

<b>REFERENCE NO - 17/505499/REM</b>			
<b>APPLICATION PROPOSAL</b>			
Approval of Reserved Matters for 15/503325/HYBRID (Outline application for development of up to 220 houses together with areas of open space, a nature conservation area, landscaping, new access onto Ulcombe Road and improved access to Kings Road plus change of use of land to school playing field) - Details of Appearance, Landscaping, Layout and Scale being sought.			
<b>ADDRESS</b> Land Between Mill Bank, Ulcombe Road & Kings Road, Headcorn, TN27 9LD			
<b>SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO CONDITIONS)</b>			
<ul style="list-style-type: none"> <li>• The principle of 220 houses with two accesses off Ulcombe Road has been approved under the outline consent.</li> <li>• The submitted details of the appearance, landscaping, layout and scale of the development are considered to be acceptable and provide a high quality development in accordance with the outline permission, site allocation policy H1(36), and other relevant policies within the Local Plan.</li> <li>• Permission is therefore recommended.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Headcorn Parish Council recommends approval but has requested the application is reported to Planning Committee due to the level of local interest.			
<b>WARD</b> Headcorn	<b>PARISH COUNCIL</b> Headcorn	<b>APPLICANT</b> Crabtree & Crabtree Ltd & Shoregrove Ltd <b>AGENT</b> DHA Planning	
<b>DECISION DUE DATE</b> 13/02/17		<b>PUBLICITY EXPIRY DATE</b> 24/01/18	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
15/503325	Outline application for development of up to 220 houses together with areas of open space, a nature conservation area, landscaping, new access onto Ulcombe Road and improved access to Kings Road (access being sought) plus change of use of land to school playing field - hybrid application (Resubmission of application 14/505284/OUT)	APPROVED	13/11/15
14/505284	Outline application for development of up to 220 houses together with areas of open space, a nature conservation area, landscaping, new access onto Ulcombe Road and improved access to Kings Road plus change of use of land to school playing field, with access to be considered at this stage and all other matters reserved for future consideration.	APPEAL AGAINST NON-DETERMINATION WITHDRAWN (MBC WOULD HAVE APPROVED DEVELOPMENT)	21/04/15

14/501105	EIA Screening Opinion for residential development with access and open space.	ENVIRONMENTAL STATEMENT NOT REQUIRED	10/09/14
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## 1.0 DESCRIPTION OF SITE

- 1.01 The site is agricultural (arable) land of some 8.6ha in area and is immediately north of Headcorn village between Ulcombe Road to the east and houses fronting the A274 (Mill Bank) to west. There is housing development to the west, south, and southeast, with open farmland to the north and allotments/recreation ground to the east. Headcorn Primary School is located immediately south of the site. The land is agricultural and has its highest point within its centre on the west side. From here land slopes down to the south and north. There is a stream along part of the south boundary and ponds nearby.
- 1.02 The site is allocated in the Local Plan for approximately 220 dwellings under policy H1(36) and falls within the Low Weald Landscape of Local Value. The River Beult SSSI is around 470m to the southwest and the stream along part of the south boundary feeds into it. The southernmost part of the site falls within Flood Zones 2 and 3. 'Hazelpits Farmhouse' is a Grade II listed building, which is immediately north of the site.

## 2.0 BACKGROUND

- 2.01 Outline permission was granted under application 15/503325 for up to 220 houses together with areas of open space, a nature conservation area, landscaping, new access onto Ulcombe Road and improved access to Kings Road. This permission also approved a change of use of land to school playing field to the rear of the primary school. Apart from the specific details of access, all other detailed matters were reserved for future consideration, and this application now seeks permission for these other matters.

## 3.0 PROPOSAL

- 3.01 The application seeks permission for the remaining reserved matters of appearance, landscaping, layout and scale for 220 dwellings with areas of open space and a nature conservation area. The proposals largely follow the illustrative plans provided under the previous outline permission and will be discussed in more detail in the assessment below. Pre-application discussions have been held with officers and Members.
- 3.02 It is important to note that under the outline application, the principle of up to 220 houses has been accepted by the Council and it is only the specific detail in terms of the layout of the development, its design, scale and landscaping that is now being considered. The wider impacts of 220 houses on matters such as the local highway network, flood risk, ecology, foul drainage, and impact upon infrastructure have been considered and conditions attached to the outline permission would mitigate such impacts. The outline consent did set a number of parameters on the design which would need to be adhered to. *(The outline permission is attached as an **Appendix** for information)*

