

REPORT SUMMARY

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| REFERENCE NO - 15/509288/OUT | | |
| APPLICATION PROPOSAL Outline application for the erection of up to 57No dwellings including 40% affordable housing, associated public open space, ecological mitigation land and new vehicular access from Lenham Road. With the exception of means of access all other matters are reserved for future consideration. Indicative plan ref BRS.6203_04E1 submitted shows single vehicular access from Lenham Road to both residential and public open space areas and areas along the southern and western boundaries are identified for residential development and the remaining land to the north and east is identified as public open space and ecology area. Proposal involves retention existing Public Right of Way no KH587. | | |
| ADDRESS Land to the North Of Lenham Road Headcorn Kent TN27 9TU | | |
| RECOMMENDATION Delegated authority to Head of Planning and Development to approve subject to conditions and legal agreement. | | |
| SUMMARY OF REASONS FOR RECOMMENDATION The development does not comply with policy ENV28 of the Maidstone Local Plan 2000. However the proposed development would provide a mix of dwelling types. It would provide much needed affordable and market homes. The proposal would represent a sustainable form of development and would help to support local infrastructure. For the reasons set out below, it is considered that there are no overriding material considerations to indicate that a refusal of planning permission is justified | | |
| REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none">• It is contrary to views expressed by the Parish Council• It is a departure from the Development Plan as the site is located outside the defined settlement boundary of Headcorn• It is a major development | | |
| WARD Headcorn | PARISH/TOWN COUNCIL Headcorn | APPLICANT A Cheale Estates AGENT Pegasus PlanningGroup Ltd |
| DECISION DUE DATE 12/02/16 | PUBLICITY EXPIRY DATE 23/12/15 | OFFICER SITE VISIT DATE 2/12/2015 |
| RELEVANT PLANNING HISTORY (including relevant history on adjoining sites): | | |
| 14/503960/OUT: Erection of 13no dwellings with associated amenity space. Members at 12 November 2015 Planning Committee resolved to grant planning permission subject to a s106 legal agreement and planning conditions. | | |
| 14/ 505162FULL: Erection of 48 dwellings together with provision of associated landscaping and access. Permission granted 07/12/2015 | | |

MAIN REPORT

1.0 DESCRIPTION OF SITE:

- 1.01 The application site is 6.07 hectares of farm land with no vehicular access to Lenham Road and hedgerow along the southern, western and northern boundaries. There is a public right of way along the western boundary that extends in an east, northeast direction.
- 1.02 The site is situated along the north side of Lenham Road and northern and eastern boundary of Headcorn village. From the west it is enclosed by the recently granted planning permission for housing under ref 14.505162.

- 1.03 On the south side of Lenham Road is land the subject of a recently granted permission for a two storey house and farm land.
- 1.04 The character of the area is one of village fringe comprising farm land, with low density residential properties on the northeastern edge of the village.
- 1.05 Headcorn is a Rural Service Centre with a good level of basic services comprising shops, pub, restaurant, school, doctor surgery and good public transport link to major towns by railway and bus services.
- 1.06 Definitive Public Right of Way KH587 runs along the western boundary and then continues eastwards through the site. A non-definitive path has also been created which runs at 45⁰ angle to the definitive path.
- 1.07 It has been established that the site is Agricultural Land Classification grade 3b which means moderate quality agricultural land).

2.0 PROPOSAL

- 2.01 The application seeks outline planning permission for the erection of 57 dwellings with associated vehicular access, car parking, garaging, landscaping and amenity space in 6.07ha.
- 2.03 The proposal comprise 40% (equates to 23 dwellings) affordable housing and 34 market sale houses.
- 2.04 The indicative plan submitted shows less than a ¼ (1.34ha) of the land would be developed for housing and associated road and on the south western corner of the site, the remaining ¾ (4.73ha) would be set aside as public open space and ecology area.
- 2.05 The density of this development within the application site would be about 9.5 dwellings per hectare. This would increase to 56 dwellings per hectare if the housing focuses on the south west corner of the site that has been identified for residential development.
- 2.06 The proposal also involves a large amenity open space and SUDS attenuation storage water pond.

3.0 SUMMARY INFORMATION

| | Proposed |
|---------------------------------|--------------|
| Site Area (ha) | 6.07Ha |
| Overall Housing Density | 9.5dph |
| No. of Market Residential Units | 34 dwellings |
| No. of Affordable Units | 23 = 40% |

4.0 PLANNING CONSTRAINTS

- 4.01 Tree Preservation Order Reference: 6401/TPO; outside the northern boundary.

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2012

National Planning Practice Guidance (NPPG)

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

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

Regulation 19 Consultative documents policies for development SS1, SP3, H2, DM2, DM3, DM11, DM12, DM13, DM23, DM24, ID1

Regulation 16 Headcorn Neighbourhood Plan document is at advance stage and has yet to go through, an independent examination and finally a referendum.

6.0 LOCAL REPRESENTATIONS

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

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

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

7.0 CONSULTATIONS

7.01 Headcorn Parish Council

The Council wish to see this application refused on the following grounds:-

- a) This Application is contrary to the definition of sustainability contained within the National Planning Policy Framework (NPPF), as well as the NPPF's policy on building in rural area
- b) The Application is not supported by the Maidstone Borough Local Plan 2000, nor is it supported by the emerging Headcorn Neighbourhood Plan, which was supported by 93.9% of respondents in the recent Regulation 14 consultation.
- c) This application is contrary to the housing policies under the existing Local Development Plan (H27, H28, and ENV28); it has not been allocated as part of Maidstone's emerging local plan (because the URS analysis of the site for MBC suggested it was unsustainable); and it is contrary to Headcorn's emerging Neighbourhood Plan (for example it is too big (HNP6); goes against the policy on phasing designed to ensure housing comes forward when needed (HNP7); does not meet the policy on affordable homes (HNP9); and would go ahead before the requirement to solve the sewerage problems in Headcorn had been addressed (HNP11)).
- d) Therefore the only reason to consider this site is because MBC cannot demonstrate that it has a 5-year land supply, which means that developments that meet the definition of sustainability within the NPPF can go ahead if decision-makers feel that material considerations do not rule them out. In other words, because paragraph 49 of the NPPF applies. However, this paragraph only applies where developments are considered sustainable under the definition of sustainability within the NPPF. This is not the case.
- e) This planning application is contrary to the definition of sustainability within the NPPF and in particular does not meet the requirement to be in the right place, and is also not at the right time.
- f) This development cannot be considered as incremental, particularly on top of the existing planning permissions in Headcorn. It is not needed to meet the needs of emerging households within Headcorn.

