

**REPORT SUMMARY**

<b>REFERENCE NO:</b> 14/505284/OUT			
<b>APPLICATION PROPOSAL:</b> 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.			
<b>ADDRESS:</b> LAND BETWEEN MILL BANK, ULCOMBE ROAD AND KINGS ROAD, HEADCORN			
<b>RECOMMENDATION: THAT MBC RECOMMEND TO THE PLANNING INSPECTORATE THAT THEY WOULD HAVE APPROVED PLANNING PERMISSION SUBJECT CONDITIONS &amp; SECTION 106 AGREEMENT</b>  (see section 9 of report for full recommendation)			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins an existing settlement, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this would have been sufficient grounds to depart from the Local Plan.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
<ul style="list-style-type: none"> <li>• Departure from the Development Plan</li> <li>• Headcorn Parish Council has requested the application be reported to Committee for the reasons set out below.</li> </ul>			
<b>WARD</b> Headcorn	<b>PARISH/TOWN COUNCIL</b> Headcorn	<b>APPLICANT:</b> Mr. And Mrs. Hawkes: Crabtree And Crabtree (Headcorn) Ltd <b>AGENT:</b> DHA Planning	
<b>DECISION DUE DATE:</b> 05/02/15	<b>PUBLICITY EXPIRY DATE</b> 03/03/15	<b>OFFICER SITE VISIT DATE</b> 24/12/14	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
14/501105	EIA Screening Opinion for residential development with access and open space.	ENVIRONMENTAL STATEMENT NOT REQUIRED	10/09/14
61/0138/MK2 (Part of Site)	Outline application - Residential development	REFUSED	21/07/61
60/0292A/MK2 (Part of Site)	Outline application for residential development	REFUSED	14/11/60

**1.0 BACKGROUND INFORMATION – APPEAL AGAINST NON-DETERMINATION**

1.01 This application’s target date for a decision was 5<sup>th</sup> February 2015. The applicant lodged an appeal with the Planning Inspectorate (PINS) against the Council’s failure to determine the application by this date in early March, and the start date for the appeal was 30<sup>th</sup> March 2015.

- 1.02 This means that the Council is no longer the determining authority for this planning application, as this now falls to PINS.
- 1.03 However, the Council needs to inform PINS what decision it would have made on the application and provide any appeal statement by **4<sup>th</sup> May**. If the Planning Committee decides that it would have granted planning permission, the Council would not contest the appeal but could be represented to have an input on any matters considered relevant, for example, the terms of any legal agreement or planning conditions. If the Planning Committee decides that it would have refused planning permission, the Council would need to defend any reasons at the appeal. Any reasons would need to be clearly justified and would need to be defensible otherwise there would be a risk of costs being awarded against the Council for acting unreasonably, and essentially wasting any parties time and costs of having to respond to any objections raised.
- 1.04 Therefore, this report recommends what decision officer's consider the Council should advise PINS it would have made.

## **MAIN REPORT**

### **2.0 DESCRIPTION OF SITE**

- 2.01 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. Parts of the site to the south and west adjoin the settlement boundary of the village in the Local Plan. 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.
- 2.02 The site adjoins parts of the settlement boundary of Headcorn in the Local Plan but is located within the countryside for Development Plan purposes, which here is designated a Special Landscape Area. 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.

### **3.0 PROPOSAL**

- 3.01 This is an outline application for up to 220 houses together with areas of open space, a nature conservation area, landscaping, and a new access onto Ulcombe Road with access to be considered at this stage and all other matters reserved for future consideration. The application also seeks a change of use of an area of land to use as a school playing field for Headcorn Primary School.
- 3.02 Two access points are proposed from Ulcombe Road at the north and south ends of the eastern boundary with pedestrian access through 'Upton's'. An emergency/pedestrian/cycle access is proposed from Kings Road along an existing track which runs along the west side of the primary school.

- 3.03 The illustrative plans, which have been provided in an attempt to demonstrate that the site can accommodate this level of residential development, show a potential layout with the main access roads looping around the site with secondary roads running off these to cul-de-sacs and courtyards. An area of open space is shown running through the centre of the site for amenity and ecology reasons which will be discussed below.
- 3.04 Affordable housing is proposed at 40% and Code for Sustainable Homes Level 4 is also proposed.

