REFERENCE NO - 18/506068/REM

APPLICATION PROPOSAL

Approval of Reserved Matters for Access, Appearance, Landscaping, Layout and Scale pursuant to Outline application 13/2079 for the erection of 80 dwellings including affordable housing, associated landscaping, infrastructure and earthworks.

ADDRESS Land South West Of Hermitage Lane/Oakapple Lane, Barming, Maidstone

SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO CONDITIONS)

- The principle of 80 houses has been accepted at the site under the outline permission and the site forms part of the wider housing allocation for 330 houses in the Local Plan under policy H1(3).
- The proposals comply with the relevant criterion under policy H1(3), 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.
- Many third party representations have been raised relating to principle matters that were fully considered under the outline permission and cannot be re-visited.
- Permission is therefore recommended.

REASON FOR REFERRAL TO COMMITTEE

Councillor Gooch has requested the application be reported to Planning Committee due to "the intense local interest in this site and residents' significant concerns about access arrangements."

WARD	PARISH COU	NCIL	APPLICANT
Barming and Teston	Barming		Taylor Wimpey Southeast
			AGENT Barton Willmore
DECISION DUE DATE		PUBLICITY EXPIRY DATE	

21/02/19 28/12/18

RELEVANT PLANNING HISTORY

App No	Proposal	Decision	Date
17/500031	Proposed new access road off Oakapple Lane	APPROVED	30/06/17
13/2079	Outline planning application with all matters reserved for the demolition of existing structures and erection of up to 80 dwellings with associated works for access, parking, infrastructure, open space and landscaping.	APPROVED	01/12/15
13/1388	Request for a screening opinion as to whether the proposed development	EIA NOT REQUIRED	02/09/13

incorporating residential	
development up to 80 dwellings is	
development requiring an	
Environmental Impact Assessment.	

1.0 DESCRIPTION OF SITE

- 1.01 The application site is the remaining undeveloped part of housing allocation H1(3) for 330 houses and already has outline permission for 80 houses (Decision Notice attached at **Appendix 1**). The majority of this allocation has been built out for housing (250 houses) by Bovis Homes and is still under construction to the north (leaving 80 for this site). The site would be accessed via this Bovis Homes development off Hermitage Lane.
- 1.02 The site is roughly rectangular with a cemetery to the east which is open for public recreational use and a housing estate to the south with Broomshaw Road and Wesley Close adjoining. To the west is an open field that is allocated for housing development (187 houses) under policy H1(4). Further west and northwest is Gallagher's Quarry which falls within Tonbridge and Malling Borough and is bounded by an area of Ancient Woodland to the northwest of the site. Public right of way (PROW) KM10 runs along the north boundary of the site, KM12 runs along part of the west boundary and then dissects the south part of the site, and KM11 runs along the south boundary.

2.0 PROPOSAL

- 2.01 The application seeks permission for the reserved matters of access, appearance, landscaping, layout and scale for 80 dwellings. The site access would link with the Bovis Homes development to the north via the separate permission for access across the PROW already granted under application 17/500031. The scheme has a mix of mainly two storey detached and semi-detached houses of traditional design along with three, three storey apartment blocks. The layout and design will be discussed in more detail in the assessment below. Affordable housing would be provided at 40% in line with the outline permission.
- 2.02 It is important to note that under the outline application, the principle of 80 houses and the associated outward impacts on matters such as traffic and infrastructure have been accepted with monies secured under the legal agreement to mitigate. Therefore, this application cannot re-visit the principle of housing at the site but can consider whether the access, layout, scale and design are acceptable.
- 2.03 This application is the subject of a Planning Performance Agreement (PPA) and as part of this there were discussions with Councillors in October 2018 where certain key issues were explored.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP2, SP19, SP20, SP23, H1, ID1, H1(3), 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 Barming Parish Council: Make the following comments:

"Because the site has been in open countryside/equestrian use for a considerable number of years, Barming Parish Council wishes to see the following conditions imposed:

- a) landscaping/boundary treatment along footpath KM11 must be further enhanced to protect the environmental amenity of the residents of Broomshaw Road
- b) landscaping/boundary treatment along footpath KM11 must include appropriate measures to prevent access for day to day vehicular traffic and to secure safe access for emergency vehicles, pedestrian and non-motorised cyclists only
- c) landscaping/boundary treatment between the site and the cemetery must be further enhanced to protect existing wildlife (such as slow worms) from domestic animals

