

APPLICATION: MA/10/0555 Date: 31 March 2010 Received: 29 October 2010

APPLICANT: Brakenall Properties Ltd.

LOCATION: HEADCORN HALL, BIDDENDEN ROAD, HEADCORN, ASHFORD, KENT, TN27 9JD

PARISH: Headcorn

PROPOSAL: Demolition of existing property known as Headcorn Hall and erection of 10 five bedroom detached houses together with garaging, parking and amenity. New access to be formed onto Shenley Road and existing access on to Biddenden Road to be closed as shown on drawing numbers 2939/PL.01, 2939/PL.02, 2939/PL.03, 2939/PL.04, 2939/PL.05, 2939/PL.06, 2939/PL.07, 2939/PL.08, 2939/PL.09, 2939/PL.10, 2939/PL.11, 2939/PL.12, 2939/PL.13, 2939/PL.14, 2939/PL.15, 2939/PL.16, 2939/PL.17, 2939/PL.18, 2939/PL.19, 2939/PL.20, 2939/PL.21, 2939/PL.22, 2939/PL.23, 2939/PL.24, 2939/PL.25, 2939/PL.26, 2939/PL.27, 2939/PL.28, 2939/PL.29, 2939/PL.30, 2939/PL.31, 2939/PL.32, 2939/PL.33, 2939/PL.34, 2939/PL.35, 2939/PL.36, 2939/PL.37, 2939/PL.38, 2939/PL.39, 2939/PL.40, 2939/PL.41, 2939/PL.42, 2939/PL.43, 2939/PL.44 and 2939/PL.45, tree survey, ecological scoping survey received on 31/3/10, flood risk assessment received on 9/4/10 as amended by phase 2 ecological survey received on 25/6/10, flood risk assessment received on 9/7/10 and addendum to flood risk assessment received on 5/11/10 and letter from applicant received on 25/1/11.

AGENDA DATE: 7th April 2011

CASE OFFICER: Peter Hockney

The recommendation for this application is being reported to Committee for decision because:-

- It is contrary to views expressed by the Parish Council.
- It is a departure from the Development Plan and has been advertised as such.

1. **POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, T13, CF1
- South East Plan 2009: CC1, CC4, CC6, H4, H5, T4, C4
- Government Policy: PPS1, PPS3, PPS5, PPS7, PPS9, PPS25
- Open Space DPD (2006)

2. RELEVANT HISTORY

- MA/10/0712 – Application to extend the time limit for implementing permission MA/05/0347 being (Extension to and conversion of existing nursing home to form 7 one bedroom and 7 two bedroom flats) – APPROVED WITH CONDITIONS.
- MA/09/1617 – Outline planning permission for erection of 5 detached dwellings with amenity space and associated works including parking and access with access to be considered as this stage and all other matters reserved for future consideration – REFUSED.
- MA/09/1593 – Erection of a two storey 60 bed care home with parking, access and landscaping – REFUSED.
- MA/05/0347 – Extension to and conversion of existing nursing home to form 7 one bedroom and 7 two bedroom flats – APPROVED WITH CONDITIONS.
- MA/03/1599 – Conversion of existing building into 7 flats and construction of rear wing for 8 flats together with the construction of a new access onto Shenley Road – REFUSED.
- MA/03/0443 – Conversion of existing building into 7 flats and erection of rear wing for 10 flats – WITHDRAWN.
- MA/00/0308 – Variation of condition 01 of permission MA/95/1210 to allow a further five years for the erection of two storey side extension – APPROVED WITH CONDITIONS.
- MA/95/1210 – Erection of a two storey side extension – APPROVED WITH CONDITIONS.
- MA/95/0396 – Renewal of permission for two storey side extension by variation of condition 01 of application MA/90/1104 – APPROVED WITH CONDITIONS.
- MA/91/1340 – Construction of 40-bed nursing home (amended elevations and internal layout to permission MA/82/0904 E) – APPROVED WITH CONDITIONS.
- MA/90/1104 – Renewal of planning permission MA/85/1786E for the erection of a two storey side extension – APPROVED WITH CONDITIONS.
- MA/88/2337 – Outline application for the erection of 14 retirement bungalows and community area – REFUSED.
- MA/88/1748 – Outline application for 60 bed long term care unit – REFUSED.
- MA/87/0936 – Conversion of garage/stable to dwelling – APPROVED WITH CONDITIONS.
- MA/85/1786 – Two storey side extension – APPROVED WITH CONDITIONS.
- MA/82/0904 – 40 person nursing home – APPROVED WITH CONDITIONS.

3. **CONSULTATIONS**

Headcorn Parish Council wishes to see the application REFUSED and reported to planning committee stating:-

“Please be advised that my Council would wish to see this application refused and would wish the application to be reported to the planning committee on the following grounds:-

- It is an overdevelopment of the site, which would be detrimental to the character of the countryside given the low density of building in the surrounding area.
- The scale and contemporary design of the properties are not appropriate to the appearance of its surroundings or sympathetic to the character and appearance of the rural countryside.
- It is in an isolated position and would require the use of motorized vehicles at all times for residents to access the village and other facilities and would therefore be an unsustainable form of development.
- In accordance with policy H27 the development does not fall within the village boundaries and in our opinion is not considered a minor development.
- Headcorn Airfield must be consulted as the application is adjacent and falls within the defined CAA flying box, the noise and disturbance caused from the airfields activities must be taken into consideration as it could cause an unacceptable form of residential amenity.”

EDF Energy raises no objections to the application.

Upper Medway Internal Drainage Board raises no objections to the application providing that all surface water drainage has a limited discharge of 7l/s/ha and that the Environment Agency raise no objections.

Southern Gas Networks make no comment on the application.

