

REPORT SUMMARY

REFERENCE NO: 15/503325/HYBRID			
APPLICATION PROPOSAL: Outline application for development of up to 220 houses together with areas of open space, a nature conservation area, landscaping, new access onto Ulcombe Road and improved access to Kings Road (access being sought) plus change of use of land to school playing field - hybrid application (Resubmission of application 14/505284/OUT)			
ADDRESS: Land Between Mill Bank, Ulcombe Road & Kings Road Headcorn Kent TN27 9LD			
RECOMMENDATION: DELEGATED POWERS TO APPROVE SUBJECT TO CONDITIONS AND A LEGAL AGREEMENT (see section 9 of report for full recommendation)			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins an existing settlement, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.			
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none">• Departure from the Development Plan• Headcorn Parish Council has requested the application be reported to Committee for the reasons set out below.			
WARD Headcorn		PARISH/TOWN COUNCIL Headcorn	APPLICANT: Mr. And Mrs. Hawkes: Crabtree And Crabtree (Headcorn) Ltd AGENT: DHA Planning
DECISION DUE DATE: 21/07/15		PUBLICITY EXPIRY DATE 12/06/15	OFFICER SITE VISIT DATE 24/12/14 & 15/04/15
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
14/505284	Outline application for development of up to 220 houses together with areas of open space, a nature conservation area, landscaping, new access onto Ulcombe Road and improved access to Kings Road plus change of use of land to school playing field, with access to be considered at this stage and all other matters reserved for future consideration.	APPLICATION UNDER APPEAL: MBC HAVE ADVISED PLANNING INSPECTORATE THAT THEY WOULD HAVE APPROVED PLANNING PERMISSION SUBJECT TO CONDITIONS & LEGAL AGREEMENT	16/04/15
14/501105	EIA Screening Opinion for residential development with access and open space.	ENVIRONMENTAL STATEMENT NOT REQUIRED	10/09/14
61/0138/MK2 (Part of Site)	Outline application - Residential development	REFUSED	21/07/61
60/0292A/MK 2 (Part of Site)	Outline application for residential development	REFUSED	14/11/60

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site is agricultural (arable) land of some 8.6ha in area and is immediately north of Headcorn village between Ulcombe Road to the east and houses fronting the A274 (Mill Bank) to west. Parts of the site to the south and west adjoin the settlement boundary of the village in the Local Plan. There is housing development to the west, south, and southeast, with open farmland to the north and allotments/recreation ground to the east. Headcorn Primary School is located immediately south of the site. The land is agricultural and has its highest point within its centre on the west side. From here land slopes down to the south and north. There is a stream along part of the south boundary and ponds nearby.
- 1.02 The site adjoins parts of the settlement boundary of Headcorn in the Local Plan but is located within the countryside for Development Plan purposes, which here is designated a Special Landscape Area. The River Beult SSSI is around 470m to the southwest and the stream along part of the south boundary feeds into it. The southernmost part of the site falls within Flood Zones 2 and 3. 'Hazelpits Farmhouse' is a Grade II listed building, which is immediately north of the site.

2.0 PROPOSAL

- 2.01 This is an outline application for up to 220 houses together with areas of open space, a nature conservation area, landscaping, and a new access onto Ulcombe Road with access to be considered at this stage and all other matters reserved for future consideration. The application also seeks full permission for a change of use of an area of land to use as a school playing field for Headcorn Primary School.
- 2.02 Two access points are proposed from Ulcombe Road at the north and south ends of the eastern boundary with pedestrian access through 'Upton's'. An emergency/pedestrian/cycle access is proposed from Kings Road along an existing track which runs along the west side of the primary school.
- 2.03 The illustrative plans, which have been provided in an attempt to demonstrate that the site can accommodate this level of residential development, show a potential layout with the main access roads looping around the site with secondary roads running off these to cul-de-sacs and courtyards. An area of open space (nature reserve and informal open space) is shown running through the centre of the site for amenity and ecology reasons which will be discussed below. Affordable housing is proposed at 40%

3.0 PLANNING HISTORY/BACKGROUND INFORMATION

- 3.01 An outline application for exactly the same development (Ref. 14/505284) was submitted towards the end of last year. The applicant lodged an appeal with the Planning Inspectorate (PINS) against the Council's failure to determine that application by the statutory date and the appeal is pending with a hearing date set for 12th August. That application was reported planning committee on 16th April so that MBC could advise PINS what decision it would have made. The Council decided that it would have approved planning permission subject to conditions and a legal agreement and so is not contesting the appeal. Whilst MBC was not the determining authority due to the appeal, this decision is a material consideration.

4.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, T3, T13, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)
- Draft Maidstone Borough Local Plan
- Draft Headcorn Parish Neighbourhood Plan

5.0 LOCAL REPRESENTATIONS

5.01 Approximately 250 representations have been received raising the following main (summarised) points:

- Highway safety & congestion
- Access should be taken off the A274
- Lack of parking at site and in village
- Poor/lack of existing infrastructure and insufficient to support development
- Foul drainage is not adequate
- Flooding
- Noise & disturbance
- Density
- Visual harm & loss of natural habitat
- Urbanisation
- Loss of agricultural land
- Overdevelopment of village
- Not listening to local views
- Gradual approach to housing is more sustainable
- Brownfield sites should be used first
- Not the right location for 40% affordable housing
- Loss of village identity and character of village
- Public transport is poor and does not have sufficient capacity
- Environmental Impact Assessment should be required
- Full application should be required
- Contrary to NPPF
- Conflict with Neighbourhood Plan
- Premature application
- Contrary to Neighbourhood Plan
- Poor public consultation
- Loss of privacy
- Impact of construction traffic
- Harm to ecology
- Will lead to an increase in empty homes and social deprivation
- Lack of employment
- Headcorn is not sustainable for scale of development
- No need for this scale of development
- Archaeology
- Reports are inaccurate and not independent
- Increased pollution

