

**REPORT SUMMARY**

<b>REFERENCE NO - 15/501342/OUT</b>			
<b>APPLICATION PROPOSAL</b>			
Outline application for the erection of 28 dwellings including amenity space and nature conservation mitigation corridors, approval for access, appearance, layout and scale being sought with landscape reserved for future consideration. Including development affecting a Public Right of Way.			
<b>ADDRESS</b> Land North Of Grigg Lane Headcorn Kent			
<b>RECOMMENDATION</b> GRANT PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b>			
<p>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 the existing village boundary of Headcorn, 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 ground to depart from the Local Plan.</p> <p>The site is included in the draft Local Plan as site allocation H1(40) and has been approved for inclusion in the draft local plan and Regulation 19 consultation at Strategic Planning, Sustainability and Transportation Committee on 23 July 2015.</p> <p>The applicant is prepared to enter into a legal agreement to ensure that justified contributions are met.</p>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
<p>The proposal constitutes a departure from the Local Plan 2000.</p> <p>Headcorn Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below.</p>			
<b>WARD</b> Headcorn	<b>PARISH/TOWN COUNCIL</b> Headcorn	<b>APPLICANT</b> Wealden Ltd <b>AGENT</b> Wealden Homes	
<b>DECISION DUE DATE</b> 01/06/15	<b>PUBLICITY EXPIRY DATE</b> 01/06/15	<b>OFFICER SITE VISIT DATE</b> 27/03/15	
<b>RELEVANT PLANNING HISTORY</b>			
The below history relates to the approved and current planning applications relevant to housing site allocation H1 (40) – Land at Grigg Lane and Lenham Road, Headcorn			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
14/503960/OUT	Outline application for 13 dwelling houses with associated amenity space, shared access road and new footway with access, appearance, layout and scale to be considered at this stage with all other matters reserved for future consideration.  This application was heard for the first time at	Pending determination	

Planning Committee Report

	<p>planning committee on 19 March 2015.</p> <p><b>Members RESOLVED:</b> That consideration of this application be deferred for:</p> <p>A. Further assessment of the layout in the context of development proposed and/or approved on neighbouring sites, and specifically in terms of:</p> <ul style="list-style-type: none"> <li>· Southern Water drainage issues and SUDS;</li> <li>· Strategic landscaping;</li> <li>· Biodiversity (including movement of species through the site/creation of a wildlife corridor); and</li> <li>· Detailing (including GCN-friendly gulleys, swift bricks, materials).</li> </ul> <p>B. Further information relating to the contribution requested by Kent County Council for Youth Services as Members queried whether this meets the necessary tests.</p>		
13/1943	<p>Outline planning application for the erection of a children's' nursery school, 20 residential units (comprising 17 detached, semi-detached and terraced houses and 3 bungalows) and provision of a children's' play area together with off-site highway improvements to the junction of Oak Lane and Wheeler Street (A274). Approval is sought for access, appearance, layout and scale with landscaping as a reserved matter</p>	<p>Granted with conditions and S106</p>	<p>28/10/2014</p>
12/1949	<p>Outline planning application with access, layout, scale and appearance to be determined and with landscaping as a reserved matter, for the demolition of buildings at Kent Cottage and Chance Holding to enable the construction of residential development (for 25 dwellings inclusive of 10 affordable dwellings), inclusive of retained woodland as open amenity land, enhanced landscaping including new pond, electricity sub station, foul drainage pumping station with access road off Grigg Lane</p>	<p>Granted with conditions S106</p>	<p>08/08/2013</p>
14/0487	<p>Approval of the reserved matter of landscaping pursuant to outline planning permission MA/12/1949</p>	<p>Approved</p>	<p>24.09.2014</p>
13/0682	<p>Erection of new 4/5 bedroom dwelling with detached double garage</p> <p>Located on land abutting the west of the application site at the apex of a cul-de-sac in Knaves Acre. Not built.</p>	<p>Granted with conditions</p>	<p>21/01/2013</p>

## MAIN REPORT

### 1.0 SITE BACKGROUND

- 1.1 The application site is part of a larger site which has been promoted in response to the Borough Council's "call for sites" and has been identified as having the potential to accommodate some 120 houses over the whole site. The site reference in the draft Local Plan is H1 (40) – land located between Grigg Lane and Lenham Road, Headcorn. Housing development, play space, a nursery school and off-site highways improvements have already been approved in the southern half of the site under the above planning applications (13/1943, 12/1949 and 14/0487).

The draft allocation H1 (40) for the whole site states:

- 1.2 Planning permission will be granted if the following criteria are met:

#### **Design and layout**

1. Retain and enhance hedges and trees along the eastern boundary of the site in order to screen new housing from the adjacent open countryside.

#### **Access**

2. Primary access will be taken from Lenham Road.
3. Secondary/emergency access will be taken from Grigg Lane subject to agreement with the Highways Authority.
4. Pedestrian and cycle access will be taken from Grigg Lane.
5. Pedestrian and cycle linkages will be provided, to ensure good links to existing residential areas and the village centre.

#### **Ecology**

6. Development will be subject to the results and recommendations of a phase one ecological survey.

#### **Open space**

7. Provision of publicly accessible open space as proven necessary, and/or contributions.

#### **Community infrastructure**

8. Appropriate contributions towards community infrastructure will be provided, where proven necessary.

#### **Highways**

9. Appropriate contributions towards improving and making safe the pedestrian environment along Grigg Lane, Oak Lane and Lenham Road.

- 1.3 An outline planning application 14/503960/OUT on the adjoining site to the north (also within the draft allocation for Policy H1 (40) was deferred at planning committee on the 19 March 2015 for reasons set out in the history section above.
- 1.4 The current application has been submitted by the same agent 14/503960/OUT, and the application details and documents for the current application contain further information, which has been compiled in conjunction with the adjoining site, to address the reasons for deferral of 14/503960/OUT. It is expected that application 14/503960/OUT will be re-presented to committee shortly.