## 4.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP7, SP18, SP19, SP20, SP23, H1, ID1, H1(36), DM1, DM2, DM3, DM4, DM6, DM8, DM12, DM19, DM20, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)
- MBC Air Quality Planning Guidance (2018)
- MBC Public Art Guidance (2018)

## **5.0 LOCAL REPRESENTATIONS**

5.01 **Local Residents:** 44 representations received raising the following (summarised) points:

*(Please note a 14 day re-consultation was recently carried out on some relatively minor design changes to the scheme which expires on 29<sup>th</sup> January. Any further responses will be considered and reported as an Urgent Update Report)*

- Impact on infrastructure.
- Traffic impact.
- Highway safety.
- Parking.
- Three storey buildings are not appropriate.
- Buildings too high.
- Design is not appropriate for village.
- Loss of privacy.
- Impact on wildlife.
- Flood risk.
- Pollution and noise.
- Impact of construction.
- Loss of agricultural land.
- Contrary to neighbourhood plan.
- Harm to the landscape.
- More robust landscaping is needed.
- Loss of trees and hedges.
- Impact on trees.
- Far to travel to work.
- Question whether rear access onto the site from Millbank will be maintained.
- Foul drainage system is not sufficient.
- Conditions should cover tree protection, and only low level lighting along pedestrian/cycle access.
- Harm to listed building.
- Affordable housing should be more scattered.
- Tree report is out of date.
- Development should be phased.

## **6.0 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)*

6.01 **Headcorn Parish Council:** The Parish Council wish to see the reserved matters approved but request committee consideration due to the level of local interest. They make the following (summarised) comments/points:

- *Encouraged by the changes that the developer had proposed regarding the building heights and roof lines and were reassured that the 2.5 storey houses were just that and we would not be faced with the issues that we have on the Countryside Development on Lenham Road.*
- *HPC need clarity around the use of the emergency access and confirmation that when it is not in use for that purpose that the access be restricted to foot or cycle way. Further clarity is required on how access to this route will be governed e.g. bollards/gates*
- *HPC need clarity with regards to the loss of the four parking spaces at the Kings Rd/A274 junction. The detail suggests that these will be linked to the emergency access and this is not appropriate nor acceptable to HPC*
- *HPC need clarity with regards to the boundary line as it appears to include the public highway, a proportion of the estate known as Uptons, and Parish Council land.*
- *There are grave concerns over the possible loss of trees and hedgerows (Countryside Properties & Bovis homes – we do not want strike 3) and we would like the detailed view of the conservation officer for the proposed works.*
- *Access to ANGSt land - There have been no comments concerning the request from HPC for access to the open space, which has been gifted to the Parish Council, adjacent to the development site. Nor have there been any changes to layout in this regard. Despite requests for a meeting with the developer to discuss this has not happened and we would seek the support of the officers/MBC and committee given the emphasis in the local plan on maintaining adequate green space for the community and ease and safety of access by pedestrian path to local amenities.*

6.02 **Natural England: No objections** in relation to the River Beult SSSI.

6.03 **Environment Agency: No objection** subject to condition requiring compliance with the Flood Risk Assessment. *(Condition was applied to outline consent)*

6.04 **KCC Highways: No objections** subject to conditions requiring the following (which pass the test for conditions) – Provision and permanent retention of the vehicle parking spaces and/or garages; turning facilities; and provision and permanent retention of the cycle parking facilities.

6.05 **KCC Lead Local Flood Authority: No objection.** Advise that the original proposals for dealing with surface water as part of the 2015 application have been demonstrated as still being achievable. *(Condition was applied to outline consent)*

6.06 **KCC Archaeology: No objections** subject to condition. *(Condition was applied to outline consent)*

6.07 **KCC Ecology: No objections.** Advise that information has been submitted relating to conditions 4 and 5 (which relate to ecology mitigation) of the outline consent under a separate application, which is acceptable. The proposed mitigation and enhancement measures have been included in the submitted landscape masterplan.

6.08 **MBC Landscape: No objections** subject to an up to date tree protection plan being provided.