- 5.02 **(Neighbouring) Ulcombe Parish Council:** Raises objections based on highway safety and traffic (particularly the impact upon Ulcombe village), speeding traffic, inaccurate Transport Assessment, flooding, sewerage, infrastructure at capacity, 40% affordable housing will exacerbate problems of social cohesion, and conflict with Neighbourhood Plan.
- 5.03 **Borough Cllr Round:** Considers the application should be heard by Planning Inspectors at an Inquiry. Raises objections based on urbanisation, lack of infrastructure, highway issues, lack of parking, drainage problems, lack of employment, affordable housing provision too high, and conflict with neighbourhood plan, .
- 5.04 **CPRE:** Harm to the landscape; flood risk; drainage infrastructure is inadequate; road and transport infrastructure is inadequate; lack of employment; affordable housing could lead to deprivation; lack of school places; human rights issues.
- 5.05 **The Weald of Kent Protection Society:** Greenfield, agricultural land; overdevelopment; urbanisation; flooding and drainage problems; traffic and highway safety, lack of employment.

6.0 CONSULTATIONS

- 6.01 **Headcorn Parish Council:** Wish to see the application REFUSED on the following (summarised) grounds and reported to planning committee. These matters have been raised under a series of detailed letters and submissions:

- Not a sustainable location for this scale of development.
- Should not be an outline application.
- Not the right location for this amount of affordable housing.
- Lack of employment.
- Transport Assessment is inaccurate.
- Access should be from the A274.
- Highway safety issues.
- Cumulative impact of traffic needs to be assessed.
- Travel Plan should be provided.
- Disruption during construction.
- Density is too high.
- EIA should be required.
- Sewage system is not adequate.
- It is unclear who would improve the drainage infrastructure.
- Development needs to be delayed until drains have been fully upgraded.
- The Water Act will not guarantee investment.
- River Beult cannot take increased discharge.
- Surface water flooding and SUDs scheme not sufficient.
- Not in accordance with Maidstone Borough-Wide Local Plan 2000.
- Not in accordance with Draft Neighbourhood Plan.
- Not in accordance with the economic development strategy.
- Land needs to be given to KCC to expand school.
- Increased social amenities needed.
- Increased medical facilities needed.
- Increased parking in High Street needed.

- Urbanisation.
- Lack of infrastructure including open space.
- Site is outside development boundary.
- Site has been rejected by Cabinet.
- Housing targets and the lack of a 5 year supply are not the overriding factor.
- Previous committee resolution becomes null and void.
- Breach of human rights due to flooding of homes.

6.02 **MBC Housing Officer:** No objections and advice provided on potential affordable housing mix.

6.03 **MKIP Environmental Health Officer:** No objections subject to conditions regarding contaminated land and air quality mitigation.

6.04 **MBC Parks & Leisure:** Based on a shortfall of 0.8ha of open space on site a request of £548 per dwelling (total £120,560) towards improvements, refurbishment and maintenance of existing and new equipment and facilities at the Hoggs Bridge Green Play Area and Playing Fields, and Hoggs Bridge Green Allotments to the east of the site and Headcorn Recreation Ground and Play Area to the South of the site.

6.05 **MBC Conservation Officer:** Raises no objections.

6.06 **KCC Development Contributions:** *"The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution."*

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

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

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

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

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

The expansion to 2FE is likely to be undertaken in two distinct phases and projects, which are likely to include provision of a new standalone single story building which will incorporate:

- *Six classrooms*
- *Associated storage and cloak areas*
- *Toilets*
- *Additional staff room*
- *Studio/small hall*
- *Provision of a walkway from new build to existing school*
- *Provision of additional car parking space*

It is requested that the contributions from this development be applied to the first phase of expanding the school from 1FE to 2FE.”

Primary School Land:

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

The additional land measures 3383m² and is identified on the attached plan. It is requested that this area of land be secured through a planning obligation such that it is transferred to KCC at the earliest opportunity and that adequate provision for highway access at the most North Eastern point of the extension land to accommodate traffic generated by a 2 Form Entry primary school is provided through this development.

There are strong links between Staplehurst and Headcorn Primary Schools, KCC's intention is to expand Headcorn Primary School in the first instance to act as a strategic provision contributing to meeting the overall increase in demand across both Headcorn and Staplehurst.

On this basis, developments contributing to the need for expansion land at Headcorn are to contribute proportionate costs based on residential land forgone by the development providing the school extension site.

This is to be calculated based on the below:

Headcorn Land Costs

<i>Per Acre</i>	<i>Headcorn Land (0.84 Acres)</i>	<i>Per Pupil</i>
<i>£800,000</i>	<i>£668,766.00</i>	<i>£3,184.60</i>

KCC will seek to secure from new development arising in Headcorn and Staplehurst £3,184.60 of land acquisition costs for each pupil which cannot be accommodated within existing surplus capacity at Staplehurst and where the intended mitigation project is Headcorn Primary School.

The sum paid to the landowner of the Headcorn extension land will equal that amount which is secured through future planning obligations as per the value above and also land acquisition costs previously secured from developments which also contribute to

the need for expansion of Headcorn Primary School. The sums are to be paid to the landowner such that KCC is not required to forward fund the payments.”