In view of the local character and density of Broomshaw Rd and Banky Meadow, it is inappropriate to site 3-storey homes so close to the southern boundary. Residents in Broomshaw Road will be overlooked

Barming Parish Council wishes to see conditions imposed that:

- a) prevent the hammer head at the end of Broomshaw Road being used by regular day to day traffic, and that it can only be used by emergency vehicles, pedestrians and non-motorised cyclists. Rede Wood Road and Broomshaw Road are narrow residential streets which were never designed for through traffic and are not wide enough to cope. Furthermore, allowing through traffic would open up a rat run between Tonbridge Road and Hermitage Lane with an acutely detrimental impact on highway safety
- b) ensure that primary access crosses Oakapple Lane into Fullingpits Avenue."
- 4.02 **Local Residents**: 130 representations received raising the following (summarised) points:
 - Local infrastructure cannot cope with more housing.
 - Overdevelopment of local area.

- Significant traffic and congestion.
- Junctions over capacity.
- Highway safety issues.
- Traffic impact was assessed some time ago and traffic has increased.
- Lack of local road improvements and connectivity.
- KCC are not proposing to upgrade the Fountain Lane junction.
- Lack of provision for cyclists and poor local cycle network.
- Emergency access from Broomshaw Road is not acceptable and will be used for normal traffic.
- Broomshaw Road will become a rat run.
- Lack of parking.
- Delaying patients getting to hospital.
- Lack of bus service into the development
- Loss of green/open space.
- Loss of hedge/tree lines.
- Lack of bungalows.
- Anti-social behaviour.
- Overlooking/loss of privacy.
- Impact on public rights of way.
- Density too high.
- Ground instability, drainage and sink hole issues in the area.
- Lack of surface water drainage.
- Affordable housing is all together and at south end.
- Air pollution.
- Construction traffic will be dangerous and cause disturbance.
- Archaeology.
- Impact on wildlife not properly assessed.
- Noise and dust from quarry.
- Poor design/appearance.
- Scale not in keeping with local area.
- Small gardens.
- 4.03 'Give Peas a Chance' (Residents Group) (summarised): Wider traffic issues along Hermitage Lane corridor; access to the site during construction; concern over emergency access and whether it will become a secondary access; geology, sink holes, and archaeology; noise and vibration from quarry; wildlife and loss of green space; density and quality of development; section 106 monies needed now; schools and access to them.
- 4.04 **Maidstone and Tunbridge Wells NHS Trust (summarised):** Will increase traffic movements through Hermitage Lane and its adjoining roads and junctions; will cause significant impact to staff and visitors accessing and leaving the hospital site on Hermitage Lane; no evidence of mitigation or improvements to support the traffic movement through Hermitage Lane or the adjoining junctions.
- 4.05 **Gallagher Group (summarised):** No objection to the proposed development in principle; place on record that the quarry and its operations are pre-existing, benefitting from permissions to extend operations into the westerly extension (Oaken Wood); Dust, noise and vibration (mostly air over pressure) were all considerations in the granting of permission for the

quarry extension, with distance between quarry operations and residential property being a material consideration.

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 **KCC Highways**: **No objections** subject to conditions.
- 5.02 **KCC PROW: No objections** and query whether any S106 money could be provided to upgrade paths.
- 5.03 **KCC Lead Local Flood Authority**: **No objections** subject to detailed design being provided via condition.
- 5.04 KCC Ecology: No objections.
- 5.05 KCC Archaeology: No objections.
- 5.06 **MBC Landscape Officer**: Advises that the landscaping proposals are acceptable.
- 5.07 **MBC Environmental Health: No objections** and recommend conditions relating to air quality emissions reduction, electric vehicle charging points, noise, lighting, and contamination.
- 5.08 MBC Housing: No objections.
- 5.09 **Kent Fire & Rescue Service**: **No objections** to emergency access.
- 5.09 **Southern Water: No objections**.
- 5.10 **Kent Police**: No objections.

6.0 APPRAISAL

- 6.01 The principle of up to 80 houses at the site has already been accepted by the Council under the outline consent and the site is part of an allocation in the Local Plan under policy H1(3) for 330 houses of which 250 are under construction (leaving 80 for this site).
- 6.02 Under the outline permission the outward impacts of 80 houses were fully assessed and considered to be acceptable including the traffic impacts upon the local highway network, the impact upon local infrastructure subject to secured mitigation, and it was considered that the site could suitably accommodate 80 houses subject to approval of the access point, and the detailed design, layout and scale of the development. As such, the Council cannot re-visit principle matters such as transport or infrastructure impacts,

- as it is noted that these issues have been raised extensively in third party representations.
- 6.03 This reserved matters application is to only consider the detailed issues of access, appearance, landscaping, layout and scale and therefore the key issues to consider are the following:
 - Suitability of the access point.
 - Design, layout, scale, landscaping and compliance with the site allocation policy and outline permission.
 - Highway issues relating to the layout, ecology and other matters.

