

## REPORT SUMMARY

<b>REFERENCE NO - 14/505162/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of 48 dwellings together with provision of associated landscaping and access		
<b>ADDRESS</b> Land To The North Of Lenham Road Headcorn Kent TN27 9TU		
<b>RECOMMENDATION</b> Delegated Authority to approve subject to conditions and legal agreement.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The development does not comply with policy ENV28 of the Maidstone Local Plan 2000. However proposed development would provide a mix of dwelling types. It would provide much needed affordable and market homes. The proposal would represent a sustainable form of development and would help to support local infrastructures.  For the reasons set out below, it is considered that there are no overriding material considerations to indicate that a refusal of planning permission is justified		
<b>REASON FOR REFERRAL TO COMMITTEE</b> <ul style="list-style-type: none"><li>● It is contrary to views expressed by the Parish Council</li><li>● It is a departure from the Development Plan as the site is located outside the defined settlement boundary of Headcorn</li><li>● It is a major development</li></ul>		
<b>WARD</b> Headcorn	<b>PARISH/TOWN COUNCIL</b> Headcorn	<b>APPLICANT</b> Countryside <b>AGENT</b> DHA Planning
<b>DECISION DUE DATE</b> 26/02/15	<b>PUBLICITY EXPIRY DATE</b> 26/02/15	<b>OFFICER SITE VISIT DATE</b> 30/12/2014
<b>RELEVANT PLANNING HISTORY (including relevant history on adjoining sites):</b>		
14/503960/OUT: Erection of 13no dwellings with associated amenity space Decision pending.		

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE:

- 1.01 The application site is 1.8 hectares (4.6 acres) of grazing land with stable buildings to the southwest corner. It has a single vehicular access on to Lenham Road and is well enclosed by the existing trees and hedge. There is a public right of way along the east boundary just outside the application site.
- 1.02 The site is situated along the north side of Lenham Road and northern boundary of Headcorn village. From the west it is enclosed by the properties along the eastern side of Oak Farm Gardens that are mainly two storey or chalet style semi- detached houses with linked garages
- 1.03 To the south side of Lenham Road are two storey houses and the site the subject of the outline planning application for 13 dwellings mentioned above.
- 1.04 There is a detached converted oast house with associated out buildings along the southwest corner and agricultural land beyond the eastern and northern boundaries of the site.
- 1.05 The character of the area is one of urban fringe comprising farm land, low density residential properties on the northern edge of Headcorn village.

- 1.06 Headcorn has good basic services comprising shops, pub, restaurant, school, doctor surgery and good public transport link to major towns by railway and bus services.
- 1.07 It is established that the site has Agricultural Land classification of 3b which means moderate quality agricultural land).

## 2.0 PROPOSAL

- 2.01 The application seeks full planning permission for the erection of 48 dwellings with associated vehicular access, car parking, garaging, and landscaping and amenity space.
- 2.02 The proposal involves demolition of the existing stable buildings to clear the land for the proposed housing development.
- 2.03 The proposal comprises 29 market sale houses of which 11no would be 3 bedrooms houses and 18no, four bedrooms houses. In addition 19 affordable dwellings would also be provided in this development of which 4no would be 1 bedroom dwelling units, 11no 2 bedrooms dwelling units and 4no 3 bedroom dwelling units.
- 2.04 Provision has also been made for 103no on site car parking spaces of which 68 spaces would be for the market sale houses, 25 parking spaces for the affordable housing units and 10 parking spaces for visitors.
- 2.05 The estate road is a linear access road which meanders through the centre of the site. Access to the properties would be either directly from the central spine road or via series of informal private drives. A spur road provides access to the affordable houses to the north-west corner of the site.
- 2.06 The proposal also involves a large amenity open space and SUDS attenuation storage water pond alongside the main open landscape area and eastern boundary of the site.
- 2.07 The proposal would result in a density of 26.66 dph. The layout design provides for verges, swales and public amenity space areas. These landscaping features would deliver a significant degree of softening and visual enhancement to the character of the development and contribute towards sustainable surface water drainage management. The proposed pond and open space along the eastern boundary would at the same time help to provide a substantial landscape buffer with the countryside beyond the site boundary to the east. Further landscaping comprising of hedgerow and hedge tree planning along the northern boundary would define and soften the edge of the development.

Break down of proposed market and affordable dwellings:-

Size	Affordable units	Private market units	total
1 Bedroom flat	4	0	04
2 Bedroom flat	11	0	11
3 Bedroom house	4	11	15
4 bedroom house	0	18	18
Total	19	29	48

## 3.0 SUMMARY INFORMATION

	Proposed
Site Area (ha)	1.8Ha (4.6 acres)
Overall Housing Density	26.66dph
No. of Storeys	2 (dwelling houses), 2+room in the roof space (apartments)

Parking Spaces	Total of 103 comprising 68 allocated spaces for market dwellings,, 25 unallocated spaces for affordable dwellings and 10 on street parking spaces for visitors
No. of Market Residential Units	48 dwellings
No. of Affordable Units	19 = 40%

#### 4.0 PLANNING CONSTRAINTS

Public Right of Way KH587 outside the eastern boundary.

Tree Preservation Order Polygon MBC\_SBC Reference: 6401/TPO; outside the northern boundary.

#### 5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2012

National Planning Practice Guidance (NPPG)

Development Plan - Maidstone Borough-wide Local Plan (2000). Relevant policies - ENV28, ENV34, T13 and T23.

Supplementary Planning Document Affordable Housing DPD 2006 and Open space development draft local plan 2006.

Regulation 18 Consultative documents policies for development SS1, SP3, H2, DM2, DM3, DM4, DM11, DM12, DM13, DM14, DM23, DM24, DM30, ID1

Headcorn Neighbourhood Plan document is at advance stage and has yet to go through, an independent examination and finally a referendum.

#### 5.0 LOCAL REPRESENTATIONS

This application was advertised by Site notice and in the press. Also adjoining neighbours were notified by letter.

44 letters have been received objecting to the application for the following reasons:-

- The site is in a flood plain and the development would exacerbate flooding in the village by building more houses.
- The proposal will change the form and character of Headcorn from a village.
- Roads in Headcorn cannot cope with increase in traffic generation from the additional houses in this village.
- Additional pressure on the public transport and railway station from more houses in Headcorn.
- More pressure on the existing infrastructure (school, doctor surgery, etc).
- Existing sewerage system cannot cope.
- Not in compliance with Headcorn neighbourhood plan.
- Impact of the development on the local ecology
- Social housing does not enhance a community especially when outsiders are housed as priority.
- Increase in noise levels with so many extra people living nearby and coming and going of cars and of children playing.
- The owner of the adjoining field to the north is concern about being overlooked, trespass on their land and small holding.

#### 6.0 CONSULTATIONS

##### 6.01 Headcorn Parish Council

Headcorn Parish Council, acknowledge and promote sustainable growth of our rural village and encourage a diverse economy, whilst preserving our historical heritage, areas of outstanding beauty and our core farming economic base. Sustainable growth meaning a rate of growth that can be maintained without creating significant economic, social and environmental problems, especially for future generations.