Secondary School Provision: £519,156 is sought to towards the extension of teaching space at Maidstone Grammar School.

“This proposal gives rise to 44 additional secondary school pupils during occupation of this development. This need can only be met through the expansion of appropriate Secondary Schools within the Borough. The County Council requires a financial contribution towards extension of secondary school provision at £11,799 per pupil for the 44 additional pupils from this development towards the first phase of expanding Maidstone Grammar School.”

Youth Services: £1,857 sought.

“To accommodate the increased demand on KCC services the County Council requests £8.44 per dwelling towards equipment to expand the range of youth focused activities able to take place at the Village Hall, to be utilised by KCC’s commissioned youth worker.”

Libraries Contribution: £10,563.48 sought.

“There is an assessed shortfall in provision: bookstock for Maidstone Borough at 1339 per 1000 population is below the County average of 1349 and both the England and total UK figures of 1510 and 1605 respectively. The County Council will mitigate this impact through the provision of additional bookstock to Headcorn Library serving the development and will be delivered as and when the monies are received. The County Council therefore requests £48.02 per household to address the direct impact of this development.”

Community Learning: £6,754 sought

“To accommodate the increased demand on KCC services the County Council requests £30.70 per dwelling towards the cost of commissioning adult and community learning classes within the village, including rental of space and equipment required.”

- 6.07 **KCC Highways:** No objections subject to a travel plan, and construction management plan. Improvements suggested being new 30mph signs and gateway features on Ulcombe Road; road markings on Ulcombe road; potential extension of footway on Forge Lane; residential travel plan; construction management plan; and traffic management plan. Proposed signalling of A274 North Street/Kings Road/ Moat Road junction would need to be funded by the development.
- 6.08 **KCC Ecology:** No objections subject to conditions requiring mitigation in relation to GCN, reptiles, and bats, and provision of a biodiversity method statement, ecological design strategy, landscape and ecological enhancement plan, lighting design strategy, construction environmental management plan, and enhancements.
- 6.09 **KCC Flood Team (Lead Local Flood Authority):** No objections subject to a condition requiring specific details of the surface water drainage scheme including details for the provision of long term management.
- 6.10 **KCC Heritage:** No objections subject to a condition requiring a programme of archaeological work.

- 6.11 **Natural England:** No objections (comments remain the same as for application 14/505284). *“Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.”*
- 6.12 **UK Power Networks:** No objections.
- 6.13 **Rural Planning Ltd:** No objections. The land is not the best and most versatile and therefore I do not consider the loss of the land should be considered ‘significant’ for the purposes of paragraph 112 of the NPPF.
- 6.14 **NHS:** Seeks a healthcare contribution of £135,626.40,

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

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

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

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

- 6.15 **Environment Agency:** No objections subject to conditions requiring the development to be carried out in accordance with the Flood Risk Assessment (FRA).
- 6.16 **Historic England:** “The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.”
- 6.17 **Southern Water:** *“Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.*

Should this application received planning approval, please 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.”

- 6.18 **Upper Medway Internal Drainage Board:** No objections. *“The site of this proposal is partly within the Upper Medway IDB’s district and has the potential to affect IDB interests. However, the applicant is proposing to limit surface water runoff to 3.5l/s/ha which is considered to be acceptable in this instance. Provided any permission is conditioned to this effect, ideally with open SuDS (swales, ponds) maximised, in preference to closed systems (pipes, cellular storage) the Board will have no objection. Details of drainage should be developed in close consultation with KCC and the Environment Agency, as should details of pollution prevention and control. The future maintenance of the SuDS must also be assured for the lifetime of the development.”*
- 6.19 **Southern Gas Networks:** No objections
- 6.20 **Kent Police:** Recommend condition re. crime prevention.

7.0 APPRAISAL

Principle of Development

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

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

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

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

7.04 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan.

7.05 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan (ENV28) is justified, and secondly whether the development would cause unacceptable harm. (Detailed issues of any harm will be discussed later in the report).

7.06 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;

‘identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;’

7.07 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the objectively assessed need (OAN) for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.

- 7.08 Most recently calculated (April 2014), the Council had a 2.1 year supply of housing assessed against the objectively assessed housing need of 18,600 dwellings.
- 7.09 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is states that housing applications should be considered in the context of the 'presumption in favour of sustainable development' and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. This means that conflict with policy ENV28, in terms of the site being located outside of a settlement boundary, is not grounds to object to the application in principle. Where relevant policies (such as ENV28) are out-of-date the presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 7.10 In terms of the suitability of the location of the development, the NPPF advises as one of its core principles to, *"actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable."* Headcorn is defined as a rural service centre, which outside of the town centre and urban area, are considered the most sustainable settlements in Maidstone's settlement hierarchy, under the draft Local Plan. The draft Local Plan outlines that, *"Rural service centres play a key part in the economic and social fabric of the borough and contribute towards its character and built form. They act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys."* Whilst the Local Plan is in draft (and so the rural service centre designation is not adopted), the settlement offers a good range of key services including the primary school, doctor's surgery, employment, shops, public houses, regular public transport bus connections to Maidstone and a train station, and as such, the site is considered to be at a sustainable location immediately adjoining an existing settlement.
- 7.11 The draft Local Plan, which went out to Regulation 18 public consultation in 2014, allocates the site for housing for 240 dwellings (policy H1(39)). However, Cabinet resolved to go back to Regulation 18 consultation for deletion of the allocation on the grounds that, *"local infrastructure is insufficient, in particular for foul water sewerage, flood risk and highway congestion."* It must be stressed that Cabinet's decision is not grounds to refuse planning permission and the issues that were raised are assessed below.
- 7.12 In the light of the above five year supply position, bringing forward development on this sustainably located site immediately adjacent to a settlement with a range of services and public transport links would assist in helping to meet the shortfall in housing supply and I consider this to be a strong material consideration in favour of the development.
- 7.13 Representations have been received relating to conflict with the emerging Neighbourhood Plan (NP) and its policies. In summary, the draft NP in relation to housing development within its policies, seeks no more than between 250-280 new homes in the village from 2011-2031, in terms of new developments does not seek sites over 30 dwellings and for these to be phased over 5 year periods (no more than 30 for each 5 year period), no further development until the sewer system has been upgraded, land provided for school expansion, density not exceeding 30