- g) The application is not consistent with the NPPF's policy on development in rural areas, which is unsurprisingly very similar to the government's rural productivity policy, namely that:
 "In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.
- h) Development in Headcorn will result in a significant increase in commuting over long distances, based on observed patterns of behaviour the majority of this commuting will be by car. Census data show that between 2001 and 2011 200 new houses were built in Headcorn, but only 2 extra people now take the train - an increase of 1 person per 100 households. Further development will lead to further increase in travel and it means that the application would not address the need for environmental sustainability and the need to minimise the need to travel and promote sustainable modes of transport embedded in the NPPF.
- i) It is not just jobs where Headcorn's location would disadvantage potential residents in this proposed development. The same is true for access to both hospitals and secondary schools.
- j) In Headcorn, MBC have already committed to building more housing than can be justified by jobs growth, both locally and within the MBC area.
- k) There is limited demand for social rented housing amongst emerging households in Headcorn and this demand can be entirely met from within the existing housing stock.
- l) Foul drainage is a significant issue for all development within Headcorn, a subject that has been emphasized on every application seen in Headcorn. The current drainage network is already stretched to the limit and further development will just exacerbate this.
- m) The proposed development is very close to the current flood plain and it would be essential to understand what affect this development would have of the current plain. This would seem to be topically very important given recent happenings in the UK.
- n) This development will add vehicular burden onto the Kings Road/Ulcombe Road junction (see traffic survey for HNP) from there it is on to the school, or the one way section of Ulcombe Road, or turn on down Forge Lane/ Oak Lane both of which have very narrow difficult turnings on to the A274 restricted either side by housing. Traffic going the other way will have to pass through the narrow almost one way only section in Grafty Green then via the one way section on Liverton Hill. Furthermore, the link to the M20 motorway referred to is through the village of Leeds, via the B2163. Problems with traffic congestion on the A274 and the need to create a Leeds-Langley relief road feature heavily in KCC objections to any further housing allocations or planning permissions being granted that would impact the A274
- o) The proposed development obstructs a PROW.

Furthermore HPC would like to point out that the fact that the planning statement accompanying this contains a large number of factual errors and embellishments. It is important therefore that all information provided by the applicant should be **subject to strict scrutiny and not taken at face value.....** for example

- a) The planning statement states that as at 2011 Headcorn Parish had a population of 5,155 and 2,111 households. This is factually incorrect. At the time of the 2011 Census, Headcorn Parish had 3,387 people living in the Parish, as part of 1,459 households. Therefore all the statements about the relative size of this development, or other developments, provided in their report are incorrect and should be roughly doubled to obtain the actual increase in the size of Headcorn village that would result from the applications.
- b) Paragraph 2.13 of the planning statement refers to the A274 (the main road in Headcorn) as "a strategic highway". Not only is the A274 not part of the Strategic Road

Network (which are roads owned by the Secretary of State for Transport), it is not even part of the Primary Road Network.

- c) The quote provided in paragraph 5.66 that relates to the High Court Case [2015] EWHC 2729 (Admin), has been taken completely out of context. The quote states that “the Inspector was not required to refer to the draft Neighbourhood Plan in her Decision since ... it was at a very early stage of development and she was entitled to accept the view of Council that minimal weight should be accorded to it as planning policy”. What is not made clear is that the version of the Neighbourhood Plan the Inspector had been given was an early draft of the Plan that was significantly revised between that version and the version submitted for consultation under Regulation 14. In other words, it was a much earlier draft than the Regulation 14 draft. More importantly, as the full text of the High Court ruling makes clear, the draft she was given was not relevant to her decision, because it did not cover the site in question, or indeed the issue of primary school expansion.

7.02 KCC Economic Development

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.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements.

Request Summary

| | Per Pupil | Total | Project |
|---------------------|------------------------|-------------|---|
| Primary Education | £19,047.62 (16 pupils) | £304,761.92 | Towards the second phase of permanently expanding Headcorn PS from 1FE to 2FE |
| Primary Land | £3,184.60 | £50,953.60 | Towards the cost of acquiring additional land to accommodate the expansion of Headcorn PS |
| Secondary Education | £11,799 (11 pupils) | £129,789.00 | Towards the second phase of expanding Maidstone Grammar School |

| | Per Dwelling (x57) | Total | Project |
|--------------------|-------------------------|----------|--|
| Community Learning | £30.70 | £1749.70 | Towards the cost of commissioning adult and community learning classes within the village, including rental of space and equipment required. |
| Youth Service | £8.49 | £483.66 | 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 | £48.02 | £2736.90 | Towards bookstock to be supplied to Headcorn Library |
| Social Services | 1 Wheelchair Accessible | | |

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|--|--|--|--|
| | Home as part of the Affordable Homes delivery on this site | | |
|--|--|--|--|

7.03 NHS Properties

I can confirm that on this occasion we will not be seeking S106 contributions against this development. As the local surgeries have the capacity to cope with the additional patients anticipated as a result of these dwellings being built.

7.04 Kent Archaeology

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

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

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

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

7.05 Environmental Agency:

We have reviewed the information submitted and have no objections to the proposed based on findings of Flood Risk Assessment by Clive Onions dated 4th November 2015 V2 and Indicative Layout Drawing BRS.6203_04D.

Informatives

Waste

We have no objection to the construction of ponds in flood zone 3, however spoil should be removed appropriately to flood zone 1 to avoid loss of flood plain storage.

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause

pollution

- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

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

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

Foul drainage

We note the application states foul drainage is to go to mains. Should this change, we would wish to be consulted.

Pollution Prevention

Please note that all precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention– General guide to prevention of pollution”, which can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf

7.06 KCC Ecology Officer

We have reviewed the ecological information which has been submitted with the planning application and we are satisfied with the conclusions of the submitted report and we advise that sufficient information has been provided to determine the planning application.

Great Crested Newts

No specific GCN surveys were carried out as part of this planning application – instead the ecologists reviewed the existing GCN data (surveyed 2008 to 2014) to assess the impact on GCN from the proposed development. The submitted information has concluded that it is likely that GCN are present within the site and an EPS licence will be required to carry out the works.

The finalised mitigation strategy must be informed by updated GCN surveys. Ideally the surveys should have been updated as part of this planning application – however we accept the ecologists reasoning about why, for this application, this is an appropriate approach. The reasons are as follows:

- The regular surveys carried out since 2008 provide a good understanding of the GCN population within the area
- The site is mostly arable – which provides limited foraging habitat
- The ponds will be retained and a large area of the proposed development site will be enhanced to provide optimum GCN habitat.

In addition to the information submitted with this planning application we have also re-reviewed the ecological survey information submitted with planning application 14/503960/OUT. The survey results confirm the conclusions of the ecological survey submitted with this planning application.

If there was not such good understanding of GCN population within the surrounding area and the site contained optimum GCN habitat we advise that this approach would not be acceptable.