#### **4.0 POLICY AND OTHER CONSIDERATIONS**

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV45, T13, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- Draft Maidstone Borough Local Plan: SS1, SP3, SP5, H1, H2, DM2, DM4, DM10, DM30
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)

#### **5.0 LOCAL REPRESENTATIONS**

- 5.01 Approximately 240 representations have been received raising the following main (summarised) points:
- Highway safety & congestion
  - Access should be taken off the A274
  - Lack of parking
  - Poor/lack of existing infrastructure and insufficient to support development
  - Foul drainage is not adequate
  - Flooding
  - Noise & disturbance
  - Density
  - Visual harm & loss of natural habitat
  - Urbanisation
  - Loss of agricultural land
  - Overdevelopment of village
  - Not listening to local views
  - Conflict with Neighbourhood Plan
  - Premature application
  - Gradual approach to housing is more sustainable
  - Brownfield sites should be used first
  - Not the right location for 40% affordable housing
  - Loss of village identity
  - Public transport is poor and does not have sufficient capacity
  - Environmental Impact Assessment should be required
  - Site includes neighbouring land
  - Full application should be required
  - Contrary to NPPF
  - Poor public consultation

## Planning Committee Report

- Loss of privacy
- Impact of construction traffic
- Harm to ecology
- Will lead to an increase in empty homes and social deprivation
- Lack of employment
- Headcorn is not sustainable for scale of development
- No need for this scale of development
- Archaeology
- Reports are inaccurate and not independent
- Increased pollution
- The application cannot be determined procedurally as it includes a change of use
- The applicant does not own all the land

5.02 **(Neighbouring) Ulcombe Parish Council:** Raises objections based on highway safety, traffic, flooding, unsustainability.

5.03 **Borough Cllr Round:** Raises objections based on urbanisation, lack of infrastructure, highway issues, drainage problems, and affordable housing provision too high.

5.04 **Headcorn Primary School:** *"In principle, the Headteacher and Governors are willing for the school to be expanded to meet the need for places arising from the development (if the proposed development is approved). However, we are determined that the school should only be expanded in a carefully planned and well-resourced way."*

5.05 **CPRE:** Harm to the landscape; flood risk; drainage infrastructure is inadequate; road and transport infrastructure is inadequate; lack of employment; affordable housing could lead to deprivation; lack of school places.

5.06 **The Weald of Kent Protection Society:** Greenfield, agricultural land; overdevelopment; urbanisation; flooding and drainage problems; traffic and highway safety.

## 6.0 CONSULTATIONS

6.01 **Headcorn Parish Council:** Wish to see the application REFUSED on the following (summarised) grounds and reported to planning committee:

- Not a sustainable location for this scale of development.
- Should not be an outline application.
- Not the right location for this amount of affordable housing.
- Lack of employment.
- Transport Assessment is inaccurate.
- Access should be from the A274.
- Highway safety issues.
- Cumulative impact of traffic needs to be assessed.
- Disruption during construction.
- Density is too high.
- EIA should be required.
- Sewage system is not adequate.
- It is unclear who would improve the drainage infrastructure.

- Development needs to be delayed until drains have been fully upgraded.
  - Surface water flooding.
  - Not in accordance with Neighbourhood Plan.
  - Land needs to be given to KCC to expand school.
  - Increased social amenities needed.
  - Increased medical facilities needed.
  - Increased parking in High Street needed.
  - Urbanisation.
  - Lack of infrastructure.
- 6.02 **MBC Housing Officer:** No objections and advice provided on potential affordable housing mix.
- 6.03 **MKIP Environmental Health Officer:** No objections subject to conditions regarding contaminated land and air quality mitigation.
- 6.04 **MBC Parks & Leisure:** Based on a shortfall of 0.8ha of open space on site a request of £548 per dwelling (total £120,560) towards improvements, refurbishment and maintenance of existing and new equipment and facilities at the Hoggs Bridge Green Play Area and Playing Fields, and Hoggs Bridge Green Allotments to the east of the site and Headcorn Recreation Ground and Play Area to the South of the site.
- 6.05 **MBC Conservation Officer:** Raises no objections.
- 6.06 **KCC Development Contributions:** *“The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.”*

Primary Education: £1,180,952 is sought towards the construction of a school extension.

*“The proposed development is forecast to give rise to 62 primary pupils; these pupils cannot be accommodated within forecast school capacities and therefore this need can only be met through the provision of extended Primary Schools in the area.*

*Headcorn Primary School is located adjacent to the proposed development site; the school currently provides for 210 pupil places (1 Form of Entry) and occupies a site of 2.1338 hectares; the site has considerable restrictions on developable space due to being divided by a stream which flows into the River Buel. KCC has commissioned architects to examine the feasibility for the school to expand to 2FE (420 places); the results of the feasibility are that the school is capable of expansion, but at considerable cost.*

*The cost of the new accommodation will be higher than other expansion projects which aren't in an area of flooding. The per pupil cost of constructing the new accommodation and enlarging existing core facilities is on par with the per pupil cost of constructing a new primary school. The per pupil cost of constructing a 1FE primary school is currently £19,047.62.*

*Given the proposed development gives rise to 62 primary pupils KCC therefore requests £1,180,952 be secured from the development towards the construction of the school extension.”*

