

REPORT SUMMARY

REFERENCE NO - 16/504892/FULL		
APPLICATION PROPOSAL Demolition of Headcorn Hall and associated outbuildings and erection of 14 houses (10 four bedroom and 4 five bedroom). Creation of new vehicular access from Shenley Road. Provision of access road. Landscaping and associated infrastructure, existing access from Biddenden Road to be closed.		
ADDRESS Headcorn Hall, Biddenden Road, Headcorn, Kent, TN27 9JD		
RECOMMENDATION Subject to the prior completion of a Section 106 legal agreement, in such terms as the Head of Legal Services may advise, to secure an affordable housing viability review mechanism based on a commuted sum of £2,075,273 the Head of Planning and Development be given DELEGATED POWERS TO GRANT permission subject to the conditions and informatives set out at the end of this report		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> • The brownfield part of the application site has a long history of residential use and the residential development of this land and adjoining greenfield land is acceptable. • Whilst the housing land supply in the borough is currently in excess of five years the need for a five year supply is a rolling requirement and the application site with previous residential uses and the two committee resolutions for similar developments is considered suitable to provide for future need. • Whilst the site is not located within any of the areas listed in the sustainable settlement hierarchy the site is located a short distance from the rural service centre of Headcorn which is second in this hierarchy. • The design and appearance of the development is in keeping with the character of the surrounding area. The development is acceptable in relation to the impact on local residential amenity including loss of daylight, sunlight, outlook and privacy. • The proposal will provide a good standard of the residential accommodation (including in relation to air quality, noise and ground contamination). • The proposal is acceptable in relation to flooding and drainage, impact of the proposal on the local highway network and impact on trees and ecology. 		
REASON FOR REFERRAL TO COMMITTEE Departure from the development plan (no affordable housing and contrary to policy ENV28)		
WARD Headcorn	PARISH/TOWN Headcorn	COUNCIL APPLICANT Clarendon Homes AGENT N/A
DECISION DUE DATE 18/11/16	PUBLICITY EXPIRY DATE 16/09/16	OFFICER SITE VISIT DATE 25/08/2016

MAIN REPORT

1.0 BACKGROUND AND APPRAISAL

- 1.01 This planning application was considered at the planning committee meeting on the 27 April 2017. It was resolved by the committee to grant planning permission.
- 1.02 In accordance with the conclusions of the independent viability assessment, the use of an affordable housing viability review mechanism was recommended and accepted by members as part of a s106 agreement. The review mechanism would apply in the circumstances where the development has not reached slab level on three of the approved plots within two years of consent being granted.
- 1.03 Adopted and emerging policy seeks 40% of accommodation to be provided as affordable housing. The development is for 14 houses (10 four bedroom and 4 five bedroom) and 40% of this would amount to 6 units. Emerging policy seeks an affordable housing split of 70% affordable rented and 30% intermediate affordable housing (shared ownership and/or intermediate rent) which in this case would be 4 affordable rented units and 2 shared ownership units (this corrects information provided in the original report).
- 1.04 As a bench mark, the review mechanism uses the affordable housing commuted sum that would have been payable had it been possible to do so as part of a viable development proposal. The purpose of this report is to seek the approval of members for this commuted sum value for input into the review mechanism. Using predicted sales values the commuted sum that would have been payable is £2,075,273. This figure would be used as part of the review mechanism that applies if the development has not reached slab level on three of the approved plots within two years of consent being granted.

2.0 RECOMMENDATION GRANT PLANNING PERMISSION Subject to the prior completion of a Section 106 legal agreement, in such terms as the Head of Legal Services may advise, to secure an affordable housing viability review mechanism based on a commuted sum of £2,075,273 the Head of Planning and Development be given DELEGATED POWERS TO GRANT permission subject to the conditions and informatives set out at the end of this report

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1001 – SK201 (plot 4); 1001 – SK202 (plot 8); 1001 – SK203 (plot 10); 1001 – SK204 (plots 5 and 14); 1001 – SK205 (plots 1 and 11); 1001 – SK206 (plot 3); 1001 – SK207 (plot 13); 1001 – SK209 (plot 6); 1001 – SK210 (detached garages to plots 4 and 6); 1001 – SK211 (plot 2); 1001 – SK209 (plot 12); 1001 – SK213 (plot 7); 1001 – EX01 (Site location plan); 1001 – PL101 (Site plan); 1001 – PL103 (Indicative site section/elevations); 1001 – PL104 (Materials plan); 1001 – PL105 (Refuse collection plan); 1001 – PL106 (Storey height plan); 1001 – PL107 (Street hierarchy plan); 1001 – PL108B (Site plan – sheet 1); 1001 – PL109A (Site plan – sheet 2); 1001 – PL115 (Street elevations); 4501-104 (Landscape plan); 4501-105 (Tree works and protection); 4501-107 (Surface materials and fencing plan); 4501-202 (Planting plan); 4501-205 (Planting schedule); 4501-500 (Surface details – part 1); 4501-501 (Surface details – part 2); 4501-503 (Fence details); 4501-

104A (Landscape Plan); 4501-105A (Tree Works Plan); 4501-107A (Hardworks Plan); 4501-108A (Hardworks Plan); 4501-201A (Softworks Plan); 4501-202A (Softworks Plan); 4501-203A (Softworks Plan); 4501-204A (Softworks Plan)

Reason For the avoidance of doubt and in the interests of proper planning.

- (3) Prior to the commencement of development details of the proposed slab levels of the buildings and the existing site levels shall have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels. These details shall include details any proposed re-grading, cross-sections and retaining walls.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site. Details are required prior to commencement of development to ensure that no unnecessary altering of levels takes place to accommodate the scheme.

- (4) Prior to the commencement of development the following shall have been submitted to and approved in writing by the Local Planning Authority a) details of archaeological field evaluation works in accordance with a specification and written timetable, b) following from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable.

Reason: To ensure that features of archaeological interest are properly examined and recorded. Details are required prior to commencement of development to ensure that works do not damage items of archaeological value that may be present.

- (5) Prior to the commencement of development details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To ensure an energy efficient form of development. Details are required prior to development to ensure the methods are integral to the design and to ensure that all options (including ground source heat pumps) are available.

- (6) Prior to the commencement of development a construction management plan shall be submitted to approved in writing by the Local Planning Authority. The plan shall include a) details of washing facilities to prevent construction vehicles carrying mud on to the public highway, b) details of arrangements for loading/unloading and turning, c) details of parking facilities for site personnel and site visitors d) Measures to minimise the production of dust on the site; e) Measures to minimise the noise (including vibration) generation; f) Measures to manage the production of waste and to maximise the re-use of materials g) Measures to minimise the potential for pollution of groundwater and surface water and prevent surface water discharge on to the public highway; h) The location and design of the site office and storage compounds and i) arrangements for public consultation and liaison during the construction works The approved facilities and arrangements shall be provided prior to construction work commencing and maintained for the duration of the construction works.

Reason: To maintain highway safety and to protect the amenities of local residents. Details are required prior to commencement as potential impact will arise from the point of commencement.

- (7) Prior to the commencement of development details of a sustainable surface water drainage scheme shall have been submitted to and approved in writing by the Local

Planning Authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of any dwelling and maintained as such thereafter. The detailed drainage scheme shall be based upon the proposals of the Flood Risk Assessment & Drainage Strategy by BdR Ref. 16249 (dated 17 August 2016) demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of at a rate not exceeding Qbar. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters. The submitted details shall include: i) a timetable for its implementation, and ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To prevent flooding by the ensuring the satisfactory storage and disposal of surface water from the site. Details are required prior to commencement to maximise the options that are available to achieve a sustainable drainage system. Infiltration of surface water into contaminated ground has the potential to impact on surface water quality and pose unacceptable risks to controlled waters.

- (8) Prior to the commencement of development details of the proposed means of surface water disposal shall have been submitted to, and approved in writing by, the Local Planning Authority with the approved measures in place prior to occupation and retained permanently thereafter.

Reason: To avoid pollution of the surrounding area. Details are required prior to commencement as groundworks will reduce the options available.

- (9) Prior to the commencement of development a scheme for the enhancement of biodiversity shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include the location and design of swift bricks and bat boxes, tubes or tiles and take account of any protected species that have been identified on the site, shall include the enhancement of biodiversity through integrated methods into the design and appearance of the dwellings and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals prior to first occupation of dwellings and shall be maintained in perpetuity.

Reason: To protect and enhance biodiversity. This information is required prior to commencement of development as works have the potential to harm any protected species present.

- (10) Prior to the development reaching damp proof course level, written details and samples of all facing materials and external surfacing materials (including undercroft parking) of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

- (11) Prior to first occupation of any residential unit, and notwithstanding the submitted details, fencing, walling, railings and other boundary treatments (including provision of gaps under boundary fencing to facilitate ecological networks) shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatments shall be maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers and to facilitate local ecological networks.

- (12) Prior to first occupation of any residential unit, facilities for the storage of domestic refuse shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatments shall be maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to safeguard the amenities of future occupiers.

- (13) If during construction/demolition works evidence of potential contamination is encountered, all works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed in accordance with the agreed plan.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- (14) Prior to first occupation of any residential unit, a closure report shall be submitted to and approved in writing by the Local Planning Authority. The closure report shall include a) details of any post remediation sampling and analysis, b) documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean. c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development in any phase or sub-phase can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- (15) Prior to first occupation of the relevant residential dwellings electric vehicle “rapid charge” points (of 22kW or faster) and charge points for low-emission plug-in vehicles shall be installed and ready for use in accordance with details that have previously been submitted to and approved by the Local Planning Authority with these facilities retained in accordance with these details thereafter.

Reason: In the interests of sustainability, to support reductions in air pollution, to provide for low emission vehicles and to reduce the carbon footprint.

- (16) Prior to first occupation of any residential dwellings hereby approved a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority with the agreed measures implemented within three months of first occupation and retained. Thereafter. The Travel Plan should include the following: a) objectives and targets, b) Measures to promote and facilitate public transport use, walking and cycling. c) Promotion of practises/facilities that reduce the need for travel. d) Monitoring and review mechanisms. e) Travel Plan co-ordinators and associated support. f) Details of a welcome pack for all new residents including local travel information, g) Marketing. h) Timetable for the implementation of each element.

Reason: In order to promote sustainable travel choices and to help reduce air pollution.

- (17) Prior to first occupation of any residential dwellings hereby approved management arrangements for the communal areas of the site and access roads shall be in place that are in accordance with a plan that has previously been submitted to and approved in writing by the Local Planning Authority. With these arrangements retained thereafter. The plan should include a) The areas within the scope of the management plan and the maintenance requirements of these; b) Method and works schedule for maintaining communal areas and estate roads; c) The setting up of an appropriate management body; d) The legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery; and g) Ongoing monitoring of implementation of the plan.