This growth must be linked to mandatory essential infrastructure to preserve a minimum quality of life and for development to be sustainable.

At this time Headcorn suffers from significant infrastructure constraints and environmental issues that this objection letter highlights and must be considered in site allocations.

This planning application like other large planning applications in Headcorn are speculative in nature and have nothing to do with meeting specific local needs. Parish Council wish this application refused by the Planning Committee on the following summarised grounds

- Lack of employment.
- Transport Assessment is inaccurate.
- Access should be from the A274.
- Highway safety issues.
- Cumulative impact of traffic needs to be assessed.
- Disruption during construction.
- Density is too high.
- Sewage system is not adequate.
- It is unclear who would improve the drainage infrastructure.
- Surface water flooding.
- Not in accordance with Neighbourhood Plan.
- Increased social amenities needed.
- Increased medical facilities needed.
- Increased parking in High Street needed.
- Urbanisation.
- Lack of infrastructure.

## 6.02 KCC Economic Development

Following meetings with KCC service providers, the KCC requirements for this development are as follows:

- Primary Education @ £4891.69 per applicable house (x29) & £1222.92 per applicable flat (x15) = £160,202.81 towards the Phase 2 of the Headcorn PS expansion project
- Secondary education @ £2359.80 per applicable house (x29) & £589.95 per applicable flat (x15) = £77,283.45 towards the expansion of Cornwallis school
- Library bookstock £2,304.76 - project: bookstock for the new residents of this development alone (supplied to **Headcorn** Library)

As set out in the original request letter, KCC would request provision of Superfast Fibre Optic Broadband be secured by Condition:

Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community. This shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

INFORMATIVE – The BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises.

## 6.03 NHS Properties

Having regard to the section 123 of CIL Regulation 2010, the NHS has received 5 contributions for S106 monies in respect of developments that directly impact on Headcorn Surgery. Therefore no developer contribution is requested.

#### 6.04 Kent Archaeology

The application site lies within a small valley with the stream running along the northern boundary. Such river valleys were favourable areas for prehistoric activity and there is some potential for prehistoric settlement. An isolated Neolithic flint artefact is recorded to the north and further remains may survive on site. The application site also lies adjacent to the historic farm complex of *Oak Farm*, which is identifiable on the 1<sup>st</sup> Ed OS map but is noted as being of 17<sup>th</sup> century origin. Remains associated with the farm would be of local heritage interest. There is also recorded the crash site of a Messerschmitt Bf109E. It crashed on Oak Farm land but the precise location is not known, however, "surface wreckage" has been recorded.

The application is supported by a rather brief DBA by CgMs. This DBA does not seem to mention the WWII crash site or Oak Farm in detail and the analysis of the data is too simple. As such the proposed mitigation is inadequate. WWII sites are considered to be very sensitive and need to be considered carefully, so unless there is more detailed information on the Messerschmitt crash site, some investigation work on this site would be needed to be undertaken.

In addition, I consider there is some potential for prehistoric and post medieval remains to survive on site and as such I recommend the following condition is placed on any forthcoming consent:

*No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of 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.*

Reason: To ensure that features of archaeological interest are properly examined and recorded.

#### 6.05 Environmental Agency:

We have no objection and make the following comments:

**Condition:** Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason:** To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

##### **Additional information**

##### **Flood risk and surface water drainage**

We have reviewed the submitted Flood Risk Assessment (reference AMA414 Rev B – 27<sup>th</sup> October 2014), and have the following comments to make:

The drainage scheme proposed should provide a sustainable drainage strategy to include SUDS elements with attenuation, storage and treatment capacities incorporated as detailed in the CIRIA SUDS Manual (C697).

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain

water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible.

SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles.

The FRA suggests the use of tanked crates as a method of attenuation storage. We advise against the incorporation of these into the drainage system as they silt up easily and quickly and are vulnerable to breakage in winter and general degradation over time. In addition, as they are below ground, their maintenance and repair is difficult to achieve without disruption. We advise that the applicant look at other storage methods. We therefore ask that an open feature be used instead in this location rather than a storage crate.

As the pre-existing drainage ditches and outfalls will be used to transfer flows from the development to the Hoggs Mill Stream, we require some improvement of them and require them to be upgraded and for proper permanent structures to be put in place. All ditches will need to be regularly maintained and cleared so as to ensure they do not block up and that flood risk is not increased. We ask that any headwalls and outfall pipes are adopted by a maintenance company after development is completed and are inspected and maintained to ensure flood risk is not increased.

We would need to be assured that the hydrobrake and garastor will be maintained throughout the length of their operation and will be adopted by a maintenance company once the construction of the development has been completed. Southern Water will not adopt the scheme and therefore, we would need to be ensured that maintenance and management of the drainage system be organised and officiated before the development starts being built. We need to be assured that once the development is finished, somebody maintains all aspects of the developments drainage.

The hydrobrake system will only work if there was an equal or higher head than upstream. How will highways drainage be prevented from entering the attenuation pond?

There are other SUDS which can be used here, given the local ground conditions, which should be considered. Swales, for example, are shallow, broad and vegetated channels designed to store and convey runoff and remove pollutants. In addition to the inclusion of swales, rain water butts could be introduced to all properties as an additional form of surface water storage as could water loving plants such as willow. We need to be assured that the smallest amount of surface runoff enters the Hoggs Mill stream from the development.

Ultimately, all drainage from the development site enters the Hoggs Mill Stream. This watercourse is very responsive and flashy and reacts rapidly to inflows and will rise rapidly as a result of rain. The Hoggs Mill has a history of flooding and therefore, any additional pressure placed on it could increase flood risk to properties downstream of the proposed development. Because of this, it presents flood risk to properties downstream and therefore, any development upstream, even in Flood Zone 1 as this will be, should be carefully considered.

The surface water drainage should be considered in all stages of the development and should be agreed as a whole system rather than a "stage by stage" process as often occurs with new housing developments.

## **Informatives**

### **Foul Drainage**

We note that foul drainage will be connected to the main sewer. If this changes we would wish to be re-consulted.

## **Fuel, Oil and Chemical Storage**

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to our guidance “PPG1 – General guide to prevention of pollution”, which can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/290124/LIT\\_1404\\_8bdf51.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf)

## **Waste on Site**

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. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

## **6.06 KCC Ecology Officer**

We are satisfied that the proposed development has fully considered the ecological impacts and we require no additional information to be submitted prior to determination of the planning application.

### **Bats**

Bats have been recorded within the surrounding area and bats are likely to forage/commute within the site (particularly along the hedgerows) and lighting can be detrimental to roosting, foraging and commuting bats. As such we advise that the lighting must be designed to minimise impact on the surrounding area, proposed pond and site boundaries. We also advise that the Bat Conservation

Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

The ecological survey highlighted that there are trees within the boundary of the proposed development site which have potential to be used by roosting bats – as the trees are to be retained we accept the conclusions of the ecologist that bat emergence surveys are not required. However if the plans change and the trees are proposed for removal we advise that there will be a requirement for emergence surveys to be carried out prior to works being implemented.