- 6.09 **MBC Conservation officer:** No objections in terms of the setting of the listed building. Any harm could be offset in terms of public benefits of the housing and through the use of high quality materials.
- 6.10 **MBC Environmental Health: No objections subject to conditions requiring an Air Quality Emissions Reduction;** installation of Electric Vehicle charging points; travel plan; contaminated land; and construction management. *(Condition was applied to outline consent relating to contaminated land)*
- 6.11 **Southern Water: Comments under original outline application apply:** Advised that there is inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location. *(Condition was applied to outline consent)*
- 6.12 **Kent Police: No objections.**

## 7.0 APPRAISAL

- 7.01 The principle of residential development of up to 220 houses with two access points off Ulcombe Road and an emergency/pedestrian access off Kings Road has been accepted under the original outline permission at the site. This reserved matters application is concerned with the detail of the development being its appearance, landscaping, layout and scale, which is assessed below. Since the outline permission, the new Local Plan has been adopted and so these matters will be assessed against the site allocation policy and any other relevant policies in the Local Plan. There are also a number of parameters set by condition under the outline consent which need to be adhered to.

### Layout

- 7.02 Considering the site policy requirements first, the layout provides an undeveloped section of land along the southern part of the site excluding any development from the identified flood zones, and retains existing hedges and trees along the northern boundary of the site with enhancement through new tree/hedge and shrub planting. This is in accordance with the design and layout criterion for the site policy H1(36).
- 7.03 In relation to the relevant outline parameters (condition 3) and site policy H1(36), the layout provides space for the retention and enhancement of boundary vegetation; space for structural landscaping within the site; the provision of a landscape belt along the eastern boundary with Ulcombe Road; provision of a 5-10m wide buffer zone along the western boundary; space for landscaping along the north, northwest, and primary school boundaries; and creation of an ecological corridor across the site, following the line of the existing hedgerow and field boundary to include a nature reserve area, swales, ponds, tree planting and amenity open space. The layout also provides for approximately 2ha of on-site natural and semi-natural public open space which exceeds both the requirements of condition 13 and criterion 6 of policy H1(36) for 1.5ha, and is easily accessible for future and existing residents in line with the site policy. The legal agreement secures long-term management of the main areas of this space. So the layout achieves the policy and parameter requirements, and I will now discuss the layout generally in more detail.

- 7.04 The two access points onto Ulcombe Road have been approved and the layout sees a main circular road linking to both access points, with small cul-de-sacs as off shoots. Whilst the use of cul-de-sacs can mean a lack of connectivity across a development, in this case they are small and so there is a short distance from the main route which provides ensures good connectivity around the site. Connectivity to the village is provided through the pedestrian/cycle link on the southwest corner in line with the site policy.
- 7.05 The development includes detached, semi-detached, terrace houses, bungalows, and 7 apartment blocks. The layout has buildings appropriately addressing the site entrances, roads, and provides for strong street scenes, with buildings on corners addressing both roads with fenestration and detailing. Buildings are positioned at the end of vistas to provide focal points such as plots 148/149. In many streets, spaces at first floor level are provided between buildings above garages/car barns which create a more open feel. Buildings are set back with varying sizes of front garden, with most houses having parking to the sides. Where some terrace properties have parking areas to the front these are broken by landscaped areas. Houses and gardens would be laid out to ensure sufficient privacy and outlook and the proposals would not result in any harmful impact upon the outlook or privacy of any neighbouring properties due to separation distances.
- 7.06 There would be a large area of natural/semi-natural open space through the centre of the development, most of which would be a nature conservation area but it would be more open and useable for recreation towards the southern end. Within the open space would be significant new planting allowing for structural landscaping coming into the development area and swales/wet areas. This substantial area of open space creates a unique identity to the site and is incorporated into the heart of the scheme with buildings appropriately addressing the space where they would be more visible. The road across this area is narrower than the other roads and provides parking spaces for visitors. As outlined above, appropriate landscape buffers would be achieved on the boundaries of the site in order to limit the wider impact of the development.
- 7.07 In terms of parking, KCC Highways comment that there is a significant reliance on tandem parking, most commonly configured by one open space in tandem with one car barn. However, they consider the overall provision at 469 spaces to a standard of 417.5 spaces is considered sufficient, and I agree. Tandem parking allows more space for landscaping and I consider the approach here strikes the right balance between adequate provision and securing an attractive layout as per policy DM23. Five parking spaces would be provided off Kings Road in line with condition 16 of the outline consent to replace on-street parking displaced by the signalisation of the Kings Road/A249 junction, which would be acceptable.
- 7.08 Overall, the layout is considered to create a high quality and attractive layout providing active frontages, focal buildings, quality open spaces, and complying with the requirements of policy H1(36), policy DM1 of the Local Plan, and the outline permission requirements.