Reason: To protect the amenity of future residents and the character and appearance of the development.

- (18) Prior to first occupation of any residential dwellings hereby approved the cycle parking, car parking and internal access arrangements shown on the approved plans shall be provided, surfaced and drained in accordance with the approved details and shall be retained permanently for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015 (or subsequent revision), shall be carried out on the land so shown or in such a position as to preclude vehicular access to parking areas.

Reason: Development without provision of adequate access and parking is likely to lead to inconvenience to other road users and be detrimental to amenity.

- (19) Prior to first occupation of any of the residential dwellings visibility splays shall be in place to the new entrance in Shenley Road of 120 metres by 120 metres by 2.4 metres with no obstructions over 0.6 metres above carriageway level within the splays with the splays retained as such thereafter.

Reason: In the interests of highway safety.

- (20) Prior to first occupation of the dwellings hereby permitted a 40mph speed limit shall be in place on Shenley Road from the A274 crossroad for a distance of at least 600 metres.

Reason: In the interests of highway and pedestrian safety.

- (21) Prior to first occupation of any of the residential dwellings hereby approved landscaping shall be in place that is in accordance with a landscaping scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with similar species of a size to be agreed in writing beforehand with the Local Planning Authority.

Reason: In the interests of visual amenity an appropriate standard of accommodation.

- (22) (21a) Other than the tree works specifically detailed on the appropriate plan number (4501-105A) no pruning or felling of retained trees shall take place without the written

consent of the Local Planning Authority for a period of 5 years from the date of this decision.

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the trees and their contribution to the character and appearance of the local area.

- (23) Prior to first occupation of any of the residential dwellings hereby approved details of any external lighting to be placed or erected within the site shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology. The development shall be carried out in accordance with the approved details and maintained as such permanently thereafter.

Reason: To prevent light pollution in the interests of the character, amenity and biodiversity of the area.

INFORMATIVES

- (1) The applicant is advised that detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.
- (2) The applicant is reminded of the requirement for a formal application to connect to the public sewerage system.
- (3) The applicant is advised to contact Southern Water for further advice including in relation to protecting infrastructure during construction works, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- (4) The applicant is advised of their responsibility to ensure, that before the development hereby approved is commenced, that all necessary highway approvals and consents are obtained and that the limits of the highway boundary are clearly established in order to avoid any enforcement action by the Highway Authority.
- (5) The applicant is advised that a formal application to Southern Water is required for connection to the public sewerage system in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water. The applicant is advised that due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water.
- (6) The applicant is advised of the Mid Kent Environmental Code of Development Practice and it is recommended that no demolition/construction activities take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.
- (7) The applicant is advised that any facilities used for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.
- (8) The applicant is advised that any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- (9) The applicant is advised that the lighting scheme provided in accordance with the planning condition should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers. Bats and Lighting in the UK.

- (10) The applicant is advised to obtain all necessary highway approvals and consents and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>
- (11) The applicant is advised that in relation to the 40mph speed limit required by condition the implementation of the county council's 3rd party Traffic Regulation Order procedure typically takes 6 months to complete.
- (12) The applicant is advised to contact the Police to incorporate secure by design measures into the development. The contact details of the Kent Police CPDAs are; John Grant and Adrian Fromm, Kent Police Headquarters, Sutton Road, Maidstone ME15 9BZ email: pandcr@kent.pnn.police.uk Tel No- 01622 653209/3234.

Case Officer: Tony Ryan

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

Appendix - report to the planning committee on the 27 April 2017

Planning Committee Report
27 April 2017

REPORT SUMMARY

REFERENCE NO - 16/504892/FULL
<p>APPLICATION PROPOSAL</p> <p>Demolition of Headcorn Hall and associated outbuildings and erection of 14 houses (10 four bedroom and 4 five bedroom). Creation of new vehicular access from Shenley Road. Provision of access road. Landscaping and associated infrastructure, existing access from Biddenden Road to be closed.</p>
ADDRESS Headcorn Hall, Biddenden Road, Headcorn, Kent, TN27 9JD
RECOMMENDATION GRANT PERMISSION SUBJECT TO CONDITIONS
<p>SUMMARY OF REASONS FOR RECOMMENDATION</p> <ul style="list-style-type: none"> • The brownfield part of the application site has a long history of residential use and the residential development of this land and adjoining greenfield land is acceptable. • Whilst the housing land supply in the borough is currently in excess of five years the need for a five year supply is a rolling requirement and the application site with previous residential uses and the two committee resolutions for similar developments is considered suitable to provide for future need. • Whilst the site is not located within any of the areas listed in the sustainable settlement hierarchy the site is located a short distance from the rural service centre of Headcorn which is second in this hierarchy. • The design and appearance of the development is in keeping with the character of the surrounding area. The development is acceptable in relation to the impact on local residential amenity including loss of daylight, sunlight, outlook and privacy. • The proposal will provide a good standard of the residential accommodation (including in relation to air quality, noise and ground contamination). • The proposal is acceptable in relation to flooding and drainage, impact of the proposal on the local highway network and impact on trees and ecology.

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REASON FOR REFERRAL TO COMMITTEE			
Departure from the development plan (no affordable housing and contrary to policy ENV28)			
WARD Headcorn	PARISH/TOWN Headcorn	COUNCIL	APPLICANT Clarendon Homes AGENT N/A
DECISION DUE DATE 18/11/16	PUBLICITY EXPIRY DATE 16/09/16	OFFICER SITE VISIT DATE 25/08/2016	
RELEVANT PLANNING HISTORY:			
Application site:			
App No.	Proposal	Decision	Date
16/506919/ DEMREQ	Prior Notification for the demolition of former Headcorn Hall building and outbuildings (former garage)	Issued	30.09.2016
12/1554	Demolition of existing property Headcorn Hall and associated outbuildings and erection of 10 detached houses; creation of new vehicular access via Shenley Road and provision of access road and associated landscaping	Withdrawn by the council	Resolution to approve by Com. (13.12.12).
11/1240	Demolition of existing property known as Headcorn Hall and erection of 10 five bedroom detached houses together with garaging, parking and amenity. New access to be formed onto Shenley Road and existing access on to Biddenden Road to be closed.	Withdrawn by the council	08.12.2011
10/0712	Application to extend the time limit for implementing permission MA/05/0347 being (Extension to and conversion of existing nursing home to form 7 no one bedroom and 7 no two bedroom flats) as described in application MA/10/0712	Approved	22.03.2011
10/0555	Demolition of existing property known as Headcorn Hall and erection of 10 five bedroom detached houses together with garaging, parking and amenity. New access to be formed onto Shenley Road and existing access on to Biddenden Road to be closed.	Withdrawn by the council	Resolution to approve by Com. (07.04.11).
09/1593	Erection of a two storey 60 bed care home with parking, access and landscaping	Refused	04.12.2009
09/1617	Outline planning permission for erection of 5no. detached dwellings with amenity space and associated works including parking and access with access to be considered as this stage and all other matters reserved for future consideration	Refused	04.11.2009
05/0347	Extension to and conversion of existing nursing home to form 7 no one bedroom and 7 no two bedroom flats	Approved	05.05.2005
03/1599	Conversion of existing building into 7 no. flats and construction of rear wing for 8 no. flats together with	Refused	16.02.2004

	the construction of a new access onto Shenley Road.		
03/0443	Conversion of existing building into 7 flats and erection of rear wing for 10 No. flats.	Withdrawn	28.06.2003
88/2337	Outline application for the erection of 14 retirement bungalows and community area.	Refused	28.04.1989
82/0904	40 person nursing home (Headcorn Hall retained)	Approved	11.01.1984
Site adjacent existing site entrance - Hall Lodge and Hall Lodge Cottage Biddenden Rd.			
App No	Proposal	Decision	Date
11/1850	Lawful development certificate for existing use of the former garage building as a self-contained independent dwellinghouse.	Approved	21.12.2011

MAIN REPORT

3.0 DESCRIPTION OF SITE

- 1.05 The application site covering an area of 1.9 hectares is located on the east side of Biddenden Road (A274). The site is 0.7 miles to the south-east of the Headcorn settlement boundary.
- 1.06 The existing site access is the only frontage on to Biddenden Road with remainder of the site set behind the detached dwellings Hall Lodge and Hall Lodge Cottage. Hall Lodge Cottage was originally a detached garage linked to Hall Lodge; the building was converted to a dwelling without planning permission but now has a certificate of lawful development for this use (see planning history).
- 1.07 The Biddenden Road, Shenley Road, Bletchenden Road crossroads is located 127 metres to the north of the existing site access in Biddenden Road. The land separating the application site from the crossroads is owned by the applicant but does not form part of the current planning application. The trees on this adjacent land are covered by a Woodland Tree Protection Order. The application site has a 125 metre long tree lined boundary to Shenley Road to the north.
- 1.08 The application site is located in open countryside, with the character of the area consisting of open fields with sporadic residential development and roads lined with trees and bushes. In contrast to this local open character, the Shenley Park mobile home site is located immediately to the north west of the nearby crossroads. This site accessed from Bletchenden Road has a dense layout of around 40 mobile homes.
- 1.09 To the north and east of the application site on the opposite side of Shenley Road is Headcorn Aerodrome. To the south and east of the application site are open fields with Hall Farm (including an equestrian use) located further to the south and Shenley House, a grade II listed house located 260 metres to the east. The applicant owns a further strip of land that runs alongside the western site boundary but this land does not form part of the current application site.
- 1.10 The ground level on the application site is generally flat with little change in levels. Approximately half of the site is open fields, with the other half originally occupied by Headcorn Hall. Headcorn Hall was on land that was approximately 0.8 metres higher than the lowest parts of the site.
- 1.11 Headcorn Hall was a two/three-storey building with steep pitched roofs incorporating various extensions and a one/two-storey outbuilding. The building had 15 bedrooms,

a lounge, and dining and kitchen facilities on ground and first floors, with staff rooms on the second floor. The building set in substantial grounds, including two access drives and a parking for 8 cars. The building was originally a domestic dwelling but more recently was used as a residential care home.

- 1.12 It was reported that the building was unviable as a care home due to its small size and layout of the rooms. The building fell into disrepair after the care home use ceased in 2003. The demolition of Headcorn Hall was accepted in committee resolutions to approve (subject to legal agreements) two earlier planning applications (10/0555 and 12/1554). These legal agreements were never signed by previous site owners and the applications subsequently withdrawn with further background information on this provided below. With no permission in place for demolition and reported health and safety issues, the current site owner/applicant (who subsequently purchased the site) received prior approval for the demolition of Headcorn Hall in September 2016.
- 1.13 The site is located in the Low Weald Special Landscape Area in the adopted Maidstone Borough Wide Local Plan (2000) and as a 'Landscape of Local Value' under the emerging Local Plan (submission version 2016). A small area in the southern part of the site is identified as land at risk from flooding (zones 2 and 3). The site is not located within a conservation area, or area designated for its biodiversity value.

