

REPORT SUMMARY

REFERENCE NO - 16/507035/FULL		
APPLICATION PROPOSAL Creation of 55 houses and associated roads, car parking, landscaping, vehicle access from Grigg Lane and a new area of public open space.		
ADDRESS - Gibbs Hill Farm Grigg Lane Headcorn Kent TN27 9LY		
RECOMMENDATION - The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement		
SUMMARY OF REASONS FOR RECOMMENDATION Site is strategic housing allocation H1(38) & strategic open space allocation OS(11) in Maidstone Local Plan (2017)		
REASON FOR REFERRAL TO COMMITTEE Headcorn Parish Council wish to see application refused and reported to Planning Committee		
WARD: Headcorn	PARISH COUNCIL: Headcorn	APP: Persimmon Homes AGENT: JCN Design
DECISION DUE DATE 22/12/17	PUBLICITY EXPIRY DATE 06/09/17	OFFICER SITE VISIT DATE 18/11/16
RELEVANT PLANNING HISTORY:		

16/501996 - Screening Opinion for creation of 96 houses, associated roads and parking, natural/semi-natural open space and play area – EIA not required

MAIN REPORT

1.0 BACKGROUND INFORMATION

- 1.01 During the life of this application, concerted effort has been made to achieve a development scheme that is policy compliant with policy H1(38) of the adopted Local Plan. Indeed, the proposals first presented to the local planning authority saw new housing expand outside the allocated site area (overflowing into the allocated open space area); a number of quality trees would have been removed; and the initial layout was considered to be poor in terms of creating a sense of place, particularly along the main route from Grigg Lane to the public open space. Negotiations have allowed for a policy compliant development to be presented to Members, as will be expanded upon in the main body of this report.
- 1.02 For clarification purposes, no amendments have been made to policy H1(38) since the Planning Inspector's *'Report on the Examination of the Maidstone Borough Local Plan'* and subsequently to the Local Plan's adoption. *'Utility infrastructure'* was always included in the strategic "*H1 – Housing Site Allocations*" policy at Regulation 19 and on submission, so as to cover all H1 sites without repeating the criterion for each and every allocation policy. However, Southern Water objected to this approach on the basis that it was only required for the specific sites they had identified (which includes H1(38)). As such, criterion 7 was added to policy H1(38), replacing the blanket requirement with a more targeted approach.

2.0 SITE DESCRIPTION

- 2.01 For the purposes of the Maidstone Local Plan (2017), the proposal site is allocated for housing under policy H1(38), with an area of open space allocated immediately to the south-east of the site (policy OS[11]). The site is currently grazing land and located at the eastern end of Headcorn Village, on the south-eastern side of Grigg Lane. The site covers an area of some 1.8ha, with the open space provision covering some 1.18 hectares.

2.02 To the east/north-east are a number of large greenhouses used by a nursery and a reservoir; to the north/north-west is the cul-de-sac 'Hardwicks' and the doctors surgery (across the road); to the south-west a housing estate; and to the south-east is agricultural land and the River Sherway, some 255m away (which is designated as a Local Wildlife Site). There are no significant land level changes on the site; and the majority of site lies within Flood Zone 1 (lowest probability of flooding), with the south-eastern end of the site being within flood zones 2 and 3. The River Beult (a Site of Special Scientific Interest) is located approximately 1km to the south of the proposal site, on the other side of Smarden Road and the railway line. Trees on the site are protected under Tree Preservation Order (5007/2017/TPO). For the purposes of the Local Plan, the site also falls within a Landscape of Local Value.

3.0 PROPOSAL

3.01 The proposal is for the erection of 55 houses with a new access to be created from Grigg Lane. The proposal also includes the provision of open space, with a LEAP (Local Equipped Area of Play) and informal football pitch proposed. There would also be the provision of 40% affordable housing, as discussed later on in the report.

3.02 All houses will be 2-storey in height; and in general terms there would be 6 traditional designs of houses making use of a common palette of external materials, including: red and buff facing brick and contrasting brickwork; smooth and profiled red tiles and slate style tiles; hanging tiles; and white weatherboarding. The layout splits the houses into 4 general blocks, resulting in spurs of road network throughout the site. In general terms, whilst set back from Grigg Lane, the properties to the front of the site will face the road; and there would be development fronting towards the allocated open space and the estate to the west of the site. The trees within the site (including boundary trees) are protected and will be retained, with further landscaping proposed.

3.03 The vehicle access would be some 40m to the east of the junction of Grigg Lane and The Hardwicks; and pedestrians would be able to access the site from here and at a point at the north-western corner of the site (again onto Grigg Lane). The proposal also shows a potential footpath link through the allocated open space into Locks Yard (subject to legal rights of access).

4.0 POLICY/ OTHER CONSIDERATIONS

- Maidstone Local Plan (2017): SS1, SP5, SP7, SP19, SP20, OS1(11), ID1, H1, H1(38), DM1, DM2, DM3, DM6, DM8, DM19, DM20, DM21, DM23
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Minerals & Waste Local Plan (2013 – 2030): N/A - Not in safeguarding area
- Headcorn Neighbourhood Plan

5.0 LOCAL REPRESENTATIONS

5.01 **Local Residents:** 126 representations received raising following main (summarised) points:

- *Highway safety/parking provision/congestion/suitability of Transport Assessment*
- *Noise and general disturbance*
- *Poor design and cramped form of development/visual impact/too high a density*
- *Inappropriate countryside development*
- *Impact upon Green Belt*
- *Ecological impacts*
- *Unsustainable location*
- *Overlooking/loss of privacy/loss of light*

- *Impact upon community infrastructure*
- *Loss of agricultural land*
- *Arboricultural impact*
- *Location of affordable housing*
- *Flood risk*
- *Not in accordance with Local Plan/Headcorn NP; LP not adopted/housing not required*
- *Drainage/foul water disposal*
- *Actions taken by applicant/agent*
- *Light pollution*
- *Loss of view*
- *Harm of potential pedestrian links from Sharp's Field and Locks Yard*
- *Potential for road to join up with Sharp's Field/loss of open space adjacent western boundary*