We advise that if planning permission is granted a detailed GCN mitigation strategy must be submitted as a condition of planning permission.

Bats

The existing survey data has been reviewed and assessed that bats are likely to forage along the boundaries within the proposed development site. The housing area is located

along the southern and western boundary and it is this area where foraging bats are likely to experience the greatest impact due to an increase in lighting.

The lighting for the development must be designed to ensure that the impact on foraging and commuting bats is minimal.

A large area of open space is proposed as part of the proposed development and we agree with the conclusions of the proposed report that it is likely to benefit foraging /commuting bats -we recommend that this area has minimal lighting (if at all).

We recommend that if planning permission is granted a detailed lighting scheme (with input from their ecologist) is submitted as a condition of planning permission.

Three trees were identified within the survey as having suitable features for roosting bats – as the trees will not be lost as a result of the development and not be impacted by the proposed construction works we are satisfied with the conclusion that emergence surveys are not required.

Breeding Birds

The survey was carried out during 1 visit in October 2015. As such we don't think that the submitted report can assess from one visit that farmland birds are not present within the site.

However we have reviewed the information submitted by the applicant and we accept that there is no requirement for specific breeding bird survey to be carried out.

The proposed development will result in an increase in nesting habitat for some breeding birds (in particular those which nest in hedges etc) but we recommend that the finalised landscaping scheme is designed to increase foraging habitat for any ground nesting birds within the surrounding area.

Badgers/Reptiles

The report has made some precautionary mitigation to minimise the potential for the proposed works to avoid impacting reptiles/badgers.

The precautionary mitigation detailed within the report must be incorporated into the construction management plan to ensure that it is implemented.

Enhancements

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

An area of open space is proposed to be created if planning permission is granted and it has been designed to ensure that it creates ecological enhancements.

If planning permission is granted we would expect a detailed management plan to be produced as a condition of planning permission – the management plan must include the following:

- Details of how it will be established
- Long term management
- Monitoring and reviewing.

This response was submitted following consideration of the following document(s):

Ecological Appraisal; Aspect Ecology; November 2015

Preliminary Ecological Appraisal, Dormouse, reptile and Amphibian Survey; Flag Ecology; 12th September 2014

Bats and Lighting in the UK

Bat Conservation Trust and Institution of Lighting Engineers

Summary of requirements

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

1. **The UV component.** Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. **Restriction of the area illuminated.** Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas

illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well-lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

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

High

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

Variable

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

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

Street lighting

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

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

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

Security and domestic external lighting

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

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

7.07 Kent Wildlife Trust

I have no objection in principle to the development proposals. However, planning permission should not be granted unless and until the applicant has confirmed a commitment to draw up and implement a detailed and fully-funded management plan (and monitoring programme) for all undeveloped habitats on the site.

The applicant's submission should incorporate a statement of objectives for the management plan that demonstrate a principal function of the undeveloped areas being to enhance local biodiversity.

I object to the grant of planning permission in the absence of such a commitment.

7.08 KCC Highway Services

The applicant has now undertaken a cumulative assessment of all committed development in Headcorn and I write to confirm that I am satisfied that signal control of the Kings Road/North Street/Moat Road/Mill Bank crossroads will operate satisfactorily for a scenario entailing all committed development at a forecast year of 2019. The junction simulation analysis indicates that the junction would operate at a 61% degree of saturation with maximum average queue lengths of less than 4 passenger carrying units (pcu's) per arm in the peak hour periods.

The committed development traffic adds 68 morning peak movements northbound onto the A274 at Mill Bank with this development adding a further 9 movements. In the evening peak the northbound movements on Mill Bank are 33 movements added from committed development and a further 4 movements added from this proposal. The National Planning Policy Framework (NPPF) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Whilst this is a relatively small site, and located remotely from South East Maidstone, your Members should be made aware that this site will contribute to the cumulative growth in traffic on the A274 corridor. However, given the low numbers quoted, (estimated 9 additional vehicles in the am peak hour and 4 additional vehicles in the pm peak hour), I am not able to conclusively prove that it will result in a net impact on congestion that could be described as "severe". It is not considered therefore that the highway authority would be able to sustainably object to this proposal in terms of trip generation.

Significant further work has also been undertaken regarding the necessary visibility splays for a safe access to the site. The transport consultant's drawing number 617221/SK08 shows a visibility splay of 97m to the right when emerging which I consider is adequate and commensurate to the vehicle speeds measured. The alignment of the road and position of the proposed access is such that visibility to the left when emerging is amply beyond what is needed. Construction of the access will require the applicant to enter into a section 278 agreement with this authority. I note that the base of drawing 617221/SK08 is a topographical survey and I am confident therefore that only minor trimming of the boundary hedge will be required to obtain an appropriate unobstructed view to approaching traffic.

This application will extend the boundary of the built up area of Headcorn on Lenham Road (beyond that of other applications opposite) and it is considered that the 30mph speed limit should be appropriately extended to signify this change in environment. From a study of the speed survey readings it is also considered that installation from this development of an interactive speed limit sign would be helpful as an initial reminder (when activated) of the speed limit to westbound traffic approaching Headcorn on Lenham Road. Should this application be approved it would be helpful if a condition could be included requiring the applicant to undertake this work (to its best endeavours) through the County Council's procedures for implementing traffic orders by 3rd parties.

Adoption of the internal roads will of course require the applicant to enter into a section 38 agreement with this authority.

7.09 **MBC Park and Leisure**

A development of this size should provide a LEAP and a LAP as guided by the Fields in Trust. It is noted that the development provides a considerable area of open space however there is a distinct lack of formal open space.

When we make requests for financial contributions towards offsite open space the standard amount is £1575 per dwelling. This is based on there being no onsite provision whatsoever and where this is some provision made then the financial request per dwelling is reduced accordingly and is based on 5 types of open space being provided.

In this instance we are looking at the shortfall in provision of a LEAP. The estimated cost for a high quality LEAP is £160,000 – this is based on the cost to install the LEAP at Giddyhorn Play Area.

The £160,000 cost is based on per 1000 population and so would reduce to £160 per individual or £384 per dwelling (*2.4)

We would therefore request a financial contribution of $£384 * 57 = £21,888$

We would request that any offsite contribution be utilised towards improving and replacing the play area equipment and associated facilities situated at Hoggs Green.

7.10 MBC Heritage and Landscaping

There are significant trees on this site and a number of individual trees are protected by TPO No.11 of 1982.

It should be noted that the submitted Landscape Appraisal is essentially an assessment of internal and short distance viewpoints, rather than a more detailed landscape and visual impact assessment.