### **Great Crested Newts**

The majority of the proposed development is short grazed grassland which provides sub optimal habitat for great crested newts.

In order to consider the impact the proposed development would have on commuting/foraging GCN

GCN presence/absence surveys have been carried out on suitable ponds within 250m of the site and reviewed existing data.

We are satisfied with the conclusions of the report that due to the low numbers GCN recorded within the ponds and the sub-optimal habitat within the surrounding area there is limited potential for GCN to be impacted by the proposed development site.

To minimise the risk further the submitted information have recommended using a precautionary approach when carrying out the work – we advise that if planning permission is granted a details of the precautionary mitigation approach is submitted as a condition of planning permission. We advise that the submitted information must clarify the timing of the removal of the section of the hedgerow.

We are aware that concern has been raised that the mitigation proposed for this application is significantly less than mitigation required for other developments within the surrounding area. We advise that GCN mitigation for developments is not generic and it must be designed on a site by site basis. When reviewing GCN mitigation we ensure that we consider the following:

- Habitat within the site – is it suitable for GCN
- Distance from ponds
- Connectivity to the surrounding area and other ponds
- Are suitable hibernacula features present within the site or immediate area?

As stated above we are satisfied that the submitted information has adequately considered the impact on GCN and we require no additional information prior to determination.

### **Breeding Birds**

The proposed development will result in the loss of suitable breeding bird habitat, all nesting birds and their young are legally protected under the Wildlife and Countryside Act. As such all works must be carried out, outside of the bird breeding season (March – 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 until all the young have fledged.

### **Enhancements**

One of the principles of the National Planning Policy Framework is that “*opportunities to incorporate biodiversity in and around developments should be encouraged*”.

The submitted information has detailed that a number of enhancements could be incorporated in to the proposed development site including:

- Planting native species in to the existing hedgerows
- Designing the pond to provide suitable features for wildlife
- Inclusion of bat and bird boxes within the site
- Inclusion of bat features in to the new buildings – particularly around the boundary of the site.
- Including gaps within the garden fences to enable species to move freely through the area.

We advise that if planning permission is granted a detailed enhancement strategy (including details of how it will be managed) must be submitted for comments as a condition of planning permission.

Informatives

### **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

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

High

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

Variable

- 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:

- Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;
- Lamps of greater than 2000 lumens (150 W) must not be used;
- 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;
- Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
  - 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;
  - Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
  - Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby location.

## **6.07 KCC Highway Services:**

I can confirm that appropriate access, parking and internal road network is proposed at this site to allow for an efficient and safe development of 48 units. I note that footway provision is proposed along the site frontage and that an extension to the speed limit is fittingly proposed including enhanced gateway treatment. These works will require the applicant to enter into a Section 278 agreement with this authority for their necessary and appropriate implementation.

I also note the analysis regarding the levels of trip generation and trip distribution which indicates that 84% of trips will route via Kings Road to the A274 crossroads junction with Mill Bank, North Street and Moat Road. It is further understood that as part of the application for the Ulcombe Road and Mill Bank site (H1(39)) – 220 units, that contributions (partial) towards signalling this key junction in Headcorn are proposed.

It is considered that a holistic approach needs to be taken if there is any likelihood of improvements to transport infrastructure being delivered. To this end it is further considered taking into account this site, the Ulcombe Road Site H1(39) and site H1(40) that a contribution of £650 per residential unit should be sought in order to achieve signal control at the A274 crossroads junction in Headcorn described and suggested in the Transport Statement supporting the Ulcombe Road application (MA/14/505284). This takes into account a provisional cost estimate and necessary commuted (maintenance) sum which collectively are estimated to be within £250k. For added security against financial risk associated with a provisional cost estimate it would be advisable if possible to also include site H1(41) in this proposal for transport infrastructure improvements.

I note the STOP signing and lining on both side roads at this junction. This is a traffic management technique that requires a lot of justification to implement and there has clearly therefore been road safety problems to sanction this. It is further considered that extra waiting time pressures at this junction during periods of congestion and delay brought on by newly generated traffic could give rise to drivers taking undue risks when emerging in front of approaching traffic. It is for this reason and to regulate and rationalise traffic movements here

that I consider that signal control at the junction is desirable and that the levy described should be sought.

Subject to the above I write to confirm on behalf of the Highway Authority that I have no objection to the application submitted.

#### **6.08 MBC Park and Leisure**

The Parks and Open Spaces Team have viewed this application and would make the following observations;

For a development of this size we would expect a minimum onsite provision of formal open space of 0.50ha (not including Green Corridors or Natural & Semi-Natural Green Spaces). The development is located within Sutton Valence and Langley Ward.

There is no set standard for minimum provision in terms of Natural and Semi Natural Open Space and Green Corridors.

A development this size will have an impact on existing areas of formal open space in the local area where no onsite provision exists.

Whilst it is noted that the development plans to include an open green space it is worth noting that MBC would not seek to adopt any open space and so the developer would remain responsible for any areas requiring maintenance. Whilst the documentation provided does not fully indicate the size of open space provided on site, we would estimate this to be approximately 0.10ha and as such this would leave a shortfall in the required minimum onsite provision.

Based on a shortfall of 0.40ha we would seek an offsite contribution of £1260 per dwelling. A total of £60,480 = (48 x £1260).

Any offsite contribution we would request to be used for the improvement, refurbishment and maintenance of existing areas of open space and equipped play and outdoor sports facilities. Those facilities targeted would be at Hoggs Bridge Green Play Area within 0.25 miles of the development.

#### **6.09 MBC Heritage and Landscaping**

There are no protected trees on the site but there is a Tree Preservation Order (TPO) covering trees on land to the northeast.

The site falls within the Headcorn Pasturelands area (area 43) of the Maidstone Landscape Character Assessment 2012 (amended 2013), which is located within the broader Low Weald landscape type. I don't believe there are any arboricultural/landscape objections I can raise subject to standard pre commencement conditions requiring an Arboricultural Method Statement in accordance with BS5837:2012 (including tree protection details) and landscaping.

#### **6.10 Environmental Health**

That given the sensitivity around flooding in the area, the sustainable drainage system should be required as a condition as should its continued use.

**REQUESTED CONDITIONS:**

**HOURS OF WORKING (DEMOLITION/CONSTRUCTION)**

No demolition/construction activities shall 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.

In addition to these hours of working the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition where road closure or similar is needed or for safety reasons.,

## **LAND CONTAMINATION**

The development hereby permitted shall not be commenced until the following a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) Further work is needed to determine the area impacted by the potential arsenic contamination and to produce a remediation method statement (RMS and carry out a site investigation, the risk to all receptors that may be affected, including those off site and those involved in the development of the site. This is to take into account the proposed development and potential soil movement during the development phase.