6.0 CONSULTATIONS

6.01 **Headcorn Parish Council:** Wish to see application refused and reported to Planning Committee (comments summarised below);

"Pros include:

- *Improvement in layout*
- *Connectivity into Sharps Field & Locks Yard reflects type of connectivity outlined in HNP*
- *Open space & addition of LEAP & safe access proposed for residents of Locks Yard*
- *Mix of housing is mainly 2 & 3 bed reflects demand shown during consultation for HNP*
- *Material palette would appear to be in line with local requirements*
- *No 2.5 or 3 storey buildings proposed*

Cons include:

- *Grigg Lane & Oak Lane narrow country lanes & not suitable for cumulative increase in traffic*
- *Proposal represents over delivery on MBCLP which allocates 423 houses to Headcorn*
- *Unsustainable development: Ref to appeal decision 15/509288 (Land north of Lenham Rd)*
- *Site was not allocated in NP as it scored poorly in site assessment exercise.*
- *Other sites are better suited for development*
- *Transport Assessment is inaccurate*
- *Concern for future access to Sharps Field, across Spires Ash which is parish council owned*

6.02 **KCC Highways:** Have raised issues – See main report.

6.03 **Landscape Officer:** Raises no objection.

6.04 **Environmental Protection Team:** Raises no objection.

6.05 **Environment Agency:** Raises no objection.

6.06 **KCC Flood Risk Project Officer:** Raises no objection.

6.07 **Upper Medway IDB:** Raise no objection.

6.08 **Biodiversity Officer:** Raise no objection.

6.09 **Natural England:** Raise no objection.

6.10 **Southern Water:** Raises no objection.

6.11 **Kent Police:** Raise no objection.

6.12 **UK Power Networks:** Has made no comment.

6.13 **Scottish Gas:** Raises no objection.

6.14 **KCC Education:** Has requested contributions - See main report.

6.15 **NHS West Kent CCG:** Has requested contributions – See main report.

6.16 **Parks and Open Spaces:** Has not requested contributions – See main report.

6.17 **Housing:** Raise no objection.

7.0 **APPRAISAL**

Main issues

7.01 Policy H1(38) of the Maidstone Local Plan (2017) allocates this site for approximately 55 houses; and policy OS(11) allocates some 1.18ha of natural/semi-natural open space, to the immediate south-east of the housing site. In accordance with the relevant policies of the Maidstone Local Plan (as stated above) and specifically policy H1(38), the main issues to be considered first are the proposal's design and layout; access; open space; highways and transportation and utility infrastructure. The report will then go on to discuss flood risk; surface water drainage; ecology; residential amenity; Heads of Terms and affordable housing provision; and other planning matters as relevant.

7.02 Headcorn is a Rural Service Centre in the Maidstone Local Plan, which is considered to be the second most sustainable settlements in the hierarchy to accommodate growth. I will now go on to consider the details of this planning application, as set out above.

Design and layout

Visual/landscape impact

7.03 The main view of the proposal (and its access) would be from Grigg Lane, when immediately passing the site, although the established tree/hedge line fronting the road is to be largely retained and would provide screening and softening of the scheme. Some views would also be possible from Sharp's Field and Downs Close to the west of the site, between houses and at the end of these cul-de-sacs. This said, there is significant built development immediately to the west and north of the site that makes up Headcorn village.

7.04 Potential glimpses of the site maybe possible from Grigg Lane, when approaching the site from the east, although existing built development (including the neighbouring substantially sized greenhouses) and established tree/hedge lines would again provide good screening. Whilst glimpses may also be possible from Smarden Road, the topography of the land, existing boundary planting and built development, and the more than 350m separation distance between the new houses and this road, would ensure that views here would not be unacceptably harmful. So whilst the proposal would inevitably result in a visual and character change from the current field, it is evident that given the existing containment of development surrounding the site, the proposal's impact would be mainly limited to short range views. It is therefore considered that the development would not appear visually harmful or dominant from any public vantage point; and it is not considered to result in any significant protrusion beyond the current settlement.

Density/scale

7.05 The density of housing would be at an average density of 31 dwellings per hectare, as stated within policy H1(38); and the houses would be 2 storey (with no additional living accommodation within the roof), with single storey car barns, which is in keeping with other development in the locality. It is therefore considered that the density and scale of the proposal is acceptable and in line with Local Plan policy.

Layout

- 7.06 The layout splits the houses into 4 general blocks, resulting in spurs in the road network throughout the site. Whilst set back from Grigg Lane, there would be houses facing onto this road; and houses would also face onto the allocated open space and the housing estate to the west of the site.
- 7.07 The proposal would retain existing natural features of the site, including the boundary trees/hedging, as well as providing further enhancement landscaping and a large area of allocated open space. Indeed, the scheme has been landscape led, and in accordance with policy H1(38), the proposal will retain and enhance the planting along the boundaries of the housing site, particularly along the south-eastern boundaries of both the housing and open space, providing screening of the development from the adjacent countryside.
- 7.08 To clarify, in arboricultural terms the proposal will retain all existing protected trees within the site (except for 1 Cat B Oak tree for main access) and the Landscape Officer has not raised objection to the loss of this tree. The new access would be within the root protection area (RPA) of an A grade Oak tree; and the path within the site that runs along the front would also encroach into the RPA of a number of trees (including the grade A Oak already mentioned). The proposed access has been relocated to a preferable position in arboricultural terms. The Landscape Officer is satisfied that the use of 'no dig' construction where proposed is acceptable. Whilst no-dig construction will not be possible for the road access due to the need to match existing road levels at the junction, the Landscape Officer is of the view that with care, the construction of the access is possible and the amount of encroachment into the RPA is tolerable. Subject to an appropriate condition requesting a detailed arboricultural method statement, no objection is raised to the proposal on arboricultural grounds.
- 7.09 The proposed houses would have set backs from the roads, allowing for areas of soft landscaping and attractive streetscenes throughout; and parking areas are positioned to the side of houses in tandem (including car barns), reducing the level of hardstanding. The entrance road does have houses fronting onto it, with the first 2 properties having suitably articulated prominent elevations. There is room for good quality landscaping along the entrance road; and the use of appropriate boundary treatments would further enrich the landscape. Whilst set back (in order to retain the protected trees along the front boundary), the development would also have a relationship with Grigg Lane. Furthermore, the layout sees houses facing the estate to the west of the site and onto the allocated open space, which is considered to be a positive approach, avoiding the creation of an insular development.
- 7.10 The house types, the use of an appropriate palette of materials, and landscaping also helps to integrate this development with the surrounding area. The allocated site follows the natural boundaries of the field and a potential pedestrian link could be possible through to Locks Yard, increasing linkages with the local area adjacent Overall, it is concluded that the layout is of good quality and retains important landscape features and provides a large public open space, creating a sense of place.