## **2.0 DESCRIPTION OF SITE**

- 2.1 The application site is situated on the eastern edge of the existing built-up area of Headcorn. The site is located within the open countryside for the purposes of the Local Plan. The site comprises open fields located between Grigg Lane and Lenham Road. The site is an irregular shaped plot of approx. 1.37 hectares. The northern section of the site abuts Lenham Road (approx. 28m stretch). A majority of the site would be sandwiched between the existing approved developments located to the south of the site and, a further outline scheme for 13 houses by the same developer, located to the north adjacent Lenham Road. Further to the southeast is a cul-de-sac development known as the Hardwicks, comprising 22 local needs housing and a doctor's surgery and pharmacy. The east of the site abuts open fields and countryside and the west of the site abuts the village envelope of Headcorn and rear gardens of properties fronting onto Knaves Acre
- 2.2 A public footpath (KH606) which links Lenham Road and Grigg Lane and runs through the site. Trees and hedgerow are located along the north, south and west site boundaries. A low continuous hedgerow runs the length of the east boundary.
- 2.3 On the opposite site of Lenham Road planning permission (14/505162) has been granted for 48 new residential units.

## **3.0 PROPOSAL**

- 3.1 This application comprises an outline application for the erection of 28 dwellings including amenity space and nature conservation mitigation corridors (access, appearance, layout and scale being sought) with landscaping reserved for future consideration. New habitat areas, including new ponds, will be formed in the area to the west of the built development creating a habitat for protected species. New habitat would also be created on the south and east edge of the site.
- 3.2 The vehicle access would be taken from Grigg Lane in response to the criteria in draft housing policy H1 (40). The vehicle access would be connected to the access road approved under outline permission 12/1949 located to the south of the site. Emergency access is proposed in the northwest corner of the site through the scheme proposed for 13 houses under ref: 14/503960/OUT and currently pending determination.
- 3.3 The proposal comprises 28 houses with a mix of detached, semi-detached, terraces and a small block of 6 apartments in a two storey building. The houses would be in a traditional design and a fairly uniform palette of materials throughout the site comprising facing brickwork, weatherboarding and hanging tiles.
- 3.4 The development is for a total of 28 units with the applicant proposing 40% affordable housing which equates to 12 units. The proposal shows plots 1-6 and 7-12 (12 units) as being a 40% provision of affordable housing. In terms of housing mix, the proposal is for 6 no. 1 bed units, 4 no. 2 bed units and 2 no. 3 bed units.
- 3.5 Public footpath (KH606) would be relocated to the west of the built development and would run along the western edge of the whole of H1 (40) as shown on the master plan. The public footpath would be set within a wildlife corridor with new / enhanced habitats for protected species in addition a number of reptile ponds which have already been excavated in the southwest corner of site H1 (40).

- 3.6 Additional tree and landscape planting is proposed along the east, south and west boundaries of the site, although details of landscaping are not considered as part of this outline application.

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

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13  
The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)

Maidstone Borough Council Draft Local Plan  
Draft Headcorn Neighbourhood Plan

#### **5.0 LOCAL REPRESENTATIONS**

A site notice was displayed at the site on 27<sup>th</sup> March 2015. Letters were sent to local residents and an advert was published in the local paper.

Some 60 local residents have objected. The following (summarised) issues were raised:

- Utilities, services and infrastructure in Headcorn are not sufficient for additional housing.
- Flooding and drainage issues
- The proposal will not be able to accommodate foul water disposal
- The development does not specify how the impact on the water and sewerage will be addressed.
- Lack of school places in Headcorn
- Drains cannot cope with current housing volume
- Lack of parking for residents
- Housing will not be allocated to local people
- Impact from additional traffic- particularly onto Grigg Lane
- Pedestrian survey has been sourced from out of date data
- Impact on trees
- The site was removed from the draft plan.
- Contrary to the current development plan.
- The layout and density of the buildings remains disproportionate with the rest of the village.
- Inappropriate access.
- Limited ecology report.
- Impact on wildlife habitats
- Headcorn is not a sustainable location for housing development.
- There are no commensurate business development proposals for Headcorn. Therefore, the only plausible places for work for residents of the development are Maidstone, Ashford or London
- A full Environmental Impact Survey should be commissioned
- There should be no through road, excepting for emergency vehicles, cyclists and pedestrians.
- Loss of open countryside / agricultural land
- Noise and air pollution
- This proposal does not accord with Headcorn`s evolving Neighbourhood Plan

- Public transport is poor, potential residents would be reliant on car use.
- the results of the Sewerage Assessment Report by Sandersons Associates identifies serious deficiencies throughout the network in Headcorn

'The Weald of Kent Protection Society (WKPS) objects to this outline planning application for the following (summarised) reasons:

- Drainage and sewerage problems.
- The package treatment plant is not sustainable.
- Impact on infrastructure.
- The station car park is at capacity.
- Overdevelopment of the site.
- Inadequate parking provision.

It is noted that many of the objections on the council website are duplicates.

## 6.0 CONSULTATIONS

### **Headcorn Parish Council:**

*'Parish Council would wish to see this application refused due to:-*

- a) Drainage is a significant issue for all development within Headcorn and we would draw your attention to the attached independent report on the subject. Further the attached letter dated 29th January 2015 should be recorded as the Councils views on this matter.*
- b) This development cannot be considered in isolation but should be considered as part of the neighbouring sites, three of which are by the same developer. The cumulative effect that this will have on the current infrastructure should not be ignored.*
- c) There has been no provision made for the drainage of surface water and given that this development is being planned on permeable clay which is Wetness Category III, the wettest Category of land, this will only add to the existing issues*
- d) No biodiversity avenue has been planned*
- e) The traffic from this development will add significantly to the existing issues, specifically where Oak Lane meets Wheeler Street. It will also impact on the Forge Lane/High Street junction. KCC may not have put in an objection but they rely on death and significant injury reports whereas the issues here are about junctions which are difficult for vehicles to manoeuvre and cannot be widened due to the presence of houses immediately adjacent to the road.*
- f) Any design and character features of the development would need to be in line the emerging neighbourhood plan.*
- g) This site was rejected by both Scrutiny Committee and Cabinet when considering the local plan'.*