dwelling/acre, and 20% affordable housing. In relation to the application site, the NP identifies the southern half as potentially being sustainable for 30 dwellings. Whilst work on the NP is progressing and it has been submitted to the Council (under Regulation 14), there are still a number of key stages ahead including, Local Authority lead public consultation, independent examination and referendum. The NP is a material consideration, however, at its current stage, any conflict is not considered grounds to refuse planning permission.

- 7.14 For the above reasons, I consider the policy principle of residential development at this location is acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. I will now go on to consider the key planning issues which are visual impact/design, access/highway safety, infrastructure, drainage/flood risk, ecology, heritage, residential amenity.

Visual/Landscape Impact

- 7.15 In terms of near views, the site is visible from Ulcombe Road to the east although behind an existing deciduous roadside hedge. Glimpses would also be possible between properties from the A274 (Mill Bank) to west. Otherwise close views would be from private properties bordering the site, from the school playing fields and footpaths around 200m to the north. Development of the site would inevitably result in a visual and character change from the current agricultural fields from close range views. However, there is built development to the west along the A274, at Hazelpits Farm to the north, and to the southeast/east. As such, development of the site to some degree is infilling between existing built up areas, and it is considered that development of the site would not represent extension of built form away from the main built-up area of the settlement, or be out on a limb.
- 7.16 In longer range views, part of the northern boundary is open and this is the highest part of the site with long range views of the Greensand Ridge possible. However, any views would be seen in the context of the existing settlement so to my mind the development would not be discordant or result in any significant protrusion beyond the settlement.
- 7.17 Overall, it is considered that development of the site would cause some harm and therefore result in some conflict with policies ENV28 and ENV34 of the Local Plan but this would be relatively low harm. Landscaping could also be secured to mitigate some of this impact. I will return to the balancing of this harm in the conclusion.

Design Issues

- 7.18 Details of layout, scale, appearance and landscaping are not being considered at this stage. However, the illustrative plans show 220 dwellings over the site which equates to a density of around 28 dwellings per hectare, which I consider suitable for this edge of village site, and this is not out of character with surrounding densities. The illustrative plans show what could be achieved, with large areas of open space, good levels of landscaping, and an emergency/pedestrian/cycleway access past the primary school linking to Kings Road. Overall, I consider the amount of development proposed is suitable to be able to achieve a high standard of design and that this is not grounds to refuse the application.
- 7.19 It is considered that conditions to set parameters on landscaping in order to retain and strengthen boundaries at the site are necessary to ensure an appropriate setting

to the development. This would include retention and enhancement of boundary vegetation (excluding the openings required for access points), the provision of a landscape belt adjacent to the existing hedge along the eastern boundary with Ulcombe Road, the provision of a 5-10m wide protective buffer zone adjacent to the existing boundary vegetation along the western boundary, proposed native planting along the north and northwest boundaries to connect to the existing vegetation and along the proposed and existing boundaries with the existing primary school, and creation of an ecological corridor across the site following the line of the existing hedgerow and field boundary to include a nature reserve area, swales, ponds, tree planting and amenity open space.

Highways Issues

- 7.20 Access is being considered at this stage and two vehicular access points would be provided onto Ulcombe Road with the 30mph speed limit extended north across the site frontage. There would be a pedestrian route through 'Upton's over which the applicant has a right of way. An emergency/pedestrian/cycleway access past the primary school linking to Kings Road is also proposed. Kent Highway Services (KHS) raise no objections to the access points and their visibility.
- 7.20 A transport assessment has been submitted and safety audit which has been assessed by KHS. The trip generation from the development (which was tested for 270 dwellings not 220) is expected to result in 131 arrivals and departures during the AM peak (8am to 9am) and 154 in PM peak (5pm to 6pm). This is an average of 2-3 movements per minute in the AM peak and 2-3 in the PM peak. Most vehicles (66%) would be expected to head south on Ulcombe Road and west along Kings Road. A third of traffic would be expected to head north on Ulcombe Road. The increase in traffic at the A274 North Street/Kings Road/Moat Road junction, including factored in background traffic growth would result in approximately a 10% increase in both peak hours.
- 7.21 Criticisms of the transport assessment have been received, however, KHS have not raised any concerns with the information provided. KHS raise no objections in terms of the impact of the additional traffic on local roads or highway safety. KHS do state that they would expect the combination of additional traffic and the narrow width of Ulcombe Road just to the south of the site would result in minor delays at busy times but do not raise objections to this.
- 7.22 The applicant has carried out a capacity assessment of the A274 North Street/Kings Road/Moat Road junction. The information reveals that the junction currently operates well within capacity and would continue to do so with the additional traffic from the development. However, because the draft policy refers to seeking contributions towards the provision of traffic signal control and that some sight lines are sub-standard, a potential junction signalisation scheme has been proposed by the applicant. This would result in 5 on-street parking spaces being lost but these would be replaced by land within the application site next to the primary school.
- 7.23 KHS advise that the Transport Assessment outlines that the additional traffic generated by the development is unlikely to cause a safety or capacity problem at the A274 Mill Bank/North Street/Kings Road junction. This being based on the current injury crash records and junction capacity calculations. In strict evidence terms, KHS advise that they would tend to agree with this assessment. However, KHS advise that the lack of visibility remains an issue and it is possible that additional traffic passing through it could cause a problem in the future, but this would not be known until the new housing has been built. The applicant considers there is a potential

safety issue arising from the junction's existing substandard sight line visibility, and that development will increase use of a junction with an existing potential safety problem, and that this would be mitigated if the lights were installed.