In terms of the landscape capacity study guidance it is considered that the following mitigation requirements apply:

- Retain and strengthen hedgerow boundaries
- Retain mature collection of trees with TPO status on an open space within any further development
- Retain and utilise ponds to create open space and landscape
- Consider views from, and the character of, public footpath running through site and strengthen connectivity via public rights of way with Headcorn centre
- Redefine settlement edge and create sensitive urban/rural interface
- Strengthen public right of way links to Headcorn centre.

Whilst the current layout is indicative, the proposed density of development and landscape masterplan is acceptable in principle subject to landscape details. I therefore raise no objection on arboricultural grounds.

7.11 Environmental Health

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

REQUESTED CONDITIONS: HOURS OF WORKING (CONSTRUCTION)

No construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

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

LAND CONTAMINATION

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

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

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

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

of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

7.12 Kent Police Crime Prevention

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

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

Design For Crime Prevention document dated April 2013.

(DCLG circular 01/06) sets out what needs to be included in a design and access statement. Statements should consider design issues and how development can create accessible and safe environments, including addressing crime and disorder and fear of crime.

The applicant/agent has taken into considered crime prevention (see D&AS Section3 page 39 NPPF para58 point 5 and page 45 Section5 Crime Prevention) I was pleased to see that they had incorporated the principles of CPTED into their design and layout, the disappointing fact is that they have not consulted with us so we cannot fully address crime prevention and designing out for crime at this time.

As they have not consulted with us we suggest that an informative would be a suitable way to address and remind the applicant/agent that prior to the submission of an application for the reserved matters that it may be necessary for them to consult with Kent Police

Note: If an informative is used we suggest something similar to the below

Prior to the submission of any reserved matters application, the applicant, agents, or successors in title, are encouraged to undertake pre-application (reserved matters) discussion with the local Planning Authority. As part of this pre-application discussion, it may well be necessary to consult with external bodies such as Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that a comprehensive approach is taken to Crime Prevention and Community Safety.

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

7.13 KCC Public Right of Way

The development is crossed by Public Right Of Way(PROW) Footpath KH587. The location of this footpath is indicated on the attached map extract. The existence of the right of way is a material consideration.

The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way. While the Definitive Map is the legal record, it does not preclude the existence of higher rights, or rights of way not recorded on it.

I note that the indicative plans show the PROW recorded in the wrong place on plans attached to the application. There is a path recorded on some base mapping which may have caused this confusion. I note that page 22 of the design and access guide gives a PROW location that is closer to that shown on my attached map than the other documents. As it appears the current legal line of the PROW is not to be obstructed then I do not object to the application.

7.14 MBC Housing

The development is for up to 57 dwelling units with the applicant proposing 40% affordable housing which equates to up to 23 dwellings.

The outline application is for a total of 57 dwellings, with 23 of the units being proposed as affordable which equates to 40%

The applicants have submitted an Affordable Housing Statement as part of their application. In this they acknowledge that:

- In accordance with extant Local Plan Policy AH1 (Affordable Housing), the proposal includes 40% on site affordable housing, equating to up to 27 no. dwellings.
- The provision of affordable housing will be secured through the inclusion of relevant clauses within the S106 Agreement.
- The proposed size split of the affordable units will be agreed at Reserved Matters Stage, informed by the latest evidence of housing needs.
- In accordance with the Affordable Housing DPD, 40% of the affordable housing will be intermediate housing. The remaining 60% will be social rented.
- Appearance is a reserved matter for later determination. House types will therefore be agreed at a later stage; nevertheless, the affordable units will be designed so as not to be visually discernible from the market dwellings.
- Layout is a reserved matter for later determination; however the site is of a size which will allow the affordable housing to be distributed across the site in small clusters so as to create a sustainable and integrated community.

Housing acknowledge that several matters, including the layout, size and tenure mix of the affordable units will be reserved for future determination and would encourage the applicants to contact us so a suitable mix for all parties can be agreed.

We are currently working on the following percentages for affordable housing units for sites that are able to provide a range of unit sizes:

Affordable Rented Units (60%)

1-Beds (35%), 2-Beds (30%), 3-Beds (20%), 4-Beds (15%)

Shared Ownership Units (40%)

1-Beds (20%), 2-Beds (50%), 3-Beds (30%)

This would equate to the following mix for 40% affordable provision:

| Size | Total Units | Rental | Shared Ownership |
|-----------|-------------|--------|------------------|
| 1 Bedroom | 7 | 5 | 2 |
| 2 Bedroom | 9 | 5 | 4 |
| 3 Bedroom | 6 | 3 | 3 |
| 4 Bedroom | 1 | 1 | 0 |
| Total | 23 | 14 | 9 |

There is currently no identified need for 4 bed, shared ownership units.

In terms of unit sizes, we would be looking for a range of 2-bed 3 and 4 person dwellings, as well as 3-bed 5 and 6 person dwellings, with preference for the 4 and 6 person dwellings to help maximise occupancy, in accordance with need.

The affordable units should ideally be spaced throughout the development.

Finally, I would also like to raise the issue of design and quality standards, in particular Life Time Homes which should be taken into consideration for the affordable housing provision.

7.15 Southern Water:

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

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

“The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or www.southernwater.co.uk).”

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

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

Under current legislation and guidance SUDS rely on facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system which may result in inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

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

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

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

Southern Water’s current sewerage records do not show any public sewers to be crossing the above site. However, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and the potential means of access before any further works commence on the site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or www.southernwater.co.uk).

7.16 Agricultural Advisor:

The site is mainly Grade 3b (moderate quality) and therefore outside the "best and most versatile" category.

7.17 UK Power Networks: Has no objection to the proposed works.

7.18 Natural England: Has no comments to make on this application.

7.19 KCC Flood Risk Project Officer

Kent County Council as Lead Local Flood Authority are pleased to note the inclusion of open drainage features to provide treatment, conveyance and storage of surface water run-off, prior to a controlled discharge off-site. We also note the inclusion of source control features such as areas of permeable pavements for additional source control.

We have no objection to the development provided the discharge rate to the receiving ordinary watercourse within the site is no higher than the greenfield run-off rate (for all storms up to and including 1 in 100 yr + CC) and is capped at a maximum of 7 l/s/ha as per guidance from the UMIDB. Please note that any works affecting the ordinary watercourses on site (such as for the site access and construction of outfall features) may require consent from KCC as LLFA.

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

(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 be based on the submitted flood risk assessment and drainage strategy, and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to on-site or off-site flood risk. The discharge from the development to the ordinary watercourse should be no higher than greenfield run-off rate up to a maximum of 7l/s/ha as required by the UMIDB.

(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.