**6.1 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.

### **6.2 Environment Agency:**

*'We have reviewed the submitted report and request the following condition be included in any permission granted:*

**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 100 year critical storm will not exceed the run off from the undeveloped site following the corresponding rainfall event and so nit increase the risk of flooding both on and off site. The scheme shall subsequently be implemented in accordance with the approved detailed before the development is completed*

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

*Please note that we reiterate our previous comments with regards foul drainage as follows:*

*A condition should be added requiring the development to connect to mains foul drainage for the following reasons:*

*(i) Southern Water reports and our own observations suggest that there is a general problem with sewerage capacity in the Headcorn catchment. Allowing a private treatment plant for this development would therefore set a precedent for future development within that catchment. Where is it unreasonable for a single development to pick up the cost of strategic downstream sewerage improvements or repairs the timing of the work required and the allocation of the costs associated with it need to be addressed through the LPA. This could also be linked to any foul drainage strategy that Southern Water are preparing for the catchment. We would then look to the LPA to condition any planning permission they grant to prevent occupation to give effect to that.*

*(ii) the costs provided by Southern Water so far appear to be for work that goes way beyond what would be required in order to provide sufficient capacity for this specific development and appear instead to be designed to wholly or partially address the existing problems*

### **6.3 KCC Sustainable Drainage:**

Initially objected to the application due to lack of information on surface water drainage. Following the submission of a FRA dated April 2015 KCC provided the following comments.

*'We can confirm that we are now satisfied that the drainage from the proposed development has been adequately considered; we are therefore able to remove our objection to this proposal. However, we have concerns that the part of the submitted FRA concerning the ongoing management and maintenance of the system appears to be unrelated to the site and development proposed.*

*Section 8 of the FRA states that:*

*"The end user of the proposed building will be responsible for the maintenance of the drainage system."*

*It is ultimately likely that this site is will be in multiple private ownership. The above statement identifying that the occupier of a single building will be responsible for the maintenance of the entire SuDS scheme is therefore unacceptable.*

*Accordingly, should your Authority be minded to grant permission to this development, we would recommend that the following Conditions are attached:*

*Conditions:*

*(i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the rate/volume of runoff leaving the site post-development will not exceed 5l/s for any rainfall event (up to and including the climate change adjusted 100yr critical storm).*

*(ii) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:*

*i. a timetable for its implementation, and*

*ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.*

**Reason:**

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

**6.4 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 Provision: Primary Education contribution at £4000 per applicable house (x22) = £88,000 towards the first phase of permanently expanding Headcorn Primary School. A Primary Land acquisition contribution of £891.69 per ‘applicable’ house (x22) = £19,617.18 is also required towards Headcorn Primary School site expansion at a cost to accommodate the extension of the School accommodation.

*‘The proposal gives rise to additional primary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the acquisition of additional land and building of new accommodation at Headcorn Primary School local to the development, as the forecast primary pupil product in the locality results in the maximum capacity of local primary school being exceeded’.*

*‘Through a commissioned feasibility, KCC’s architects have recently informed the Council that the nature of the school site will mean that 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 (total cost/210 places) is on par with the per pupil cost of constructing a new primary school. Given this new information regarding the project, those developments where the new works at Headcorn Primary School is the mitigation project for pupils will be charged the Primary New Build Rate’.*

Libraries Contribution: A contribution of £1344.44 towards new book stock supplied to Headcorn Library.

*'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'.*

#### **6.5 KCC Highways:**

Initial comments were received from KCC Highways on the first of April 2015 as follows:

*'I have read the supporting Transport Statement and note that there are a number of related off site highway works proposed in Headcorn from the development of this area. Namely:-*

- *Oak Lane footway – this is specified in condition 13 of planning permission MA/12/1949 which requires no part of that development to be occupied until the footway on Oak Lane has been constructed.*
- *Grigg Lane footway works and access. This is an integral part of planning approval MA/12/1949.*
- *Visibility improvements and footway works at the junction of Oak Lane with Wheeler Street. The Transport Statement submitted for this application (MBC/15/501342/OUT) states that 'Wealden Homes are prepared to build minor alterations to the kerb lines to improve visibility at this junction. This will both reduce the risk of crashes and will also improve the capacity and hence reduce delays by making it easier for motorists to exit Oak Lane.'*

*Within the development of this area condition 15 of MA/12/1949 also states that:-*

*'The development shall not commence until an Order has been made pursuant to s257 of the Town and Country Planning Act 1990 (as amended) for the diversion and reconstruction of Public Right of Way KH606.*

*Reason: In order to ensure that the public right of way is not adversely affected.'*

*I write to confirm that subject to the above measures being implemented, it is not considered that the additional 28 houses proposed, forming phase 3 of development of this area, will unduly cause a severe impact on the adjoining highway network. Due regard needs to be given to the timing and implementation of the measures described above however, so that these arrangements are in place for use by occupants of the new development area. It is considered that conditions 13 and 15 of planning permission MA/12/1949 should be repeated in any approval notice for this application. It is further considered that the visibility improvements proposed at the junction of Oak Road with Wheeler Street should be implemented prior to any occupation of this application.*

*I write to confirm that it is considered that the car parking numbers proposed are adequate. Whilst this is an outline application, it is considered that it would be helpful if any intentions regarding adoption are conveyed. Whilst the road layouts proposed look suitable it is also considered that it would be helpful if swept paths for a refuse freighter are shown and if a refuse collection strategy is considered.*

*It would be helpful if this additional information is submitted now rather than by condition to any approval notice. It is considered that it would also be helpful to view any plans available regarding the proposed visibility improvements to the Oak Lane/Wheeler Street junction.*

Further comments were received from KCC Highways on 9 April following additional information submitted by the applicant to address the above.