Primary School Land:

*“Should the proposed development proceed and the school be required to expand to 2 Forms of Entry (420 total pupil places) it could not do so within its current site. An assessment has been undertaken identifying additional land to the North of the existing school boundary which would be required to form part of the primary school to enable any future expansion. The additional land is required to meet Government space standards, without which any future expansion could not take place.*

*The additional land measures 3383m<sup>2</sup> and is identified on the attached plan. It is requested that this area of land be secured through a planning obligation such that it is transferred to KCC at the earliest opportunity and that adequate provision for highway access at the most North Eastern point of the extension land to accommodate traffic generated by a 2 Form Entry primary school is provided through this development.*

*The need to expand the school is created by development, KCC will seek contributions towards land acquisition from contributing developments but the land is required to be provided at no net cost to KCC.”*

Secondary School Provision: £519,156 is sought towards the enhancement of teaching space at Cornwallis School.

*“This proposal gives rise to 44 additional secondary school pupils during occupation of this development. This need can only be met through the expansion of appropriate Secondary Schools within the Borough. KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2015-19 and Delivering Bold Steps for Kent - Education, Learning and Skills Vision and Priorities for Improvement, Dec 2013.*

*The County Council requires a financial contribution towards extension of secondary school provision at £11,799 per pupil for the 44 additional pupils from this development.”*

Youth Services: £1,857 sought.

*“Required for the new residents of this development alone (supplied to Youth Workers covering Headcorn).”*

Libraries Contribution: £10,563.48 sought.

*“There is an assessed shortfall in provision; overall borrower numbers in the Headcorn are in excess of area service capacity, and book stock for Maidstone Borough at 1339 per 1000 population is below the County average of 1349 and both the England and total UK figures of 1510 and 1605 respectively. The County Council will mitigate this impact through the provision of additional book stock for the new residents at Headcorn Library.”*

- 6.07 **KCC Highways:** No objections subject to a travel plan, and construction management plan. Improvements suggested being new 30mph signs and gateway features on Ulcombe Road; road markings on Ulcombe road; and potential extension of footway on Forge Lane. Proposed signalling of A274 North Street/Kings Road/Moat Road junction would need to be funded by the development.

- 6.08 **KCC Ecology:** No objections subject to conditions requiring mitigation in relation to GCN, reptiles, and bats, and provision of a biodiversity method statement, ecological design strategy, landscape and ecological enhancement plan, construction environmental management plan, and enhancements.
- 6.09 **KCC Heritage:** No objections subject to a condition requiring a programme of archaeological work.
- 6.10 **Natural England:** No objections. *“Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.”*
- 6.11 **UK Power Networks:** No objections.
- 6.12 **Rural Planning Ltd:** No objections. The land is not the best and most versatile and therefore I do not consider the loss of the land should be considered 'significant' for the purposes of paragraph 112 of the NPPF.
- 6.13 **NHS:** Seeks a healthcare contribution of £135,626.40,

*“As early as 2007 the Headcorn practice held discussions with the former West Kent PCT and developed a business case for new surgery premises. Their original premises were not deemed suitable for the long term provision of primary care and the new development would include additional consulting space to enable the practice to develop a wider range of services and co-locate other primary care providers. This service expansion was required to address the needs of the local population where additional counselling, phlebotomy, clinics, specialist nurse clinics and child health services were in greater demand. In addition, the hosting of GP training would provide the practice with the opportunity of securing new GPs to join the practice and to offer some security in terms of succession planning.*

*The Surgery predicted housing growth after discussing the matter with the Local Authority at the time and although the Local Development Framework was yet to be finalised, Maidstone Borough Council's Planning Policy Unit informed that there was the potential to provide new homes in Headcorn, which would fall into the Practice's catchment area. This was in addition to any extant permission which were yet to be built out. The practice accounted for this in its development plans.*

*In terms of cost of the surgery development total costs (incl. VAT) for the development were set at approximately £1.5m and the practice subsequently applied for assistance to support the costs. On review, the former PCT approved recurrent costs to support the scheme by way of an increased annual current market rent which the GPs use to offset their borrowing for the extension works by way of an additional £75,000 per annum, effective from the first date of occupation, planned for late 2013/early 2014. Certainly the NHS would have expected the provision of Section 106 funding to be available to support this scheme, assuming a significant contribution towards the overall cost. However at the time the PCT Board considered the scheme, no funding was available and with the impending housing growth, the NHS in effect agreed to 'pump-prime' the development through the award of recurrent funding to support the costs of the development to enable it to proceed as planned, ahead of the NHS securing any additional S106 monies. The NHS would now wish to recoup its investment by way of securing additional contributions where*

*it can be reasonably argued that the development of new housing locally will impact on primary care services.*

*NHS Property Services Ltd will continue with NHS West Kent formulae for calculating s106 contributions for which have been used for some time and are calculated as fair and reasonable. NHS Property Services will not apply for contributions if the units are identified for affordable/social housing.”*

- 6.14 **Environment Agency:** No objections subject to conditions requiring the development to be carried out in accordance with the Flood Risk Assessment (FRA).
- 6.15 **English Heritage:** Not necessary to consult us.
- 6.16 **Southern Water:** *“Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. 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.”*
- 6.17 **Kent Police:** Recommend condition re. crime prevention.