7.20 Southern Gas Network
There is no gas pipe line in front of this site.

BACKGROUND PAPERS AND PLANS

The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no BRS.6203_04F 1; Landscap Master Plan 2169/15/B/4 Rev Landscape Appraisal 2169/15/B/3 Access Design 617221/SK04 Rev.....; Site Location Plan BRS.6203_05A; Context Plan BRS. 6203_01C; Agricultural Land Consideration November 2015 by Kernon, Transport Assessment October 2015 by MLM; Ecology Appraisal by aspect ecology November 2015; Affordable housing Statement November 2015; Flood Risk Assessment November 2015 by Clive Onions, Tree Survey November 2015 by LaDellwood; Planning Statement by Pegasus Group November 2015, 2015Design and Access Statement November 2015

8.0 APPRAISAL

Principle of Development

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

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

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

(5) such other exceptions as indicated by policies elsewhere in this plan.”

- 8.02 In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification for a decision contrary to the Development Plan, the proposal is unacceptable.
- 8.03 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year housing land supply.
- 8.04 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 49 of the NPPF states that:-
“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five years supply of deliverable housing sites.”
- 8.05 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.
- 8.06 The new Local Plan has advanced and is out to Regulation 19 publication being the Plan that the Council considers is ready for examination. The Plan is scheduled for submission to the Planning Inspectorate for examination in May 2016, with the examination expected to follow in September. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure, and will enable the Council to demonstrate a 5 year supply of deliverable housing sites when it is submitted to the Inspectorate in May. Clearly the Local Plan is gathering weight as it moves forward, but it is not considered to have sufficient weight to rely solely on to refuse or approve a planning application.
- 8.07 Notwithstanding this, it remains the case the most recently calculated supply of housing, which assesses extant permissions and expected delivery, is from April 2015. This demonstrates a 3.3 year supply of housing assessed against the OAN of 18,560 dwellings. A desk based review of housing supply undertaken in January 2016 to support the Regulation 19 Local Plan housing trajectory suggests that there remains a clear and significant shortfall of supply against the five year requirements.
The Council's five year supply position will be formally reviewed in April/May in order to support the submission of the Local Plan to examination in May. Before the Local Plan is submitted however, the Council will remain unable to demonstrate a 5 year supply of deliverable housing sites.
- 8.08 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.”

- 8.09 In respect of the circumstances of the specifics of this case, the proposal site is located to the north east corner of Headcorn village and less than 600m walking distance from the centre of Headcorn, which is identified as a Rural Service Centre (RSC) in the Regulation 19 Local Plan under policy SP3. Headcorn provides a diverse range of key services including a primary school, shops, restaurants, doctors surgery which are easily accessible on foot or by cycle as well as availability of good public transport including rail link and bus service. These facilities would require improvement or upgrade commensurate with any increase in population.
- 8.10 RSC's are considered the most sustainable settlements in Maidstone's settlement hierarchy, as set out in the draft Local Plan, outside of the town centre and urban area. They have been identified as such for their accessibility, potential for growth and role as a service centre for surrounding areas. They act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys”. The application site is therefore considered to be in a sustainable location in terms of the NPPF..
- 8.11 Regulation 19 has identified a number of sites for housing development in Headcorn and this site is not one of them. However, In the light of the above mentioned shortfall of five year housing land supply, bringing forward development on this sustainably located site immediately adjacent to a rural service centre would assist in helping to meet the shortfall and it is considered this to be a strong material consideration in favour of the development Notwithstanding that this site has not been identified in the Regulation 19 for housing, the current application should be determined on its planning merits on the basis of the adopted policies in the Development Plan and other material considerations.
- 8.13 Headcorn Parish Council has objected to this application and stated that it should be refused as it is in conflict with the emerging Neighbourhood Plan. Whilst this statement is correct and the NP is at fairly advanced stage, it has just come out of 6 weeks Regulation 16 consultation process and yet to go through the independent examination stage and referendum process. Therefore there are still a number of key stages for NP to go through. It is therefore considered that although Headcorn NP is a material consideration, in its current stage it is not grounds to refuse planning permission. Moreover the Council cannot meet its 5 years housing land supply and some of its housing supply policies are out of date, similarly the same applies to the NP policies.
- 8.14 Paragraph 216 of the NPPF states that from the day of publication, decision-takers may give weight to the relevant policies in emerging plans, according to,
- *The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given).*
 - *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given and*
 - *The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater weight that may be given)*
- 8.15 In view of the key stages ahead in the adoption process, the unresolved and continued discussions with the lead authority over key issues such as affordable housing and relationship to emerging Local Plan (Spatial Strategy) to which Maidstone has an Objectively Assessed Need (OAN) and evidence base, it is considered that limited weight can be given to the draft NP in this case. The NP is an important material consideration, but is yet to be examined.

- 8.16 Having regard to the above ground, it is considered that the policy principle of residential development at this sustainable site is acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. Below the key planning issues pertaining to this case comprising visual/landscape impact, residential amenity, access/highway safety, infrastructure, drainage/flood risk, ecology are assessed.

Design and layout

- 8.17 The application is in outline with all matters reserved save for the access. As such the drawings in term of layout that have been submitted are illustrative in form and designed to show how a development of 57 dwellings could be accommodated on the site, Public open space is provided and existing public right of way on site are safe guarded.
- 8.18 The indicative plan proposes an area of public open space to the north and east of the site which covers about 4.73ha and would provide amenity space, LEAP, attenuation basin and ponds. The existing hedgerow along the southern, northern and eastern boundaries would be retained and where necessary enhanced with additional trees and hedgerow planting and ecology mitigation added.
- 8.19 The proposed houses would be clustered along the south and west corner of the site adjacent to the recently approved houses to the west under ref 14/505162 and as such would not represent a linear development along Lenham Road frontage. Also the plan shows that the houses would be set well away from the hedgerow along the southern boundary thus minimising the visual impact of the development when viewed from the road and from the south as well as from long and medium distance views. It is proposed that the building heights would be 2 storey across the site, the exact details of which will be determined at the reserved matters stage and slab levels will also be considered in conjunction with these details. In general terms the arrangement of houses is considered acceptable and the indicative layout demonstrates the number of dwellings can be accommodated on site with legible routes throughout.
- 8.20 Moreover the proposed 4.73 ha of public open space amenity area to the north and east would help to ensure a soft and clear edge to this development and this corner of the village and would enhance the amenity provision for the residents of the development and the village.
- 8.21 The proposal shows the position of vehicular access to this site to be towards the south eastern corner of the site with pedestrian access and PROW from the south western corner of the site. This would provide good connectivity for those wishing to access the residential area and /public open space and the PROW. Moreover, given the pedestrian access point to the site from the south west corner, it is considered that the lack of pavement on either side of Lenham Road along the application site frontage with Lenham Road would enhance the site permeability to pedestrians and cyclists.
- 8.22 The NPPF attaches great importance to the design issues of the built environment and considers good design to be a key aspect of sustainable development. The proposed development has been designed to maximise the use of existing features, like trees, edges and water pond to complement and enhance the environmental quality of the development.
- 8.23 It is considered that the proposed development would not appear incongruous when viewed from the road, public footpath and the surrounding area and a detailed layout, design and landscaping would be fully assessed under a reserved matter application(s) to ensure an appropriate appearance, house design, finished materials and landscaping is achieved to facilitate good connectivity and integration with the built up area and wider countryside.
- 8.24 The proposed layout involves a single access starting along the south east part of the site moving west and northward with all residential development to the south and west of the proposed road and access to the properties would be either directly from the main road or via a series of informal private drives or spur roads providing access to the houses.
- 8.25 The houses along the frontage with Lenham Road would be set well back behind the existing substantial hedging thus giving the development an established soft landscaped frontage and maintain the rural character of this section of Lenham Road.