Access Point

- 6.04 Under the outline consent it was decided that the principle of access to the site via the Bovis Homes housing development to the north and onto Hermitage Lane would be acceptable and no objections were raised by Kent Highways in terms of the traffic impact and financial contributions to offsite highway improvements were secured. However, as there is a slight gap between the application site and the Bovis Homes site, a separate access link between the two sites was approved under application 17/500031, which can be implemented. So the proposed access point for the development would join onto this approved link which is considered to be acceptable and KCC Highways raise no objections in terms of its safety.
- 6.05 Condition 2 of the outline consent states that Oakapple Lane shall not be used as a primary access and only used by pedestrians, cyclists and emergency vehicles, and criterion 6 of the policy refers to it being used as a secondary access for emergency vehicles, pedestrians and cyclists. Residents therefore consider this must be used as the emergency access. The applicant is now proposing an alternative emergency access from Broomshaw Road in the southwest corner of the site. This emergency access has been assessed by Kent Fire & Rescue Service and they consider it to be suitable. Whilst different to the policy, there is no harm as a result different emergency access to the site. representations have been received raising concerns if this were to be open to all traffic but this is not being proposed. Bollards are proposed which would prevent general use and this can be secured by condition. Should this reserved matters application be approved, further permission would be required to use the access for general use, and this would be assessed at that stage.

Design & Layout

6.06 The allocation policy has no criterion relating to design or layout and the outline permission only requires that the layout shall provide a density of no more than 25 dwellings per hectare in the southern half of the site, which is the case. The revised NPPF (July 2018) has a chapter dedicated to design (12. Achieving Well-designed Places) and there is specific reference to the design assessment framework 'Building for Life 12' and this

- application has been designed and considered against this assessment framework.
- 6.07 The entrance to the site would be bounded by low ragstone walls which would provide a high quality gateway. The houses at the entrance would be dual aspect facing both northwards to address the entrance and onto the main road itself to create an appropriate gateway. Further into the site the road turns west to provide a link with allocation H1(4). At this junction a 3 storey apartment block would address both corners with the use of ragstone on the ground floor. This is a key building and it has been designed to make a statement and provide a focal point. In the southern half of the site the two existing hedge lines will be retained apart from where access needs to punctuate, which is appropriate to use the site's existing character. An area of open space with a play area would be provided in the centre which would be overlooked by proposed houses. Together with natural/semi-natural areas of open space this totals approximately 0.6ha on site, and this is considered sufficient for 80 houses together with the off-site financial contribution secured under the section 106 agreement. In the southwest corner two further 3 storey apartments would be provided with an area of landscaping to their north which is required for reptile mitigation. Space for landscaping would soften the entrance from Broomshaw Road with the existing hedge retained on the outside of boundary fencing.
- 6.08 The layout provides strong street scenes with houses/apartments addressing roads, and buildings turning/addressing corners either through their siting and architectural detailing/windows. Buildings provide end stops to views within the layout for example at plots 37/38 and 59. Two access points are provided to the allocated site to the west which is appropriate bearing in mind this can accommodate up to 187 houses.
- 6.09 As outlined above the density in the southern half is below 25 dwellings per hectare (dph) as required by the outline consent. Parking is more prominent in the northern half of the site but is broken by areas of landscaping. The road layout is simple and legible and good connectivity with the surrounding area is provided through Oakapple Lane where a new 'hoggin' path would be provided and landscaping would be improved, and a pedestrian/cycle connection with Broomshaw Road. The existing rights of way are rural in nature largely due to the hedgerows, and these would be retained apart from where the access road must dissect the right of way which runs across the site in the southern half. The road here has been narrowed to limit the impact as far as possible though.
- 6.10 Houses and gardens would be laid out to ensure sufficient privacy and outlook. To the south, the nearest proposed houses would be positioned side on to properties on Broomshaw Road with only first floor bathroom windows which can be obscure glazed for plots 55, 61, and 62. The new houses are to the north and would not have any unacceptable impact upon light or outlook. Plot 54 would be at least 25m from houses to the south on Banky Meadow which is an acceptable distance to ensure no unacceptable impact upon privacy, outlook or light. There is sufficient distance from houses to the north to ensure no harmful impact on amenity.