- 7.24 The sight lines at the junction are sub-standard, and KHS consider this is an issue, and that safety issues could arise in the future. To my mind this is sufficient grounds to require signalisation of the junction, which the applicant is proposing. Therefore a condition requiring this off-site highway improvement could mitigate this impact.
- 7.25 Parking and layout is not being considered at this stage but I consider a suitable level of parking could be provided and balanced against achieving a well-designed scheme and layout.
- 7.26 Policy T3 of the Local Plan refers to the requirement, where necessary and appropriate, for public transport facilities within significant developments. In this case the site is within walking distance of bus stops and the train station and so this is not considered necessary.
- 7.27 Overall, it is considered the accesses would be safe and that the impact of additional traffic on local roads and junctions would, or could be made acceptable through improvement, with no objections raised by the Highways Authority. It is noted that the NPPF at paragraph 32 advises that development should only be refused on transport grounds where residual cumulative impacts of development are severe, which is not the case here subject to mitigation. As such, any highways impacts are not considered grounds for refusal.

Infrastructure

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

It is:

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

*And

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

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

(ii) which provide for the funding or provision of that project, or type of infrastructure have been entered into before the date that obligation A was entered into.

- 7.30 *This section 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).
- 7.31 The following contributions have been sought:
- 7.32 For primary education provision, the pupils that would result from the development cannot be accommodated within forecast school capacities of the adjacent primary school. As such, the school would need to expand but is restricted due to being divided by a stream which flows into the River Beult. KCC has therefore commissioned architects to examine the feasibility for the school to expand to 2FE (420 places), and the results are that the school is capable of expansion, but at considerable cost. This would involve extending the school on its existing site. However, due to the loss of space on site, additional land to the north of the existing school would then be required to ensure Government space standards are still met. This land forms part of the application and would be made available for KCC and is included within the draft s106 submitted under the application and so this provision would be satisfied.
- 7.33 In terms of the cost for the new accommodation, it is advised this will be higher than other expansion projects because it would be in Flood Zone 2 (note: school expansion can be allowed in Zone 2 under the NPPF/NPPG). The per pupil cost of constructing the new accommodation and enlarging existing core facilities is on par with the per pupil cost of constructing a new primary school. The per pupil cost of constructing a 1FE primary school is currently £19,047.62. Given the proposed development gives rise to 62 primary pupils, KCC therefore requests £1,180,952 be secured from the development towards the construction of the school extension.
- 7.34 For secondary education £519,156 is sought to towards the extension of secondary school provision at Maidstone Grammar School to address the increased impact the development would have.
- 7.35 For youth services, £1,857 is sought to be used to address the demand from the development towards youth services locally towards equipment to expand the range of youth focused activities able to take place at the Village Hall, to be utilised by KCC's commissioned youth worker.
- 7.36 For libraries, £10,563.48 is sought be used to address the demand from the development towards additional bookstock at Headcorn Library.
- 7.37 For community learning, £6,754 is sought to accommodate the increased demand towards the cost of commissioning adult and community learning classes within the village, including rental of space and equipment required.
- 7.38 Justification for the contributions is outlined at paragraph 6.06 and I consider that the requested contributions have been sufficiently justified to mitigate the additional strain the development would put on these services and comply with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the CIL tests above.
- 7.39 In terms of open space, based on a shortfall of 0.8ha of open space on site (based on that being indicatively shown), a request of £548 per dwelling (total £120,560)

towards improvements, refurbishment and maintenance of existing and new equipment and facilities at the Hoggs Bridge Green Play Area and Playing Fields, and Hoggs Bridge Green Allotments to the east of the site and Headcorn Recreation Ground and Play Area to the South of the site has been made by the Parks & Leisure Team. This off-site contribution would mitigate the shortfall in on-site open space. It is considered that existing play areas for children are close enough to the site (within 250m) so as not to require an equipped area on site. The open space across the site is proposed to be in the form of a nature reserve and amenity open space, which would include swales and ponds. Council evidence regarding open space suggests a lack of natural and semi-natural open space within Headcorn. Natural and semi-natural open space includes woodlands, scrub, grasslands, wetlands, open and running water and rock areas (eg quarries). Due to the ecology issues associated with the site and need for a nature reserve, the lack of such space, and to enhance biodiversity in line with the NPPF, it is considered that natural and semi-natural open space is most appropriate for this site. This is also bearing in mind the nearby facilities at Hoggs Bridge Green Play Area and Playing Fields, Hoggs Bridge Green Allotments, and the Headcorn Recreation Ground and Play Area. It is considered that 1.5ha of on-site open space and contributions to off-site open space would be an acceptable balance and would sufficiently provide for, and mitigate the impact the development would have on public open space. Therefore a condition and legal agreement can be attached to secure 1.5ha of on-site natural and semi-natural open space with long-term management and maintenance, and an off-site financial contribution.