*'I am grateful for the further information submitted regarding proposed off site works at the junction of Oak Road with Wheeler Street. I note the asymmetric road narrowing/footway widening on the western side of Oak Road, parallel to Wheeler Street. Having visited the site area and looked at this junction, it is considered that visibility to the left when emerging would equally benefit from some footway widening in a similar fashion without detriment to highway safety on Wheeler Street (i.e. towards Gibbs Hill). This would also give a straighter alignment to give way markings at the junction. These are points of detail and these works, which I consider should be a condition of any approval notice, will be subject to a Section 278 agreement with this authority, giving opportunity for refinement through that process'.*

*I write to confirm therefore that subject to my comments submitted on 1st April and those given above; I have no objection to this outline application'.*

**6.6 Upper Medway Drainage Board:**

*'The continued development of this area on a piecemeal basis is disappointing, as opportunities to consider it at a more strategic level continues to be missed.*

*Should the Council be minded to approve this application it is requested that drainage details be made subject to an appropriate condition requiring separate LPA approval (requiring appropriate attenuation with on-site storage provided for the 1 in 100 year rainfall event plus Climate Change). The applicant should be requested to develop details of SuDS in direct liaison with Kent County Council and the Environment Agency'.*

**6.7 Natural England:** No objections *'This application is in close proximity to the River Beult Site of Special Scientific Interest (SSSI). 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. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England'.*

**6.8 KCC Public Rights of Way:** No objections to the application subject to an application to divert the PROW going through the site'.

**6.9 MBC Housing:** No objections the affordable housing provision is in accordance with council policy and the on-site mix has been agreed during discussions with the housing department with 8 affordable rent units and 4 shared ownership units.

**6.10 MBC Landscape Officer**

There are no protected trees on or immediately adjacent to this site. Raised initial concerns regarding the location of plots 1-6 in proximity to a mature oak tree on the site. Amended drawings have been received moving plots 1-6 away from the oak tree. Advises that the tree planting should be predominantly native and the hedgerow planting should contain fewer but typically characteristic native species'.

**6.11 MBC Environmental Health:** No objections subject to conditions regarding construction works.

**6.12 Southern Water:**

The applicant is advised to consult the Environment Agency directly regarding the use of a package treatment plant which disposes of effluent to sub-soil irrigation. The owner of the premises will need to maintain the works to ensure its long term effectiveness.

Our initial investigations, it may be possible for the flows from the proposed development to be connected to a nearby public sewer, and the applicant may wish to investigate this option. Southern Water requires a formal application for a connection to the public sewer. "A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

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

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

**6.13 Rural Planning Limited:** 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 Kent Police:** No objections regarding crime prevention.

**6.15 Headcorn Aerodrome:**

*'I feel the attention of the planning committee and of the applicant should be drawn to the fact that this proposed development is very close to the Aerodrome and within the area covered by the safeguarding map. Obviously certain noise connected with the aviation activity will be apparent.'*

*Subject to the above, I would not wish to inhibit the development unnecessarily provided that both your committee and the applicants themselves believe that this development will not be in any way inconsistent with existing and established use of and activity at Headcorn Aerodrome'.*

**6.16 MBC Public Open Space:** *'For a development of this size we would expect a minimum onsite provision of open space of 0.29ha.*

*As you have advised an estimated 0.09ha of provision will be provided then there is a shortfall of 0.20ha.*

*The onsite provision is planned as natural/semi natural open space and therefore does not supply any form of formal open space in equipped areas of play, outdoor sports facilities or allotments/community gardens. All of which are underprovided for in Headcorn.*

*As such we would request an offsite contribution.*

*The standard request is £1575 per dwelling when no open space is provided on site. In this case we would therefore expect £54.31 for every 0.01ha underprovided (1575/29)*

*As the shortfall here is estimated as 0.20ha we would therefore request £1086.20 per dwelling in the form of an offsite contribution.*

*We would request that this money be spent at Headcorn Recreation Ground for the improvement, replacement and refurbishment of areas of equipped play and outdoor sports facilities'.*

**6.17 NHS:** *'We can't apply for contributions against this application as we wouldn't be able to fulfil the CIL regulations due to other contributions we have pooled'.*

## **7.0 AMENDMENTS**

Amended drawings and additional information was received from the applicant on 28.08.2015, including:

- Apartment block 1-6 has been moved forward away from the oak tree on the boundary of the site.
- Plots 19-23 have been re-designed / relocated to improve the streetscene when viewed from the approach road.
- The road serving Plots 23-28 has been reduced in width and a private drive introduced.
- Justification for submitting two separate applications on adjoining pieces of land both within the wider draft allocation housing site H1 (40).

The amendments are not considered to materially effect neighbouring residential properties over or above the original scheme therefore re-consultation has not been undertaken in this instance.

## **APPRAISAL**

### **8.0 Principle of Development**

## Planning Committee Report

- 8.1 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:
- 8.2 *“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.”*
- 8.3 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.
- 8.4 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.
- 8.5 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:-
- 8.6 “Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites” (paragraph 49). The update of the Maidstone Strategic Housing Market Assessment (June 2015) established an objectively assessed need for housing of 18,560 dwellings between 2011 and 2031, or 928 dwellings per annum, and these figures were agreed by the Strategic Planning, Sustainability and Transportation Committee on 9 June 2015. Taking account of the under supply of dwellings between 2011 and 2015 against this annual need, together with the requirement for an additional 5% buffer, the Council is able to demonstrate a housing land supply of 3.3 years as at 1 April 2015. The Council therefore cannot currently demonstrate a five-year supply of deliverable housing sites, and this position was reported to the Strategic Planning, Sustainability and Transportation Committee on 23 July 2015. 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 National Planning Policy Framework as a whole.
- 8.7 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.