2) The RMS should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

3) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with 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;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

### **6.11 Kent Police Crime Prevention**

I have considered the planning application detailed above with regards to Crime Prevention Through Environmental Design (CPTED) matters, in accordance with the DCLG Planning Practice

Guidance March 2014 (Paragraphs 10 & 11) – Crime Prevention and the Kent Design Initiative (KDI) -

Design For Crime Prevention document dated April 2013.

The applicant has taken into considered crime prevention see page 45 section 4.10 of the (D&AS)

Design and Access Statement (D&AS), however to date we have had no communication from the applicant/agent and there are other issues that need to be discussed and addressed including a formal application for Codes, BREEAM and Secured By Design (SBD) if appropriate.

If this planning application is given approval and no contact has been made to the Crime Prevention Design Advisors (CPDAs) by the applicant/agent, then we would suggest that a condition be included as part of the planning approval to ensure that Crime Prevention is addressed effectively:

We suggest an informative:

#### **Informative,**

Prior to the submission of any reserved matters application, the applicant, agents, or successors in title, are encouraged to undertake pre-application (reserved matters) discussion with the local Planning Authority. As part of this pre-application discussion, it may well be necessary to consult

with external bodies such as Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that a comprehensive approach is taken to Crime Prevention and Community Safety.

The contact details of the Kent Police CPDAs are ; John Grant & Adrian Fromm, Kent Police Headquarters, Sutton Road, Maidstone ME15 9BZ email: [pandcr@kent.pnn.police.uk](mailto:pandcr@kent.pnn.police.uk) Tel No- 01622 653209/3234.

### **MBC Housing:-**

- 6.12 The development is for a total of 48 units with the applicant proposing 40% affordable housing which equates to 19 units.

The proposed mix being suggested by the applicants is:

1 bed units – 4  
2 bed units – 11  
3 bed units – 4

All the 1 and 2 bed units for the development are being offered as affordable units, the rest of the site being made up of 3 and 4 bedroom houses.

Housing has been in contact with Countryside Properties with regards to the unit size and tenure mix and can confirm that the proposals have our support.

Housing has suggested the following tenure mix to fit in with the proposed site plan:

Size	Total Units	Rental	Shared Ownership
1 Bedroom	4	4	0
2 Bedroom	11	5	6
3 Bedroom	4	2	2
Total	19	11	8

Affordable Rent: Plots 29-39

Shared Ownership: Plots 23-28, 40 & 41

This will ensure a policy compliant scheme as well as delivering a range of suitable accommodation for each tenure.

- 6.13 **Southern Water:** Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result additional off site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development.

Should this application receive planning approval, please note include, as an informative to the permission, the following requirement:

“The applicant/developer 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 (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).”

Our initial investigations indicate that the existing surface water system can accommodate a surface water flow of 17.0l/s. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

The drainage application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely on facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangement exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system which may result in inundation

of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

Specify the responsibilities of each party for the implementation of the SUDS scheme;

Specify a timetable for implementation; and provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

We request that should this application receive planning approval, the following condition is attached to the consent:

“Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”

Southern Water’s current sewerage records do not show any public sewers to be crossing the above site. However, due to changes in legislation that came in to 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 above property. 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 the potential means of access before any further works commence on the site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).

**6. 14 Agricultural Classification/grade of the land:** The site is mainly Grade 3b (moderate quality) and therefore outside the "best and most versatile" category.

**6.15 Uk Power Networks:** Has no objection to the proposed works

## **7.00 BACKGROUND PAPERS AND PLANS**

**7.01** The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no 2490-10, 2490-11B, 2490-12C, 2490-13B, 2490-14B, 2490-20A, 2490-202, 2491A-203 Rev A, 2491A-204, 2491A-205, 2491A-206 Rev A, 2491A-207 Rev A, 2491A-21, 2490-22 A, 2490-23 A, 2490-24, 2490-25, 2490-26, 2490-27, 2490-28 A, 2490-29, 2490-30A, 2490-31, 2490-32, 2490-33A, 2490-34A, 2490-35A, 2490-36, 2490-37, 2490-38, 2490-39, 2490-40A, 2490-41A, Planning statement October 2014, Design and access Statement October 2014, Code for Sustainable homes Briefing produced by Turley October 2014, Ecology assessment by Aspect Ecology Ltd October 2014, Transport assessment Feb 2015, Flood risk assessment dated October 2014, Desk Study and Ground Investigation Report October 2014, Archaeological Desk Bases assessment April 2014, Agricultural land Classification Report October 2014, tree Condition Survey June 2014, Utilities Feasibility Report June 2014, statement of Community involvement October 2014, Southern Water appraisal of Sewer connection Received 2/06/2015.

## **8.0 APPRAISAL**

### **Principle of Development**

**8.01** Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000, and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy states 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:*

- (1) that which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) the winning of minerals; or*
- (3) open air recreation and ancillary buildings providing operational uses only; or*

(4) the provision of public or institutional uses for which a rural location is justified; or  
(5) such other exceptions as indicated by policies elsewhere in this plan.”

- 8.02 In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification for a decision contrary to the Development Plan, the proposal is unacceptable.
- 8.03 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year housing land supply.
- 8.04 Paragraph 47 of the NPPF states that Councils should identify a 5 year land supply. The Council has undertaken a Strategic Housing Market assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge & Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011-31). The SHMA (January 2014) found that there is the 'objectively assessed need' for some 19,600 additional homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May 2014, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014.
- 8.05 At April 2014, the Council had 2.1 year supply of housing assessed against the revised objectively assessed need figure of 18,600. The Council is unable to demonstrate a 5 year supply of housing land.
- 8.06 This lack of a 5 year supply is a significant factor and at paragraph 49 of the NPPF it is stated that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a 5 year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.”
- 8.07 In respect of the circumstances of the specifics of this case, the proposal site is located adjacent to the settlement of the Headcorn, which is identified as a Rural Service Centre (RSC) in the draft Local Plan under policy SP3, that provides a range of key services including a primary school, shops, restaurants, doctors surgery and good public transport including rail link and bus service. These facilities would require improvement or upgrade commensurate with any increase in population.
- 8.08 RSC's are considered the most sustainable settlements in Maidstone's settlement hierarchy, as set out in the draft Local Plan, outside of the town centre and urban area. They have been identified as such for their accessibility, potential for growth and role as a service centre for surrounding areas. They act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys”.
- 8.09 In February 2015 Cabinet considered a number of proposed housing allocations sites including this site and resolved that this site should not go forward to Regulation 19 Consultation on the grounds that, *“local infrastructure is insufficient, in particular for foul water sewerage, flood risk and highway congestion.”*