Appearance/Materials

- 7.11 There would be a mix of detached and semi-detached houses that would be of a traditional form with gable-end roofs and gable-end projecting features and pitched canopies over front doors. A common palette of external materials is proposed, including red and buff facing brick, smooth and profiled red tiles and slate style tiles, hanging tiles, and white weatherboarding; and there would also be elements of contrasting brick detailing around windows and brick bands around the houses themselves.

- 7.12 It is considered that the traditional design of the buildings would be appropriate for this location; the materials draw on aspects of local vernacular; the buildings would have sufficient detailing; and use varied materials that would provide an acceptable appearance. Whilst materials are listed it is necessary to require samples by condition in order to fully consider whether these are appropriate. Hard surfacing would include asphalt for the pavements and for the stretches of road at the entrance and on the lead up to the open space. The remaining areas of road would be of 2 contrasting colours of block paving. Private driveways would be a mix of asphalt and block paving. This would provide good variation, and an appropriate condition would ensure the quality of the materials to be used.

Boundary Treatments/Landscaping

- 7.13 Prominent hard boundary treatments within the site would be of brick walling. The boundary fencing to the rear gardens on the eastern and western sides would not appear visually dominant from any public vantage point. The northern and southern edges of the housing remain open and naturally defined by existing planting (that is also to be enhanced in places). I also consider it appropriate to request details of measures to prevent parking on landscaped areas along the western and southern edges of the housing site. As outlined previously, established planting will be retained and strengthened and there would be landscaped front gardens and new street trees. It is considered that the boundary details would provide a good quality environment.

- 7.14 In summary, it is considered that the design of the development is of a good standard. Indeed, the proposal will retain and enhance hedges and trees along the southern boundary of the site in order to screen new housing from the adjacent open countryside; there is permeability throughout the site and the wider area; the layout works with the existing landscape features; strong streetscenes would be created with buildings addressing roads and corners; and appropriate landscaping and boundary treatments will be secured by condition. Furthermore, buildings are of a traditional design, reflecting the character of the area; and the varied quality building and hardsurfacing details will also be secured by condition.

Access

- 7.15 The highways authority raises no objection to the new access from Grigg Lane, in terms of visibility splays and they consider the junction design (T-junction serving 5.5m wide access road with 6m corner radii and 1.8m wide footways) to be acceptable. The new access achieves around a 40m stagger distance from the existing Grigg Lane/Hardwicks junction, which exceeds the typical recommended 30m distance quoted in the Kent Design Guide; and the highways authority have also raised no objection in terms of the swept path analysis, which demonstrates that the turning manoeuvres of large refuse vehicles can be satisfactorily accommodated.
- 7.16 The footpath within the site that links the development to Grigg Lane (at eastern corner of site) and the general layout is considered acceptable in permeability and highway safety terms, whilst ensuring the long-term retention of the front boundary trees and retaining the rural feel of the lane. Subject to legal rights of access, there is the opportunity for a pedestrian link between the site and Locks Yard. Access to Sharp's Field is also not possible because of different land ownership, but in any case access here should be resisted so as to not interfere with the wildlife corridor.
- 7.17 With this considered, the proposal would be in accordance with policy H1(38), in terms of access provision and links to the surrounding area for vehicles, pedestrians and cyclists.

Open space

- 7.18 The developer proposes the provision of 1.18ha of natural/semi-natural open space in accordance with policy OS1(11), which includes an on-site LEAP as well as an informal sports pitch area (with goal posts). The Parks and Open Space Team raise no objection to this provision and consider the submitted LEAP details to meet the Fields in Trust guidelines. They are therefore not seeking any off-site financial contributions and this approach is considered acceptable.