- 8.8 In respect of the circumstances of the specifics of this case, the proposal site is located on the edge of Headcorn village boundary, in reasonable proximity to the wide range of key services in the village as well as good public transport links. Pedestrian footpaths would be provided from the site into the village.
- 8.9 The draft Local Plan identifies Headcorn as a Rural Service Centre and the Plan states Headcorn has a diverse range of services and community facilities which are easily accessible on foot or by cycle due to the compact form of the village. There are local employment opportunities and there is a local wish to ensure that existing employment sites are kept in active employment use. A regular bus service runs between Headcorn and Maidstone and the village has good rail linkages to other retail and employment centres, including London. Outside of the town centre and urban area, rural service centres are considered the most sustainable settlements in Maidstone's settlement hierarchy.
- 8.10 In this context, it is considered that the location of the site is sustainable in the terms of the NPPF as it is located on the edge of the Headcorn village boundary and within walking distance to the shops, services, employment opportunities, schools and train and bus stops within the village. Pedestrian access would also be along pavements.
- 8.11 The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on residential development in the open countryside do not currently apply as the adopted Local Plan is considered out of date. In such circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on edge of town developments. The development of this site is therefore in accord with the objectives of the NPPF being located directly adjacent to the edge of the urban area of Maidstone and in a sustainable location.
- 8.12 As regard the draft Headcorn Neighbourhood Plan, the application site is identified within one of the development options within the Plan. The draft NP Headcorn Neighbourhood Plan sets a cap of 30 houses for any individual housing development, and introduces phasing, with a proposed development level of 30 units every 5 years for new housing in developments of more than 2 units. The NP also sets affordable housing at 20%. The NP has identified the application site as potentially sustainable options for Small and Larger Village Developments. Whilst work on the NP is progressing the Plan is at Regulation 14 stage and there are still a number of key stages ahead including, publication, 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.
- 8.13 Given the sustainable urban location of the application site the principle of residential development is accepted in accordance with the NPPF. In the circumstances of this case, the key planning issues are considered to be visual impact (including whether the site can suitably accommodate the development), residential amenity, access/highway safety and ecology.

## **9.0 Visual Impact**

- 9.1 The site is a vacant greenfield site and its development for residential and other development would clearly have an impact visually on the site. It is important to assess the impact with regard to the coverage of the development proposed.
- 9.2 The proposal comprises 28 two storey houses and the overall height and scale would be broadly in line with the height of the properties on adjoining sites.
- 9.3 The application site would be boarded by residential properties on three sides, to the south of the site by previously approved development and the north of the site by the housing development currently under consideration and also within the boundary of housing allocation draft Policy H1 (40) and, to the west by the residential development in Headcorn. The site would not project any further eastward into the open countryside than the approved development to the south. As such, development of the site to some degree is infilling between built up areas, and it is considered that development of the site would not represent an extension of built form away from the main built-up area of the settlement, or be out on a limb given the approvals and built development at the Hardwicks located to the south of the site.
- 9.4 The application site benefits from a good level of natural landscaping along the southern boundary adjacent the approved outline / reserved matters schemes and the proposal would blend into the approved and existing pattern of development within the immediate vicinity. The east boundary of the application site is more open in character with a low hedgerow running the length of the site boundary. The most prominent short range public vantage point of the proposed development would be from Lenham Road, above the existing hedgerow on the eastern boundary. The housing proposed in the eastern part of the site would be set well back from the boundary and the existing boundary treatment would be enhanced. Viewed from the east, it is considered that the site and proposed housing would be seen within the context of the overall site H1 (40) and adjoining Hardwicks site, and the housing development in Knaves Acre would form the backdrop of the development.
- 9.5 Clearly there would be some visual harm arising from additional housing in the open countryside, however in this instance the visual impact of the development is considered to be limited to views from the east when approaching along Lenham Road and, given the location of the site between approved housing development to the south the visual impact is considered to be acceptable. Whilst it would change the character of the site, there would not be any significant wider visual harm that would be unacceptably harmful to the character and appearance of the area.
- 9.6 I consider that the general principle of development of this site to be acceptable in relation to the visual change to the site.
- 9.7 Overall, it is considered that development of the site would cause some visual harm and therefore result in some conflict with policies ENV28 of the Local Plan but this would be relatively low harm. Additional landscaping, particularly along the eastern boundary, could also be secured to mitigate some of this impact.

## **10 Design and layout**

- 10.1 The design and scale of the proposed dwelling is considered to be in keeping with the existing pattern of residential buildings previously approved to the south of the site.

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- 10.2 The proposed plan shows 28 dwellings over the site which equates to a density of around 20.5 dwellings per hectare, which I consider suitable for this edge of village site, and this is not out of character with surrounding densities.
- 10.3 The provision of an area of open space on the eastern section of the site would ensure a sense of openness adjacent to the open countryside and would also serve to reduce the impact on the open countryside.
- 10.4 The development has been designed to fit into its surroundings through the use of vernacular materials and styles including facing brick, hanging tiles and weatherboarding, clay and slate roof tiles. Materials will be subject to a condition requiring detailed samples to be submitted, however in principle I consider the proposals acceptable subject to finalisation of finishes.
- 10.5 Throughout the site dwellings generally front the internal roads and turn corners where appropriate.
- 10.6 The proposed buildings are considered to be an acceptable design individually and the use a simple palette of materials would ensure a uniform identity throughout.
- 10.7 All of the proposed units would provide a good level of private amenity space, including the affordable units, and the low density scheme would create a sense of spaciousness, allowing dwellings to be set back from the site boundaries. Significant landscaping could be achieved on the boundaries of the site which is considered appropriate and sympathetic to this location on the periphery of the urban area. No close boarded fencing will be permitted along the north or east boundary adjacent Lenham Road and the open countryside. The boundary treatment throughout the site will be essential to achieving a good scheme, in particular the east and north boundary adjacent the open countryside and Lenham Road which will require an appropriate mix of indigenous landscaping and tree planting. A comprehensive landscaping scheme would be sought as a reserved matter.
- 10.8 There is good connectivity within and through the site. The site would be permeable to pedestrians and cyclist via the proposed emergency access route adjoining the site to the north. In addition, the PROW which currently cuts diagonally across the site and comes out onto the Lenham Road at an point which does not benefit from a pedestrian pavement, would be diverted to the west of the site and would link up pavements on Lenham Road and Grigg Lane. The diverted route of the PROW would be through a parcel of land which will benefit from ecological enhancement and additional tree planting and landscaping and would make an attractive pedestrian route. The relocated footpath would also relate better with the PROW to the north on the opposite side of Lenham Road.