- 8.10 In the light of the above mentioned shortfall of five year housing land supply, bringing forward development on this sustainably located site immediately adjacent to a rural service centre would assist in helping to meet the shortfall and it is considered this to be a strong material consideration in favour of the development .Notwithstanding the recent resolution by Cabinet the current application should be determined on its planning merits on the basis of the adopted policies in the Development Plan and other material considerations.
- 8.11 Headcorn Parish Council has objected to this application and stated that it should be refused as it is in conflict with the emerging Neighbourhood Plan. Whilst works on the NP is on- going, it still has a number of key stages to go through including pre-submission to the Council, public consultation, independent examination and referendum. It is therefore considered that although Headcorn NP is a material consideration, in its current stage it is not grounds to refuse planning permission.
- 8.12 Paragraph 216 of the NPPF states that from the day of publication, decision-takers may give weight to the relevant policies in emerging plans, according to,
- *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 polices (the less significant the unresolved objections, the greater weight that may be given and*
  - *The degree of consistency of the relevant polices 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 weight that may be given)*
- 8.13 In view of the key stages ahead in the adoption process, the unresolved and continued discussions with the lead authority over key issues such as affordable housing and relationship to emerging Local Plan (Spatial Strategy) to which Maidstone has an Objectively Assessed Need (OAN) and evidence base, it is considered that limited weight can be given to the draft NP in this case. The NP is an important material consideration, but is yet to be examined.
- 8.14 Having regard to the above ground, it is considered that the policy principle of residential development at the site is acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. Below the key planning issues pertaining to this case comprising visual/landscape impact, residential amenity, access/highway safety, infrastructure, drainage/flood risk, ecology are assessed.

### **Design, Visual/Landscape Impact**

- 8.15 The site comprises 1.8ha of relatively flat pasture field with a detached stable block on the southwest corner of the site.
- 8.16 The land is graded as 3b therefore is not considered to be the “Best and Most Versatile” land. The land is partially enclosed by tall hedging and trees along all its boundaries except for the north west corner where it backs on to two storey houses or chalet type dwellings in Oak Farm Gardens. The site is visible in part from the east and the public foot path that runs along the eastern boundary and partially from Oak Farm Garden.
- 8.17 NPPF attaches great importance to the design issues of the built environment and considers good design to be a key aspect of sustainable development. The proposed development has been designed to maximise the use of existing features of the site, like trees, hedges and topography of the land to complement and enhance the environmental quality of the housing estate layout by introduction of large green amenity area and a large water pond along the eastern boundary. The street layout and orientation of the houses are designed to create a sense of place and community. The dwelling houses are orientated to maximise the use of sun light and day light as well as providing privacy protection to the future residents and safeguard the amenities of the occupiers of the properties to the west.

- 8.18 The proposed houses and the flat block to the south west are all two storey with pitched roof over. These would have maximum eaves and ridge height of 4.7m and 9.5m respectively. The flat blocks units along the northwest boundary would provide accommodation in the roof space involving dormers windows. The overall height of this flat block to the eave and ridge would be 7m and 10m respectively. This block would be marginally (/half meter) taller than the other buildings on site.
- 8.19 The proposed layout involves single north south access road which meanders through the centre of the site and access to the properties would be either directly from the central spine road or via series of informal private drives. A spur road provides access to the affordable houses to the north-west corner of the site.
- 8.20 The houses along the frontage with Lenham Road would be set behind the existing substantial trees and hedging; about 20m back thus giving the development an established soft landscaped frontage and maintain the rural character of this section of Lenham Road.
- 8.21 It is considered that there will inevitably be a significant visual impact as the openness of the site will be replaced by the proposed houses and will change from grazing use to a residential one. However it is considered that the development would not appear visually prominent or intrusive in the wider landscape due to domestic scale of the development against the backdrop of the existing houses of similar scale to the west and north-west and retention of the existing boundary hedge and trees. Furthermore a landscaping condition would ensure additional landscaping to be carried out around the site boundaries and within the site in order to further soften the impact of the development.
- 8.22 The proposed layout shows substantial size water feature and amenity areas along the eastern flank of the development. It is considered that this aspect of the proposal together with existing trees and hedging would bring about a visual enhancement and an attractive living environment and finished edge to the development. It is further considered that this arrangement would encourage habitat for diverse ecology of the locality. It is therefore important to ensure that native plants are used in the landscaping of the garden of the houses and the amenity areas along the eastern edge of the site in order to ensure that an ecologically balance and sustainable habitats are created for enjoyment of the residents and users of the footpath to the east and wildlife.
- 8.23 Given the context of the surrounding area, it is considered that the proposed mixed and varied house types, flat blocks and large amenity area with pond would provide a satisfactory range of dwellings and living environment for a mixed community that would complement Headcorn. The proposal is considered acceptable subject to a condition requiring the submission of external finished materials to ensure the development be in keeping with its wider surrounding.
- 8.24 The proposal would have a density of just over 26dph which is in keeping with the density of properties in the surrounding roads (Lenham Road, Knight's Way and Oak Farm Gardens). With respect to the detailed design of the houses it is considered that the proposed house types and materials are in keeping with the appearance, scale and character of houses in the locality. The palette of materials would comprise primarily red/brown bricks with complementary mortar colour rather than contrast with brick colour. The brick works will be interspersed with secondary focal elements including white weatherboarding and render to provide visual interest and variety. Pitched roofs will be clad in high quality man made slate with a riven finish and plain tile mixture of red/ antique/brown tones, to provide continuity throughout the development.
- 8.25 In conclusion, it is considered that the scale and particular location of the proposal are such that its impact is likely to be limited to the immediate surroundings. Furthermore, the impact of the development could be mitigated significantly by the additional planting along the boundaries of the site in the form of native hedgerow with hedgerow trees, which would soften the visual impact of the development and enable it to integrate easier with its rural surroundings. A landscaping condition and a condition requiring the submission of external finished materials to secure these are recommended.

## **Residential Amenity**



- 8.26 Paragraph 56 of the NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to make places better for people.
- 8.27 The submitted design and access statement states that the layout, scale and appearance of the development have evolved in a number of ways to take account of the policy requirements and pre-application advice.
- 8.28 The proposed development has been designed to provide high levels of day light, sunlight and privacy for the future occupiers and minimise impact on the amenities of the occupiers of adjoining residential properties to the west. It is considered that the proposal would not cause any adverse impact on the sun light and day light of the properties in Oak Farm Gardens to the west or the Oast house along the southwest corner of the site; as well as on dwellings proposed within the development.
- 8.29 Affordable housing on this site would be 40% (19 dwellings) of the development and these residential units are located along the north western corner of the site. The houses are designed with small front gardens and car parking space or garaging to the side and satisfactory levels of garden/amenity areas. Moreover the sitting and relationship of the houses with one another is well positioned and as a result no significant overlooking or loss of light would result.