#### Appearance & Scale

- 7.09 The site policy has no specific requirements for appearance and scale but policy DM1 seeks high quality design and positive responses to local character. The houses are of traditional appearance with a range of heights from terrace/semi-detached bungalows, 2 storey, and 2.5 storeys with rooms in the roof space (dormer windows) in line with

condition 14 of the outline consent. The Parish Council initially raised concerns regarding the height of buildings, particularly the apartment blocks (2.5 storeys). The applicant has considered these comments and lowered the height of one of the blocks (so they are both set at a 9.5m ridge height) and providing barn hips on both blocks. The street scene plans demonstrate that the apartment blocks ridge heights are no higher than some of the two storey buildings, and some variation in height is needed to provide interesting street scenes/roof scapes. Where such apartment blocks can look slightly out of scale in my view is on the side walls/gables where the eaves are higher. However, for both apartment blocks, on the side walls the roof is either part hipped or they have two storey height bay windows which break up the mass. Overall, I consider the heights are acceptable and I note the Parish Council welcome the amendments.

- 7.10 The buildings feature a mixture of gabled and fully hipped roofs and detailing is provided on houses including decorative string courses, brick arch detailing above door and window openings, dormer windows, chimneys, lean-to porches, and bay windows. Materials suggested include red and brown bricks, ragstone plinths and garden walls, timber weatherboarding, clay hanging and roof tiles, slate roof tiles, and white painted timber joinery, some of which are requirements of condition 8 of the outline permission and would be discharged separately. Overall, I consider the appearance and scale of the buildings to be to a high standard in accordance with the outline consent and policy DM1 of the Local Plan.

#### *Surfacing & Boundary Treatments*

- 7.11 Details of both surfacing and boundary treatments are required to be discharged under conditions but the applicant has indicated that surfacing includes tarmac for most of the main spine road but block paved across the open space area, and block paving for the majority of cul-de-sacs/off-shots and parking areas. The path to Kings Road would be bonded gravel. Boundary treatments would include ragstone walling at key locations and within gardens fencing to provide privacy but this would be finalised under the relevant condition. Overall, I consider these details would provide an acceptable appearance to the development and would be discharged under the relevant conditions.

#### Landscaping

- 7.12 A landscape masterplan has been submitted which provides for the key landscaping parameters required under condition 3 and the criterion of H1(36), as outlined at paragraph 7.03, and shows suitable retention of the vast majority of existing trees on site. Whilst the tree report relates to the illustrative proposals under the outline application (which were slightly different), where there is a potential pressure on trees, this has been discussed with the landscape officer and no objections have been raised. The scheme includes retention and enhancement of boundary vegetation and significant new trees within the open space areas to provide structural landscaping. Numerous new trees are also shown within the built up parts of the development. New hedges are shown outside houses and to soften boundary treatments. The principles are considered acceptable and condition 3 of the outline permission requires the specific details of species, plant nos. etc. KCC Ecology has also confirmed that the necessary ecology mitigation/enhancement is provided for in the landscape masterplan, and which would be secured under condition 5.

#### Other Matters

- 7.13 With regard to the grade II listed building to the north (Hazelpits Farmhouse), the benefits of the development were considered to outweigh the limited harm to its setting

under the outline permission. In terms of the detail now proposed, the Conservation Officer has stated given that the listed building and ancillary structures largely sit within the centre of its curtilage of land, that the land in question is well treed, and the historic buildings fairly well screened from the development site, any harm will be minimal. He considers that the impact is reduced through the use of 2/2.5 storeys, the use of some local vernacular details and materials in the surfaces of the new buildings. Overall therefore, he raises no objections, and I consider the development would have a low impact upon the listed building and that the benefits of the development continue to outweigh the limited harm in line with policies SP18 and DM4 of the Local Plan and the NPPF.