Highways and transportation

Sustainable Travel

- 7.19 The footway along the main entrance road ends at the corners of the new junction and an internal footpath would run close to the northern edge of the site, connecting with the footpath at the north-western corner of the site. To clarify, the footpaths and roads will not be put forward for adoption by Kent County Council. This approach is accepted, in terms of pedestrian safety, and considered beneficial for retaining the rural feel of the Grigg Lane boundary.
- 7.20 As requested by the Highways Authority, a zebra crossing is proposed on A274 Wheeler Street (in between Knowles Gardens and Kingsland Grove), to assist crossing movements to/from Headcorn Railway Station. The highways authority also consider that the upgrade of the 2 closest bus stops on Wheeler Street is required as mitigation. These improvements are considered reasonable and necessary and will be secured through a S278 Agreement.
- 7.21 With regards to the Wheeler Street/Oak Lane Junction, modifications to the junction have been secured through other prospective local developments. It is therefore unnecessary to secure an identical requirement to deliver these works through a S278 Agreement here. The Highways Authority has also confirmed that a financial contribution towards new cycle parking at Headcorn Railway Station and Sainsbury's is not required to make this application acceptable in highway safety terms.
- 7.22 The highways authority raises no objection to the proposal in terms of its distances from public transport links, subject to bus stop improvements that I consider reasonable. The implementation of a Travel Plan, to encourage sustainable travel patterns on an on-going basis, will be secured by way of an appropriate condition.
- 7.23 The highways authority accepts the vehicle trip generation forecasts in the Transport Assessment. The highways authority states that in terms of traffic impact, the submitted assessment has covered a sufficiently sized area and provides a robust representation of future conditions. The highways authority is satisfied that the applied assumptions provide a sufficiently robust basis for the capacity testing of the A274/Kings Road/Moat Road crossroads junction.
- 7.24 In summary, the results of the capacity assessment undertaken on the site access priority junction with Grigg Lane demonstrate that it would operate satisfactorily. It has been shown that the additional development traffic will not result in the junction of Wheeler Street/Oak Lane junction exceeding its practical capacity. Even when accounting for the cumulative effects of the proposed development and other planned development in Headcorn, the A274 Mill Bank/North Street/Moat Road/Kings Road junction would operate within capacity and these cumulative effects will be mitigated through implementation of signalisation improvements. The applicant has agreed to a financial contribution towards the improvements at the A274 Mill Bank/North Street/Moat Road/Kings Road junction.

- 7.25 With regards to the A274 Corridor to Maidstone, the Highways Authority comment that whilst it is evident that congestion on the A274 corridor is likely to be worsened because of this proposal and an increase in local congestion is likely, they are not able to conclude that it will result in conditions that could be described as a severe impact on congestion or safety and have not raised an objection in this respect. The NPPF states that “...*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*”. The Highways Authority accepts the mitigation of this impact through previously secured junction improvements on Oak Lane, coupled with the good crash incident record, means that a highway objection on localised traffic impact grounds cannot reasonably be justified.
- 7.26 The proposed total number of car parking spaces (including unallocated visitor spaces), exceeds the minimum parking requirements of policy DM23. Whilst tandem parking is a feature throughout the site, in this instance it is considered acceptable as a more landscape led approach to the layout (avoiding larger areas of hardstanding) is more suited to the site’s edge of village location and Landscape of Local Value setting. For similar reasons, to avoid wider roads, no objection is raised to the waste carrying distances shown. The Highways Authority raises no objection in terms of the details submitted for the refuse collection strategy and the turning arrangements for refuse vehicles and fire tenders. Secure bicycle parking provision will be in the form of a shed in the rear garden of each plot.
- 7.27 The applicant has also confirmed that the footpaths and roads will not be put forward for adoption by Kent County Council and that no street lighting is proposed. The Highways Authority has suggested a number of conditions relating to the construction phase of the development, but these are not considered to pass the planning tests of when conditions are reasonable and necessary.
- 7.28 With all of the above considered, it is considered that the proposal would provide suitable access for all modes of movement and appropriate contributions would be secured towards improving and making safe the pedestrian environment. The proposal is therefore considered to be in accordance with policy H1(38) in this respect.

Utility infrastructure

- 7.29 Southern Water has raised no objection to the proposal and has confirmed that with the provision of strengthening local infrastructure, there is capacity in the existing system to accommodate the proposal.
- 7.30 The submitted Flood Risk Assessment (FRA) has looked at foul water drainage and it is understood that it has been agreed between the developer and Southern Water that foul drainage from the site will be taken via a 30m long connection at 150mm diameter to the existing sewer under Locks Yard, supported by 90m³ of on-line storage within the application site. It is considered that the applicant has demonstrated that on and off-site measures and improvements can be provided, (to be carried out in consultation with Southern Water), and that adequate foul drainage could be provided to mitigate the impact of the development. Clearly, this will not solve existing problems in the village but will mitigate the development’s impact, which is all that is required; and it should be stressed that a new development can only be required to mitigate its own impact and not solve existing problems. It is therefore advised that issues relating to foul drainage are not grounds to object to the application as this could be dealt with condition via the Water Industry Act.

Flood risk/surface water drainage

- 7.31 The Environment Agency (EA) has raised no objection to the proposal in terms of flood risk, as majority of site lies within Flood Zone 1 (Low Probability Flood), with the south-eastern end of the site being within flood zones 2 and 3 respectively being allocated as open space, providing amenity to development. This is subject to an appropriate condition securing that finished floor levels cater for the revised Climate Change allowance.
- 7.32 In terms of surface water run-off, the lead local flood authority raises no objection to the proposed surface water drainage strategy submitted for this application; and has recommended conditions for a detailed sustainable surface water drainage scheme and full details of its implementation, maintenance and management, which will be duly imposed. The applicant has also confirmed that each dwelling will have a finished floor level of more than 300mm above the maximum flood level.
- 7.33 The site is outside of the Upper Medway IDB district but it does drain to the River Sherway which is IDB maintained and so there is the potential for the proposal to affect IDB interests, that being downstream flood risk in particular. So, provided that run-off from the site is restricted to 7.1l/s with on-site storage to accommodate 100 year storm + climate change, and details of SUDS and its future maintenance is agreed in direct consultation with the lead local flood authority, the Upper Medway IDB raise no objection.
- 7.34 Natural England, whilst raising no objection, have commented that the proposal site is connected hydrologically to the SSSI via the River Sherway, and therefore there is a risk of water quality impacts (nutrient enrichment) and water level impacts on the SSSI. In order to avoid water quality impacts on the SSSI, Natural England state that foul sewerage should be dealt with by public sewerage network and that surface water should be addressed through SUDS. These matters have already addressed through consultation with the lead local flood authority and Southern Water.

Biodiversity implications

- 7.35 The Biodiversity Officer has reviewed the ecological information submitted and has advised that sufficient information has been provided to determine application and so no further information is required at this stage. Notwithstanding this, the following issues have been raised.