### **Highways**

- 8.30 Paragraph 29 of NPPF states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that opportunities to maximize sustainable transport solutions will vary from urban to rural areas.
- 8.31 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impact of development is severe.
- 8.32 Concern has been expressed with regard to the impact on the existing road network. Local residents are concerned that the proposal will increase the risks on the public highway. The submitted highway report has been assessed by KCC Highway Services and their views have been reported in this report.
- 8.33 The proposal would provide a single vehicular access to the site from Lenham Road . KCC Highway Services is satisfied that the car parking provision and internal road network proposed would allow for an efficient and safe development of 48 units. It is also considered that footway provision proposed along the site frontage and an extension to the speed limit in Lenham Road further east to be acceptable. These works will require the applicant to enter into a Section 278 agreement with the highway authority.
- 8.34 Transport Assessment concludes that traffic generation and trip distribution which indicates that 84% of trips will route via Kings Road to the A274 crossroads junction with Mill Bank, North Street and Moat Road. It is also considered that the development 14/505284/OUT for 220 dwellings at Ulcombe Road and Mill Bank (pending inspector's decision) and members resolution to approve at 16 April 2015 Planning committee will also increase use of this junction.
- 8.35 It has been establish that there is a potential safety issue arising from the junction's existing substandard sight line visibility, and these developments will increase use of a junction with an existing potential safety problem, and that this would be mitigated if the lights were installed.
- 8.36 In light of the sub-standard sight lines at the junction, Kent Highway Services states that this is an issue, and that safety issues could arise in the future. It is considered that there are sufficient grounds to require signalisation of the junction. This was proposed as a highway mitigation measure with in application 14/505284/OUT.
- 8.37 It is considered that a holistic approach needs to be taken if there is any likelihood of improvements to transport infrastructure being delivered. To this end it is further considered taking into account this site,

the Ulcombe Road Site that a contribution of £650 per residential unit should be sought in order to achieve signal control at the A274 crossroads junction in Headcorn described and suggested in the Transport Statement supporting the Ulcombe Road application (MA/14/505284). This takes into account a provisional cost estimate and necessary commuted (maintenance) sum which collectively are estimated to be within £250k. For added security against financial risk associated with a provisional cost estimate it would be advisable if possible to also include site H1(41) in this proposal for transport infrastructure improvements.

### **Drainage and flood Risk**

- 8.38 Parish and local residents have raised the issue of foul water drainage in the village and southern water has stated that there is in adequate capacity and this was one of the reasons cabinet decided for the site to be removed from the emerging Local Plan.
- 8.39 The Parish Council has submitted a foul water drainage assessment report prepared by consultants on behalf of the Parish Council. The report refers to deficiencies within the existing foul water system due to narrow diameter of pipes including in adequate capacity and velocity as some pipes have potentially not been laid falling in the right direction or at sufficient angles. It is considered that this could result in a build-up of foul material, blockages and overflows and indeed submissions have been received showing evidence of such occurrences. Whilst this information has not been independently assessed, clearly there are issues with the existing system evidenced by the problems experienced on some roads in the village where overflows occur.
- 8.40 These issues are known to the applicant and in response they commissioned Southern Water to carry out a **Level 2 foul water Capacity Assessment**.
- 8.41 Southern Water has stated in their Assessment for the applicant/ Countryside properties that a connection to manhole TQ83445503 would be acceptable on the basis that a small increase in output to the Moat Road pumping station could be undertaken by Southern Water to offset the additional foul flow of 2.2 litres /second. Countryside would seek to run a pumped rising main to manhole TQ83445503 from a new foul water pumping station located on the application/development site.
- 8.42 Countryside properties maintain that, owing to the negligible additional flow arising from the proposed development, and compliance with Southern Water recommendation this development would not result in the overwhelming of the sewerage network.
- 8.43 With regard to the Surface Water Strategy the Flood Risk Assessment submitted states in summary that SUDs are proposed including filter strips, permeable paving, swales and ponds to ensure run-off rates would be the equivalent of existing greenfield run-off rates. all surface water from this development will be discharged via a new sewerage network within the development, to two outfalls on the site perimeter (at the north east and south west boundaries). This surface water shall then discharge from the site by existing off site pipes, via an attenuation pond (north east boundary) and via a 'crated' attenuation system (south west boundary), to where it will discharge into Hogg Stream at 'greenfield' run off rates. No surface water from the developed site shall enter the Southern Water public foul sewer network. On this basis no objections are raised by the EA and surface water drainage or the impact upon flooding are not considered grounds for objection.

### **Ecology**

- 8.44 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging application of biodiversity schemes in and around developments. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats.
- 8.45 The application has been supported by an Ecological appraisal report. Ecological surveys have been carried out including species surveys for bats, GCN, reptiles, and aquatic invertebrates. Surveys confirmed the limited presence of GCN in ponds nearby. Due to use of the land for horse grazing the survey confirm limited wildlife on site except in the hedgerow areas. Thus mitigation proposed for this

site is significantly less than mitigation required of other developments; except in the hedge areas. Detail of precautionary mitigation approach would be required to clarify the timing of the removal of any hedgerow.

- 8.46 To mitigate the impact of the development and enhance biodiversity and landscape value of the development it is suggested that the hedgerows be protected during the construction period and also the open space land together with the pond in the eastern parts of the site to be designed to encourage wild life and biodiversity. It is also considered appropriate to impose a condition requiring the use of swift bricks, bird boxes in the new houses and use of appropriate fence type that facilitate movement of small mammals.
- 8.47 KCC Ecology has assessed the detail and raised no objections subject to conditions and informative.

### **Code for Sustainable homes**

- 8.48 Following the technical housing standards review, the previous government issued a [written ministerial statement](#) withdrawing the code for sustainable homes in March 2015. The statement (which is a material planning consideration) says *"planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency"*. As such, conditions cannot be attached to planning permission seeking a code level. Instead, the government will be introducing a new set of streamlined national technical standards that will be dealt with under Building Regulations, and it is advised that energy performance requirements in Building Regulations will be set at a level equivalent to the Code for Sustainable Homes Level 4.

### **Sustainability**

- 8.49 The application site is situated just on the edge of settlement of Headcorn which has essential services like school, doctor surgery, restaurant, shops, etc as well as is within walking distance of rail way station and bus service and as such it is considered that the application is in a most sustainable location for housing development.

### **Other Matters**

- 8.50 The application is accompanied by a brief Archaeological assessment report. KCC Archaeological Officer considers the report not comprehensive and states that the site forms part of a small river valley that was favourable areas for prehistoric activity and there is some potential for prehistoric settlement. An isolated Neolithic flint artefact is recorded to the north and further remains may survive on site. The application site also lies adjacent to the historic farm complex of *Oak Farm*, which is identifiable on the 1<sup>st</sup> Ed OS map but is noted as being of 17<sup>th</sup> century origin. Remains associated with the farm would be of local heritage interest. Also crash of a Messerschmitt Bf109E is recorded on Oak Farm land but the precise location is not known, however, "surface wreckage" has been recorded. To ensure that the site Archaeology is fully recorded and assessed a condition is recommended to any forthcoming consent.

### **Planning Infrastructure Contribution**

- 8.51 This development is likely to place additional demands on local services and facilities. To improve and enhance capacity and make the development acceptable in planning terms developer's contributions can be sought.
- 8.52 In terms of the remaining contributions previously agreed, Section 123 of the Community Infrastructure Levy (CIL) Regulations 2010 came into force on 6th April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010). It is therefore necessary to review all the contributions in light of this.
- 8.53 KCC has reassessed their requests in light of Section 123 of the CIL Regulations (in terms of pooling of 5 obligations) and as a result the following contributions have been sought.