## **7.0 APPRAISAL**

### **Principle of Development**

- 7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 7.02 The application site is outside but immediately north of the defined settlement boundary of Headcorn. It is therefore upon land defined in the Local Plan as countryside.
- 7.03 The starting point for consideration is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 which states as follows:-

*“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:*

- (1) That which is reasonably necessary for the purposes of agriculture and forestry;*  
*or*
- (2) The winning of minerals; or*
- (3) Open air recreation and ancillary buildings providing operational uses only; or*
- (4) The provision of public or institutional uses for which a rural location is justified;*  
*or*
- (5) Such other exceptions as indicated by policies elsewhere in this plan.*

*Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.”*



- 7.04 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan.
- 7.05 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm. (Detailed issues of any harm will be discussed later in the report).
- 7.06 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;
- 'identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;'*
- 7.07 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the "objectively assessed need for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014.
- 7.08 Most recently calculated (April 2014), the Council had a 2.1 year supply of housing assessed against the objectively assessed housing need of 18,600 dwellings.
- 7.09 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 7.10 In terms of the location of the site, The NPPF advised that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. Headcorn is a defined rural service centre (RSC), which outside of the town centre and urban area, are considered the most sustainable settlements in Maidstone's settlement hierarchy, under the draft Local Plan. The draft Local Plan outlines that, "*Rural service centres*

*play a key part in the economic and social fabric of the borough and contribute towards its character and built form. They act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys.*" The settlement offers a good range of key services including the primary school, doctor's surgery, employment, shops, public houses, regular public transport bus connections to Maidstone and the railway station. As such, the site is considered to be at a sustainable location and immediately adjoins the existing settlement.

- 7.11 The draft Local Plan, which went out to Regulation 18 public consultation in 2014, allocates the site for housing for 240 dwellings (policy H1(39)). However, Cabinet resolved to go back to Regulation 18 consultation for deletion of the allocation on the grounds that, *"local infrastructure is insufficient, in particular for foul water sewerage, flood risk and highway congestion."*
- 7.12 In the light of the above five year supply position, bringing forward development on this sustainably located site immediately adjacent to a rural service centre would assist in helping to meet the shortfall in housing supply and I consider this to be a strong material consideration in favour of the development.
- 7.13 Representations have been received relating to conflict with the emerging Neighbourhood Plan (NP). Whilst work on the NP is progressing, it has not been formally submitted to the Council so there are a number of key stages ahead including pre-submission to the Council, Local Authority lead public consultation, independent examination and referendum. The NP is a material consideration, however, at its current stage, I do not consider it grounds to refuse planning permission.
- 7.14 For the above reasons, I consider the policy principle of residential development at the site is acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. I will now go on to consider the key planning issues which are visual impact/design, access/highway safety, infrastructure, drainage/flood risk, ecology, heritage, residential amenity.

### **Visual/Landscape Impact**

- 7.15 In terms of near views, the site is visible from Ulcombe Road to the east although behind an existing deciduous roadside hedge. Glimpses would also be possible between properties from the A274 (Mill Bank) to west. Otherwise close views would be from private properties bordering the site and from the school playing fields. Development of the site would inevitably result in a visual and character change from the current agricultural fields from close range views. However, there is built development to the west along the A274, at Hazelpits Farm to the north, and to the southeast/east. As such, I consider that development of the site would not represent extension of development away from the main built-up area of the settlement, or be out on a limb.
- 7.16 In longer range views, part of the northern boundary is open and this is the highest part of the site with long range views of the Greensand Ridge possible. However, any views would be seen in the context of the existing settlement so to my mind the development would not be discordant or result in protrusion beyond built development.

- 7.17 Overall, it is considered that development of the site would cause some harm but this would be low and in the context of a lack of housing supply, this is not sufficient grounds to refuse the application. Landscaping could also be secured to mitigate the impact.

### **Design Issues**

- 7.18 Details of layout, scale, appearance and landscaping are not being considered at this stage. However, the illustrative plans show 220 dwellings over the site which equates to a density of around 28 dwellings per hectare, which I consider suitable for this edge of village site. The illustrative plans show what could be achieved, with large areas of open space, good levels of landscaping, and an emergency/pedestrian/cycleway access past the primary school linking to Kings Road. The development will be designed to achieve Code for Sustainable Homes Level 4. Overall, I consider the amount of development proposed is suitable to be able to achieve a high standard of design and that this is not grounds to refuse the application.