## **11 Infrastructure**

- 11.1 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.
- 11.2 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.*

*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.*

- 11.3 This section came into force on 6<sup>th</sup> April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

The following contributions have been sought:

- 11.4 The Council's Parks and Open Space request £1086.20 per dwelling towards Headcorn Recreation Ground for the improvement, replacement and refurbishment of areas of equipped play and outdoor sports facilities. It is clear that the proposed development of 28 dwellings would result in additional demand placed on the existing play space and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 11.5 There are requests made by Kent County Council as the Local Education Authority towards primary school education contributions that amount to £4000 per applicable house towards the first phase of permanently expanding Headcorn Primary School. KCC has also requested a Primary Land acquisition contribution of £891.69 per 'applicable' house (x22) = £19,617.18, also required towards Headcorn Primary School site expansion at a cost to accommodate the extension of the School accommodation. There will be a greater demand placed on schools within the borough from the occupants of the new 28 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate in order to extend the existing school at Headcorn.
- 11.6 Kent County Council has sought £1344.44 towards new book stock supplied to Headcorn Library. It is clear that the proposed development of 28 dwellings would result in additional demand placed on the book stock at Headcorn library and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 11.7 Provision of 40% affordable housing (12 units) is sought by MBC Housing department. The affordable housing would consist of eight affordable rent units and four shared ownership units.
- 11.8 Justification for the contributions is outlined at paragraph 6.4 and 6.16 above 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.

## **12 Drainage and flooding**

- 12.1 The issue of foul water drainage within the village has been raised as a critical issue by numerous residents, Councillors and the Parish Council.
- 12.2 The drainage strategy advises that within the site it is proposed to have separate foul and surface water drainage systems.
- 12.3 The applicant is aware of the existing problem within the village and the serious concerns, and has been undertaking drainage investigation as part of the two approved schemes adjoining the southern boundary of the application site. A further FRA has been submitted with this application which sets out surface water management measures. It is proposed to utilise infiltration methods and attenuation will be in form of ditches, ponds and permeable paving. The proposals would extend the attenuation system at the adjoining sites to provide sufficient storage for the proposed development.
- 12.4 The LPA in consultation with Southern Water have approved the drainage details for the first phase of development on draft allocation H1 (40), reference 12/1949. This involves upgrading the system in Grigg Lane via the High Street to the Southern Water pumping station. To assist the existing system the effluent will be pumped from an on-site facility in the early hours of the morning. The system has an emergency backup pump and storage capacity. It is proposed to further upgrade these approved works to manage with the additional flows from the proposed 28 houses in this application. The applicant has confirmed that if planning permission is granted for the 28 houses, the design of the identified lengths of sewers originally identified for upgrading will be re-evaluated and increased lengths of larger pipework installed. The applicant has confirmed that the proposed development would be connected to the Headcorn pumping station.
- 12.5 In connection with the adjoining 13 unit proposal (ref: 14/503960/OUT) Wealden Homes are proposing a foul drainage solution that involves providing a new length of sewer along Lenham Road which will provide additional capacity. If necessary to meet Southern Water requirements the flows from this development can be controlled via a pumping station so that effluent is distributed during the off peak period.
- 12.6 The EA and KCC Lead Local Flood Authority have advised that they consider that the submitted FRA is acceptable and they have considered all aspects of surface water drainage and management. The EA and KCC do not raise objections to the surface water management proposals subject to conditions.
- 12.7 Southern Water has responded advising that it may be possible to connect the development to a public sewer and have advised the applicant to make contact to discuss the options.
- 12.8 Members are advised that a new development can only be required to mitigate its own impact and not solve existing problems.
- 12.9 Clearly, the proposed foul drainage proposal from the proposed development will not solve existing problems in the village but will mitigate the development's impact, which is all that is required. The applicant has also advised that the system upgrades as set out above would assist the existing system and possibly improve it.

- 12.10 I therefore advise that issues relating to foul drainage are not grounds to object to the application as this could be dealt with via condition via the Water Industry Act.
- 12.11 On this basis no objections are raised to the foul drainage and the LLFA and the EA raise no objection to the surface water drainage or in terms of the impact upon flood risk subject to conditions.

### **13 Residential Amenity**

- 13.1 The application site relates to an infill plot of land between previously approved developments located to the south and a further site to the north which is currently under consideration by the council. The proposed houses would be sited more than 20m distance from the houses on the three adjoining sites to ensure there would be no unacceptable amenity impacts in terms of loss of privacy, light or outlook.
- 13.2 In addition, units 7-12 would be located more than 20m distance from western site boundary and there would be no unacceptable amenity impact to the properties located within Knaves Acre as a result.

### **14 Highways**

- 14.1 No objections are raised to the development on capacity grounds. The level of additional traffic generated by what is effect phase three of the development of this site will require improvements at the junction of Wheeler Street (A274) and Oak Lane and footway improvements which have been secured through planning permission 13/1943 and 12/1949.
- 14.2 The vehicle access would be taken from Grigg Lane for this site, which would be shared with the two previously approved site to the south. The adjoining site to the north (...) would be accessed from Lenham Road. Emergency access for the application site would be via the adjoining site to the north. The emergency access route would also accommodate pedestrian and cycle access to ensure permeability throughout the entire site between Grigg Lane and Lenham Road.
- 14.3 The vehicle access arrangement for the whole site is not entirely in accordance with the draft site allocation for Policy H1 (40) which advises that for the whole site the primary access will be taken from Lenham Road and secondary/emergency access will be taken from Grigg Lane subject to agreement with the Highways Authority. This stipulation was made however without a detailed transport assessment of the site and surrounding area.
- 14.4 It should be noted that the two adjoining sites to the south have already been approved access from Grigg Lane following agreement with the Highways Authority and subject to conditions and highways contributions towards improvements to the highways network. In addition, the site to the north has been reviewed by committee and the Highways Authority and no objections have been raised to the access for this site onto Lenham Road. This application includes a comprehensive Transport Statement which has been reviewed and approved by the Highways Authority and it is considered that Grigg Lane is the most suitable access point for the third phase of the development due to the funding that has already been secured via phase one and two for safety improvements to both Oak Lane (footway) and the Oak Lane/A274 Wheeler St junction. Further points are that traffic accessing via Grigg Lane will have several alternative routes to the town centre / station. The applicants transport consultant has also raised some concerns about the traffic capacity of the Kings

Road/A274 Millbank crossroads and it is therefore considered that a majority of the traffic from the site should be taken onto Grigg Lane rather than Lenham Road. Access onto Grigg Lane has been reviewed by the Highways Authority and no objections have been raised to the approach and numbers proposed onto this road network. There would also be no through route through the entire site for vehicles.