- The provision of 40% affordable housing equates to 19 dwellings within the application site of which 3 dwellings to be Wheelchair Accessible Home.
- Primary Education @ £4891.69 per applicable house (x29) & £1222.92 per applicable flat (x15) = £160,202.81 towards the Phase 2 of the Headcorn PS expansion project
- Secondary education @ £2359.80 per applicable house (x29) & £589.95 per applicable flat (x15) = £77,283.45 towards the expansion of Cornwallis school
- Library bookstock £2,304.76 - project: bookstock for the new residents of this development alone (supplied to **Headcorn** Library).
- Based on a shortfall of 0.40ha an offsite contribution of £1260 per dwelling. A total of £60,480 = (48 x £1260) to be targeted towards Hoggs Bridge Green Play Area within 0.25 miles of the development.
- Developer contribution is also sought by KCC highway services £650 per dwelling. A total of £31,200 to provide signal control at the A274 crossroads junction in Headcorn.

8.54 The Planning obligations have been considered in accordance with the legal tests set out in Community Infrastructure Levy Regulations 2010 in that they are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. These tests have been duly applied in the context of this planning application and give rise to the above mentioned specific requirements

## **9.0 CONCLUSION**

- 9.01 Whilst the proposed development conflicts with Local Plan Policy ENV28, it is important to note that the Council cannot at present demonstrate a 5 years supply of deliverable housing land supply when measured against the Strategic Housing Market Assessment (SHMA) and Strategic Housing Land Availability Assessment (SHLAA). For the reasons set out above it is considered that the proposal is acceptable in the context of its surrounding in this large village and in compliance with NPPF.
- 9.02 The site is situated in a sustainable location adjoining the settlement boundary of Headcorn in the Local Plan, which offers a good range of facilities and services, and public transport links. The proposal site would represent a natural expansion of the village with very limited localised visual protrusion into open countryside.
- 9.03 There are no highway objections and contributions would be secured to mitigate impacts by providing signal control at the A274 crossroads junction in Headcorn. Also appropriate infrastructure would be provided and affordable housing. There are no ecology or amenity issues that cannot be mitigated by planning conditions.
- 9.04 The design of the proposed houses, flat blocks and estate layout is considered to be of a good quality and the landscaping provision within the development site would create an attractive environment for future occupiers.
- 9.05 There are clearly a number of benefits that weigh in favour of the proposed development comprising delivery of both open-market and much-needed affordable housing and being in a sustainable location in terms of access to everyday services and facilities. The development would also assist the local economy through the generation of construction and other jobs.
- 9.06 This is a proposal that would deliver a high quality development that would also provide significant infrastructure improvement. Having regard to all the above it is considered that this is a balancing test as required by NPPF; as such it is considered that compliance with NPPF policy is sufficient grounds for departure from adopted local Plan and recommend this development for approval.

**10.0 RECOMMENDATION** – GRANT Subject to a section 106 legal agreement and the following conditions:

The Head of Planning be given DELEGATED POWERS TO GRANT permission subject to the conditions and informatives set out in the report and to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advice to secure the followings:

A: The provision of 40% affordable housing equate to 19 dwellings within the application site.

B: Secure the following developer's contributions:

- The provision of 40% affordable housing equates to 19 dwellings within the application site of which 3 dwellings to be Wheelchair Accessible Home.
- Primary Education @ £4891.69 per applicable house (x29) & £1222.92 per applicable flat (x15) = £160,202.81 towards the Phase 2 of the Headcorn Primary School expansion project.
- Secondary education @ £2359.80 per applicable house (x29) & £589.95 per applicable flat (x15) = £77,283.45 towards the expansion of Cornwallis school
- Library bookstock £2,304.76 - project: bookstock for the new residents of this development alone (supplied to **Headcorn** Library).
- Based on a shortfall of 0.40ha an offsite contribution of £1260 per dwelling. A total of £60,480 = (48 x £1260) to be targeted towards Hoggs Bridge Green Play Area within 0.25 miles of the development.
- Developer contribution is also sought by KCC highway services £650 per dwelling. A total of £31,200 to provide signal control at the A274 crossroads junction in Headcorn.

C: Grant planning permission subject to the imposition of the conditions set out below:

1) The development hereby permitted shall begin no later than 2 years from the date of this decision.

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: Drawing no 2490-10, 2490-11B, 2490-12C, 2490-13B, 2490-14B, 2490-20A, 2490-202, 2491A-203 Rev A, 2491A-204, 2491A-205, 2491A-206 Rev A, 2491A-207 Rev A, 2491A-21, 2490-22 A, 2490-23 A, 2490-24, 2490-25, 2490-26, 2490-27, 2490-28 A, 2490-29, 2490-30A, 2490-31, 2490-32, 2490-33A, 2490-34A, 2490-35A, 2490-36, 2490-37, 2490-38, 2490-39, 2490-40A, 2490-41A, Planning statement October 2014, Design and access Statement October 2014, Code for Sustainable homes Briefing produced by Turley October 2014, Ecology assessment by Aspect Ecology Ltd October 2014, Transport assessment Feb 2015, Flood risk assessment dated October 2014, Desk Study and Ground Investigation Report October 2014, Archaeological Desk Bases assessment April 2014, Agricultural land Classification Report October 2014, tree Condition Survey June 2014, Utilities Feasibility Report June 2014, statement of Community involvement October 2014, Southern Water appraisal of Sewer connection Received 2/06/2015.

Reason: To ensure the quality of the development is maintained and to prevent harm to amenity.

3) No development shall take place until schedule/samples of the materials and finishes to be used in the construction of the external walls, roofs, windows and doors of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

4) The development shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles. Where possible, and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved by the local planning authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves to manage surface water on site in accordance with the submitted food risk assessment dated October 2014 and southern water report received 2/06/2015. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design feature. The development shall thereafter be carried out in accordance with the approved details.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties and pursuant to the National Planning Policy Framework 2012.

5) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resulting unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater resources and ensure compliance with the NPPF as infiltrating water has the potential to cause remobilisations of contaminants present in shallow soil made ground which could ultimately cause pollution of ground water.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no development within Schedule 2, Part1, Classes A, B, C, D, E, F and G shall be carried out without the permission of the Local Planning Authority.

Reason: To safeguard the character and appearance of the development and the amenities of the prospective occupiers and adjoining properties.

7) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping,( the landscaping scheme and SUDS scheme should be integrated to deliver green infrastructure by creating green open space which can encourage biodiversity and habitats) 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 measures for their protection in the course of development. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and should include consideration of how the boundary hedgerows can be managed and retained in the long term.

Reason: In the interest of ecology enhancement and visual amenity of the area.