### **Highways Issues**

- 7.19 Access is being considered at this stage and two vehicular access points would be provided onto Ulcombe Road with the 30mph speed limit extended north across the site frontage. There would be a pedestrian route through 'Upton's over which the applicant has a right of way. An emergency/pedestrian/cycleway access past the primary school linking to Kings Road is also proposed. Kent Highway Services (KHS) raise no objections to the access points and their visibility.
- 7.20 A transport assessment has been submitted and safety audit which has been assessed by KHS. The trip generation from the development (which was tested for 270 dwellings not 220) is expected to result in 131 arrivals and departures during the AM peak (8am to 9am) and 154 in PM peak (5pm to 6pm). Most vehicles (66%) would be expected to head south on Ulcombe Road and west along Kings Road. A third of traffic would be expected to head north on Ulcombe Road. The increase in traffic at the A274 North Street/Kings Road/Moat Road junction, including factored in background traffic growth would result in approximately a 10% increase in both peak hours.
- 7.21 Criticisms of the transport assessment have been received, however, KHS have not raised any concerns with the information provided. KHS raise no objections in terms of the impact of the additional traffic on local roads or highway safety. KHS do state that they would expect the combination of additional traffic and the narrow width of Ulcombe Road just to the south of the site would result in minor delays at busy times but do not raise objections to this.
- 7.22 The applicant has carried out a capacity assessment of the A274 North Street/Kings Road/Moat Road junction. The information reveals that the junction currently operates well within capacity and would continue to do so with the additional traffic from the development. However, because the draft policy refers to seeking contributions towards the provision of traffic signal control and that some sight lines are sub-standard, a potential junction signalisation scheme has been proposed by the applicant. This would result in 5 on-street parking spaces being lost but these would be replaced by land within the application site next to the primary school.
- 7.23 KHS advise that the Transport Assessment outlines that the additional traffic generated by the development is unlikely to cause a safety or capacity problem at the

A274 Mill Bank/North Street/Kings Road junction. This being based on the current injury crash records and junction capacity calculations. In strict evidence terms, KHS advise that they would tend to agree with this assessment. However, KHS advise that the lack of visibility remains an issue and it is possible that additional traffic passing through it could cause a problem in the future, but this would not be known until the new housing has been built. The applicant considers there is a potential safety issue arising from the junction's existing substandard sight line visibility, and that development will increase use of a junction with an existing potential safety problem, and that this would be mitigated if the lights were installed.

- 7.24 In my view the sight lines at the junction are sub-standard, KHS consider this is an issue, and that safety issues could arise in the future. To my mind this is sufficient grounds to require signalisation of the junction, which the applicant is proposing. Therefore a condition requiring this off-site highway improvement could mitigate this impact.
- 7.25 Parking and layout is not being considered at this stage but I consider a suitable level of parking could be provided and balanced against achieving a well-designed scheme and layout.
- 7.26 Overall, it is consider the accesses would be safe and that the impact of additional traffic on local roads and junctions would or could be made be acceptable through improvement, with no objections raised by the Highways Authority. As such, any highways impacts are not considered grounds for refusal.

### **Infrastructure**

- 7.27 A development of this scale is clearly likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.
- 7.28 However, any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements: -

It is:

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.*

\*And

*A planning obligation ("obligation A") may not constitute a reason for granting planning permission to the extent that —*

- (a) obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and*
- (b) five or more separate planning obligations that—*
  - (i) relate to planning permissions granted for development within the area of the charging authority; and*
  - (ii) which provide for the funding or provision of that project, or type of infrastructure*