- 6.11 In terms of parking, KCC Highways have raised no objections considering there is a suitable level of parking. The scheme provides a total of 136 parking spaces (excluding garages), with an additional 24 visitor spaces. A large proportion of spaces are tandem but this allows more space for landscaping and with the amount of visitor spaces, I consider the approach here strikes the right balance between adequate provision and securing an attractive layout as per policy DM23. Bins would be stored within gardens or within stores for the apartment so would be hidden from view.
- 6.12 Overall, the layout is considered to be of a high quality with buildings suitably addressing streets, landscape features retained, and good connectivity with the surrounding area and it follows the principles of Building for Life 12. The proposals comply with policy H1(3), policy DM1 of the Local Plan, and the outline permission requirements.

Appearance & Scale

- 6.13 The site policy has no specific requirements for appearance and scale but policy DM1 seeks high quality design and positive responses to local character.
- 6.14 The house designs are of traditional appearance with a mix of detached and semi-detached houses, small terraces and three apartment blocks. Houses are two storeys apart from two semi-detached pairs which have dormers. The apartment blocks are three storeys but their height and mass is broken by the use of various gable projections and materials. The apartments are located within the centre of the site, rather than at the edges which is appropriate and provides some variation in the roof scape. In addition, and as outlined above, the apartment block (plots 20-27) provides a key building within the scheme.
- 6.15 Bay windows are shown on some houses to provide interest and detailing is provided on houses including decorative brick courses above some door and window openings, and porch overhangs. Materials proposed include composite grey and black boarding to some houses and the apartments, and clay tiles to roofs. Whilst white boarding is often used on housing schemes, particularly for more rural village locations, I feel that the use of grey and black colour is suitable here as the site is on the edge of the urban area and these colours provide a more contemporary appearance. Ragstone would be used in the low walling at the entrance and on the ground floor of the central apartment block. These quality materials would be approved under condition 3 of the outline consent.
- 6.16 Overall, I consider the appearance and scale of the buildings to be to a high standard in accordance policy DM1 of the Local Plan.

Surfacing & Boundary Treatments

6.17 The main spine road would be tarmac with private driveways and all parking spaces block paved. As outlined above Oakapple would be upgraded with a 'hoggin' path (mixture of clay, gravel, and sand) and the

right of way that dissects the site would be upgraded with a hoggin path. Boundary treatments would include brick walling on exposed areas and fencing within gardens would provide privacy. Low ragstone walling would be provided at the front. Overall, I consider these details would provide a high quality appearance to the development.

Landscaping & Ecology

- 6.18 The landscaping scheme provides many new trees across the development and hedges bounding front gardens. Species have been amended to provide a larger proportion of native species and provide a good variation across the scheme. Typical tree species include field maple, beech, hornbeam. More ornamental species are used for front gardens which is acceptable. Enhancements would be provided along Oakapple Lane through reinforcing mixed native hedgerows. Overall, the landscaping scheme is of high quality, with much native planting, and would provide an attractive environment and setting for the development. The implementation and long term management would be approved under condition 7 of the outline consent. The landscape officer has also confirmed the relationship of the development with existing trees is acceptable.
- 6.19 The layout has taken into account the ecological interest at the site which includes reptiles and dormice. Dormice nests were identified within the field to the west outside the site, and within the northern boundary hedgerow. As such, the northern and western boundary hedgerows are considered important and these would be retained and strengthened apart from where access to the west is proposed which is required to access allocated site H1(4). The updated Dormouse Survey Report details that through the enhancement of the edges of the site, and in turn the connectivity of the site in terms of the wider landscape, this would compensate for the small loss of optimal habitat within the site. For reptiles, whilst the layout involves the loss of some limited terrestrial habitat, the proposals involve translocation of reptiles which cannot be retained in grassland buffers to a receptor area in the south-west of the site. The report identifies that this translocation will ensure that reptiles are not harmed by the development.
- 6.20 KCC Ecology has reviewed the details and advise that the mitigation measures are sufficient and are adequately implemented within the layout.
- 6.21 Other enhancements include wildflower meadow planting within the receptor area which is fenced for protection, and log piles around the site, and bird and bat boxes. A LEMP is required to be approved under condition 9 of the outline consent which will detail long term objectives, management responsibilities, and protection. The development would also be outside the 15m buffer to the Ancient Woodland to the northwest of the site.