Great Crested Newts (GCNs)

- 7.36 As the wider area has previously been surveyed for GCNs due to number of other developments nearby, there is a good understanding of GCN ecology in the area and it is accepted that the adjacent pond has a 'low' population. Whilst there will be no loss of aquatic habitat, there will be the loss of foraging habitat and potential loss of connectivity.
- 7.37 In terms of obtaining a European Protected Species Mitigation Licence (EPSM), the local planning authority is satisfied that the need for this level of housing in this location is in the public interest, overriding the potential loss of foraging habitat and connectivity. Furthermore, the Biodiversity Officer accepts that mitigation measures have been provided, including the erection of exclusion fencing and associated methodology along with a suite of ecological enhancements. The enhancements include the creation of a pond, terrestrial habitat and sensitive management of these features. A 5m buffer zone has also been proposed along the western edge of the

site to retain connectivity with the existing pond and the south of the site. A suitable condition will also be imposed to secure wildlife friendly kerbs.

- 7.38 The Biodiversity Officer is satisfied that the outlined mitigation and enhancement measures are sufficient to ensure that there is no detrimental impact to the GCN population, subject to a condition for a management plan, to include management of any ecological enhancements, receptor sites and existing habitats (including the connective western edge).

Reptiles

- 7.39 1 slow worm has been recorded on site, and the only suitable habitat for reptiles is located around the margins. The Biodiversity Officer is satisfied that a specific mitigation strategy for slow worms would not be required as a sensitive working regime has been created for GCNs, and an informative will be added to remind the applicant that legislation states that all reptiles will need to be captured and relocated to a receptor site following current best practice guidelines.

Bats

- 7.40 A bat activity survey has been carried out with low levels of activity recorded, with most activity recorded along hedgerow and tree lines which are to be retained through development. The Biodiversity Officer is of the view that the proposal is likely to increase biodiversity gain for bats and a condition requesting details of a 'lighting design strategy for biodiversity' is not required because the development has proposed no external lighting.

Enhancements

- 7.41 One of the principles of the NPPF is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*". The Biodiversity Officer advises that clear ecological enhancements should be included in any submitted landscape plans taking into consideration suggestions made in submitted ecological reports and that these can be secured by way of condition.

Residential amenity

- 7.42 The proposal is considered to provide acceptable living conditions for future occupants of the site. Given the separation distances between the new houses and those existing properties to the west of the site, together with the retention of the boundary trees, no objection is raised in terms of the proposal's impact upon the amenity of these local residents (including loss of light, outlook, privacy and general noise and disturbance). The proposal is also considered to not have an adverse impact upon the living conditions of any other local resident in the area. A condition will also be imposed to ensure that any new external lighting would not adversely harm the amenity of future and existing residents in the area.

Community infrastructure contributions

- 7.43 A development of this scale is likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such, suitable contributions to make the development acceptable in planning terms can be sought in line with the relevant policies of the Maidstone Local Plan (2017). However, any request for contributions also needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criteria setting out that any obligation must meet the following requirements: -

It is:

- (a) Necessary to make development acceptable in planning terms;*
- (b) Directly related to development; and*

(c) Fairly and reasonably related in scale and kind to development.

- 7.44 Planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

NHS West Kent CCG –

- Contribution of £39,060

- 7.45 The proposal will result in a need to invest in Headcorn Surgery, with healthcare contributions being directly related to the internal reconfiguration of the practice to create additional consulting rooms and/or treatment rooms. These improvements will support the registration of the new population and the contribution sought is £39,060. Headcorn Surgery is within 0.5 miles of the proposal site and these improvements would support the registration of the new population.

KCC Education -

- Primary education: contribution of £293,333.15

- 7.46 The proposal is forecast to give rise to 16 primary pupils and these pupils cannot be accommodated within forecast school capacities. Therefore this need can only be met through the provision of extended Primary Schools in area.

- 7.47 Headcorn Primary School is located close to proposed development site. This school currently provides for 210 pupil places (1 Form of Entry) and occupies a site of 2.13ha, with constraints on developable space due to the site being divided by a stream which flows into the River Bult. Expanding the school to 2FE (420 places) is feasible (KCC commissioned architects to examine this) and the cost of this is high given that it is in an area of flood risk.

- 7.48 Expansion to 2FE is likely to be undertaken in 2 distinct phases with projects to include provision of a new standalone single storey building which will incorporate: 6 classrooms; associated storage and cloak areas; toilets; additional staff room; studio/small hall; provision of walkway from new build to existing school; and provision of additional car parking space. This contribution will be applied to Phase 2 of expanding Headcorn Primary school from 1FE to 2FE.

- Primary school land: contribution of £49,042.95

- 7.49 Expansion of Headcorn Primary School to 2 Forms of Entry is not achievable within the current site, and so additional land to the north of the existing school boundary is required to enable expansion. This additional land (measuring some 3383m² in area) is required to meet Government space standards and KCC has secured this land through a planning obligation. This contribution will be put towards Phase 2 of the school's expansion.

- Secondary school provision: contribution of £129,789.00

- 7.50 This proposal would give rise to 11 additional secondary school pupils during occupation of this development; and this need can only be met through the expansion of The Cornwallis Secondary School (Phase 3).

- Library bookstock: contribution of £2640.87

- 7.51 This request towards the library Bookstock to Headcorn Library will mitigate the impact from this development. The bookstock in Maidstone Borough at 1119 items per 1000 population is below the County average of 1349 and both the England and total UK figures of 1510 and 1605 respectively.

- Community learning: contribution of £1688.32

- 7.52 To accommodate the increased demand on KCC services, this request will go towards the cost of commissioning additional adult and community learning classes within Headcorn village, including the rental of space and equipment required. It is accepted that 55 new households would see the need for additional services in Headcorn village.
- 7.53 It is considered that all of the contributions sought meet the tests of Regulation 122 and 123 of the Act and as such should be provided by the applicant. The applicant has also agreed to the Heads of Terms as set out.