4.0 PROPOSAL

- 4.1 A planning application was submitted for ten dwellings on the application site under 10/0555. This application was reported to Planning Committee on 7 April 2011. Members resolved to grant consent subject to the completion of a Section 106 for contributions and a ten year landscape management plan. The Section 106 agreement had been agreed and was in its final stages of completion.
- 4.2 Following marketing advice from local agents the applicant considered that the proposed scheme would not be viable. As a result a revised planning application was submitted, 11/1240, for ten houses with a more traditional design style. However, during the course of the application the applicant opted to sell the application site on to Redrow Homes.
- 4.3 As a result of the change in ownership planning application 11/1240 was not pursued and Redrow Homes put in a revised planning application (12/1554). The revised planning application was essentially a substitution of plot types for the original scheme (10/0555). The strategic landscaping and ecological enhancements remained as previously proposed with the design of the houses altered. The application site was subsequently sold again with planning application under reference 12/1554 again not pursued and the current application submitted by the new owner.
- 4.4 The submitted proposal is for the construction of 14 detached properties on this site consisting of 10 four bedroom houses and 4 five bedroom houses. The proposal includes the relocation of the site access from Biddenden Road to Shenley Road with a new north/south estate road running through the site. The development will provide 28 off street car parking spaces with two external spaces on the front drive of each proposed houses with a further 28 spaces provided in double garages. Cycle parking space is provided within the proposed garages.
- 4.5 The proposed dwellings are either 1, 1.5 or 2 storeys in height, with proposed roof ridge heights of between 8.3 metres and 8.6 metres (ridge heights approved under

12/1554 were 8.9 to 9.4 metres). The buildings are designed in a traditional architectural style to reflect the character of the local area, including facing brickwork, areas of render and tile hanging to the upper storeys. Brickwork feature banding string courses and plinths also provide interest on the main building elevations.

Table 1: Key facts and figures

	Proposed
Site area	1.9 hectares
Approximate ridge height	8.3 to 8.6 metres
Approximate eaves height	5 to 5.2 metres,
No. of storeys	1, 1.5 or 2 storeys
Net floor area	205 to 304 square metres
No. of residential units	14
No. of affordable units	0
No of car parking spaces	28 spaces (counting double garages total of 56 spaces)

5.0 POLICY AND OTHER CONSIDERATIONS

3.01 Maidstone Borough-Wide Local Plan 2000:

Until the Maidstone Borough Local Plan is adopted, full weight should continue to be given to the policies in the adopted Maidstone Borough Local Plan (2000) where these policies are consistent with the National Planning Policy Framework.

Policy ENV6: Landscaping, Surfacing and Boundary Treatment;

Policy ENV28 Development in the countryside;

Policy ENV34 Special landscape areas;

Policy ENV49 External lighting;

Policy T1: Integrated transport strategy;

Policy T13: Parking standards;

Policy CF1: Seeking New Community Facilities

3.02 Supplementary Planning Documents:

- Affordable Housing Development Plan Document (2006);
- Open Space Development Plan Document (2006);
- Kent Design Guide Review: Interim Guidance Note 3: Residential Parking;

Headcorn Neighbourhood Plan

3.03 The relevant policies in the draft neighbourhood plan are

HNP1	Design policies for Headcorn
HNP2	Protection of Headcorn's historic and natural environment
HNP3	Water Management and dealing with the risk of flooding
HNP9	Affordable homes
HNP12	Potential strategic housing development sites in Headcorn Village
HNP13	Density and site coverage

3.04 The Final Examiner's Report on the Headcorn neighbourhood Plan was published on 19 March 2017. In his report the examiner set out a number of failings that were found with the submitted neighbourhood plan.

3.05 These failings included a misalignment in the attitude to growth between Headcorn Parish Council and Maidstone Borough Council. The parish council argument that the settlement is relatively inaccessible was contrary to the Rural Service Centre

designation of Headcorn in the emerging Local Plan, and the consideration of Headcorn in the adopted Local Plan as a sustainable settlement suitable for growth.

- 3.06 The methodology used by Headcorn to assess future housing needs was challenged by the examiner as it differed from the method in the borough-wide Strategic Housing Market Assessment. The neighbourhood plan proposed a cap on the number of dwellings to be built, which the examiner felt seemed arbitrary, and would be contrary to paragraph 47 of the NPPF.
- 3.07 The proposed annual restriction on the number of dwellings was also deemed to be unduly restrictive by the examiner and not in keeping with national policy and the Government's desire to boost housing supply. The plan policy proposed a limit of 20% affordable housing on development of more than 9 dwellings. Such a policy position would be in direct conflict with the borough-wide adopted position of 40% and with emerging policy in the new Local Plan. There would also be an issue in regard to the threshold of 9 dwellings given the Written Ministerial Statement of 28 November 2014 (upheld by the Court of Appeal 13 May 2016) and Planning Practice Guidance updates of 16 November 2016 requiring provision on sites of 'more than ten' dwellings.
- 3.08 As a result of his conclusions the examiner recommended, in accordance with legislation that the NDP should not proceed to a local referendum. A report was due to be considered at the Strategic Planning, Sustainability and Transportation Committee on the 11 April 2017; however a decision was deferred to allow further consideration and to seek legal advice on a late representation. Whilst a final committee decision has not been made on the examiner's report, it is considered that due to the conclusions set out above very limited weight should be attached to the draft Headcorn Neighbourhood Plan.
- 3.09 The National Planning Policy Framework (NPPF)
The National Planning Policy Framework is a key material consideration, particularly with regard to housing land supply. Other relevant guidance includes that relating to sustainable development, landscape and traffic
- 3.10 National Planning Practice Guidance (NPPG)
Advice on the following is relevant air quality; climate change; renewable and low carbon energy; travel plans, transport assessments and statements; use of planning conditions, viability, community infrastructure levy; design and noise;
- 3.11 Maidstone Borough Council draft Local Plan (Submission Version):
Paragraph 216 of the NPPF states that from the day of publication, decision-takers may give weight to relevant policies in emerging plans. The weight to be attached is relative to the following factors:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 3.12 A schedule of proposed main modifications to the submission version of the Local Plan were discussed at Local Plan Examination Hearings on 1 December 2016 and

24 January 2017. On both occasions the Inspector went through the schedule of proposed main modifications in detail, indicating where he required adjustments to specific wording and content.

- 3.13 The proposed main modifications constitute the full list of changes which the Inspector thinks at this stage will be needed for him to be able to find the Plan sound. The proposed main modifications are published for public consultation between 31 March and the 19 May without prejudice to the Inspectors final conclusions on the Plan.
- 3.14 In relation to paragraph 216 of the NPPF the Regulation 19 version of the Local Plan already carries significant weight in the determination of planning applications. Whilst the volume and nature of the objections there may be and what the Inspector may recommend in response is not known at this stage, the publication of the proposed main modifications represents a further advancement in the Plan preparation process.
- 3.15 As consistency with national guidance is one of the tests of soundness, it is reasonable to assume that the Inspector considers, at this stage, the proposed main modifications to be consistent with the NPPF. The policies which are subject to proposed main modifications have therefore reached an advanced stage but they could be subject to some change as a result of the current consultation. In these circumstances it is considered reasonable to apply significant weight to the proposed main modifications at this point.
- 3.16 The policies which do not have proposed main modifications are not subject to further public consultation. The implication is that the Inspector does not consider that changes are required to these policies for soundness. Whilst the position will not be certain until the Inspector issues his final report, a reasonable expectation is that these policies will progress unaltered into an adopted Local Plan. In these circumstances, it is considered that approaching full weight can be afforded to these policies in the determination of planning applications.
- 3.17 The relevant policies are as follows (submission draft references given are subject to change as part of the published main modifications):
Policy SP5: Rural service centres;
Policy SP17: Countryside;
Policy DM1: Principles of good design;
Policy DM2: Sustainable design;
Policy DM3: Historic and natural environment;
Policy DM7: External lighting;
Policy DM11: Housing mix;
Policy DM12: Density of housing development;
Policy DM13: Affordable housing;
Policy DM22: Open space and recreation;
Policy DM23: Community facilities;
Policy DM24: Sustainable transport;
Policy DM25: Public transport;
Policy DM27: Parking standards;
Policy DM34: Design principles in the countryside;
Policy ID1: Infrastructure delivery.
- 3.18 In relation to the weighting set out in paragraphs 3.15 and 3.16 above, there are no major modifications proposed to policies SP5; DM1; DM2; DM22; DM23; DM25; DM27. Major modifications are proposed to policies SP17, DM3, DM7, DM11, DM12,

DM13, DM24, DM34; and ID1. The final inspector's report is due at the end of July with adoption of the plan anticipated in mid September 2017.

6.0 LOCAL REPRESENTATIONS

- 4.01 The submitted planning application was publicised by means of a site notice, a press notice (defined 'major' development) and individual consultation letters sent to neighbouring addresses.
- 4.02 As a result of this consultation one response has been received. The neighbour makes the following comments on the application *"I have no objections to the application other than my privacy is respected and I am not overlooked both during the building process and on completion. I have read most of the supporting documentation and there is a mention of my property Hall Lodge and garage. The garage is in fact a registered dwelling - Hall Lodge Cottage. Also Hall Lodge is described as a single storey property where it does have a second storey likewise Hall Lodge Cottage"*.

5.0 CONSULTATION

Headcorn Parish Council

- 5.01 No objection. The committee reviewed this application at some length discussing the merits and drawbacks for this site that sits outside the village boundary. It was noted that MBC had designated this site as a brownfield one yet it was felt given the environment and surrounding that much of this site is in fact greenfield.
- 5.02 The issue of road safety at the junction of A274 and Shenley was discussed and although the entrance to the site had been moved from directly off the A274 to Shenley Road, this development will still add burden to what is already a very dangerous junction.
- 5.03 Cllr Davies suggested that construction of a roundabout at this junction would alleviate many of the problems and keep traffic flowing. It was noted that the Headcorn Neighbourhood plan does not support development of this kind given its distance from the existing Headcorn village boundary. It was however noted that this site is a redundant part brownfield site; it is contained; and it is not on the flood plain.
- 5.04 The committee were concerned that the development may pose problems for the adjacent airfield and they felt that this should be pointed out as part of the HPC response as they are in support of the aerodrome. The application was approved by 6 votes and the Chair abstained. The council therefore wish to see this application approved subject to completion of traffic calming measures. If the planning officer is minded to approve the application without the traffic calming measures then referral to the planning committee is required.