<u>Highway Issues Relating to the Layout</u>

6.22 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. As stated above the Kent Fire and Rescue Service raise no objections to the emergency access. The impacts of traffic on the

local area were considered under the outline application as a principle matter and cannot be re-visited under this reserved matters application.

Other Matters

Affordable Housing

6.23 Affordable housing is secured at 40% under the outline permission which is above the now policy requirement of 30%. Of this, 56% would be affordable rent, and whilst this is below policy guidance (60% when granted and now 70%), because the scheme will provide more affordable housing overall than currently required, this is considered acceptable. The affordable houses would be mainly in the southwest corner but would be tenure blind and are considered acceptable. The housing officer also raises no objections and advises that the house sizes are acceptable.

Surface Water Drainage

- 6.24 Surface water from the development will feed into the surface water drainage that has been approved and provided under the Bovis Homes development to the north. This scheme has been designed with adequate capacity and KCC raise no objections.
- 6.25 The issue of sink holes has been raised with a sinkhole notably occurring adjacent to the site on Broomshaw Road. The applicant is aware of this and ground conditions, and will be incorporating various measures in the construction and drainage to avoid any risks. The Council's building control department have advised that should the presence or possibility of sinkholes be discovered it would be a requirement of the Building Regulations to provide sufficient foundation designs and backfill any holes to an approved method.

Air Quality

6.26 The Environmental Health section has requested an Air Quality Emissions Reduction condition. Such a condition was attached to the outline permission (condition 17). I also 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.

Representations

6.27 Many issues raised by third parties relate to principle matters such as highways impact, impact on local infrastructure, and allowing houses on the site. These matters were considered under the outline permission and the impact deemed to be acceptable subject to financial contributions under the s106 agreement including towards education, health, public open space, and towards local road junctions. These matters cannot be re-visited and have already been decided. Other issues raised relate to matters considered in the assessment above.

- 6.28 Barming Parish Council have suggested conditions relating to landscaping enhancement including to protect wildlife in the cemetery from domestic animals, and ensuring access to Broomshaw Road is only for emergency vehicles. Fencing and landscaping along the east boundary would provide a barrier and anything beyond this in my view would not be justified or reasonable. The emergency access will be secured by condition.
- 6.29 Some of the issues raised by the 'Give Peas a Chance' residents group such as traffic impact, loss of green space and infrastructure relate to principle matters that were fully considered under the outline permission and cannot be re-visited. Other issues not considered above relate to access during construction, archaeology, and the adjacent quarry. Access for construction vehicles is not a planning matter. Archaeology is covered by condition 15 of the outline consent which requires a programme of work to be submitted and approved by MBC. Noise or disturbance from the adjacent quarry was a principle consideration at the outline permission stage after the western extension to the quarry was approved and a noise and vibration report was submitted. It was agreed that minimal mitigation being double glazing and ventilation was required and condition 21 secures this.

Conditions on Outline Consent

6.30 Some of the information provided covers some of the conditions of the outline consent and are considered acceptable as discussed above. This includes conditions 4 (boundary treatments), 5 (refuse), 6 (arboricultural assessment), and 10 (surface materials).

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(3), the outline consent, 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 drawings listed in the 'Full Schedule of Documents and Drawings' dated 04.02.19.

Reason: To clarify which plans have been approved.

2. No development above slab level shall take place until a sample panel of the ragstone for the walling and apartment building 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.

3. 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.

4. 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.

5. Before the development hereby permitted is first occupied, the proposed first floor side bathroom windows on plots 55, 61, and 62 shall be obscure glazed and shall subsequently be maintained as such to the satisfaction of the local planning authority;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

6. No development above slab level shall take place until details of the bollards or measures to prevent use of the emergency access onto Broomshaw Road other than by emergency vehicles, pedestrians, or cyclists have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to any occupation of the development and thereafter retained, and this access shall not be open to general vehicular traffic.

Reason: This access has been assessed and approved on the basis of only being used for these purposes.

7. The children's play area shall be carried out in accordance with drawing no. 102 RevD (Play Strategy) and fully implemented prior to the occupation of the 80th housing unit and maintained thereafter unless the local planning authority gives written consent to any variation.

Reason: To ensure satisfactory public open space.

8. The approved landscaping scheme shall be carried out before or during the first planting season (October to February) following occupation of the

development to which it relates. 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

9. 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.