Affordable housing

- 7.54 The development proposes 40% affordable housing, which equates to 22 (15 units affordable rent and 7 units shared ownership).
- 7.55 The affordable housing provision is well integrated/dispersed within the site; the provision is considered to be policy compliant; and the Housing Department raises no objection.

Other matters

- 7.56 The Headcorn Neighbourhood Plan (HNP) is a material consideration which needs to be taken into account/addressed in any application, and it is noted that the site is not allocated for development in the HNP. However, after the Inspector's examination (held October 2016) and the Inspector's *'Report to Maidstone Borough Council of the Examination into the Headcorn Neighbourhood Plan'* was released on 19th March 2017, the Inspector's recommendation is that this neighbourhood plan does not meet the Basic Conditions. The Inspector therefore concluded that the Plan should not proceed to a referendum and little weight is therefore given to the HNP.
- 7.57 The Environmental Protection Team states that the proposal would have an insignificant impact on the overall air quality in the area, but have recommended a condition to cover the overall impact of the emissions from the development. However, the proposal would provide an electric charging point in each property (except for 2), and the development can also cater for other modes of sustainable transport. This condition is therefore considered unreasonable. Details of a *Code of Construction Practice* are not considered to be necessary or reasonable for this development; and refuse collection details have been shown and considered acceptable. The Environmental Protection Team have also raised no objection in terms of land contamination, lighting, or noise impacts upon future occupants and so no further information is considered to be required in this respect.
- 7.58 The proposal site is classified as sub-grade 3b agricultural land under the Agricultural Land Classification Survey of Potential Development Sites in Maidstone Borough (Appendix 2: 21st Nov 2014), and therefore not considered to be best and most versatile agricultural land.
- 7.59 Kent Police have made suggestions in terms of achieving Secured By Design, but this is not a reason to delay this application and such matters will have to be dealt with under any application made by the applicant for SBD.
- 7.60 The main concerns raised by local residents and the parish council have been addressed in the main body of this report. It should also be noted that the loss of a view and alleged actions taken by the applicant/developer are not material planning considerations in the determination of this application; and the site is not within the Green Belt. I would also add that the application has been considered on its merits, and any potential future highway connection with Sharp's Field is not for consideration

here. During the life of this application, a new Local Plan has also been adopted and all policies in the 2000 Local Plan have been superseded.

- 7.61 A separate Screening Opinion has been undertaken by the Council for the application where it has been concluded that the development would not have significant environmental effects in the context of the EIA Regulations alone or cumulatively with other developments, would not be of more than local importance, and any environmental implications from the development would not be so significant or wide-ranging so as to warrant an EIA. Therefore it is considered that an EIA is not required for this application in light of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

8.0 CONCLUSION

- 8.01 In accordance with policy H1(38), the proposal would provide an acceptable design and layout for its edge of village location; access is considered acceptable; the allocated area of open scape would be secured; and highways, transportation and utility infrastructure issues have been addressed.

9.0 RECOMMENDATION

- 9.01 Subject to the prior completion of a legal agreement to provide for the Heads of Terms set out below and subject to the conditions as set out below, the Head of Planning and Development **BE DELEGATED POWERS TO GRANT** to grant planning permission, and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Heads of Terms

- *financial contribution of £39,060 towards internal reconfiguration of Headcorn Surgery to create additional consulting rooms and/or treatment rooms*
- *financial contribution of £293,333.15 towards Phase 2 expansion of Headcorn Primary School*
- *financial contribution of £49,042.95 towards land acquisition costs of Headcorn Primary School expansion*
- *financial contribution of £129,789.00 towards Phase 3 expansion of Cornwallis School (creation of additional teaching accommodation - part 2)*
- *financial contribution of £2640.87 towards towards libraries to address demand from development towards additional bookstock (supplied to Headcorn Library)*
- *financial contribution of £1688.32 towards cost of commissioning adult and community learning classes within Headcorn village, including rental of space and equipment required*
- *provision of 40% affordable residential units within application site, of which 15 units will be affordable rented/social rented (5 3-bed & 10 2-bed) and 7 units will be of intermediate tenures (3 3-bed & 4 2-bed)*
- *financial contribution of £35,750 to ensure delivery of A274 Mill Bank/North Street/Moat Road/Kings Road junction signalisation improvements*

Conditions

- (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) Prior to commencement of works/development above damp-proof course (DPC) level, written details and samples of the materials to be used in the construction of the external surfaces of the buildings and hardsurfacing (as indicated on drawings PH207a-PL-003 Rev A and PH207a-PL-006 Rev A received 12/10/17) shall be submitted to and approved in writing by the Local Planning Authority and shall include. The development shall be constructed using the approved materials and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a good quality appearance to the development.

- (3) Prior to commencement of works/development above damp-proof course (DPC) level, written details and samples of the materials to be used in the construction of boundary treatments (as indicated on drawing PH207a-PL-003 Rev A received 12/10/17), shall be submitted to and approved in writing by the Local Planning Authority;

Reason: To ensure a good quality appearance to the development.

- (4) As shown on drawing PH207a-PL-02 Rev C, a wildlife corridor shall be provided along the western boundary of the site (including along the open space provision), and it shall not include amenity grassland. From the western flank of the house at plot 18 heading south, the wildlife corridor shall be a minimum of 5m in depth;

Reason: In the interests of biodiversity.

- (5) No development above damp proof course level shall take place until details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long term management, have been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include:

- a) Triple row native mix hedgerow (at 45-60cm in height) interspersed with Oak trees (at 60-90cm in height) along eastern and southern boundaries of public open space;
- b) Double row native mix hedgerow (at 45-60cm in height) interspersed with Oak trees (at 60-90cm in height) along western boundary of the new housing and public open space;
- c) Reinforcement of front (northern) boundary of site with native planting;
- d) Native tree planting (of Select Standard size) across the public open space;
- e) Details of measures to prevent car parking within the section of wildlife corridor in front of plots 14, 15, 16, 17 and 18;
- f) Details of measures to prevent car parking along the northern boundary of the public open space.