Headcorn Aerodrome

- 5.05 There is a concern that the development of the application site will lead to objections from future residents of the development in relation to noise and disturbance and this will put pressure on the long term future of the airfield including potential future use by the Kent Air Ambulance.

Kent County Council Community Services

- 5.06 No objection subject to planning obligations to mitigate the additional pressure on local library services at a rate of £48.02 per household. Although there are Primary and Secondary educational needs, due to the current Government CIL restrictions, KCC are unable to request obligations in these areas. An informative is recommended in relation to broadband provision.

Kent Police

- 5.07 The applicant is advised to contact the Police to incorporate secure by design measures into the development.

Kent County Council Drainage

- 5.08 The planning application is supported by a Flood Risk Assessment and Drainage Strategy prepared by BdR (August 2016). It is proposed to manage surface water generated on site by attenuation with discharge to the adjacent ditch system on the northern boundary of the site. Attenuation is proposed to be provided within the pavement of the access road and geocellular storage. An outline drainage schematic is presented in Drawing C1205 within Appendix 6 of the FRA.

- 5.09 Post-development, the site will discharge to a ditch within the area of the Upper Medway IDB. Topographically it is suggestive that only a portion of the site contributes to this location. It is recommended that the IDB is consulted with respect to discharge destination. No information has been provided with the respect to the condition of the ditch or its ultimate destination and whether it is part of an extended ditch system. Reference is made to ground investigations undertaken by SoilTech Laboratories, which demonstrates that the site is underlain by clay but also includes reference to standing water at shallow depths in window samples. BGS data suggests that shallow ground water may be present for areas of the site. It would be important to assess the extent of this constraint across the site as it has implications for utilisation of below ground storage.

- 5.10 Emphasise that design must comply with the "Drainage and Planning Policy Statement" adopted by Kent County Council. This encapsulates the requirements of the Non-Statutory Technical Standards published by Defra in 2015. One key point is that the design of system may allow for surcharge in the 1 in 30 year event but must not have any surface flooding for this event. The calculations included within the FRA show flooding for the 1 in 30 year event. Flooding may occur in the 1 in 100 year event but the exceedance routes and areas which will hold water during this event must be indicated. Given the general flatness of the locality this is an issue which needs some clarification.

- 5.11 There is sufficient space within the site area to provide for attenuation, which will be required due to the underlying clay; however the lack of provision of the ground investigation, the occurrence of shallow ground water, the questions which arise as to the details of the receiving watercourse and the concern with the sizing of the storage features collectively mean that it is difficult to assess whether sufficient consideration has been given to appropriate surface water management. As this is a full planning application it is recommended that this information is provided and further clarification is sought before determination.

Kent County Council Archaeology

- 5.12 No objection subject to a planning condition attached to any approval securing a programme of *archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.*

Kent County Council Local Highway Authority

- 5.13 No objection subject to conditions obligations and informatives in relation to:
- Visibility splays of 120 metres by 120 metres by 2.4 metres with no obstructions over 0.6 metres above carriageway level within the splays, prior to use of the site commencing.

- In the interests of highway safety and prior to first occupation implement a 40mph speed limit along Shenley Road from the A274 crossroad for a distance of at least 600 metres (TRO procedure typically takes 6 months).
- Construction management plan to include construction vehicle loading or unloading and turning facilities; parking facilities for site personnel and visitors; measures to prevent the discharge of surface water onto the highway; wheel washing facilities;
- Provision and permanent retention of the vehicle parking spaces and/or garages;
- Provision and permanent retention of vehicle loading/unloading and turning facilities;
- An informative providing advice on separate highways approvals and highway land.

Natural England

- 5.14 Natural England has assessed this application using the Impact Risk Zones data (IRZs) and 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 River Beult SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. For other matters the council is directed to the standing advice.

Environment Agency

- 5.15 This planning application falls outside our remit as a statutory planning consultee and we do not wish to be consulted on it.

Maidstone Borough Council Housing Services

- 5.16 The application is for a total of 13 dwellings but is not providing any affordable housing. Having read the submitted documents, there appears to be no mention of any affordable housing provision.
- 5.17 Regardless of whether the adopted affordable housing policy is used (15+ units or 0.5 hectares) or the emerging affordable housing policy (11+ units) the proposed development should be subject to providing 40% affordable housing as the area of the site being developed is 1.87 hectares.
- 5.18 A scheme of 13 units would therefore provide 5 affordable housing units. It is acknowledged that the proposed development is for 4 and 5 bedroom houses. As the size of the units and the proposed development may potentially not be suitable for on-site affordable housing, in accordance with policy, an off site provision should be sought in the following order of preference: 1) An identified off site scheme; 2) The purchase of dwellings off site; or 3) A financial contribution towards off site affordable housing.

NHS (West Kent Clinical Commissioning Group)

- 5.19 No objection subject to a planning obligation of a financial contribution of £19,512 to mitigate the additional pressure on local services.

Scotia Gas Networks

- 5.20 No objection. The applicant is advised to contact Scotia Gas Networks before carrying out any works in the vicinity of the Scotia Gas Network. No mechanical excavations should take place within 0.5 metres of a low/medium system and 3 metres of an intermediate system. Safe digging practices in accordance with HSE publication HSG47 'Avoiding danger from underground services' must be used to

verify and establish the actual position of pipes and services before mechanical plant is used. It is the developers responsibility to ensure that plant location information is provided to all persons (whether direct labour or sub-contractors) working for the developer on or near gas apparatus. Information included on this plan should not be referred to beyond a period of 28 days from the date of issue.

Southern Water

- 5.21 No objection subject to planning conditions and informatives attached to any planning approval requiring details of a sustainable urban drainage system to be submitted (including long term management), and for the applicant to contact Southern Water to discuss the location of new trees and soakaways and protection of existing infrastructure.

UK Power networks

- 5.22 No objection

6.0 BACKGROUND PAPERS AND PLANS

- 6.01 The development proposals are shown on the following drawings:

1001 – SK201 (plot 4);
1001 – SK202 (plot 8);
1001 – SK203 (plot 10);
1001 – SK204 (plots 5 and 14);
1001 – SK205 (plots 1 and 11);
1001 – SK206 (plot 3);
1001 – SK207 (plot 13);
1001 – SK209 (plot 6);
1001 – SK210 (detached garages to plots 4 and 6);
1001 – SK211 (plot 2);
1001 – SK209 (plot 12);
1001 – SK213 (plot 7);
1001 – EX01 (Site location plan);
1001 – PL101 (Site plan);
1001 – PL103 (Indicative site section/elevations);
1001 – PL104 (Materials plan);
1001 – PL105 (Refuse collection plan);
1001 – PL106 (Storey height plan);
1001 – PL107 (Street hierarchy plan);
1001 – PL108 (Site plan – sheet 1);
1001 – PL109 (Site plan – sheet 2);
1001 – PL115 (Street elevations);
4501-104 (Landscape plan);
4501-105 (Tree works and protection);
4501-107 (Surface materials and fencing plan);
4501-202 (Planting plan);
4501-205 (Planting schedule);
4501-500 (Surface details – part 1);
4501-501 (Surface details – part 2);
4501-503 (Fence details);

- 6.02 The application is supported by a Design and Access Statement; Materials Plan; Energy Statement; Affordable Housing Statement, Affordable Housing Viability Appraisal; Ecological Assessment, Biodiversity and Enhancement Measures; 10 Year Landscape Management Plan; Affordable Housing Statement; Arboricultural Report; Ecological Assessment; Energy Statement; Planting and Materials Palette; Soft

Landscape Specification; Transport Statement; Refuse Collection Plan and Planning Statement.

7.0 APPRAISAL

7.1 The main planning considerations include assessing the loss of the existing land (greenfield and brownfield), the need for the proposed new housing, whether the site is in a sustainable location; the design and appearance of the proposed buildings; the potential impact on the amenities of neighbouring occupiers including loss of daylight, sunlight, outlook and privacy, assessing the standard of the proposed residential accommodation (including in relation to noise and ground contamination), flooding and drainage, assessing the potential impact of the proposal on the local highway network and on potential impact on archaeology and ecology.

7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the development plan unless other material considerations indicate otherwise.

The Development Plan

7.3 In this case the development plan comprises the adopted Maidstone Borough Wide Local Plan 2000. Local Plan policies ENV28 and ENV34 are the starting point for consideration of the current proposal.

7.4 Policy ENV28 relates to development within the open countryside stating that *“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:*

- *that which is reasonably necessary for the purposes of agriculture and forestry; or*
- *the winning of minerals; or*
- *open air recreation and ancillary buildings providing operational uses only; or*
- *the provision of public or institutional uses for which a rural location is justified; or such other exceptions as indicated by policies elsewhere in this plan”*

7.5 The current proposal has been assessed against the exceptions listed in policy ENV28 and none were found present. It is for these reasons that the development is considered contrary to policy ENV28 of the adopted Local Plan. Policy ENV34 is considered later in this report.

7.6 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and after acknowledging the departure from the plan it needs to be considered whether material considerations are present that suggest that such a departure would be justified.

7.7 The key material planning consideration outside the development plan is national planning policy set out in the National Planning Policy Framework 2012. Other material considerations include the policies within the emerging local plan (submission draft 2016) and the planning history for this site.

National Planning Policy Framework

7.8 The National Planning Policy Framework (NPPF) at paragraph 47 states that councils should: *“identify and update annually a supply of specific deliverable sites sufficient to provide 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”.

