

REFERENCE NO - 18/502875/REM			
APPLICATION PROPOSAL			
Reserved matters of appearance, landscaping, layout and scale for Phase 3 of the outline approval comprising 127 dwellings with associated infrastructure pursuant to outline approval ref 13/1749.			
ADDRESS Land To The East Of Hermitage Lane, Maidstone, Kent			
SUMMARY OF REASONS FOR RECOMMENDATION - (APPROVE SUBJECT TO CONDITIONS)			
<ul style="list-style-type: none"> • The site (for 127 houses) forms part of the wider housing allocation for 500 houses in the Local Plan under policy H1(2), and benefits from outline planning permission. • The proposals comply with the relevant criterion under policy H1(2), other relevant policies within the Local Plan, and parameters of the outline permission. • The development is considered to be of a high quality in terms of its design, layout, and materials. • Permission is therefore recommended. 			
REASON FOR REFERRAL TO COMMITTEE			
Councillor Robertson has requested the application be reported to Planning Committee due to the large scale nature of the proposals. They will have a considerable impact on the local area and therefore the details should be considered by the committee.			
WARD Allington	PARISH COUNCIL N/A	APPLICANT Croudace Homes Ltd AGENT Croudace Homes Ltd	
DECISION DUE DATE 16/11/18		PUBLICITY EXPIRY DATE 31/10/18	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
13/1749	An Outline application for a Mixed-Use development comprising up to 500 residential dwellings, education facility and community centre. Provision of public open space 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
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	21.12.16
17/502767	Approval of Reserved Matters (Appearance, Landscaping, Layout and	APPROVED	13.11.17

	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.		
17/503680	Reserved Matters (Appearance, landscaping, layout and scale) for Phase 2A of the outline approval 13/1749 comprising Community Centre with associated infrastructure.	APPROVED	13.11.17
18/501745	Approval of Reserved Matters for appearance, landscaping, layout and scale for Phase 4 comprising 71 dwellings with associated infrastructure, pursuant of Outline approval 13/1749.	UNDER CONSIDERATION	

1.0 DESCRIPTION OF SITE

- 1.01 The larger housing site which has outline permission for 500 houses is located to the east of Hermitage Lane and houses are currently under construction within Phase 1. This reserved matters application relates to Phase 3 which is on the east part of the site. Existing houses are to the north and east with an area of woodland between which runs along the east boundary. Public right of way (KB19) runs along the east boundary. The site would be accessed via Phases 1 and 2 which have already been approved to the west. There is an area of woodland (including some ancient woodland) to the south with Phase 4 beyond this to the southwest.
- 1.02 Phase 4 was deferred at Planning Committee on 27th September to consider alternative access options, one of which could potentially link up to Phase 3. Any decision to approve the layout for Phase 3 would not prejudice access options for Phase 4, which is being considered on this same committee agenda.
- 1.03 The site is allocated in the Local Plan under policy H1(2) for approximately 500 houses subject to a number of criterion.

2.0 PROPOSAL

- 2.01 The application seeks permission for the reserved matters of appearance, landscaping, layout and scale for 127 dwellings. A mix of detached and semi-detached houses of traditional design are proposed along with a number of apartment blocks/terraces. The layout and design will be discussed in more detail in the assessment below.
- 2.03 It is important to note that under the outline application, the principle of housing development at the site was accepted by the Planning Inspector and Secretary of State at the Public Inquiry. Therefore, this application cannot re-visit the principle of housing within this part of the site but can consider whether the layout and design is acceptable.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP2, SP19, SP20, SP23, H1, ID1, H1(2), DM1, DM2, DM3, DM6, DM8, DM12, DM19, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- MBC Air Quality Planning Guidance (2018)
- MBC Public Art Guidance (2018)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 11 representations received raising the following (summarised) points:

- Lack of infrastructure.
- Traffic and congestion.
- Air pollution.
- Main access is dangerous.
- Loss of light.
- Stronger environmental corridor needed along east boundary.
- Too many access points to PROW to east.
- Lack of parking.
- Clear route from north to south should be provided
- Routes through woodland should be signposted.

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 **Natural England: No comments to make.**

5.02 **Highways England: No objections.**

5.03 **Environment Agency: No comments to make.**

5.04 **KCC Highways: No objections.**

5.05 **KCC PROW: No objections** subject to management of links to PROW.

5.06 **KCC Lead Local Flood Authority: No objections** subject to detailed drainage calculations being provided via the outline conditions.

5.07 **KCC Ecology: No objections** to the layout and LEMP.

5.08 **KCC Archaeology: No objections.**

5.09 **MBC Environmental Health: No objections** and recommend conditions relating to air quality emissions reduction, electric vehicle charging points, and lighting.