- 8.26 It is considered that there will inevitably be some visual impact as the openness of part of the site will be replaced by the proposed houses and will change from grazing use to a residential one. However it is considered that the development would not appear visually prominent or intrusive in the wider landscape due to domestic scale of the development against the backdrop of the similar scale housing to the west and south and substantial public open space and landscaping area to the east and north. Furthermore a landscaping condition would ensure additional landscaping to be carried out within the site and around the site boundaries in order to further soften the impact of the development.
- 8.27 The proposed layout shows a substantial sized water feature and amenity areas along the eastern and northern part of the site. It is considered that this aspect of the proposal together with existing trees and hedging would bring about a visual enhancement and an attractive living environment and finished edge to the development. It is further considered that this arrangement would encourage habitat for diverse ecology of the locality. It is therefore important to ensure that native plants are used in the landscaping of the gardens of the dwellings and the public amenity area in order to ensure that ecologically balanced and sustainable habitats are created for enjoyment of the residents and users of the footpath, public open space and wildlife.
- 8.28 In conclusion, it is considered that the scale and particular location of the proposal are such that its impact are likely to be limited to the immediate surroundings. Furthermore, the impact of the development could be mitigated significantly by the additional planting along the boundaries of the site in the form of native hedgerow with hedgerow trees, which would soften the visual impact of the development and enable it to integrate easier with its rural surroundings. A landscaping condition and a condition requiring the submission of external finished materials to secure these are recommended.

Landscaping and Visual Impact

- 8.29 Landscaping is a matter reserved for future consideration. However the indicative plan submitted shows the proposal seeks to retain the existing boundary hedgerows, save for the location of the access route into the site and where necessary additional native trees and hedgerows will be planted to plug the gaps and complement the development and wider landscape.
- 8.30 The site is currently a green field and its development for residential would have some visual impact. It is important to assess the impact in its setting and wider surrounding context. The existing boundary hedgerow along the southern, eastern and northern parts of the site will be retained and enhanced with further planting of native species to mitigate ecological impact as well as visual. The indicative layout plan shows a large public open space to the north and east of the site and housing development to the south and west and those along the Lenham Road would be set back from the road so that less visual intrusion occurs. Additional landscaping would be secured as part of reserved matters.
- 8.31 It is acknowledged that there will be some impact from the development on the rural character of part of PROW which runs through the site and part of the path will be hemmed in by proposed houses. However this will be very limited as there will not be any diversion to the route of the path and the proposal would ensure the path retains its open character when it runs through the proposed public open space to the north and east.
- 8.32 The provision of public open space to the north and east of the site is considered to provide a strong landscape buffer between the proposed residential part of the site and the surrounding countryside and would aid to limit the visual impact of the development on the open countryside.
- 8.33 The application site is located within the Special Landscape Area and this policy seeks to protect and conserve the scenic quality and character of the SLA. As stated above the proposal will have some impact on the character of the area, however, it is considered that this impact would be limited having regard to the residential development to the west and south, the retention of existing hedgerows to the south, west and north, allocation of over 4.07ha public open space to the north and east, and the introduction of additional landscaping. On balance it is considered that the development would not appear as an intrusive form of development in this location, moreover, at reserve matter stage it would be necessary to fully

assess the scale, external appearance and landscaping to ensure the development integrate well with its wider surrounding.

- 8.34 Overall it is considered that the proposal would cause a low level of visual harm and conflict with policy ENV34. However, the proposal would seek to enhance the existing landscape by retention of the existing hedgerows, trees and ponds on site and by designation of 4.07 ha of land to the north and east as a public open space. The measures proposed would help to provide an attractive interface between the settlements urban and rural areas. On balance, it is considered that the development is acceptable in landscape terms and that with a suitably worded landscape management strategy and secured through the s106 legal agreement, the proposal would be acceptable.

Impact on local Ecology

- 8.35 The NPPF, Local Plan and emerging plan all seek to protect and enhance the natural environment. Applications that adversely affect the natural assets and for which mitigation measures appropriate to the scale and nature of the impact cannot be achieved will not be permitted.
- 8.36 The application has been supported by an Ecological appraisal report. Ecological surveys have been carried out including species surveys for bats, GCN, reptiles, and aquatic invertebrates. Surveys confirmed the site is arable limited presence of GCN. The proposals will not harm any ecological designations, habitat of nature conservation interest or any protected species. The proposal will enhance biodiversity in the area by creation of wetland and wild flower, grassland and bolstering of existing hedgerows which will benefit the local Great Crested Newts population as well as wildlife.
- 8.37 The KCC Ecology officer has confirmed that there is no objection to the development subject to conditions regarding Ecological Design Strategy and a Landscape and Ecological Management Plan. It is also expected that the applicant demonstrates funding arrangement for the implementation, up keep and management of the designated ecology schemes as stated in the Ecological Appraisal report submitted with the application. The issue of funding and long term management will be addressed through long term maintenance and management of the landscaped areas, SUDS, ponds and swales. Funding for long term management of these areas will be secured by an appointed management company through a levy against each dwelling on site. This can be secured via s106.
- 8.38 It is important to note that this application is in outline and landscaping, appearance and design are reserved matters and will be subject to planning conditions for submission later. It is considered that a planning condition would be imposed regarding swift brick and ecological protection measures.