*have been entered into before the date that obligation A was entered into.*

- 7.29 \*This section came into force on 6<sup>th</sup> April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).
- 7.30 The following contributions have been sought:
- 7.31 For primary education provision, the pupils that would result from the development cannot be accommodated within forecast school capacities of the adjacent primary school. As such, the school would need to expand but is restricted due to being divided by a stream which flows into the River Buelt. KCC has therefore commissioned architects to examine the feasibility for the school to expand to 2FE (420 places), and the results are that the school is capable of expansion, but at considerable cost. This would involve extending the school on its existing site. However, due to the loss of space on site, additional land to the north of the existing school would then be required to ensure Government space standards are still met. This land forms part of the application and would be made available for KCC and is included within the draft s106 submitted under the application and so this provision would be satisfied.
- 7.32 In terms of the cost for the new accommodation, this will be higher than other expansion projects because it would be in Flood Zone 2 (note: school expansion can be allowed in Zone 2 under the NPPF/NPPG). The per pupil cost of constructing the new accommodation and enlarging existing core facilities is on par with the per pupil cost of constructing a new primary school. The per pupil cost of constructing a 1FE primary school is currently £19,047.62. Given the proposed development gives rise to 62 primary pupils, KCC therefore requests £1,180,952 be secured from the development towards the construction of the school extension.
- 7.33 For secondary education £519,156 is sought to towards the enhancement of teaching space at Cornwallis School to address the increased impact the development would have.
- 7.34 For youth services, £1,857 is sought to be used to address the demand from the development towards youth services locally through provision to Youth Workers covering the Headcorn area.
- 7.35 For libraries, £10,563.48 is sought be used to address the demand from the development towards additional bookstock at Headcorn Library.
- 7.36 Justification for the contributions is outlined at paragraph 6.06 and I consider that the requested contributions have been sufficiently justified to mitigate the additional strain the development would put on these services and comply with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the CIL tests above.
- 7.37 In terms of open space, based on a shortfall of 0.8ha of open space on site, a request of £548 per dwelling (total £120,560) towards improvements, refurbishment and maintenance of existing and new equipment and facilities at the Hoggs Bridge Green Play Area and Playing Fields, and Hoggs Bridge Green Allotments to the east of the site and Headcorn Recreation Ground and Play Area to the South of the site. I consider this would sufficiently mitigate the impact the development would have on public open space. I also consider existing play areas for children are close enough to the site (within 250m) so as not to require an equipped area on site.

- 7.38 In terms of healthcare, the NHS are seeking a contribution of £360 per person. This is based on what they see as 'forward funding' of the new surgery in the village on Grigg Lane. They state that the new surgery was planned on the basis of the existing population of the village whilst also creating capacity for the growth predicted for the near future. The NHS considers that it should be able to recoup the costs of the surgery against the development on the basis that it discussed potential housing provision in 2007 with the Council and essentially 'planned ahead'. This approach was taken to housing applications in Marden in 2013/2014, where money was recouped, however, in that case the NHS had liaised with the Council in 2010 over potential housing numbers (more recent), and had broken down in detail the costs of expansion works carried out in the village. They provided much more detail and divided applicable costs against the planned sites in the village. In the case of Headcorn, no such detail has been forthcoming despite requests.
- 7.39 The applicant takes the view that the NHS is looking for reimbursement of moneys already spent on a local building project and that discussions in 2007 would not have foreseen the draft allocations first made in February 2014. The applicant does not consider the request passes the relevant CIL tests.
- 7.40 Due to the lack of detail and justification to clearly demonstrate that the NHS planned ahead for this development, (particularly bearing in mind Council was not planning this scale of development in 2007), and a lack of detail on the costs of the works, it is considered that the request does not pass the relevant CIL tests as being necessary, directly related to the development, or fairly and reasonably related in scale and kind to the development. As this request does not pass the CIL tests, this is not considered grounds to refuse the application.
- 7.41 Importantly however, in seeking to recoup costs, rather than require additional contributions for further expansion, the NHS are confirming that the current facilities in the village are considered sufficient to serve the proposed development. As outlined above, the new surgery was designed to be able to accommodate some growth in the village.
- 7.42 The above contributions (apart from the NHS) are considered to be necessary to mitigate the impact of the development, and I have checked with those making the requests that there are not already 5 signed s106 agreements contributions towards the projects, and clarification has been given that there are not. As such the requests would meet the CIL regulations tests.

### **Drainage & Flood Risk**

- 7.43 The issue of foul water drainage within the village has been raised as a critical issue by numerous residents, Councillors and the Parish Council and this was one of the reasons Cabinet have opted for the site to be deleted from the emerging Local Plan. The Parish Council have submitted a foul water drainage assessment (in summary) carried out by consultants on behalf of the Parish Council. This report identifies shortcomings within the existing foul water drainage system including inadequate capacity in pipework (diameter of pipes), and inadequate velocity (some pipes have potentially not been laid falling in the right direction or at sufficient angles). It is considered that this could result in a build-up of foul material, blockages and overflows and indeed submissions have been received showing evidence of such occurrences. Whilst this information has not been independently assessed (for example like the Transport Assessment by KHS), clearly there are issues with the existing system evidenced by the problems experienced on some roads in the village where overflows occur.