- 7.9 The council has undertaken a Strategic Housing Market Assessment (SHMA) which was commissioned jointly with its housing market area partners: 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 Maidstone Borough Local Plan (2011 to 2031).
- 7.10 The SHMA has been the subject of a number of iterations following the publication of updated population projections by the Office for National Statistics and household projections by the Department for Communities and Local Government. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed an objectively assessed housing need figure of 18,560 dwellings for the period 2011 to 2031. This figure was adopted as the Local Plan housing target by council when it met on the 25 January 2016.
- 7.11 The Maidstone Borough Local Plan was submitted to the Secretary of State for examination on 20 May 2016, and the Plan allocates housing sites considered to be in the most appropriate locations for the borough to meet its objectively assessed needs. The Housing Topic Paper, which was submitted with the Local Plan, demonstrates that the council has a five-year supply of deliverable housing sites in accordance with paragraph 47 of the NPPF. The independent examination into the Local Plan commenced on 4 October 2016, and the closing session for the hearings was held on 24 January 2017. The examination itself will close following further public consultation on modifications to the Local Plan and receipt of the Inspector's final report. Adoption of the Plan is expected in summer 2017.
- 7.12 Housing land supply monitoring is undertaken at a base date of 1 April each year. The council's five-year supply position includes dwellings completed since 1 April 2011, extant planning permissions, Local Plan allocations, and a windfall allowance from small sites (1-4 units). The methodology used is Planning Policy Guidance - compliant in that the past under-supply of dwellings against objectively assessed housing need is delivered in future years; it applies a discount rate for the non-implementation of extant sites; and a 5% buffer is applied. The position is set out in full in the Housing Topic Paper, which demonstrates the council has 5.12 years' worth of deliverable housing sites at 1 April 2016 against its objectively assessed need of 18,560 dwellings for the Plan period.
- 7.13 The Inspector issued a report on his 'Interim Findings from the Examination of the Maidstone Borough Local Plan' on 22 December 2016 (examination document reference ED110). In addition to confirming that it is reasonable to apply a 5% buffer to the borough's five-year housing land supply in accordance with paragraph 47 of the NPPF, the Inspector is recommending two key changes to the council's housing land supply position.
- 7.14 First, the Inspector did not consider that the 5% market signals uplift set out in the SHMA would have the desired effect of boosting housing supply, nor that it was justified, particularly given the overall increase in past building rates that is expected as a result of the Local Plan allocations. Consequently, the borough's objectively assessed housing need is proposed to be reduced by 900 units to 17,660 dwellings for the period 2011 to 2031.
- 7.15 Second, the Inspector recommends the use of a 'Maidstone hybrid' method for the calculation of the borough's five-year housing land supply, which would deliver past

under-supply over the next 10 years (as opposed to the next 5 years as set out in the Housing Topic Paper). This would result in a smoother and more realistic rate of delivery of dwellings over the Local Plan period.

- 7.16 The Inspector's interim report proposes additional modifications relating to the deletion or amendment of allocated sites, or to the phasing of allocated sites and broad locations. The report does not identify a need for further housing site allocations. In advance of public consultation on the formal modifications to the Local Plan, the interim findings have been applied to the borough's 20-year and five-year housing land supply tables which were set out in the Housing Topic Paper.
- 7.17 The updated tables (examination document reference ED116) reveal a strengthened five-year supply position as at 1 April 2016, from 5.12 years to 6.11 years. The figures are not definitive because of the need for consultation on modifications in respect of the reduced housing need and proposed amendments to specific allocated sites, but they reaffirm a robust five-year housing land supply position and justify the assumptions being made. A full five-year housing land supply update will be undertaken through the annual housing information audit to produce the 1 April 2017 position.
- 7.18 Paragraph 49 of the NPPF is clear that relevant policies for the supply of housing "*should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*". With the above evidence demonstrating a five year supply of deliverable housing sites in the borough when assessed against paragraph 49 of the NPPF housing supply policies including ENV28 and ENV34 are considered up to date and can be given full weight in decision making.
- 7.19 The NPPF at paragraph 12 confirms that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 14 states that where a development plan is absent, silent, or relevant policies are out of date, planning permission should be granted for development unless the "...adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted".
- 7.20 In addition to policy ENV28, this report will consider whether the proposed development is in accordance with other policies in the development plan and whether there are other material considerations present that need to be considered in accordance with paragraph 12 of the NPPF. Whilst it is considered that the development plan is not absent, silent or out of date for completeness the paragraph 14 test will also be considered and whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Suitability of land for residential development

- 7.21 The application site consists of a mix of greenfield and brownfield land, with the brownfield part of the site previously occupied by Headcorn Hall. The greenfield part of the current application site was granted planning permission in 1984 for a 40 person nursing home (82/0904). The applicant has stated that this planning permission that included the retention of the residential care home within Headcorn Hall is extant.
- 7.22 Policy DM 4 of the emerging plan considers the development of brownfield land. The policy as set out in the proposed main modifications (changed to DM5) removes the

requirement for brownfield land to be in "...close proximity to Maidstone urban area, a rural service centre or larger village". The policy requires the redevelopment of brownfield land to result in significant environmental improvement, and if reasonably achieved for sites to be reasonably accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village.

- 7.23 The supporting text to the policy DM4 states that when considering proposals for residential development on brownfield sites in rural area the key considerations will include: the level of harm to the character and appearance of an area; the impact of proposals on the landscape and environment; any positive impacts on residential amenity; what traffic the present or past use has generated; the number of car movements that would be generated by the new use and if there are no more sustainable alternatives.
- 7.24 The National Planning Policy Framework (NPPF) at paragraph 112 states that where it has been demonstrated that the significant development of agricultural land is necessary, "...local planning authorities 'should seek to use' areas of poorer quality land in preference to that of a higher quality".
- 7.25 The Agricultural Land Classification puts land in one of the five grades (grade 1, 2, 3a, 3b or 4). The NPPF defines the best and most versatile agricultural land as land classified in grades 1, 2 and 3a. The framework expresses a preference for development to be directed to land outside of these classification grades (towards grades 3b, 4 and 5). The application site is part greenfield, part brownfield with the greenfield part of the site within grade 3b. In this context and the social benefits from the provision of 14 new houses the loss of the existing agricultural land is considered acceptable.
- 7.26 The application site is in the proximity of the Headcorn settlement boundary. Headcorn as a rural service centre is second in the sustainable settlement hierarchy as set out in the emerging plan. A reasonable bus service links the application site to facilities available in Headcorn including the railway station.
- 7.27 Whilst the proposal involves new development in the countryside, the proposed house design is sensitive to the character and appearance of an area. The proposal also involves new planting in Shenley Road that will reduce the visual impact of the development. The proposals involve the relocation of the site access currently next to Hall Lodge and Hall Lodge Cottage in Biddenden Road to Shenley Road. This will have a positive impact on residential amenity for the occupiers of these dwellings that have commented on the current application. In relation to traffic movements, the council have previously resolved to approve similar proposals on this site on two separate occasions with earlier permission given for a 40 person care home.

Design, layout, appearance and density

- 7.28 Policy DM 1 of the emerging plan states that proposals which would create high quality design will be permitted. Proposals should respond positively to, and where possible enhance the character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation, and site coverage - incorporating a high quality modern design approach.
- 7.29 The application site is located in open countryside, with the general character of the area made up of open fields with sporadic residential development and roads lined with trees and shrubbery. The previous building on the site Headcorn Hall was a two/three-storey building with steep pitched roofs incorporating various extensions and a one/two-storey outbuilding. The building had 15 bedrooms, a lounge, and

dining and kitchen facilities on ground and first floors, with staff rooms on the second floor. The building set in substantial grounds, including two access drives and a parking area for 8 cars.

- 7.30 The proposed dwellings are 1 storey 1.5 storey or 2 storeys in height, with proposed roof ridge heights of between 8.3 metres and 8.6 metres. The roof ridge heights are generally lower than those that were previously approved by committee as part of earlier decisions with ridge heights of 8.9 to 9.4 metres approved under MC/12/1554.
- 7.31 The buildings are designed in a traditional architectural style to reflect the character of the local area, including facing brickwork, areas of render and tile hanging to the upper storeys. Brickwork feature banding string courses and plinths also provide interest to the main building elevations.
- 7.32 Policy DM 12 of the emerging plan advises that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area. With the proposed development providing 14 residential dwellings the residential density would be 7.3 dwellings per hectare. Policy DM12 recommends a density of 30 dwellings per hectare on sites within or adjacent to the rural service centres. Whilst below this density figure, the proposed density is considered acceptable in this location that is 0.7 miles outside the Headcorn rural service centre boundary with the proposal maintaining the distinctive open character of the area.
- 7.33 In conclusion the scale, height, materials, detailing, mass, bulk, articulation, and site coverage is considered acceptable with the proposals responding positively to the character of the area. With regard to the existing local character and the location the density of the proposal is considered acceptable.

Visual impact

- 7.34 Paragraph 17 of the NPPF sets out core planning principles, these include the need to: *'take account of the different roles and character of different areas...recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it contribute to conserving and enhancing the natural environment.'* Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 7.35 The NPPF at paragraph 113 makes a distinction between the hierarchy of international, national and locally designated sites stating that protection should be commensurate with their status. The NPPF permits the protection of locally valued landscapes through the application of criteria and the local analysis of landscape character and sensitivities.
- 7.36 The application site is not located in an area with nationally designated landscape protection (SSSI, AONB, National Park etc.).The site is however recognised as having local landscape value designated as the Low Weald Special Landscape Area in the adopted Maidstone Borough Wide Local Plan (2000) and as a 'Landscape of Local Value' under the emerging Local Plan (submission version 2016).
- 7.37 Policy ENV34 states that "In the...low wield...special landscape area, as defined on the proposals map, particular attention will be given to the protection and conservation of the scenic quality and distinctive character of the area and priority will be given to the landscape over other planning considerations". Emerging policy SP17 (as amended by the main modifications) states that "The distinctive landscape

character of the Low Weald as defined on the policies map, will be conserved—and enhanced as landscapes of local value”.

- 7.38 The current application is supported by a landscape strategy that sets out the following:
- The landscape character is designed around a parkland setting, retaining mature trees and hedgerows within the site (where possible);
 - The frontages of all dwellings are characterised by hedgerow planting timber pale fencing, mown grass and new tree planting;
 - Dwellings are positioned to retain larger trees on the site that are in good condition;
 - Additional tree planting and hedging is provided to the east, south and west of the Site for privacy of future residents, and to also supplement existing and create additional wildlife habitats;
 - Provide appropriate ecological mitigation and the creation of wildlife zones to enhance biodiversity.
- 7.39 The planning committee have considered and resolved to approve planning permission for the demolition of Headcorn Hall and the residential development of the current application site on two separate earlier occasions (April 2011 and December 2012). It appears that the earlier proposals were not brought forward due to viability issues. The current proposal also involves the residential development of the site with the relocation of the access from Biddenden Road to Shenley Road but with 4 additional units and no affordable housing.
- 7.40 The current proposal involves the removal of Headcorn Hall (removed under separate approval during the course of the current application). With this building falling into disrepair the demolition of the building is considered to represent an improvement to the area. It is accepted that the proposal also involves the development of greenfield land, however with the closure of the existing access and separation distance the new houses are unlikely to be visible from Biddenden Road. The closure of this access would also improve the amenity for the occupiers of Hall Cottage and Hall Lodge Cottage in terms of the noise and activity.
- 7.41 The new access to the site will be from Shenley Road After remedial tree works the current proposal includes new planting along Shenley Road. Whilst the proposal will result in the loss of the existing greenfield land, the new planting proposed along Shenley Road represents an environmental improvement to the area. The submitted proposal also includes the introduction of an ecology buffer area between the new houses and Hall Lodge and Hall Lodge Cottage.
- 7.42 In conclusion whilst the proposal does include the development of both greenfield and brownfield land it is considered that the development is acceptable in relation to visual harm. The proposal will bring the land back into beneficial use with a history of residential use on the brownfield land and earlier approvals for similar residential development to that now proposed and a 40 person care home on the greenfield land. It is considered that the visual impact from the development will be minimised by new planting that will provide some screening from Shenley Road.
- Impact of the proposed building on the amenities of neighbouring occupiers**
- 7.43 Policy DM1 advises that development should respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in excessive noise, activity or vehicular movements, overlooking or visual intrusion. The policy states that built form should not result in an unacceptable loss of privacy

or light enjoyed by the occupiers of nearby properties. The core principles set out in the NPPF (paragraph 17) state that planning should *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'*