5.10 **Southern Water: No objections.**

6.0 APPRAISAL

6.01 The principle of housing development at the site has been accepted at the Public Inquiry under the outline consent and the site is allocated in the Local Plan for housing under policy H1(2). The key issues to consider are the following:

- Design, layout, scale, landscaping and compliance with the site allocation policy.
- Highway safety, ecology and any other matters.

Design & Layout

- 6.02 Considering the site policy requirements relevant to this phase first, the layout maintains a 15m wide buffer of vegetation and proposed trees along the north eastern boundary to the rear of Howard Drive dwellings (criterion 3). Whilst a small group of protected trees would be removed, the 15m buffer would have 11 new trees spread around it with native woodland edge planting that would provide a better setting to the development and softening of views from houses on Howard Drive. A small area of trees would be removed along the southeast boundary but this would not compromise the wooded character of footpath KB19 along the east boundary in accordance with criterion 4.
- 6.03 In relation to the relevant parameters on the outline permission, all building heights are below or at 11m, as required by condition 20. The layout provides for 2.48ha of open space within Phase 3 which would mainly be natural/semi-natural woodland and land along the east boundary but also formal space along the west edge of the site, which is in line with quantity and type specified in the original Design and Access Statement as required by condition 21. This is also in accordance with criterion 13 of the site allocation policy.
- 6.04 The layout is made up of series of perimeter blocks of housing which provide strong street scenes with houses addressing roads, and buildings turning/addressing corners either through their siting and architectural detailing/windows. Buildings are positioned to provide end stops to views within the layout for example at plots 419/420, 408/409, and 434-440. A large formal area of open space would be provided on the west edge of the layout which would provide an attractive space here. A small play area would be provided in the south east corner to complement other similar play areas throughout the wider site.
- 6.05 The density equates to approximately 35 dwellings per hectare (dph) below the average density of 40dph outlined in the site policy. Buildings are set back from the roads with well-landscaped front gardens so that parking is not dominant. The layout connects well with Phases 1 and 2 and new pedestrian access points onto the footpath to the east would provide good connectivity and mean that the development interacts well with the right of way.
- 6.06 Exposed boundary treatments to public view would be brick walling, metal railings would be used along the formal open space, and post and rail fencing to the woodland areas which would be acceptable.
- 6.07 Houses and gardens would be laid out to ensure sufficient privacy and outlook and the development is a sufficient distance from the nearest neighbouring properties to the north (15m to boundaries and at least 25m to houses) with proposed landscaping between, and east (over 25m) with mature trees between, so there would be no harmful impact in terms of privacy, light or outlook.
- 6.08 In terms of parking, KCC Highways have raised no objections. The scheme provides a total of 270 parking spaces (excluding garages), including 56 visitor spaces. Some of the spaces are tandem but this 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.

6.09 Overall, the layout is considered to be of a high quality which follows the principles of Phases 1 and 2 to provide continuity. Buildings suitably address streets and good connectivity with the footpath to the east is provided and the proposals comply with the requirements of policy H1(2), policy DM1 of the Local Plan, and the outline permission requirements.

Appearance & Scale

6.10 The site policy has no specific requirements for appearance and scale but policy DM1 seeks high quality design and positive responses to local character. As outlined above the heights are below the 11m limit set under the outline consent

6.11 The house designs follow the character of those within Phases 1 and 2 with a traditional appearance with a mix of detached and semi-detached houses along with a number of apartment blocks/terraces. Roofs are a mix of gabled and hipped. A number of the apartment blocks and some houses are 2.5 storey height with dormers in the roof or cut into the eaves. They are positioned within the centre of the development rather than at the edges which is appropriate and provides some variation in the roof scape. Two storey gables are provided on some houses and projecting bay windows to provide interest. Detailing is provided on houses including decorative brick courses above some door and window openings, brick plinths, bay windows, and porch overhangs. Materials proposed include red bricks, tile hanging, artificial white boarding to some elevations and in full on some house types, natural slate and clay tiles to roofs. These quality materials are secured by conditions as are samples.

6.12 Overall, I consider the appearance and scale of the buildings to be to a high standard providing continuity with Phases 1 and 2 and in accordance policy DM1 of the Local Plan.

Surfacing & Boundary Treatments

6.13 The main roads would be tarmac but with block paving at road junctions and on the minor roads. Parking spaces and driveways would be predominantly block paved. Pathways to the woodland areas and public right of way would be 'hoggin' paths (mixture of clay, gravel, and sand). Boundary treatments would include brick walling on exposed areas and fencing within gardens would provide privacy. Chestnut post and rail fencing (1.2m) would be provided along the road boundaries with the woodland. Overall, I consider these details would provide a high quality appearance to the development.

Landscaping & Ecology

6.14 The landscaping scheme provides an extensive number of new trees across the development with new hedges bounding front gardens. Species are mainly native and provide a good variation across the scheme. Overall, the landscaping scheme is of high quality, with much native planting, and would provide an attractive environment and setting for the development.