- 7.14 Environmental Health has requested an Air Quality Emissions Reduction condition. National Planning Guidance is clear on attaching conditions to reserved matters applications and states that, *“conditions relating to anything other than the matters to be reserved can only be imposed when outline planning permission is granted. The only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those reserved matters.”* Basically this means that you can only impose conditions that relate to specific issues being considered at outline stage and not (in this case) to address the principle impact of 220 houses. When permission was granted in 2015, the new Local Plan and its air quality policies was not in place and NPPF simply required that *“Planning decisions should ensure that any new development in Air Quality Management Areas (AQMA) is consistent with the local air quality action plan”*. The site is not in an AQMA, and as such, air quality was not a determining issue and such an off-setting condition was not required or requested. As this relates to a principle matter and not the specific details of layout, appearance, scale or landscaping, it is not possible to attach such a condition, and is a case of timing/policy at that time. I have sought legal advice on this point, which backs up this stance. However, I do consider it is possible to attach a condition requiring charging points as this is a matter that relates to the design of the houses. I also consider details of renewables can be requested, this being a design/appearance matter.
- 7.15 With regard to affordable housing, 40% would be provided and the house sizes are generally in accordance with the current need. The specific tenure split would be submitted via the section 106 agreement. The houses would be integrated across the development in seven areas which is acceptable.
- 7.16 The outline permission secures the other site policy requirements being extension of the 30mph limit and road markings on Ulcombe Road; signalisation of the Kings Road/Millbank junction; and land to allow the expansion of the primary school; in addition to financial contributions towards health, public open space, community learning, libraries, primary and secondary education, youth services, and the affordable housing. Conditions on the outline permission cover ecological mitigation/management and enhancement, tree protection, contaminated land, SUDs, and foul drainage.
- 7.17 The Parish Council has raised a number of issues. In terms of the emergency access, this is only for pedestrian/cycle use and the applicant indicates bollards would be used. Whilst the PC do not consider the replacement parking off Kings Road would be acceptable this was approved under the outline permission. The red outline and ownership issues were considered at the outline permission stage, and cannot be considered at the reserved matters stage. Reference is made to ‘access to ANGSt land’, which relates to a parcel of land to the northwest of the site which has been gifted to the Parish Council. This is not a requirement of, or material consideration for

this reserved matters application, and any access would be a private matter between interested parties.

- 7.18 Many local residents have raised issues relating to principle matters which were fully considered and decided upon at the outline stage. The impact on trees and method of construction of development near to trees would be addressed through the Arboricultural Method Statement required under condition 7 of the outline permission. Lighting details would be considered under condition 17 in relation to both wildlife and local amenity. The issue of current rear garden access of some properties onto the site has been raised but this is a private matter.
- 7.19 The plans show a potential pumping station to the south edge of the site, and a condition can require specific details of this building, which would be no more than single storey in height.
- 7.20 The outline application was screened by both the Council and Secretary of State and judged not to require an Environmental Impact Assessment (EIA). The proposal remains for 220 houses and the only notable change in cumulative development in the locality is the permission for 62 dwellings at 'Land west of Millbank' in 2016. In assessing the reserved matters details, it is still considered to be the case that the development would not have significant environmental effects alone or cumulatively with other existing development and/or approved development, would not be of more than local importance, would not have significant implications for the SSSI, and would not involve unusually complex and potentially hazardous environmental effects to warrant an EIA in light of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This is consistent with the conclusions reached on other developments in the locality.
- 7.21 With regard to the Headcorn Neighbourhood Plan, whilst a material consideration, due to the significant matters raised in the Examiner's Report, it is not considered to hold sufficient weight to effect the assessment above.

## **8.0 CONCLUSION**

- 8.01 I have considered all representations received on the application and for the above reasons the reserved matters details are considered to be acceptable and provide a high quality development in accordance with site policy H1(36), other relevant policies within the Local Plan, and the outline permission, Permission is therefore recommended for the reserved matters subject to the following conditions.

## **9.0 RECOMMENDATION:**

### **9.01 Grant approval of the Reserved Matters details subject to the following conditions:**

1. No development above slab level shall take place until a sample panel of the ragstone for the buildings and walling has been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site.

Reason: To ensure a high quality design.

2. No development above slab level shall take place until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development have been submitted to and approved in writing by the local planning authority. The

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development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To ensure an energy efficient form of development.

3. No development above slab level shall take place until details of plots where electric vehicle charging points can be installed have been submitted to and approved in writing by the Local Planning Authority. The approved plots shall not be occupied until a minimum of one electric vehicle charging point has been installed on each property, and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles.

4. No development in relation to the pumping station shall take place until specific plans, elevations, and details of materials for any building 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.

Reason: In the interest of visual amenity.

5. The development hereby permitted shall be carried out in accordance with the approved plans as listed on the Drawing Schedule (DHA Planning Transmittal) received on 22/01/18.

Reason: In the interest of visual and residential amenity and to clarify which plans have been approved.

Case Officer: Richard Timms