or the use commences and shall thereafter be maintained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of crime prevention and in the interests of the amenities of surrounding occupiers.

11. The lighting details as shown on approved plan **DES/145/605** and bollard detail shown on approved plan **DES/145/604/C** specifically the installation of the fold down bollard to the restricted byway (shown by a light blue dot on the plan) which shall be a lockable Kent carriage gap and the timber bollarding to the vehicular entrance way (shown by the red dots on the plan) and including the laying of granite setts before and after the restricted byway (to highlight the crossing areas to vehicles and pedestrians) shall be installed before the building is first occupied or the use commences and shall thereafter be maintained, unless otherwise agreed in writing by the Local Planning Authority. If the bollards are removed or become damaged at any time, they shall be replaced on a like for like basis within a period of 1 month of the damage/removal being reported to the Local Planning Authority.

Reason: To prevent unauthorised access to the new square directly in front of the community building, to prevent unauthorised access along the byway to the community centre and ensure adequate lighting is installed around the building in the interests of community safety.

## INFORMATIVES

1. The applicant is advised the Condition 10 relating to details of tree retention and protection during Phase 2A is approved BUT for Phase 2A only. Condition 18 requiring details of public lighting for Phase 2A is approved BUT for Phase 2A 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's PROW team have requested that the bollard/s installed to prevent unauthorised access along the restricted byway is a lockable Kent carriage gap such as shown in the following link, <https://centrewire.com/products/retractable-bollard/>, with the lock comprising either a combination or a key lock, but that they are provided with the key/code to the lock. Please contact Michele Snoding on 03000414145 to provide these details. They have also advised that the applicant will need to contact the water authority to obtain consent from them.
5. 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

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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.

6. The applicant is advised that with regards to condition 19 of the outline planning permission and the requirement for each phase or sub-phase of the scheme to secure at least 10% of the energy supply from renewable or low carbon energy sources, the LPA would support the provision of PV arrays on the roof of the community building.

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

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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<sub>2</sub> 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<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, 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