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

- 7.44 The above contributions (apart from the NHS) are considered to be necessary to mitigate the impact of the development, and I have checked with those making the requests that there are not already 5 signed s106 agreements contributions towards the projects, and clarification has been given that there are not. As such the requests would meet the CIL regulations tests.

Drainage & Flood Risk

- 7.45 The issue of foul water drainage within the village more has been raised as a critical issue by numerous residents, Councillors and the Parish Council and this was one of the reasons Cabinet opted for the site to be deleted from the emerging Local Plan. The Parish Council have again submitted a foul water drainage assessment (in summary) carried out by consultants on behalf of the Parish Council. This report identifies what it considers to be shortcomings within the existing foul water drainage system including inadequate capacity in pipework (diameter of pipes), and inadequate velocity (some pipes have potentially not been laid falling in the right direction or at sufficient angles). It is considered that this could result in a build-up of foul material, blockages and overflows and indeed submissions have been received showing evidence of such occurrences. Whilst this information has not been independently assessed (for example like the Transport Assessment by KHS), clearly there are issues with the existing system evidenced by the problems experienced on some roads in the village where overflows occur.
- 7.46 The applicant is aware of the existing problem within the village and the serious concerns, and has submitted a detailed 'foul water management strategy' in an attempt to address the impact of the proposed development. I must advise Members that a new development can only be required to mitigate its own impact and not solve existing problems.
- 7.47 The applicant submitted a capacity check to Southern Water (SW) in July 2014 based on 240 dwellings (220 are now proposed). The check was based on two thirds of flows going to Ulcombe Road pipes, and one third to Kings Road. Southern Water's response confirmed that there is insufficient capacity in the local network to accommodate the flows. Following discussions with SW, it is proposed that the site would discharge to a manhole on Kings Road (not Ulcombe Rd). This would require an upgrade of the pipework (larger size) from outside the primary school southwards to the corner of North Street/High Street, and also an increase in the capacity of the Moat Road Headcorn Wastewater Treatment Works. It is also noted that the depth of sewers in Kings Road means that it is not possible to drain the site using gravity sewers alone, and a pumping station is therefore proposed within the application site.
- 7.48 The Parish Council have stated that there is an area of pipework which their assessment considers should be upgraded but hasn't been identified by SW. I have discussed this with SW and whilst they don't necessarily agree, they have advised that if any further works were required this would be dealt with under the Water Industry Act and any necessary improvements would be secured. The issue of the capacity of the Waste Water Treatment Works (WWTW) to the west of the village has been discussed with SW. They have stated there is not sufficient capacity for 220 dwellings but they are committed to delivering capacity to service the development. They advise that the required capacity could be delivered within 3 years of works starting and there would be scope for a phased connection to the treatment works during the upgrades works, which would need to be discussed with Southern Water and the developer. Importantly they advise that there is a solution and this can be secured under a condition.

- 7.49 Southern Water in response to the planning application confirms again that there is insufficient capacity to serve the development but state that, *“additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.”* I consider that the applicant has demonstrated that on and off-site measures and improvements can be provided, (which have been carried out in consultation with Southern Water), and that adequate foul drainage could be provided to mitigate the impact of the development. Clearly, this will not solve existing problems in the village but will mitigate the development’s impact, which is all that is required.
- 7.50 I therefore advise that issues relating to foul drainage are not grounds to object to the application as this could be dealt with condition via the Water Industry Act.
- 7.51 In terms of surface water and flood risk, a Flood Risk Assessment (FRA) and Surface Water Management Strategy have been submitted. SUDs are proposed including filter strips, permeable paving, swales and ponds to ensure run-off rates would be the equivalent of existing greenfield run-off rates. The EA has advised that they consider the submitted FRA is very detailed and has considered all aspects of surface water drainage and management. They state that, *“the FRA and drainage strategy provided, stated, calculated and showed that the runoff generated from the development will be kept at Greenfield runoff rates. The provided micro drainage calculations show that the site would discharge at Greenfield runoff rate and the SUDS provided in the development will reduce the flow of water from the site to the Hoggs Stream.”*
- 7.52 KCC as ‘Lead Local Flood Authority’ (LLFA) have been consulted and do not raise objections to the surface water management proposals subject to conditions. They have no objection in principle to the proposed development with regard to means of surface water disposal and recommend a condition to secure precise details when reserved matters are submitted including long term maintenance and management.
- 7.53 On this basis no objections are raised by the LLFA and the EA to the surface water drainage proposals or in terms of the impact upon flood risk.

Ecology

- 7.54 Ecological surveys have been carried out including species surveys for bats, GCN, reptiles, and aquatic invertebrates. Surveys confirmed the presence of GCN in ponds nearby and that a Natural England licence would be needed due to the impact upon terrestrial habitat. An exceptional population of slow worm and low population of common lizard and grass snake was recorded. As areas where they were recorded will be temporarily disturbed and connectivity will be altered, a mitigation strategy is proposed. KCC Ecology have assessed the detail and raise no objections subject to conditions requiring mitigation in relation to GCN, reptiles, and bats, and provision of a biodiversity method statement, ecological design strategy, landscape and ecological enhancement plan, construction environmental management plan, and enhancements. I therefore consider any impact upon ecology would not warrant objection and that suitable mitigation would be possible. Natural England also raise no objections in terms of any impact upon the River Beult SSSI.
- 7.55 As outlined above, the open space across the site would be in the form of a nature reserve and natural and semi-natural space which would provide biodiversity

enhancements at the site in line with the NPPF. Specific details of this would be secured by condition. Others measures proposed include logpiles, hibernacula creation, bat, bird and invertebrate boxes within built form and on trees which would also be secured by condition.