- 7.44 The applicant is aware of the existing problem within the village and the serious concerns, and has submitted a detailed 'foul water management strategy' in an attempt to address the impact of the proposed development. I must advise Members that a new development can only be required to mitigate its own impact and not solve existing problems.
- 7.45 The applicant submitted a capacity check to Southern Water in July 2014 based on 240 dwellings (220 are now proposed). The check was based on two thirds of flows going to Ulcombe Road pipes, and one third to Kings Road. Southern Water's response confirmed that there is insufficient capacity in the local network to accommodate the flows. Following discussions with Southern Water, it is proposed that the site would discharge to a manhole on Kings Road (not Ulcombe Rd). This would require an upgrade of the pipework (larger size) from outside the primary school southwards to the corner of North Street/High Street, and also an increase in the capacity of the Moat Road Headcorn Wastewater Treatment Works. It is also noted that the depth of sewers in Kings Road means that it is not possible to drain the site using gravity sewers alone, and a pumping station is therefore proposed within the application site.
- 7.46 Southern Water in response to the planning application confirms again that there is insufficient capacity to serve the development but state that, "*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.*" I consider that the applicant has demonstrated that on and off-site measures and improvements can be provided, (which have been carried out in consultation with Southern Water), and that adequate foul drainage can be provided under the Water Industry Act to mitigate the impact of the development. Clearly, this will not solve existing problems in the village but will mitigate the development's impact, which is all that is required.
- 7.47 I therefore advise that issues relating to foul drainage are not grounds to object to the application as this could be dealt with condition and/or under the Water Industry Act.
- 7.48 In terms of surface water and flood risk, a Flood Risk Assessment (FRA) and Surface Water Management Strategy have been submitted. SUDs are proposed including filter strips, permeable paving, swales and ponds to ensure run-off rates would be the equivalent of existing greenfield run-off rates. The EA has advised that they consider the submitted FRA is very detailed and has considered all aspects of surface water drainage and management. They state that, "*the FRA and drainage strategy provided, stated, calculated and showed that the runoff generated from the development will be kept at Greenfield runoff rates. The provided micro drainage calculations show that the site would discharge at Greenfield runoff rate and the SUDS provided in the development will reduce the flow of water from the site to the Hogs Stream.*" On this basis no objections are raised by the EA and surface water drainage or the impact upon flooding are not considered grounds for objection.

## **Ecology**

- 7.49 Ecological surveys have been carried out including species surveys for bats, GCN, reptiles, and aquatic invertebrates. Surveys confirmed the presence of GCN in ponds nearby and that a Natural England licence would be needed due to the impact upon terrestrial habitat. An exceptional population of slow worm and low population of common lizard and grass snake was recorded. As areas where they were recorded

will be temporarily disturbed and connectivity will be altered, a mitigation strategy is proposed. KCC Ecology have assessed the detail and raise no objections subject to conditions requiring mitigation in relation to GCN, reptiles, and bats, and provision of a biodiversity method statement, ecological design strategy, landscape and ecological enhancement plan, construction environmental management plan, and enhancements. I therefore consider any impact upon ecology would not warrant objection and that suitable mitigation would be possible. Natural England also raise no objections in terms of any impact upon the River Beult SSSI.

### **Heritage**

- 7.50 'Hazelpits Farmhouse' is a Grade II listed building immediately north of the site. The Conservation Officer advises that there would be some slight impact on the setting of the adjacent Grade II listed Hazelpits Farmhouse by removing some of its rural context and the loss of its separation from the built up area of Headcorn. However, Hazelpits Farmhouse lies within substantial grounds which are so well wooded that views of the listed building are not obtainable from outside the site; there is therefore unlikely to be any direct visual relationship between the new housing and the listed building. No objections are raised in terms of the impact upon the setting of this listed building, which I agree with.

### **Residential Amenity**

- 7.51 Details of layout and appearance are not being considered however my view is that the development could be designed to prevent any unacceptable impact upon nearby properties in terms of privacy, light and outlook. I also consider the proposed properties could be designed to benefit from sufficient amenity.
- 7.52 Use of the proposed pedestrian/cycle link along the rear of properties on Mill Bank would introduce residents walking close to rear gardens, however views are screened to a degree in places and new boundary treatments/landscaping could ensure privacy where necessary.

### **Other Matters**

- 7.53 Affordable housing is proposed at 40% in line with the 2006 DPD and emerging policy and CSH Level 4 is proposed. Conditions could suitably deal with archaeology, contaminated land and mitigating any impact upon air quality. The land is not considered to fall within the best and most versatile agricultural category.
- 7.54 Some residents and the Parish Council consider that the application should be accompanied by an Environmental Impact Assessment (EIA). Prior to submission of the application, a 'Screening Opinion' was sought for up to 270 dwellings at the site. After consultations with Statutory Consultees, it was considered that any environmental implications from the development would be so significant or wide-ranging so as to warrant an EIA. For this application, I would make the same conclusion and do not consider the development would 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. Therefore I do not consider an EIA is required for this application in light of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). Notwithstanding this, the Planning Inspectorate will now need to make its own decision on this matter as it will be determining the application.