- 7.44 The nearest residential property to the application site is Hall Lodge and Hall Lodge Cottage. Hall Lodge and Hall Lodge Cottage separate the western boundary of the application site from Biddenden Road, with the existing site access located to the north of this property. With separation distances of 25 metres and oblique angles between the closest proposed property and the rear elevation of Hall Lodge and Hall Lodge Cottage the proposed development is acceptable in relation to outlook, sunlight, daylight and privacy. With the site separated by land on the corner of Shenley Road and Biddenden Road any impact on the Shenley Mobile Home Park would be negligible.
- 7.45 Whilst the density of development on the site will be increased it is not considered that the noise and general activity generated by the proposed 14 houses would harm residential amenity. It is also noted that the proposal involves the relocation of the site access away from the nearest residential property Hall Place removing disturbance from vehicle movements.
- 7.46 In summary it is considered that the proposed development will respect the amenities of occupiers of existing neighbouring buildings. The development will not result in excessive activity or vehicular movements, overlooking or visual intrusion, and will not result in an unacceptable loss of privacy or light enjoyed by current occupiers of nearby buildings and land.

Standard of new accommodation

- 7.47 The scale, design and internal layout of the proposed development are acceptable with the development providing dwellings in sizable plots with large gardens. The proposed plans demonstrate that the site can adequately accommodate the housing numbers proposed and that they will be of an acceptable standard including in terms of sunlight, daylight, outlook, outdoor space and privacy.
- 7.48 Paragraph 123 of the NPPF sets out *'Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through conditions; recognise that development will often create some noise...'*
- 7.49 As part of the consultation on the planning application comments have been received from Headcorn Aerodrome with regards to potential noise disturbance to future residents. Headcorn Aerodrome is located on the opposite side of Shenley Road with the nearest aerodrome building located 390 metres to the west of the application site boundary. The grassed runway runs west to east from Biddenden Road and parallel to Shenley Road and at the closest point is 120 metres from the application site.
- 7.50 The draft neighbourhood plan states that Headcorn Aerodrome is an important part of the local economy and local tourism both through flying and parachuting activities, as well as the annual Air Show. The draft neighbourhood plan acknowledges that the aerodrome creates local tensions "...with around a third of residents worrying about aircraft noise". The plan states that on balance, it is considered that the right policy mix is to support the Aerodrome as a tourist attraction allowing the upgrading of facilities to support tourism, providing these will not significantly increase noise levels.

- 7.51 The presence of an existing noise source in relation to the standard of accommodation is a valid planning consideration. In this case, due to the separation distance and the sporadic nature of the noise it is not considered that there are grounds to refuse permission on amenity grounds. Any demolition or construction activities can have an impact on local residents and an informatives are recommended to try and minimise this disturbance.

Heritage and archaeology

- 7.52 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that decision makers pay special regard to the desirability of preserving listed structures potentially affected by the scheme or their settings or any features of special architectural or historic interest. Such special regard has been paid in the assessment of this planning application.
- 7.53 The National Planning Policy Framework (NPPF) advises that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. At paragraph 134 the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 7.54 There are no listed buildings on the application site and it is not considered that the development will impact on the setting of any listed building. The site is not in or close to a conservation area.
- 7.55 The application site has some archaeological potential associated with possible river terrace gravels and with post medieval activity. According to records, the site lies on River Terrace Gravels which have potential to contain rare and important early prehistoric remains. In addition, early Ordnance Survey maps suggest a post medieval small holding was located just to the east of this application site before the establishment of Headcorn Hall by the late 19th century. In these circumstances and following advice from Kent County Council Archaeology a planning condition is recommended to secure a programme of archaeological work in accordance with a written specification and timetable.

Ecology

- 7.56 As part of the environmental role to achieving sustainable development the National Planning Policy Framework (NPPF) at paragraph 7 states that the planning system needs to contribute to protecting and enhancing the natural environment and to help improve biodiversity. The National Planning Policy Framework at paragraph 109 states that '*the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.*' NPPF paragraph 118 states that, local planning authorities should aim to conserve and enhance biodiversity when determining planning applications and take opportunities to incorporate biodiversity in and around developments.
- 7.57 The application site is not covered by any statutory landscape or ecology designation; however the River Beult Site of Special Scientific Interest (SSSI) is located approximately 0.2 miles to the north. In support of the application details of

ecological appraisals have been submitted. These appraisals sought to assess the habitat within the site and the surrounding area for the presence or potential presence of protected species. A number of different surveys have also been carried out in the past to support earlier planning applications for this site.

Amphibians

- 7.58 The appraisals found Great Crested Newts to be present in three offsite ponds with the newts likely to use the grassland and scrub habitats on the application site. It is proposed to use the same approach to mitigation that was accepted as part of earlier applications. The current proposal includes new ponds on the site that will provide suitable habitat for Great Crested Newts and other amphibians.
- 7.59 The submitted ecological report states that “A European Protected Species Mitigation Licence was granted by Natural England in February 2016 (Licence Ref No: 2015-12658-EPS-MIT) and great crested newt trapping took place on site between March and May 2016. The trapping found only 8 females, 2 males and 1 juvenile great crested newt during 40 trapping sessions (as per licence requirements). The animals were relocated to a receptor site at Watersfield, Bletchenden Road, Headcorn, Kent, TN27 9JB - TQ 8422 4262, 235m, which is to the south west of the development site”.

Bats

- 7.60 A survey did not find any roosting bats and there is a low potential for them to be present. The submitted ecological report recommends precautionary measures such as using a safe working methodology to tree felling. A number of ponds are proposed and a natural habitat buffer zone to the western boundary. It is recommended that this area is designed to include plant species which are beneficial to foraging bats.
- 7.61 Lighting can be detrimental to roosting, foraging and commuting bats and it is recommended that any lighting is designed to minimise impact on the hedgerows, ponds and buffer zones. It is recommended that the Bat Conservation Trust’s *Bats and Lighting in the UK* guidance is adhered to in the lighting design.

Reptiles

- 7.62 A low population of grass snakes and good populations of slow worms and common lizards were recorded on site. A translocation exercise is required in order to move these reptiles from the site to a suitable receptor site prior to any development works commencing. A trapping exercise has already been carried out as part of this exercise

Breeding Birds

- 7.63 Birds were recorded within the site boundary and it is likely that birds will nest within the hedgerow. All nesting birds and their young are protected under the Wildlife and Countryside Act 1981 as such any works to the hedgerow must be carried out, outside the breeding bird season (March to August inclusive). If that is not possible an ecologist must examine the site prior to works starting and if any breeding birds are recorded all works must cease in that area until all the young have fledged.
- 7.64 To compensate for the temporary loss of nesting habitat whilst the trees that are due to be planted are growing the applicant’s ecological report recommends provision of 12 ready-made bird boxes (3 sparrow terrace timber boxes and 9 mix of open-fronted and hole-nesting boxes and constructed from woodcrete) on retained trees and new houses/garages. As a barn owl is known to intermittently roost on the site the report recommends that a permanent alternative is provided with a Barn Owl roosting/nesting box installed on a suitable tree.

Badgers, Dormice and Hedgehogs

- 7.65 The survey work did not find any evidence of badgers, or dormice on the application site and the ecological report considers that the site is unlikely to support badgers and dormice. It is considered that the site has moderate potential to support hedgehogs and this should be factor in the design of boundary treatments. Planning conditions are recommended to secure these measures.

Transport and access.

- 7.66 Paragraph 29 of the National Planning Policy Framework (NPPF) states that: *'Transport policies have an important role to play in facilitating sustainable development.....The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.....opportunities to maximise sustainable transport solutions will vary from urban to rural areas.'*
- 7.67 One of the core planning principles set out at paragraph 17 of the NPPF that should underpin decision making is that planning should *"actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are, or can be made sustainable"*. At paragraph 32 the NPPF states that decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure.
- 7.68 The NPPF establishes that sustainable development should be seen as a golden thread running through both plan-making and decision taking (paragraph 14). The advice states that patterns of growth should be actively to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable (paragraph 17).
- 7.69 The emerging plan sets out that development must be delivered at the most sustainable locations where employment, key services and facilities are available together with a range of transport choices (paragraph 4.11). In terms of guiding this development the plan sets out a sustainable settlement hierarchy with Maidstone urban area at the top, followed by rural service centres and then the larger villages.
- 7.70 Whilst the application site is not located in any of the areas listed in the sustainable settlement hierarchy, the site is located close to (0.7 miles) to the south-east of the Headcorn village boundary. Headcorn as a rural service centre in the emerging plan is second only to the Maidstone Urban Area on the sustainable settlement hierarchy.
- 7.71 The nearest bus stops are within 150 metres of the site at the Biddenden Road and Shenley Road junction. The number 12 bus service from this stop provides regular access to Headcorn Railway Station running between Tenterden and Maidstone Town Centre. In Headcorn bus service 66 provides access to Sutton Valence and Cornwallis Academy and service 24 access to Sandhurst and Maidstone.
- 7.72 NPPF paragraph 32 states that development should only be prevented, or refused on transport grounds where the residual cumulative impacts of development are 'severe'. In support of the submitted application the applicant has submitted a Transport Statement. It is considered that the vehicle movements associated with the current proposal for 14 flats will not have any substantial impact on the local highway network and any impact could not be described as severe.
- 7.73 The council's off street car parking standards are set out in the Kent Design Guide Review: Guidance Note 3 (November 2008) on residential parking. The current site is

considered to fall in the 'suburban edge, village, rural' category in these parking standards. In 'suburban edge, village, rural' areas four bedroom houses and larger houses require 2 independently accessible spaces and 0.2 % space for on street visitors parking. The proposed dwellings have two off street car parking spaces and sufficient room within the curtilage for visitors parking. Double garages provide further off street parking with a total of 56 spaces provided if the garages are included and 28 spaces if you do not in accordance with the above advice.