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development and a good quality of design.

- (6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a good quality appearance and landscaped setting to the development.

- (7) Prior to commencement of the development hereby approved, an arboricultural method statement (AMS) shall be submitted to and approved in writing by the local planning authority. The AMS shall include details of the phasing of the access road construction, arboricultural supervision and reporting during excavation (using hand tools only) and backfilling within root protection areas, and details of how any roots encountered during construction will be dealt with. The development shall be built in accordance with the approved AMS;

Reason: To ensure long term retention of trees protected by a Tree Preservation Order (5007/2017/TPO).

- (8) The development hereby approved shall be carried out in accordance with the tree protection details, as set out in the submitted Tree Survey and drawing 2188/14/B/4A (LaDellWood: Issue 3 received 19/08/17);

Reason: To ensure long term retention of trees protected by a Tree Preservation Order (5007/2017/TPO).

- (9) Prior to commencement of works/development above DPC level an ecological enhancement strategy which details what enhancements are going to be implemented and where and how, shall be submitted to and approved in writing by the local planning authority and shall include the following;

- a) Provision of log piles for invertebrates;
- b) Areas of terrestrial habitat along northern and western boundaries of site, to include refuge piles, reptile hibernacula, foraging territories and opportunities for shelter;
- c) Installation of ready-made bird/bat boxes to mature trees;
- d) Retention of boundary ditches;
- e) Provision of integral bird/bat bricks/boxes on northern elevation of buildings;
- f) Provision of hedgehog nesting boxes;
- g) Provision of 12cm square gaps under fencing to allow hedgehogs access into all garden areas;

The development shall be built in accordance with the approved ecological enhancement strategy and all features shall be retained in that manner thereafter;

Reason: In the interests of biodiversity enhancement.

- (10) Prior to commencement of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) detailing the landscaping and ecological design and management for the site shall be submitted to and approved in writing by the local planning authority. The LEMP shall include the following:

- a) Purpose and conservation objectives of landscaping and ecological design, including creation of receptor area;
- b) Timetable for implementation, demonstrating that works are aligned with proposed phasing of construction;
- c) Description and evaluation of features to be managed;
- d) Aims and objectives of management, including long-term management of receptor area and wildlife corridor along western boundary of site;
- e) Appropriate management prescriptions for achieving aims and objectives;
- f) Preparation of work schedule (including annual work plan capable of being rolled forward over a 5-year period);
- g) Details of the body(/ies) or organisation(s) responsible for implementation of the LEMP;
- h) Ongoing monitoring and remedial measures.
- i) LEMP shall also include details of legal and funding mechanism(s) by which long-term implementation of plan will be secured by developer with the management body(/ies) responsible for its delivery. The plan shall also set out (where results from monitoring show that conservation aims and objectives of LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The development shall be implemented in accordance with the approved LEMP details.

Reason: To ensure long term retention and management of landscaping and ecological design features.

- (11) Prior to commencement of works/development above DPC level, details of wildlife friendly kerbs and design features (including drainage gully pots and the installation of amphibian ladders made from 'Enkamat'). The development shall be built in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interests of biodiversity.

- (12) No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors, and measures to ensure that bats foraging/commuting/nesting bats are not adversely impacted upon. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: In the interest of residential amenity and biodiversity.

- (13) Before the development hereby permitted is first occupied, all proposed first floor side windows (except plots, 5, 54, 55) shall be obscure glazed and incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To safeguard amenity of future occupants.

- (14) No occupation of the development hereby permitted shall take place until details of a scheme for the preparation, laying out and equipping of the play/amenity area, and

its on-going maintenance have been submitted to and approved in writing by the Local Planning Authority. The facility shall be completed in accordance with the approved details prior to the first occupation of the development.

Reason: To provide open space to contribute to meeting recreational needs of prospective occupiers.

- (15) The development shall not be occupied until details of the long-term management and maintenance of the public open space, including details of mechanisms by which the long term implementation of the open space (including play equipment and football pitch) will be secured by the developer with the management body(ies) responsible for its delivery, have been submitted to and approved in writing by the Local Planning Authority. The facility shall be completed in accordance with the approved details prior to the first occupation of the development and shall thereafter be maintained;

Reason: In the interests of adequate open space provision and visual amenity.

- (16) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the proposals detailed within the drainage strategy (JBA Ref. 2016s3405 Version 2) and 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 without increase to flood risk on or off-site. 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;

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- (17) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those 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 ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- (18) Surface water run-off from the development hereby approved shall not exceed 7.1l/s with on-site storage accommodating 100 year storm + climate change;

Reason: To ensure site drainage does not increase downstream flood risk of the River Sherway.

- (19) The development hereby permitted shall not be commenced until such time as an agreement to implement finished floor levels that cater for the revised Climate

Change allowance has been submitted to, and approved in writing by the local planning authority;

Reason: To reduce risk of internal flooding to proposed development and future occupants.

- (20) Details of foul water drainage, which shall include details of on-site drainage and off-site improvements to the local network, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water prior to the occupation of the development. The approved details shall be implemented in full prior to the first occupation of the development;

Reason: In the interest of pollution and flood prevention.

- (21) Prior to the commencement of development, details of decentralised and renewable or low-carbon sources of energy to be used as part of the approved development shall have been submitted to and approved in writing by the Local Planning Authority including details of how they will be incorporated into the development. The approved measures shall be in place before first occupation of the development hereby approved and maintained as such at all times thereafter;

Reason: To secure an energy efficient and sustainable form of development.

- (22) Prior to the occupation of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the local planning authority. It shall include:
- (i) Targets for sustainable travel arrangements;
 - (ii) Effective measures for the on-going monitoring of the Plan;
 - (iii) A commitment to delivering the Plan objectives for a period of at least 5 years from the first occupation of the development; and
 - (iv) Effective mechanisms to achieve the objectives of the Plan by both present and future occupiers of the development.