14.3 The level of car parking proposed is acceptable and in accordance with the councils parking provision. 44 parking spaces are proposed in total for 22 houses and 6 one bed flats. Eight car barn parking spaces are proposed, 36 further parking spaces are proposed on-site, 3 of which are for visitors.

14.4 No objections are raised to the development on highways safety or parking grounds.

## **15 Landscaping and ecology**

15 Landscaping is the only detail not to be considered as part of this outline application and further details will be required via condition. However, the proposed site plan indicates additional tree and hedgerow planting is proposed on the east, south and west boundary of the application site. Enhancements to the existing hedgerow along the eastern boundary of the site will be particularly important to soften the impact of the development from the open countryside.

15.1 The existing hedgerow will be retained and enhanced in accordance with criterion 1 of the draft policy H1 (40).

15.2 There are no TPO trees on the site and a majority of the trees are located around the edge of the site would be retained. It is proposed to fell two trees within the site, an Ash and a Goat Willow as both trees are in decay. The landscape officer has not raised any objections to the removal of these trees, which would not require consent from the council.

15.3 The landscape officer initially advised that unit 1-6 may have a negative impact upon the health of the oak tree located to the south, on the boundary of the site. The applicant has subsequently provided amended drawings moving unit 1-6 an acceptable distance away from the oak tree.

A number of protected species have been identified on the site, including bats, slow worm, grass snakes, viviparous lizards and great crested newts.

15.4 The proposed ecology mitigation and enhancement works in the submitted strategy are considered appropriate and have been endorsed by KCC Ecology. The proposed measures have built on those achieved in the earlier developments adjoining the south of the site and the habitats already created along the west of the site. The applicant has employed the same ecologist for the whole site and has therefore provided a degree of consistency and continuity to the ecology mitigation measures, which is considered important given the sensitive ecological nature of the site.

15.5 The western edge of the entire draft allocation site will be linked via an ecological corridor and new habitat has been re-created to the west of the development and reptiles and great crested newts will be released there. New habitat will also be created along the southern boundary of the development. The western edge of phase one already contains a habitat, including ponds and planting, for great crested relocation.

- 15.6 Biodiversity enhancements will also include incorporating roost boxes / bricks for bats into buildings, enhancement of a flower-rich grassland area and the enlargement of an existing small pond. Reptiles will be captured prior to the development and relocated to areas of rough grassland create for phase 1 and phase 2 on a strip of land to the west of the site. Additional habitat will be provided along the southern boundary and the eastern edge of the site will be a flower-rich grassland area.
- 15.5 Subject to appropriate conditions no objections are raised on landscape or ecology grounds.

## **16 Affordable Housing**

- 16.1 The development is for a total of 28 units with the applicant proposing 40% affordable housing which equates to 12 units. The proposal shows plots 1-6 and 7-12 (12 units) as being a 40% provision of affordable housing. In terms of housing mix, the proposal is for 6 no. 1 bed units, 4 no. 2 bed units and 2 no. 3 bed units.
- 16.2 40% on-site provision of affordable housing is in accordance with council policy and the on-site mix has been agreed by the council housing department during discussions with the applicant.

## **17 Other Matters**

- 17.1 A number of objectors have raised concerns regarding the impact of the development on local infrastructure, in particular pressure on local schools and their ability to accommodate additional pupils.
- 17.2 In this regard S106 contributions are being sought from the development towards extending Headcorn Primary School. It is also noted that the KCC as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011.
- 17.3 The applicant has been asked to explain why the current application and 14/503960/OUT have been submitted as two separate applications rather than a single planning application. In responses to this the applicant has advised that the two schemes are independent of one another in terms of infrastructure and access. Further, the level of housing on each site has been led by, inter alia, the constraints of each site and highways constraints onto Lenham Road and King Road. The southern part of the site already benefits from outline and reserved matters approval therefore it would not be appropriate to ask for a single application to cover the whole of draft allocation site H1 (40) at this stage.
- 17.4 Whilst it is regrettable that the whole of the draft allocation site has not been submitted as one single planning application, due to different land owners and previous approvals already on the site, however it is considered that the site as a whole offers a good level of permeability and interconnectivity for pedestrians and cyclists and there is a good level of public open space and formal play space across the whole site. In addition, the relocated PROW to the west of the site would create an attractive / safe pedestrian environment with enhancements to ecological habitat, linking Lenham Road and Grigg Lane.

## **18 CONCLUSION**

- 18.1 Development of this site would effectively constitute infill residential development in the open countryside with the existing residential development in Headcorn located to the west of the site and previously approved developments at draft site allocation H1 (40) adjoining the south of the site and, a further planning proposal for 13 units located to the north of the site. The proposed development would not project any further eastward into the open countryside than the approved developments to the south of the site, including the Hardwicks site which includes 22 units and doctors surgery and pharmacy. In addition the site forms part of a larger site allocated for residential development which has recently been approved at Scrutiny Committee and will move forward to Regulation 19 stage of the draft Local Plan.
- 18.2 The proposed development does not conform to policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, in proximity to Headcorn Village and within safe walking distance of a number of services and facilities within the village, including schools, doctor's surgery and pharmacy and a well connected bus route and train station. The development of this site for residential purposes is therefore considered to represent an example sustainable development and would conform to the aspirations of the NPPF and is not considered to result in significant planning harm.
- 18.3 Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to 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.
- 18.4 40% on-site affordable housing provision is proposed and design and layout of the dwellings is acceptable and there are no highways, ecology or drainage objections to the proposals subject to conditions.
- 18.5 It is therefore considered that the development of the site for residential purposes is acceptable and it is recommended subject to the completion of a section 106 agreement planning permission is granted.