- 7.74 Paragraph 32 of the NPPF states that planning decisions should ensure that there is safe and suitable site access. Policy T1 of the Local Plan states that all new development will require safe and secure access. The proposal includes the relocation of the existing vehicular access from Biddenden Road to Shenley Road. The applicant has conducted a speed survey and after considering the results, KCC Highways require visibility splays of 120 metres by 120 metres by 2.4 metres with no obstructions over 0.6metres above carriageway level within the splays. KCC highways have also stated that a new 40 mph speed limit is required along Shenley Road and a condition is recommended to achieve this. With these measures in place it is considered that safe access can be provided onto Shenley Road.
- 7.75 The proposed servicing arrangements for the development including the size and location of the refuse storage area are considered acceptable. The refuse storage and collection arrangements have been considered by the local highways authority and no objection has been raised.
- 7.76 With the nature of this location the applicant is advised to give careful thought to construction phase arrangements including vehicle unloading/loading, measures to prevent surface water discharge, operative parking and wheel washing. A planning condition is recommended requesting the submission and approval of these details prior to work commencing.

Flooding and drainage

- 7.77 A small area in the southern part of the site is identified as land that is at risk from flooding (zones 2 and 3). The Site is not located within a conservation area, or area designated for its biodiversity value.
- 7.78 A small section of the site is within an area at risk from flooding (flood zones 2 and 3). In the event that planning permission is approved planning conditions would be recommended to seek further details of a sustainable urban drainage system and its future management.
- 7.79 The Environment Agency and Southern Water have all been consulted on the current planning application. These consultees have confirmed that they have no objection to the development subject to conditions attached to any approval of permission. It is considered subject to the use of necessary conditions that the proposed development is acceptable in relation to flooding and drainage issues.
- 7.80 Informatives are recommended highlighting the requirement for a formal application to connect to the public sewerage system; and that detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system. The applicant is advised to contact Southern Water to discuss the location of new trees and soakaways and the protection of existing infrastructure.

Environmental Impact Assessment

- 7.81 With the proposed development including less than 150 houses and the overall area of the development less than 5 hectares, the proposed development falls outside the scope of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 as an urban development project.

Planning obligations and the Community Infrastructure Levy Regulations

- 7.82 Policy ID1 of the emerging Local Plan relates to infrastructure delivery. In the event of competing demands for developer contributions towards infrastructure the council's hierarchy of prioritisation set out in policy ID1 is: affordable housing, transport, open space, public realm, health, education, social services, utilities, libraries and emergency services.
- 7.83 Policy CF1 of the adopted Local Plan states: *'Residential development which would generate a need for new community facilities or for which spare capacity in such facilities does not exist, will not be permitted unless the provision of new, extended or improved facilities (or a contribution towards such provision) is secured by planning conditions or by planning obligations.*
- 7.84 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests: The requests must be 1. Necessary, 2. Related to the development, and 3. Reasonably related in scale and kind.
- 7.85 In addition, since 6 April 2015, section 123 of the CIL Regulations places a restriction on the number of different obligations (calculated back to April 2010) that relate to the funding or provision of an infrastructure project or type of infrastructure, ("the pooling restriction"). As such, the scope of contributions that can be requested in respect of new development is restricted. Affordable housing is excluded from this restriction.

Affordable housing and development viability

- 7.86 The National Planning Policy Framework (Chapter 6) supports the delivery of a wide choice of high quality homes, this includes at paragraphs 47 and 50 the provision of affordable housing.
- 7.87 The council's adopted Affordable Housing Development Plan Document (DPD) sets out at policy AH1 the requirement for affordable housing. This requirement relates to housing sites or mixed-use development sites of either 15 units or more, or 0.5 hectare or greater. The current adopted policy is for 40% of the units to be for affordable housing with a 60/40% split between affordable rent / shared ownership tenure. In the context of the current proposal this would equate to 8 affordable units with 5 for affordable rent and 3 for shared ownership.
- 7.88 Paragraph 2.14 of the DPD sets out that the council is aware that there may be circumstances where 40% affordable housing provision will not be viable. In such cases, the onus will lie with the developer to prove to the Borough council's satisfaction why a site cannot economically sustain the provision of 40% affordable housing'. Policy AH1 states 'The council will seek to negotiate that a minimum of 40% of the total number of dwellings to be provided shall be affordable housing to meet the identified housing need, unless the council is satisfied of the exceptional circumstances that demonstrate that only a lesser proportion can be provided'.
- 7.89 The current planning application is accompanied by viability report that concludes that the submitted development cannot support any affordable housing provision or

other planning obligations whilst remaining financially viable. This viability report has been independently reviewed by a third party on behalf of the council.

- 7.90 The third party review has agreed with the applicant's assessment and has concluded that it would not be possible for the viable development of the application site whilst providing affordable housing or other planning obligations. In order to allow the site to come forward as part of a financially viable development it is not recommended that any planning obligations or affordable housing are requested.

8.0 CONCLUSION

- 8.01 The brownfield part of the application site has a long history of residential use and the residential development of this land and adjoining greenfield land has previously been accepted with, and without the retention of Headcorn Hall. Whilst the housing land supply in the borough is currently in excess of five years the need for a five year supply is a rolling requirement. The application site with previous residential uses and the two committee resolutions for similar developments is considered suitable to provide for future need.
- 8.02 Whilst the site is not located within any of the areas listed in the sustainable settlement hierarchy, the site is located a short distance from a rural service centre which is second in this settlement hierarchy.
- 8.03 The design and appearance of the development is in keeping with the character of the surrounding area. The development is acceptable in relation to the impact on local residential amenity including daylight, sunlight, outlook and privacy.
- 8.04 The proposal will provide a good standard of the residential accommodation (including in relation to noise and ground contamination). The proposal is acceptable in relation to flooding and drainage, impact of the proposal on the local highway network and impact on ecology. The proposal will provide benefits in the removal of Headcorn Hall, the relocation of the vehicle access away from adjacent residential dwellings and increased landscaping and ecology area.
- 8.05 With a 5 year housing land supply in place, normal weight can be given to adopted planning policies in accordance with the NPPF. The proposal is in line with adopted policy ENV34 and emerging policies DM1, DM4 and DM12. Whilst the proposal is contrary to policy ENV28 there are material considerations present that justify the recommendation for approval namely the environmental improvements gained by the removal of the derelict building, increased landscaping, improvements to the amenity of adjacent residents and the provision of new housing.
- 8.06 Whilst the development plan is not absent, silent or out of date for completeness the NPPF paragraph 14 test has been considered. If it was found that a five year supply was not in place the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.

- 9.0 RECOMMENDATION: GRANT PLANNING PERMISSION** subject to the following conditions:

CONDITIONS

- (24) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (25) The development hereby permitted shall be carried out in accordance with the following approved plans: 1001 – SK201 (plot 4); 1001 – SK202 (plot 8); 1001 – SK203 (plot 10); 1001 – SK204 (plots 5 and 14); 1001 – SK205 (plots 1 and 11); 1001 – SK206 (plot 3); 1001 – SK207 (plot 13); 1001 – SK209 (plot 6); 1001 – SK210 (detached garages to plots 4 and 6); 1001 – SK211 (plot 2); 1001 – SK209 (plot 12); 1001 – SK213 (plot 7); 1001 – EX01 (Site location plan); 1001 – PL101 (Site plan); 1001 – PL103 (Indicative site section/elevations); 1001 – PL104 (Materials plan); 1001 – PL105 (Refuse collection plan); 1001 – PL106 (Storey height plan); 1001 – PL107 (Street hierarchy plan); 1001 – PL108B (Site plan – sheet 1); 1001 – PL109A (Site plan – sheet 2); 1001 – PL115 (Street elevations); 4501-104 (Landscape plan); 4501-105 (Tree works and protection); 4501-107 (Surface materials and fencing plan); 4501-202 (Planting plan); 4501-205 (Planting schedule); 4501-500 (Surface details – part 1); 4501-501 (Surface details – part 2); 4501-503 (Fence details); Design and Access Statement; Materials Plan; Energy Statement; Affordable Housing Statement, Affordable Housing Viability Appraisal; Ecological Assessment, Biodiversity and Enhancement Measures; 10 Year Landscape Management Plan; Affordable Housing Statement; Arboricultural Report; Ecological Assessment; Energy Statement; Planting and Materials Palette; Soft Landscape Specification; Transport Statement; Refuse Collection Plan and Planning Statement. Reason For the avoidance of doubt and in the interests of proper planning.
- (26) Prior to the commencement of development details of the proposed slab levels of the buildings and the existing site levels shall have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels. These details shall include details any proposed re-grading, cross-sections and retaining walls. Reason: In order to secure a satisfactory form of development having regard to the topography of the site. Details are required prior to commencement of development to ensure that no unnecessary altering of levels takes place to accommodate the scheme.
- (27) Prior to the commencement of development the following shall have been submitted to and approved in writing by the Local Planning Authority a) details of archaeological field evaluation works in accordance with a specification and written timetable, b) following from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable. Reason: To ensure that features of archaeological interest are properly examined and recorded. Details are required prior to commencement of development to ensure that works do not damage items of archaeological value that may be present.
- (28) Prior to the commencement of development details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter. Reason: To ensure an energy efficient form of development. Details are required prior to development to ensure the methods are integral to the design and to ensure that all options (including ground source heat pumps) are available.
- (29) Prior to the commencement of development a construction management plan shall be submitted to approved in writing by the Local Planning Authority. The plan shall include a) details of washing facilities to prevent construction vehicles carrying mud on to the public highway, b) details of arrangements for loading/unloading and turning, c) details of parking facilities for site personnel and site visitors d) Measures to minimise the production of dust on the site; e) Measures to minimise the noise

(including vibration) generation; f) Measures to manage the production of waste and to maximise the re-use of materials g) Measures to minimise the potential for pollution of groundwater and surface water and prevent surface water discharge on to the public highway; h) The location and design of the site office and storage compounds and i) arrangements for public consultation and liaison during the construction works The approved facilities and arrangements shall be provided prior to construction work commencing and maintained for the duration of the construction works. Reason: To maintain highway safety and to protect the amenities of local residents. Details are required prior to commencement as potential impact will arise from the point of commencement.