Heritage

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

Residential Amenity

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

Other Matters

- 7.59 Affordable housing is proposed at 40% in line with the 2006 DPD and emerging policy. Conditions could suitably deal with archaeology, contaminated land and mitigating any impact upon air quality. The land is not considered to fall within the best and most versatile agricultural category.
- 7.60 Some residents and the Parish Council consider that the application should be accompanied by an Environmental Impact Assessment (EIA). Prior to submission of the previous application, a 'Screening Opinion' was sought for up to 270 dwellings at the site. After consultations with Statutory Consultees, it was considered that any environmental implications from the development would not be so significant or wide-ranging so as to warrant an EIA. For this application, the same conclusion has been reached in a separate screening decision. Essentially, it is not considered that the development would have significant environmental effects in the context of the EIA Regulations alone or cumulatively with other developments, would not be of more than local importance, would not have significant implications for the SSSI, and would not involve unusually complex and potentially hazardous environmental effects. Therefore it is not considered that an EIA is required for this application in light of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).
- 7.61 Issues of interference with human rights have been raised in terms of potential flooding of homes. As outlined above, no objections have been raised by the Environment Agency or KCC as LLFA and conditions would ensure adequate

measures. It is considered this issue has been sufficiently considered so as not to represent a breach of human rights.

8.0 CONCLUSION

- 8.01 It is pointed out to Members that it is a material consideration that the Council decided that it would have approved an identical development as recently as April this year, and it is considered that the Council would need to clearly demonstrate a material change in circumstances and harm to justify a different decision under this application. It is considered that this is not the case.
- 8.02 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the Local Plan. However, in the absence of a five year supply of housing the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and policies such as ENV28 cannot form grounds to object in principle.
- 8.02 The site is considered to be at a sustainable location adjoining the settlement boundary of Headcorn in the Local Plan, which offers a good range of facilities and services. The visual impact of development at the site would be localised and would not result in any significant protrusion into open countryside beyond existing developed areas. There are no highway objections and it is considered the local roads could accommodate any increase in traffic, with some off-site improvements. Appropriate community infrastructure could be provided and affordable housing at 40%. Drainage issues have been fully considered and mitigation for the development could be achieved and secured by condition. There are no objections from the Environment Agency in terms of flooding or the LLFA in terms of surface water drainage. There are no ecology objections or any other matters that result in an objection to the development. The Conservation Officer considers there would not be harm to the setting of the listed building.
- 8.03 In accordance with advice in the NPPF, there are three dimensions to sustainable development giving rise to the need for the planning system to perform environmental, economic and social roles. It is considered that the development would provide economic benefits through delivering houses, associated construction jobs, and the likelihood of local expenditure (economic benefits commonly recognised by Inspectors at appeal). It is considered that there would be social benefits through providing much needed housing, including affordable housing, community infrastructure, and I do not consider the impact upon existing resident's amenity would be unduly harmful. There would be some impact upon the landscape (and thus conflict with ENV28 and ENV34) but this would be limited and localised and so is considered to result in low environmental harm. There would be no other significant harm to the environment. As such, it is considered that the development would perform well in terms of economic, social and environmental roles required under the NPPF.
- 8.04 All representations received on the application have been fully taken into account including comprehensive representations from the Parish Council and local residents, and so too has the emerging Neighbourhood Plan. Balancing the level of harm caused by the development, in the context of a lack of 5 year housing supply, I consider that the low adverse impacts would not significantly and demonstrably outweigh the benefits of providing much needed housing, including affordable housing, at a sustainable location. This is the balancing test required under the NPPF. As such, I consider that compliance with policy within the NPPF is sufficient grounds to depart from the adopted Local Plan and recommend that permission is

granted subject to conditions and a legal agreement as set out below. Delegated powers are sought to finalise the terms of the legal agreement.

9.0 RECOMMENDATION

Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following:

- The provision of 40% affordable residential units within the application site.
- Financial contribution of £1,180,952 towards the build costs of extending Headcorn Primary School.
- The provision of land to allow the expansion of Headcorn Primary School with vehicular access.
- Financial contribution of £519,156 towards the expansion of Maidstone Grammar School.
- Financial contribution of £1,857 towards youth services being equipment to expand the range of youth focused activities able to take place at Headcorn Village Hall, to be utilised by KCC's commissioned youth worker.
- Financial contribution of £10,563.48 towards libraries to address the demand from the development towards additional bookstock at Headcorn Library.
- Financial contribution of £6,754 towards community services being towards the cost of commissioning adult and community learning classes within Headcorn village, including rental of space and equipment required.
- Financial contribution of £120,560 towards improvements, refurbishment and maintenance of existing and new equipment and facilities at the Hoggs Bridge Green Play Area and Playing Fields, Hoggs Bridge Green Allotments, and Headcorn Recreation Ground and Play Area.
- The long-term management and maintenance of on-site natural and semi-natural open space areas including details of mechanisms by which the long-term implementation of the open space will be secured by the developer with the management body(ies) responsible for its delivery.

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out below:

1. The outline element of the development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

a. Layout b. Scale c. Appearance c. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
2. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. The development being the detailed element of this application (change of use of land to school playing field) hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

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.

4. The development shall not commence (including any demolition, ground works, site clearance) until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall follow the principles of the landscape strategy plan (Drawing no. 1380/001RevE) and provide for the following:

(i) Retention and enhancement of boundary vegetation (excluding the openings required for access points).

(ii) The provision of a landscape belt adjacent to the existing hedge along the eastern boundary with Ulcombe Road.