The development shall be implemented only in accordance with the approved Travel Plan.

Reason: To promote sustainable travel measures.

- (23) No occupation of the development hereby permitted shall take place until the following off-site highways improvements have been made in full. Full details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority:
- Provision of zebra crossing on Wheeler Street (as shown on drawing 14-233-205 Rev A)
 - Provision of kerbing suitable for low floor access at 2 bus stops on Wheeler Street, those being southbound: bus stop closest to Oak Lane junction, and northbound: bus stop at junction of Bramleys

Reason: In the interests of highway safety.

- (24) The access point onto Grigg Lane and visibility splays shall be carried out as shown on drawing 14-233/104 (received 25/07/17) prior to the occupation of the development. Visibility splays shall be maintained in accordance with the approved drawing and kept free of obstruction above 0.9m thereafter;

Reason: In the interests of highway safety.

- (25) Prior to the occupation of the buildings hereby permitted, a minimum of one operational electric vehicle charging point for low-emission plug-in vehicles shall be installed at every residential dwelling with dedicated off street parking (except for plots 18 and 19), and shall thereafter be retained and maintained for that purpose;

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

- (26) The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels 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.

Reason: In order to secure a satisfactory form of development.

- (27) The vehicle parking spaces, and car barns, and cycle storage provision, and vehicle loading/unloading and turning facilities shown on the submitted plans shall be permanently retained for parking and turning and shall not be used for any other purpose;

Reason: In the interest of highways safety and parking provision.

- (28) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension to any property shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

- (29) The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

Received 26/09/16: PH207-PL-01 Rev E

Received 07/07/17: PH207-LEAP-01; PH207a-Hat-A-01 Rev 00; PH207a-Hat-B-01 Rev 00; PH207a-Cor-A-01 Rev 00; PH207a-Cor-B-01 Rev 00; PH207-Cla-A-01 Rev 00; PH207a-Cla-B-01 Rev 00; PH207a-Cla-C-01 Rev 00 (not plot 6); PH207a-Ches-A-01 Rev 00 (not plot 7); PH207a-Ches-B-01 Rev 00; PH207a-Ches-C-01 Rev 00; PH207a-Aln-A-01 Rev 00; PH207a-ALn-B-01 Rev 00; PH207-Ched-A-01 Rev 00; PH207-Ched-B-01 Rev 00; and PH207a-CB-01 Rev 00.

Received 19/08/17: Tree Survey (Issue 3 - LaDellWood); and drawing 2188/14/B/4A.

Received 12/10/17: PH207a-PL-005 Rev A; and PH207a-HT-01 Rev 00.

Received 30/10/17: PH207-Ched-C-01 Rev A (with side openings to northern flank for plot 5 and southern flank for plot 38); 17-0701 C10101 A; and 17-0701 C10102 A.

Received 09/11/17: PH207a-PL-02 Rev C.

Reason: To ensure a good quality appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

INFORMATIVES

- (1) Applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW or www.southernwater.co.uk, in order to progress the required infrastructure.
- (2) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. 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> of the works prior to commencement on site.
- (3) All precautions must be taken to avoid discharges and spills to the ground both during and after construction.

Please note that the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Please also note that contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. The Waste (England and Wales) Regulations 2011
 - ii. Hazardous Waste (England and Wales) Regulations 2005
 - iii. Pollution Prevention and Control Regulations (England and Wales) 2000
 - iv. Environmental Permitting (England and Wales) Regulations 2010
- (4) The Environment Agency's Guide for Developers is designed to give practical advice on the environmental issues that may affect sites and provides some examples of sites where good practice has already been applied. Some of the topics covered in the guide include, Green Roofs, using water wisely, wildlife & green space, managing waste and land affected by contamination. You can find this guide and links to further information at: <https://www.gov.uk/government/publications/planning-a-guide-for-developers>.
 - (5) Any feature capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' and KCC Flood Rick Team recommends the applicant to contact them prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require our formal flood defence consent (including culvert removal, access culverts and outfall structures). Please contact flood@kent.gov.uk for further information. It should also be noted that parts of the site falls within the jurisdiction of the Upper Internal Drainage Board; and any works whatsoever that may have the potential to affect any adjacent watercourse (or the network's ability to convey water) within the IDB drainage district will require their

formal prior written permission. They can be contacted on 01622 758345 or via enquires@medwayidb.co.uk.

- (6) Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk.

- (7) Bats and Lighting in the UK - Bat Conservation Trust and Institution of Lighting Engineers

Summary of requirements - The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

- o Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- o High pressure Sodium Lamps (SON) emit a small UV component.
- o White SON, though low in UV, emit more than regular SON.

High

- o Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- o Mercury lamps (MBF) emit a high UV component.
- o Tungsten Halogen, if unfiltered, emit a high UV component
- o Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

- o Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

- o Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;
- o Lamps of greater than 2000 lumens (150 W) must not be used;
- o Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
- o Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
- o Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
- o Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
- o Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

- (8) Please note no ditch, watercourse or culvert shall be removed, constructed or altered unless formal land drainage consent is received from Kent County Council and/or the Upper Medway Internal Drainage Board. Please contact flood@kent.gov.uk for further information.
- (9) The applicant is reminded that reptiles are protected at all times by the Wildlife and Countryside Act 1981 (As amended). Under section 9 (1) this legislation makes it an offence to intentionally kill or injure any reptiles. Planning permission for development does not provide a defence against prosecution under this legislation. Therefore, all reptiles will need to be captured and relocated to the proposed ecological receptor site following current best practice guidelines.
- (10) Pursuant to condition 20, details within the design information should be given regarding the small section of existing ditch that is to be abandoned and whether it currently receives any flows from off the site.

Case Officer: Kathryn Altieri

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