**19 RECOMMENDATION – GRANT permission subject to S106 and conditions.**

- 19.1 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, comprising eight affordable rent units and four shared ownership units.
  - Contribution of £4000 per applicable house (x22) = £88,000, sought towards the first phase of permanently expanding Headcorn Primary School
  - Contribution of £891.69 per applicable house (x22) = £19,617.18, towards primary land acquisition sought towards Headcorn Primary School site expansion to accommodate the extension of the School accommodation
  - Contribution of £1344.44 sought to be used to address the demand from the development towards additional book stock and services at local libraries serving the development to be supplied to Headcorn Library
  - Contribution of £30,413.60 (£1086.20 per dwelling) towards the improvement of open space in the vicinity of the site.

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

CONDITIONS to include

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

a. 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.

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.

- (2) The details of landscaping submitted pursuant to condition 1 above shall provide for the following:

(i) Details of all trees to be retained and any to be removed together with detailed Root Protection Plans.

(ii) A detailed arboricultural method statement that includes assessment of the works relating to the provision of the re-aligned Public Right of Way within the site (including its routeing, method of construction and foundations), and the construction of the dwellings on plots 1-6.

(iii) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and areas of open space within the site, other than small, privately owned, domestic gardens, to be prepared having regard to and in conjunction with the ecological mitigation and enhancement measures to be provided on the site pursuant to condition 3 below.

(iv) The provision of native species hedging and hedgerow trees to the east boundary of the site

v) The provision of native species hedging and railings/dwarf walls/fencing to the highway frontages of the proposed dwellings.

(vi) Measures to prevent parking on the landscaped verges and open space within the site.

(vii) Appropriate native species under-storey planting to the proposed woodland corridors.

(vii) Landscaping details for the domestic gardens using indigenous species, which shall include indications of all existing trees and hedgerows on the land, including the hedgerow along the northern boundary of the site adjacent Lenham Road, and details of any to be retained, together with measures for their protection in the course of development. 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: No such details have been submitted and to ensure a satisfactory appearance to the development.

- (3) 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.

- (4) All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Design, Demolition and 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 barriers and/or ground protection 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 areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas 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.

- (5) 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;

The details and samples of the materials submitted shall include details of swift and / or bat bricks incorporated into the eaves of the proposed housing units;

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Reason: To ensure a satisfactory appearance to the development and interest of ecological enhancement.

- (6) The development shall not commence until, details of all fencing, walling and other boundary treatments 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; Boundary treatment shall include:

Cut-outs at ground level in the garden fences of the new residential houses to allow wildlife to move freely between gardens;

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

- (7) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the rate/volume of runoff leaving the site post-development will not exceed 5l/s for any rainfall event (up to and including the climate change adjusted 100yr critical storm).

(ii) No dwelling hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

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

- (8) The development shall not commence until a details of foul water drainage have been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding both on and off site by ensuring the satisfactory disposal of foul water.

- (9) No development shall commence on site until a signed S278 Agreement, covering the visibility improvements proposed at the junction of Oak Road with Wheeler Street, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the highways works covered in the S278 have been completed.

- (10) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any

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order revoking and re- enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- (11) No part of the development hereby permitted shall be occupied until the footway on Oak Lane shown on drawing no OLH-004 received 26/10/20012 under planning permission 12/1949 has been constructed, completed and provided with its final external surface.

Reason: In the interests of highway and pedestrian safety.

- (12) The development shall not commence until an Order has been made pursuant to s257 of the Town and Country Planning Act 1990 (as amended) for the diversion and reconstruction of Public Right of Way KH606. Works relating to the reconstruction of Public Right of Way KH606 shall be completed prior to the commencement of development.

Reason: In order to ensure that the public right of way is not adversely affected.

- (13) No development shall take place until details of slab levels of the buildings and existing site levels have been submitted to and approved by the LPA and the details shall be completed in accordance with the approved levels.

Reason: To ensure a satisfactory form of development.

- (15) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of the amenities of the area

- (16) Details of facilities for the separate storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection shall be submitted for approval to the LPA. The approved facilities shall be provided before the first use of the dwellings or land and maintained thereafter. The applicant should have regard to the Environmental services guidance document 'Planning Regulations for Waste Collections' which can be obtained by contacting Environmental Services.

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Reason: In the interests of amenity and to safeguard the appearance of the area

- (17) 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 illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

- (18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, B and F and Part 2 Class A to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area.

- (19) No development shall take place until details of the treatment plant shown on drawing PL-WH-02B; dated 20.08.15, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the design, height, materials access arrangements, enclosure details and long term management / ownership details. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

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

Drawing Nos. PL-WH-01; dated 29.10.14 and PL-WH-02B; dated 25.08.15 and PL-WH-03; dated 29.10.14 and PL-WH-04B; dated 25.08.14 and WH/SM/291014; dated 29.10.14 and WH/SP/291014A; dated 25.08.14 and PL-WH-P1-6-01 and PL-WH-P1-6-02 and PL-WH-P7-12-01 and PL-WH-P7-12-02 and PL-WH-P7-12-03 and PL-WH-P13-14-01 and PL-WH-P15-18-01 and PL-WH-P15-18-02; dated 29.10.14 and PL-WH-P19-20-24-25-01A and PL-WH-P19-20-24-25-02A and PL-WH-P21-22-26-27-01A and PL-WH-P21-22-26-27-02B and PL-WH-P23-01A and PL-WH-P23-02A; dated 25.08.15 and PL-WH-P28-01 and PL-WH-P28-02 and PL-G-01; dated 29.10.14 and Transport Statement by G M Heard; dated February 2015 and Ecology Report by Flag Ecology; dated 4 November 2014 and January 2015 and Swift Ecology Report; dated 29 July 2011 and Flood Risk Assessment; dated April 2015.

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

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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.