8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of any of the dwellings hereby permitted, or completion of development, whichever is the sooner. Any trees or plants, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of visual amenity of the area.

9) A landscape and habitats management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas other than privately

owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to first occupation of any dwelling on the site. The landscape management and habitat management plan shall be carried out as approved.

Reason: In the interest of habitat protection and visual amenity of the area.

10) Prior to the commencement of any development, a scheme for the protection of trees and hedges to be retained on site shall be submitted to and approved in writing by the local planning authority. All trees and hedge rows to be retained must be protected by barriers and or ground protection in accordance with BS5837 (2012) "Trees in relation to Construction Recommendations". No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barrier and/or ground protection measures shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed nor fires lit, within any of the area protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground level changed, nor excavations made within these area without the written consent of the Local Planning Authority.

Reason: To Safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in compliance with National Planning Policy Framework 2012.

11) No tree felling/vegetation clearance works, or other works that may affect nesting birds, shall take place between 1 March and 31 August inclusive. In the event that works are required to be carried out during the nesting period, a prior survey to establish the absence/presence of nesting birds should be undertaken by an appropriately qualified ecologist. A report of the assessment, together with proposals for any required mitigation/ compensation shall be submitted to and approved in writing by the local planning authority prior to any works being undertaken. Thereafter, the works shall be carried out in accordance with any necessary mitigation/ compensation measures.

Reason: In the interest of visual amenity of the surrounding properties.

12) Cordwood above 20cm in diameter from the site should be retained and placed within the site in locations and quantities to be agreed with the local planning authority prior to any tree felling take place.

Reason: In the interests of biodiversity and ecological enhancement in compliance with NPPF

13) Prior to the occupation of the first dwelling a scheme for management and maintenance of SUDS (if not included in the landscape management scheme condition 9 above) shall be submitted to and approved in writing by the Local Planning Authority. The SUDS system shall be management and maintained in accordance with the approved scheme thereafter.

Reason: In the interests of flood prevention and amenities of the local residents.

14) Prior to the commencement of any development, details shall have been submitted to, and agreed in writing by, the Local Planning Authority showing the existing and proposed site levels and the finished floor /slab levels of the buildings hereby permitted. The development shall be carried out in strict accordance with the details agreed.

Reason: In the interest of visual amenity of the surrounding properties.

15) No development shall take place until details of all fencing, walling and other boundary treatments, which shall include, inter alia, gaps to allow passage of small mammals (including hedgehogs), have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details before the first occupation of the development hereby permitted and maintained thereafter.

Reason: To ensure a satisfactory appearance of the development, provide biodiversity mitigation and protect the amenities of the future occupiers of the dwellings.

16) No development shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and harm to sensitive local ecology. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

17) No development shall take place until the applicant, or their agents or successors in title has secured the implementation of 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.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

18) None of the dwellings hereby permitted shall be occupied until the car parking, garaging, car ports and visitor car parking spaces associated with that particular unit of accommodation have been constructed in accordance with the approved plans. The respective spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of residential amenities and high way safety.

19) None of the dwellings hereby permitted shall be occupied until sustainable surface water drainage works have been implemented in accordance with details that shall have previously been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until all the works necessary have been implemented in accordance with the approved details. The balancing pond, if required, shall be completed and be in operation before the occupation of the first dwelling. The submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, including any requirement for the provision of a balancing pond and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii) include a timetable for its implementation in relation to the development; and,

iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework 2012.

20) None of the dwellings hereby permitted shall be occupied until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”

Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework 2012.

21) If, during development, contamination not previously identified, is found to be present on the development hereby permitted, then no further development shall be carried out until remediation works, in accordance with a Method Statement for remediation, including a timetable that has previously been submitted to and approved in writing by the local planning authority, have been completed and a verification report demonstrating completion of the works set out in the Method Statement has been submitted to and approved in writing by the local planning authority. The Method Statement shall detail how the unsuspected contamination shall be dealt with. The verification report demonstrating completion of the works set out in the



Method Statement shall include results of any sampling and monitoring. It shall also include any plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: In the interests of residential amenities of the future occupiers of the dwellings.

22) Construction works including the use of plant and machinery on the site shall not take place other than between 08.00-18.00 hours Monday to Friday and 09.00-13.00 hours on a Saturday, and at no time on Sundays or bank/public holidays.

Reason: In the interests of residential of the adjoining properties.

23) No dwelling shall be occupied until highway works agreed under section 278 of the 1980 Highway Act have been implemented in full to the satisfaction of the Local Planning and Highways Authorities. These works comprise:

i- Extension of 30mph speed limit to the east of the application site.

ii- Relocation of a terminal speed limit gateway feature.

iii- Construction of appropriate visibility sightlines on to Lenham Road prior to the commencement of the construction of dwellings.

iv- New dropped kerb crossings and tactile paving provided on Lenham Road with the new vehicular access Road.

Reason: In the interests of highway safety.

24) No development shall take place (including, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP:

Biodiversity shall include the following.

a) Risk assessment of potentially damaging construction activities;

b) Identification of "biodiversity protection zones", including use of protective fences, exclusion barriers and warning signs;

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);

d) The location and timing of sensitive works to avoid harm to biodiversity features;

e) The times during construction when specialist ecologists need to be present on site to oversee works;

f) Responsible persons and lines of communication;

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of biodiversity and ecology of the area

25) Details of bird and bat boxes/bricks to be provided in the development shall be submitted to and approved in writing by the Local Planning Authority within three months from the commencement of the development. The approved bird and bat boxes/bricks shall be installed before any respective dwelling is first occupied. Thereafter the approved bird and bat boxes shall be retained in accordance with approved details.

Reason: To enhance biodiversity in the interests of nature conservation and biodiversity protection in accordance of the NPPF.

26) None of the dwellings hereby permitted shall be occupied until underground ducts have been installed. The development should make provision for telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles satellite dishes and overhead lines and notwithstanding the provisions of the Town and Country

Planning (General Permitted Development) (England) Order2015, no distribution pole satellite dish or overhead line shall be erected within the site area.

Reason: In the interests of residential and visual amenities of the area

27) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of Security, Crime Prevention and Community Safety in accord with principle of good design and in compliance with NPPF.

## INFORMATIVES

1) Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. 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.

2) The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

3) A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 0330 303 0119) or [WWW.southernwater.co.uk](http://WWW.southernwater.co.uk).

### 4) Fuel, Oil and Chemical Storage

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to our guidance "PPG1 – General guide to prevention of pollution", which can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/290124/LIT\\_1404\\_8bdf51.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf)

### 5) 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:

i. **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.

ii. **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

- Low pressure Sodium Lamps (SOX) emits a minimal UV component.
- High pressure Sodium Lamps (SON) emits a small UV component.

- White SON, though low in UV, emit more than regular SON.  
High
- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.  
Variable
- 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:

- Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;
- Lamps of greater than 2000 lumens (150 W) must not be used;
- 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;
- Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
  - 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;
    - Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
    - Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby location.

Case Officer: Majid Harouni

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

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.