(iii) The provision of a 5-10m wide protective buffer zone adjacent to the existing boundary vegetation along the western boundary.

(iv) Proposed native planting along the north and northwest boundaries to connect to the existing vegetation and along the proposed and existing boundaries with the primary existing school.

(v) Creation of an ecological corridor across the site, following the line of the existing hedgerow and field boundary to include a nature reserve area, planned swales, ponds, tree planting and amenity open space.

Reason: To ensure a high quality design, appearance and setting to the development.

5. The development shall not commence until (including any demolition, ground works, site clearance) until a method statement for the mitigation of ecological impacts (including reptiles, great crested newts, nesting birds and retained habitats including the stream and hedgerows) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

a) Purpose and objectives for the proposed works, including risk assessment of potentially damaging construction activities;

b) Practical measures (both physical measures and sensitive working practices) to avoid, reduce and/or mitigate impacts and achieve stated objectives;

- c) Extent and location of proposed measures, including identification of 'biodiversity protection zones' shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Times when specialist ecologists need to be present on site to oversee works;
- f) Persons responsible for implementing the works, including role and responsibilities on site of an ecological clerk of works or similarly competent person.

The works shall be carried out strictly in accordance with the approved details

Reason: To protect and enhance biodiversity.

6. The development shall not commence until an ecological design strategy (EDS) addressing habitat creation and enhancement, incorporating the recommendations within the Extended Phase 1 and Protected Species Report (Corylus Ecology, October 2014) and Ecological Survey of a Stream to the North of Headcorn (Aseda, February 2015), has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives, including the creation of an appropriately sized nature conservation area, a buffer zone to the stream and green corridors across and around the site.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long term maintenance.
- i) Details for monitoring and remedial measures.
- j) Swift bricks and bat boxes integral to buildings, wildlife friendly gullies, and retention of cordwood on site.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To protect and enhance biodiversity.

7. The development shall not commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Aims and objectives of management.
- c) Management prescriptions for achieving aims and objectives.

- d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- e) Details of the body or organisation responsible for implementation of the plan.
- f) Details of on-going species and habitat monitoring; and
- g) Provision for remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure a high quality design, appearance and setting to the development, and to protect and enhance biodiversity.

- 8. The development shall not commence until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance to the development.

- 9. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. Materials shall follow the principles within the Design and Access Statement including vernacular materials and the use of timber weatherboarding, clay hanging and roof tiles, and slate roof tiles;

Reason: To ensure a satisfactory appearance to the development.

- 10. The development shall not commence until, details of all fencing, walling and other boundary treatments (which shall include measures to allow the movement of hedgehogs throughout the site) have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

- 11. The development shall not commence 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.

12. The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels.

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

13. The development shall not commence until the following components of 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) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This 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.

4) 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.

Reason: In the interests of public safety and pollution prevention.

14. The details submitted pursuant to condition 1 shall provide for at least 1.5ha of on-site natural and semi-natural public open space.

Reason: To ensure open space to meet the recreational needs of prospective occupiers and taking into account the reduced off-site financial contribution towards public open space in the local area.

15. The details submitted pursuant to condition 1 shall show no buildings over a height of 2.5 storeys (any third floor to be within the roof space).

Reason: To ensure a satisfactory appearance to the development in its context.

16. The details submitted pursuant to condition 1 will be carried out in accordance with the principles outlined in the submitted Flood Risk Assessment (FRA) (RMB Consultants Ltd, October 2014) and the Surface Water Management Strategy (RMB

Consultants Ltd October 2014). No development shall take place until a sustainable surface water drainage scheme based on details provided within the Surface Water Management Strategy prepared by RMB Consultants (Civil Engineering) Ltd dated October 2014, has been submitted to and approved in writing by the local planning authority. The surface water strategy should also be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015), and should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, so as not to increase the risk of flooding both on- or off-site. The strategy should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the 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.

17. The details pursuant to condition 1 shall show new parking provision on site adjacent to Kings Road to replace that lost to the junction improvements shown on drawing no. 10276-H-12 RevP1 of the Transport Assessment.

Reasons: In the interests of highway safety.

18. Details of a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;

- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

- c) Include measures to reduce light pollution and spillage.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interest biodiversity protection and visual amenity.

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

Reason: In the interest of pollution and flood prevention.

20. No occupation of the development hereby permitted shall take place until the following off-site highways improvements have been made in full. Full details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority:

- (a) The extension of the 30 mph signs/zone beyond the northern access onto Ulcombe Road to include gateway road signage or markings.
 - (b) Upgrading of the road markings at the pinch point on Ulcombe Road outside 'Uptons'.
21. No occupation of the development hereby permitted shall take place until the signalised junction improvements as shown on drawing no. 10276-H-12 RevP1 of the Transport Assessment (subject to any amendments deemed necessary by the Highways Authority) have been completed.

Reason: In the interests of highway safety.

22. The two access points onto Ulcombe Road shall be carried out in accordance with drawing no. 10276-H-09 RevP1 within the Transport Assessment prior to the occupation of the development. Visibility splays shall be maintained in accordance with the approved drawing and kept free of obstruction above 0.9m thereafter.

Reason: In the interests of highway safety.

23. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five 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, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory external appearance to the development.

24. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. 10276-H-09 RevP1 within the Transport Assessment

Reason: In the interests of highway safety.

Informative:

1. The details of appearance should include the use of ragstone upon buildings and walls within the site and buildings shall include the use of exposed rafter feet. Details of roof overhangs and eaves, details of windows and doors and recesses/reveals (which shall be a minimum of 70mm) should also be provided.

Case Officer: Richard Timms

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