- (30) Prior to the commencement of development details of a sustainable surface water drainage scheme shall have been submitted to and approved in writing by the Local Planning Authority. The surface water scheme should be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015) and shall include measures to prevent discharge of surface water onto the highway. The scheme should specify responsibilities for the implementation of the SUDS scheme; specify a timetable for implementation; provide a management and maintenance plan for the lifetime of the development; including arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. There shall be no provision for infiltration of surface water into the ground unless it has been demonstrated that there will be no risk to controlled waters. The scheme shall be implemented in accordance with the approved details prior to first occupation of any dwelling and maintained as such thereafter. Reason: To prevent flooding by the ensuring the satisfactory storage and disposal of surface water from the site. Details are required prior to commencement to maximise the options that are available to achieve a sustainable drainage system. Infiltration of surface water into contaminated ground has the potential to impact on surface water quality and pose unacceptable risks to controlled waters.
- (31) Prior to the commencement of development details of the proposed means of surface water disposal shall have been submitted to, and approved in writing by, the Local Planning Authority with the approved measures in place prior to occupation and retained permanently thereafter. Reason: To avoid pollution of the surrounding area. Details are required prior to commencement as groundworks will reduce the options available.
- (32) Prior to the commencement of development a scheme for the enhancement of biodiversity shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include the location and design of swift bricks and bat boxes, tubes or tiles and take account of any protected species that have been identified on the site, shall include the enhancement of biodiversity through integrated methods into the design and appearance of the dwellings and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals prior to first occupation of dwellings and shall be maintained in perpetuity. Reason: To protect and enhance biodiversity. This information is required prior to commencement of development as works have the potential to harm any protected species present.
- (33) Prior to the development reaching damp proof course level, written details and samples of all facing materials and external surfacing materials (including undercroft parking) of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by

the Local Planning Authority. Reason: To ensure a satisfactory appearance to the development and a high quality of design.

- (34) Prior to first occupation of any residential unit, and notwithstanding the submitted details, fencing, walling, railings and other boundary treatments (including provision of gaps under boundary fencing to facilitate ecological networks) shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatments shall be maintained as such thereafter. Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers and to facilitate local ecological networks.
- (35) Prior to first occupation of any residential unit, facilities for the storage of domestic refuse shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatments shall be maintained as such thereafter. Reason: To ensure a satisfactory appearance to the development and to safeguard the amenities of future occupiers.
- (36) If during construction/demolition works evidence of potential contamination is encountered, all works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed in accordance with the agreed plan. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- (37) Prior to first occupation of any residential unit, a closure report shall be submitted to and approved in writing by the Local Planning Authority. The closure report shall include a) details of any post remediation sampling and analysis, b) documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean. c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development in any phase or sub-phase can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- (38) Prior to first occupation of the relevant residential dwellings electric vehicle “rapid charge” points (of 22kW or faster) and charge points for low-emission plug-in vehicles shall be installed and ready for use in accordance with details that have previously been submitted to and approved by the Local Planning Authority with these facilities retained in accordance with these details thereafter. Reason: In the interests of sustainability, to support reductions in air pollution, to provide for low emission vehicles and to reduce the carbon footprint.
- (39) Prior to first occupation of any residential dwellings hereby approved a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority with the agreed measures implemented within three months of first occupation and retained. Thereafter. The Travel Plan should include the

following: a) objectives and targets, b) Measures to promote and facilitate public transport use, walking and cycling. c) Promotion of practises/facilities that reduce the need for travel. d) Monitoring and review mechanisms. e) Travel Plan co-ordinators and associated support. f) Details of a welcome pack for all new residents including local travel information, g) Marketing. h) Timetable for the implementation of each element. Reason: In order to promote sustainable travel choices and to help reduce air pollution.

- (40) Prior to first occupation of any residential dwellings hereby approved management arrangements for the communal areas of the site and access roads shall be in place that are in accordance with a plan that has previously been submitted to and approved in writing by the Local Planning Authority. With these arrangements retained thereafter. The plan should include a) The areas within the scope of the management plan and the maintenance requirements of these; b) Method and works schedule for maintaining communal areas and estate roads; c) The setting up of an appropriate management body; d) The legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery; and g) Ongoing monitoring of implementation of the plan. Reason: To protect the amenity of future residents and the character and appearance of the development.
- (41) Prior to first occupation of any residential dwellings hereby approved the cycle parking, car parking and internal access arrangements shown on the approved plans shall be provided, surfaced and drained in accordance with the approved details and shall be retained permanently for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015 (or subsequent revision), shall be carried out on the land so shown or in such a position as to preclude vehicular access to parking areas. Reason: Development without provision of adequate access and parking is likely to lead to inconvenience to other road users and be detrimental to amenity.
- (42) Prior to first occupation of any of the residential dwellings visibility splays shall be in place to the new entrance in Shenley Road of 120 metres by 120 metres by 2.4 metres with no obstructions over 0.6 metres above carriageway level within the splays with the splays retained as such thereafter. Reason: In the interests of highway safety.
- (43) Prior to first occupation of the dwellings hereby permitted a 40mph speed limit shall be in place on Shenley Road from the A274 crossroad for a distance of at least 600 metres. Reason: In the interests of highway and pedestrian safety.
- (44) Prior to first occupation of any of the residential dwellings hereby approved landscaping shall be in place that is in accordance with a landscaping scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with similar species of a size to be agreed in writing beforehand with the Local Planning Authority. Reason: In the interests of visual amenity.an appropriate standard of accommodation.

- (45) Prior to first occupation of any of the residential dwellings hereby approved details of any external lighting to be placed or erected within the site shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology. The development shall be carried out in accordance with the approved details and maintained as such permanently thereafter. Reason: To prevent light pollution in the interests of the character, amenity and biodiversity of the area.

INFORMATIVES

- (13) The applicant is advised that detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.
- (14) The applicant is reminded of the requirement for a formal application to connect to the public sewerage system.
- (15) The applicant is advised to contact Southern Water for further advice including in relation to protecting infrastructure during construction works, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- (16) The applicant is advised of their responsibility to ensure, that before the development hereby approved is commenced, that all necessary highway approvals and consents are obtained and that the limits of the highway boundary are clearly established in order to avoid any enforcement action by the Highway Authority.
- (17) The applicant is advised that a formal application to Southern Water is required for connection to the public sewerage system in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water. The applicant is advised that due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water.
- (18) The applicant is advised of the Mid Kent Environmental Code of Development Practice and it is recommended that no demolition/construction activities take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.
- (19) The applicant is advised that any facilities used for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.
- (20) The applicant is advised that any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- (21) The applicant is advised that the lighting scheme provided in accordance with the planning condition should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers. Bats and Lighting in the UK.
- (22) The applicant is advised to obtain all necessary highway approvals and consents and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>
- (23) The applicant is advised that in relation to the 40mph speed limit required by condition the implementation of the county council's 3rd party Traffic Regulation Order procedure typically takes 6 months to complete.

(24) The applicant is advised to contact the Police to incorporate secure by design measures into the development. The contact details of the Kent Police CPDAs are; John Grant and Adrian Fromm, Kent Police Headquarters, Sutton Road, Maidstone ME15 9BZ email: pandcr@kent.pnn.police.uk Tel No- 01622 653209/3234.

Case Officer: Tony Ryan

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

**Item 13. Pages 3-31 Headcorn Hall Biddenden Road Headcorn
Reference number: 16/504892/FULL**

Page 3

Recommendation – add requirement for s106 agreement due to need to provide for an affordable housing viability review mechanism.

Revised recommendation

“Subject to the prior completion of a Section 106 legal agreement, in such terms as the Head of Legal Services may advise, to secure an affordable housing viability review mechanism the Head of Planning and Development be given DELEGATED POWERS TO GRANT permission subject to the conditions and informatives set out at the end of this report”

Page 25

Add following as Para 7.91

7.91 In accordance with the conclusions of the independent viability assessment, the use of an affordable housing viability review mechanism is recommended as part of a s106 agreement. The review mechanism would only apply if the development has not progressed within a certain timescale. It is suggested that this is where the development has not reached slab level on three of the approved plots within two years of consent being granted.

Page 26

Recommendation – add requirement for s106 agreement due to need to provide for an affordable housing viability review mechanism.

“Subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure an affordable housing viability review mechanism the Head of Planning and Development be given DELEGATED POWERS TO GRANT permission subject to the conditions and informatives set out below”

Page 26

Amend condition 2 as follows:

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1001 – SK201 (plot 4); 1001 – SK202 (plot 8); 1001 – SK203 (plot 10); 1001 – SK204 (plots 5 and 14); 1001 – SK205 (plots 1 and 11); 1001 – SK206 (plot 3); 1001 – SK207 (plot 13); 1001 – SK209 (plot 6); 1001 – SK210 (detached garages to plots 4 and 6); 1001 – SK211 (plot 2); 1001 – SK209 (plot 12); 1001 – SK213 (plot 7); 1001 – EX01 (Site location plan); 1001 – PL101 (Site plan); 1001 – PL103 (Indicative site section/elevations); 1001 – PL104 (Materials plan); 1001 – PL105 (Refuse collection plan); 1001 – PL106 (Storey height plan); 1001 – PL107 (Street hierarchy plan); 1001 – PL108B (Site plan – sheet 1); 1001 – PL109A (Site plan – sheet 2); 1001 – PL115 (Street elevations); 4501-104 (Landscape plan); 4501-105 (Tree works and protection); 4501-107 (Surface materials and fencing plan); 4501-202 (Planting plan); 4501-205 (Planting schedule); 4501-500 (Surface details – part 1); 4501-501 (Surface details – part 2); 4501-503 (Fence details); 4501-104A (Landscape Plan); 4501-105A (Tree Works Plan); 4501-107A (Hardworks Plan); 4501-108A (Hardworks Plan);

4501-201A (Softworks Plan); 4501-202A (Softworks Plan); 4501-203A (Softworks Plan); 4501-204A (Softworks Plan) Reason For the avoidance of doubt and in the interests of proper planning.

Page 27.

Amend condition 7 as follows:

(7) Prior to the commencement of development details of a sustainable surface water drainage scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of any dwelling and maintained as such thereafter. The detailed drainage scheme shall be based upon the proposals of the Flood Risk Assessment & Drainage Strategy by BdR Ref. 16249 (dated 17 August 2016) demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of at a rate not exceeding Q_{bar} . The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters. The submitted details shall include: i) a timetable for its implementation, and ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime. Reason: To prevent flooding by the ensuring the satisfactory storage and disposal of surface water from the site. Details are required prior to commencement to maximise the options that are available to achieve a sustainable drainage system. Infiltration of surface water into contaminated ground has the potential to impact on surface water quality and pose unacceptable risks to controlled waters.

Page 30

Add additional condition 21a as follows:

(21a) Other than the tree works specifically detailed on the appropriate plan number (4501-105A) no pruning or felling of retained trees shall take place without the written consent of the Local Planning Authority for a period of 5 years from the date of this decision. Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the trees and their contribution to the character and appearance of the local area.

RECOMMENDATION REMAINS UNCHANGED