- 7.55 Comments have been received that consider the application cannot be determined procedurally as it is an outline application which includes a change of use (land changing to school use). I have sought legal advice on this matter and am advised that the application can be determined in its current form. Notwithstanding this, this is an issue for PINs as the determining authority. Land ownership has also been raised and the applicant has submitted and amended red outline plan and confirmed all land is owned by the applicant so this is not an issue.

## **8.0 CONCLUSION**

- 8.01 I must remind Members that the Council is no longer the determining authority for this planning application, as this now falls to PINS. However, the Council needs to inform PINS what decision it would have made on the application. If the Planning Committee decides that it would have granted planning permission, the Council would not contest the appeal but would be represented to have an input on any matters considered relevant, for example, the terms of any legal agreement or planning conditions. If the Planning Committee decides that it would have refused planning permission, the Council would need to defend any reasons at the appeal. Any reasons would need to be clearly justified and would need to be defensible otherwise there would be a risk of costs being awarded against the Council for acting unreasonably, and essentially wasting any parties time and costs of having to respond to any objections raised.
- 8.02 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the Local Plan. However, in the absence of a five year supply of housing the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and policies such as ENV28 cannot form grounds to object in principle.
- 8.03 The site is at a sustainable location adjoining the settlement boundary of Headcorn in the Local Plan, which offers a good range of facilities and services. The visual impact of development at the site would be localised and would not result in any significant protrusion into open countryside beyond existing developed areas. There are no highway objections and it is considered the local roads could accommodate any increase in traffic, with some off-site improvements. Appropriate community infrastructure could be provided and affordable housing at 40%. Drainage issues have been fully considered and mitigation for the development could be achieved. There are no objections from the Environment Agency in terms of flooding. There are no ecology objections or any other matters that result in an objection to the development. The Conservation Officer considers there would not be harm to the setting of the listed building.
- 8.04 In accordance with advice in the NPPF, there are three dimensions to sustainable development giving rise to the need for the planning system to perform environmental, economic and social roles. I consider that the development would provide economic benefits through delivering houses, associated construction jobs, and the likelihood of local expenditure (economic benefits commonly recognised by Inspectors at appeal). I consider there would be social benefits through providing needed housing, including affordable housing, community infrastructure, and I do not consider the impact upon existing residents would be unduly harmful. There would be some impact upon the landscape but this would be limited and localised, and otherwise there would be no significant harm to the environment. As such, I consider the development would perform well in terms of economic, social and environmental roles required under the NPPF.

- 8.04 I have taken into account all representations received on the application and the emerging Neighbourhood Plan. Considering the low level of harm caused by the development, in the context of a lack of 5 year housing supply, I consider that the low adverse impacts would not significantly and demonstrably outweigh the benefits of providing much needed housing, including affordable housing, at a sustainable location. This is the balancing test required under the NPPF. As such, I consider that compliance with policy within the NPPF would have been sufficient grounds to depart from the adopted Local Plan.
- 8.05 Therefore I advise that there are no grounds to refuse this planning application and I recommend that Members decide that they would have approved planning permission.
- 8.06 (I have listed below the heads of terms and conditions that would have been recommended. However, I have not written conditions out in full as the Council is not deciding the application.)

## 9.0 RECOMMENDATION

That the Council advises the Planning Inspectorate that it would have granted planning permission subject to a legal agreement and conditions.

*For Information:*

Any legal agreement would have provided the following:

- The provision of 40% affordable residential units within the application site.
- Financial contribution towards the build costs of extending Headcorn Primary School.
- Provision of land to allow expansion of Headcorn Primary School with vehicular access.
- Financial contribution towards enhancement at Cornwallis School.
- Financial contribution towards youth services to address the demand from the development towards youth services locally.
- Financial contribution towards libraries to address the demand from the development towards additional bookstock at Headcorn Library.
- Financial contribution towards improvements, refurbishment and maintenance of existing and new equipment and facilities at the Hoggs Bridge Green Play Area and Playing Fields, Hoggs Bridge Green Allotments, and Headcorn Recreation Ground and Play Area.

Conditions would have covered the following:

- Time Limit for Reserved Matters and Implementation
- Parameters on Landscaping (retaining/strengthening boundaries) and securing On-site Open Space.

## Planning Committee Report

- Landscape Details and Management Plan, Ecological Enhancement Plan, Construction Environmental Management Plan.
- Landscape Implementation
- Arboricultural Method Statement
- Details of Materials
- Boundary Treatments
- Foul and Surface Water Drainage Details
- Compliance with Flood Risk Assessment
- Archaeology
- Slab Levels
- Contaminated Land
- Visibility Splays & Off-site Highways Works (30mph extension, gateway features, road marking, and signalisation of A274 Mill Bank/North Street/Kings Road junction)
- Travel Plan
- Construction Management Plan
- Lighting
- Level 4 of the Code for Sustainable Homes
- Compliance with Approved Plans

Case Officer: Richard Timms

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.