6.15 The layout has taken into account the ecological interest at the site which is around the north, east and south boundaries. The section 106 for the outline permission requires a Landscape and Ecology Management Plan (LEMP) for each phase and this has been submitted for phase 3 with the aim of delivering net biodiversity gains. Enhancements include invertebrate boxes, bird and bat boxes across the site, hibernacula, refugia and log piles. KCC Ecology has confirmed that the LEMP is acceptable but advise that additional bat and bird boxes integrated into houses could be provided which I agree is more long-lasting and can be secured by

condition. The development would also be outside the 15m buffer to the Ancient Woodland to the southwest of the site.

Highways

- 6.16 Kent Highways raise no objections to the layout in terms of highway and pedestrian safety and manoeuvrability for vehicles including refuse lorries and emergency vehicles. The impacts of traffic on the local area were considered under the outline application.

Other Matters

Affordable Housing

- 6.17 Affordable housing would be provided at 30% which is in accordance with the outline permission of which 60% would be affordable rent and 40% shared ownership. The houses would be spread across the centre of the development and provide a range of house/apartment sizes.

Surface Water Drainage

- 6.18 The strategy to deal with surface water from the houses and roads is through attenuation ponds (which would have deep borehole soakaways) within the approved Phase 2 area. KCC LLFA advise that the strategy is acceptable and the finer details to determine matters such as the precise depth of the ponds and swales, and size of pipes would be provided/approved under the original outline condition. They also advise that as the underlying strata is ragstone there is a risk of encountering loosely infilled features known as 'gulls' where if these features exists and are inundated with water it could lead to ground instability (such as sink holes). The applicant has advised that extensive site investigation has been carried out and the risk of gulls being present below the site is low. However, deep borehole soakaways have been adopted in order that storm water is discharged below the level that such features would be present. Ultimately, there is a solution that would be discharged under the outline condition.

Archaeology

- 6.19 For archaeology, this was considered by the Planning Inspector at the appeal and condition 12 requires no development to take place until a programme of archaeological work in accordance with the Heritage Statement submitted under the outline application is submitted and approved. Some fieldwork has clarified the presence of limited prehistoric remains within the Phase 3 area and mitigation in the form of recording will be required and agreed under condition 12. KCC have confirmed that this can be dealt with under condition 12.

Air Quality

- 6.20 The Environmental Health section 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 500 houses. The Inspector was satisfied with off-site highways improvements and a Travel Plan condition to deal with air quality. 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 in line with policy DM23.

- 6.21 Condition 19 requires at least 10% of energy supply of each phase to come from decentralised and renewable or low carbon energy sources. This would be secured through PV panels on houses as per the previous phases, and would be discharged separately under the condition.
- 6.22 Issues raised by third parties not addressed in the assessment above relate to principle matters considered under the outline permission and are not for consideration.
- 6.23 The outline consent was granted prior to the Council's Public Art Guidance and so this cannot be applied to the reserved matters.

7.0 CONCLUSION

- 7.01 I have considered all representations received on the application and for the above reasons the proposals are considered to be acceptable and provide a high quality development in accordance with site policy H1(2), and other relevant policies within the Local Plan. Permission is therefore recommended subject to the following conditions.

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions with delegated powers for the Head of Planning to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the most recent revised plans shown on the Drawing Register received on 16th October 2018.

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

2. No development including site clearance shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS:5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of the footpaths through woodland and any aspect of the development that has the potential to result in an impact upon trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

3. No development including site clearance shall take place until details of tree protection including a tree protection plan in accordance with the current edition of BS:5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning

authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

4. No development above slab level shall take place until details of the equipping and laying out of the children's play area 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: To ensure satisfactory public open space.

5. No development above slab level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be constructed using the approved materials and they shall include the use, clay tile hanging and roof tiles, slate roof tiles, and multi stock brickwork.

6. No development above slab level shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) Details and locations of swift bricks and bat boxes integral to buildings.
- b) Details and locations of bird and bat boxes.
- c) Wildlife friendly gullies.
- d) Retention of cordwood on site.
- e) Provision of 12cm square gaps under any new boundary fencing to allow passage of small mammals
- f) Timing of delivery of the above matters.

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

Reason: To protect and enhance biodiversity

7. No development above slab level shall take place until details of measures to prevent parking on landscaped/amenity areas have been 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.

8. No development above slab level shall take place until details of any external meter cupboards, vents, or flues 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. Such features shall be installed to limit their visibility from public view points.

Reason: To secure a high standard of design.

9. 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 development shall be carried out in

accordance with the approved details and shall thereafter be retained for that purpose.

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

10. The approved landscaping scheme shall be carried out before or during the first planting season (October to February) following occupation of the development. Any seeding or turfing which fails to establish or any trees or plants which, within five 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: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

11. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.