Drainage and flood Risk

- 8.39 The Parish and local residents have raised the issue of foul water drainage in the village and Southern water has stated that the proposal would increase flows to the public sewerage system, and as a result additional off site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development.
- 8.40 The applicant discussed this proposal with Southern Water and the proposed foul water flow in this development would be gathered in a conventional gravity drained system, and conveyed to a pumping station in a suitable location on the site and from the pumping station to a manhole point of connection. Manhole TQ83445503 which is near the application site has been identified as the connection point. It is expected that the proposal would add a small increase in output to the Moat Road pumping station that Southern Water to offset the additional foul flow.
- 8.41 The Surface Water Strategy and the Flood Risk Assessment submitted have been considered by the KCC SUDs officer; who is pleased to note the inclusion of open drainage features to provide treatment, conveyance and storage of surface water run-off, prior to a controlled discharge off-site and the inclusion of source control features such as areas of permeable

pavements for additional source control. The KCC officer therefore has no objection to the proposal subject to the conditions recommended

- 8.42 The Environmental Agency also has assessed the environmental implication of this development and are not opposing the construction of a pond on this site and do not object to the development provided an informative dealing with the issues of waste and pollution is imposed.
- 8.43 Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested. Southern Water requests that an informative setting out the need for the applicants to enter into formal agreement with them should be attached to any formal grant of planning consent. Also to ensure that the necessary foul water infrastructure measures are in place before the proposed dwellings are occupied it is considered appropriate to add a planning condition accordingly.

Heritage issues

- 8.44 There is no listed building or heritage asset on or adjacent to the application site, however Kent County Council archaeological officer has referred to potential archaeology on this site and has recommended that a condition be imposed in this regard.

Residential Amenity

- 8.45 Residential properties to the west would be separated from the application site by the existing boundary hedge and the public right of way and from south by the boundary hedge, width of Lenham Road and the set-back of the houses from the site boundary. It is considered that these separation distances and the fact the building height would not exceed 2 storey's that the proposed development would not cause any detrimental harm to the outlook, privacy, day light or sunlight of the adjoining properties.
- 8.46 This application is in out line and details regarding amenities of the future occupiers and adjoining properties will be fully considered at the reserved matter stage.

Affordable Housing

- 8.47 Affordable housing on this site would be 40% (23 dwellings) of the development. Council Housing section has not raised any objection. Although no detail regarding the location and external design of these dwellings have been submitted policy AH1 of Maidstone Council Affordable Housing Development Plan Document 2006 and policy DM13 of Regulation 19 require that affordable housing provision be appropriately integrated within the site. Such matters will be assessed at the reserves matters stage.

Highways

- 8.48 Paragraph 29 of NPPF states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that opportunities to maximize sustainable transport solutions will vary from urban to rural areas.
- 8.49 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impact of development is severe.
- 8.50 Concern has been expressed with regard to the impact on the existing road network. Local residents are concerned that the proposal will increase the risks on the public highway. The submitted highway report has been assessed by KCC Highway Services and their views have been reported in this report.
- 8.51 The proposal would provide a single vehicular access to the site from Lenham Road. KCC Highway Services is satisfied that adequate sightlines can be achieved without loss of the boundary hedge. It is also considered that an extension to the speed limit in Lenham Road further east to be acceptable. It is considered that the 30mph speed limit should be appropriately extended to signify this change in environment. From a study of the speed survey readings it is also considered that installation from this development of an interactive speed limit sign would be helpful as an initial reminder (when activated)

of the speed limit to westbound traffic approaching Headcorn on Lenham Road. These works will require the applicant to enter into a Section 278 agreement with the highway authority.

- 8.52 Having regard to the above it is considered that the proposal to be acceptable with regard to highway safety.

Planning Infrastructure Contribution

- 8.53 This development is likely to place additional demands on local services and facilities. To improve and enhance capacity and make the development acceptable in planning terms developer's contributions can be sought.

- 8.54 Section 123 of the Community Infrastructure Levy (CIL) Regulations 2010 came into force on 6th April 2015 and means that planning obligations are limited on their pooling of funding towards a single infrastructure project or type of infrastructure (since April 2010). It is therefore necessary to review all the contributions in light of this.

- 8.55 The following contributions have been sought.

- The provision of 40% affordable housing equates to 23 dwellings within the application site of which 1 dwelling to be Wheelchair Accessible Home.
- Primary Education @ £19,047.62 x (16 pupils) = £304,761.92 towards the second phase of permanently expanding Headcorn PS from 1FE to 2FE.
- Primary Land @£3,184.60x(16 pupils)= £50,953.60 towards the cost of acquiring additional land to accommodate the expansion of Headcorn PS
- Secondary education @ £11,799x (11 pupils)= £129,789.00 towards the expansion of the second phase of Maidstone Grammar School
- Libraries £2736.90 - towards bookstock for the new residents of this development to Headcorn Library.
- Youth service £483.66 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.
- Community Learning £1749.70 towards the cost of commissioning adult and community learning classes within the village, including rental of space and equipment required.
- MBC Park and Leisure has requested a financial contribution I contribution of £384 x 57 = £21,888 based on a shortfall towards improving and replacing the play area equipment and associated facilities situated at Hoggs Green.

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

Other Benefits

- 8.57 Paragraph 47 of the Framework highlights the need for the supply of housing to be boosted significantly. It is accepted that the Council cannot demonstrate a five-year supply of deliverable housing sites and that there is a significant and serious shortfall of housing when tested against the Council's proposed housing target. There is also a rising and substantial need for affordable housing in the Borough. Against this background, the provision of up to 57 houses, with up to 40% (23 houses) of those affordable homes, is a matter that attracts significant weight in favour of the proposal.

- 8.58 Moreover, paragraphs 18 and 19 of the NPPF are very clear that the Government is committed to securing economic growth in order to create jobs and prosperity and to ensuring the planning system does everything it can to support sustainable economic growth. The proposal will generate construction jobs and economic activity. In the longer term, as the site is occupied, residents will add to local spending levels and help to boot local economy.

The Balancing Exercise

- 8.59 The proposed development would put additional pressure on the existing facilities, but this would be mitigated by the various measures set out above.
- 8.60 The proposal would have some adverse impact in landscape terms. It is considered that the provision of 4.07 ha of public open space, wetland and ecology area together with retention of existing hedgerows and trees would substantially help to offset the harm arising.
- 8.61 The provision of new open-market and affordable houses and the associated economic activity are very weighty matters in economic and social terms. In my view, the adverse impacts of the proposal, considered in their totality, do not significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework considered as a whole. On that basis, the proposal benefits from the presumption in favour of sustainable development

9.0 CONCLUSION

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

10.0 RECOMMENDATION –

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

- A Secure the following developer's contributions:

- The provision of 40% affordable housing equates to 23 dwellings within the application site of which 1 dwelling to be Wheelchair Accessible Home.
- Primary Education @ £19,047.62 x (16 pupils) = £304,761.92 towards the second phase of permanently expanding Headcorn PS from 1FE to 2FE.
- Primary Land @£3,184.60x(16 pupils)= £50,953.60 towards the cost of acquiring additional land to accommodate the expansion of Headcorn PS
- Secondary education @ £11,799x (11 pupils)= £129,789.00 towards the expansion of the second phase of Maidstone Grammar School
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- Community Learning £1749.70 towards the cost of commissioning adult and community learning classes within the village, including rental of space and equipment required.
- MBC Park and Leisure has requested a financial contribution / contribution of £384 x 57 = £21,888 based on a shortfall towards improving and replacing the play area equipment and associated facilities situated at Hoggs Green
- Secure long term Landscape, Ecology, Management, Maintenance of the public amenity area and on site play facility measuring 4.73 hectares.

B Conditions

- (1) No development shall take place until approval of the following reserved matters has been obtained in writing from the Local Authority:

- a. Layout b. Scale c. Appearance d. 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 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) Prior to the commencement of any works above damp proof course level, shall take place until schedule/samples of the materials (which shall include ragstone plinths on the properties fronting Lenham Road and the use of natural slate and timber boarding on the elevations of key buildings) and finishes to be used in the construction of the external walls, roofs, windows and doors of the development hereby permitted have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.

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

Reason: To ensure a satisfactory appearance to the development.

- (4) Prior to the commencement of any works above damp proof course level, details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways, and

the design of kerb-stones/crossing points which shall be of a wildlife friendly design, relating to the detailed element, shall be submitted to and approved by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the dwellings or as agreed in writing with the Local Planning Authority and maintained thereafter.

Reason: To ensure a high quality external appearance to the development.

- (5) Prior to the commencement of any works above damp proof course level, details of all fencing, walling and other boundary treatments shall be 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 dwellings 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.

- (6) The development shall not commence 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 provide for the following:

- (i) Retention and enhancement of boundary trees and vegetation with new native tree and hedge planting and details of their protection (with temporary or permanent fencing) before and during the course of development.
- (ii) The provision of a native landscape buffer along the northern and eastern boundaries of the site to include tree planting.
- (iii) Native landscape planting between any boundary treatments and the site boundary.
- (iv) Native tree planting along streets within the site.
- (v) Details of the double hedge along the southern and western boundary.
- (vi) Native trees and landscaping for the public open space amenity area.
- (vii) Details of boundary treatments to include gaps to provide movement for hedgehogs.
- (viii) Details of wildlife friendly drainage.

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

- (7) 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.

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

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

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

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

- (10) No development shall take place until an Ecological Design and Management Strategy (EDMS) has been submitted to and approved in writing by the local planning authority. The EDMS shall detail the habitat creation and enhancement measures and the long-term management of habitats on the site and shall include the following:
- a) Purpose and conservation objectives for the proposed works;
 - b) Detailed design to achieve stated objectives;
 - c) Aims and measurable objectives of management;
 - d) Appropriate management prescriptions for achieving aims and objectives;
 - e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over the duration of the Plan);
 - f) Procedure for the identification, agreement and implementation of contingencies and/or remedial actions where the objectives are not being met;
 - g) Details of the body/ies or organisation/s responsible for implementation of the plan.

The EDS shall 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.

- (11) No development shall take place (including any ground works, site clearance) until an Ecological Mitigation Strategy, addressing the ecological impacts identified in the Ecological Appraisal (FPCR, November 2015), has been submitted to and approved in writing by the local planning authority. The content of the strategy shall include the:

- a) Purpose and objectives for the proposed works;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- c) Extent and location of proposed works, including receptor site creation, shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works, including times when specialist ecologists need to be present on site to oversee works;;
- f) Ongoing monitoring provision.

The works shall be carried out strictly 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.

- (12) The development shall not commence until an Arboricultural Method Statement in accordance with BS5837:2012 including tree protection details, 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: For tree protection and to ensure a satisfactory external appearance to the development.

- (13) 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.

- (14) No development shall take place until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

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.

- (15) The development shall not commence until details of foul water drainage, which shall include details of any necessary off-site improvements to the local network, have been submitted to and approved in writing with the Local Planning Authority in consultation with Southern Water. The approved details and off-site works shall be implemented in full prior to the first occupation of the development.

Reason: To ensure that foul and surface water is satisfactorily managed and disposed off from the site and in the interests of protection of local wildlife.

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

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

- (17) 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 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: In the interests of highway safety.

- (18) No external lighting equipment shall be placed or erected within the site until details of such equipment 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 in the interests of biodiversity. The development shall thereafter be carried out in accordance with the subsequently approved details.

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

- (19) The details submitted pursuant to condition 1 shall show no buildings over a height of 2 storeys.

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

- (20) The development shall not commence until detailed plans identifying road and footway widths, shared surface arrangements, junction layouts and parking and turning areas have been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

- (21) None of the dwellings hereby permitted shall be occupied until the car parking, garaging, car ports and visitor car parking spaces associated with that particular unit of accommodation have been constructed to the satisfaction of the Local planning Authority. The respective spaces shall thereafter be retained at all times for their designated purpose.

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

- (22) No development shall take place until the applicant, or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

- (23) If, during development, contamination not previously identified, is found to be present on the development hereby permitted, then no further development shall be carried out until remediation works, in accordance with a Method Statement for remediation, including a timetable that has previously been submitted to and approved in writing by the local planning authority, have been completed and a verification report demonstrating completion of the works set out in the Method Statement has been submitted to and approved in writing by the local planning authority. The Method Statement shall detail how the unsuspected contamination shall be dealt with. The verification report demonstrating completion of the works set out in the Method Statement shall include results of any sampling and monitoring. It shall also include any plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

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

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

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

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

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

ii- installation from this development of an interactive speed limit sign.

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

iv- New dropped kerb crossings with the new vehicular access Road.

Reason: In the interests of highway safety.

- (26) None of the dwellings hereby permitted shall be occupied until underground ducts have been installed. The development should make provision for telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles satellite dishes and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no distribution pole satellite dish or overhead line shall be erected within the site area.

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

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

Reason: In the interest of Security, Crime Prevention

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

Drawings: Location plan BRS.6203_05A1, BRS.6203_04F1 15/02/2016, access detail drawing 617221/SKL08 dated 03/03/2016; Landscape and Visual Appraisal drawing 2169/15/B/3 and the following supporting documents: Affordable Housing Statement by Pegasus Group dated November 2015, Tree Survey report by LaDellwood November 2015; Flood Risk Assessment and Surface Water Drainage Strategy November 2015; Ecology Appraisal Aspect November 2015; Transport Assessment by MLM October 2015.

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

INFORMATIVES

1) Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. It is the responsibility of the applicant to ensure before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

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

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

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

4) Fuel, Oil and Chemical Storage

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

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf

5) Bats and Lighting in the UK

Bat Conservation Trust and Institution of Lighting Engineers

Summary of requirements

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

i. **The UV component.** Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.

ii. **Restriction of the area illuminated.** Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

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

- High pressure Sodium Lamps (SON) emits a small UV component.
- White SON, though low in UV, emit more than regular SON.
High
- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.
Variable
- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

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

Street lighting

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

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

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

Security and domestic external lighting

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

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

Case Officer: Majid Harouni