KCC Archaeology state that the site is on a deposit of 1st Terrace River Gravel which has the potential to contain evidence of early prehistoric activity and recommend a condition with regard to a programme of archaeological work.

Natural England have responded stating the development is unlikely to have implications for the River Beult SSSI and they have no comments to make on that matter. They are satisfied that the mitigation proposed for widespread reptiles, great crested newts and bats are adequate and that there are no barn owls to be affected.

Kent Wildlife Trust raises no objections to the proposal subject to conditions requiring the recommendations of the report to be undertaken and biodiversity enhancements to take place.

Southern Water state that there is no public sewer in the vicinity of the site and that alternative arrangements will have to be made with regard to foul drainage. Any SUDS facilities should include long term maintenance.

Environment Agency originally objected to the application in May 2010 on the grounds that the development fails to meet the requirements of part (c) of the flood risk exception test (in that the Flood Risk Assessment did not demonstrate that the development will be safe, without increasing flood risk elsewhere and where possible will reduce flood risk overall). Following further work on the Flood Risk Assessment the Environment Agency withdrew their objections in October 2010 only if conditions were attached that relate to surface water drainage systems and a long term surface drainage management plan.

MBC Landscape Officer has no objections to the proposal. The development would have no impact on the adjacent woodland covered by a Tree Preservation Order and the space around the development would provide ample opportunity for planting of trees to replace those to be removed. The trees to be removed are of low quality and not worthy of protection.

Kent Highway Services raise no objections to the application. The access to the development should be solely from Shenley Road. There are improvements required to bus stops as well as advanced warning signs (Officer comment: These improvements are sought by Kent Highway Services through a Section 278 agreement between the applicant and Kent Highways).

West Kent PCT require a total of £17,280 towards the provision of improved healthcare facilities at Headcorn surgery.

Mouchel on behalf of KCC have responded requesting the following contributions:-

Libraries - £576.32 for bookstock at existing libraries.

Youth & Community - £3,187.50 towards a youth worker for the Maidstone Rural Youth Project.

Adult Social Services - £225.72 towards Telecare equipment for homes of clients generated.

MBC Parks and Open Spaces require a contribution of £1,575 per unit towards the improvement of public open space.

4. REPRESENTATIONS

CPRE objects to the erection of ten new dwellings in the countryside and wishes to see the application refused.

Weald of Kent Protection Society objects to the provision of new housing in the countryside.

Three letters of objection, including one on behalf of **Shenley Farm and Headcorn Aerodrome** have been received on the following grounds:-

- Shame to demolish the existing house to put up a posh estate.
- Concern that the road is not adequate for the traffic and cannot accommodate increased movements.
- The development would be outside the village envelope.
- Concern with regard to building close to the airfield.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site, of some 1.9 hectares lies in the open countryside and the Low Weald Special Landscape Area about 1.2km south-east of Headcorn village boundary and just south of Headcorn Airfield with the boundary of the airfield on the opposite side of Shenley Road, which forms the site's northern boundary.
- 5.1.2 Approximately half of the site is open fields, with the other half being occupied by a two/three-storey building with steep pitched roofs (the original Headcorn Hall) and a one/two-storey outbuilding, together with substantial grounds, including two access drives and a parking area that could accommodate approximately 8 cars. The Hall was originally a house, built in the Victorian era it is a large and imposing building on the site but has more recently been used as a residential care home. It is now disused with the care home use ceasing in 2003 after it became unviable as a business due to its small size and layout of the rooms. The building is now falling into disrepair. It incorporates various extensions and when in use accommodated 15 bedrooms, lounge, dining and kitchen facilities on the ground and first floors, with staff rooms on the second floor. The site is generally flat in nature with little change in land levels across its entire area; the site of 'Headcorn Hall' is approximately 0.8m above the lowest parts of the site.
- 5.1.3 To the west of the site is an area of woodland covered by a woodland Tree Preservation Order (8 of 1994). The area in the southern part of the site is identified as land liable to flood.
- 5.1.4 The building is to the east of, and set back some 100m from, Biddenden Road (A274), with access via a narrow, gravel driveway, either side of which is a line of mature trees. There is an informal car parking area of about 8 spaces outside the main entrance to the building. Visibility for vehicles emerging from the driveway onto Biddenden Road is limited by extensive mature hedging and trees that comprises large specimens of horse chestnut, oak, white poplar, scots pine,

all between 12m and 18m in height mixed with smaller specimens of hawthorn, elder and blackthorn between 8m and 14m in height.

- 5.1.5 The site extends northwards to Shenley Road where the boundary with the road also comprises extensive mature hedging and trees. Currently there is no access onto Shenley Road.
- 5.1.6 The general surroundings are rural in character with sporadic development interspersed with large open fields and tree lined field boundaries.

5.2 Proposal

- 5.2.1 The application is for full planning permission for the erection of ten five bedroom detached dwellings each would be two storeys in height with either flat roofs, curved roofs or shallow pitched roofs. The dwellings would vary in height with the maximum heights ranging from between approximately 5.5m for the dwellings at plots 1, 4, 7 and 9 to approximately 7.2m for plots 3 and 5. The development would be served by a single new vehicular access off Shenley Road. The dwellings would be finished predominantly with render or timber boarding.
- 5.2.2 The development would involve the demolition of the former nursing home of the large Headcorn Hall building and the closure of the access onto Biddenden Road that is adjacent to Hall Lodge.
- 5.2.3 The dwellings would be substantial detached dwellings set in large plots. The space surrounding the development is immediately identifiable with the proposed density at just over 5 dwellings per hectare. There is an extensive level of tree planting and landscaping proposed in order to create a parkland setting for these properties. The landscape concept plan shows the use of alder, ash, hawthorn, hazel, holly, hornbeam, english oak and spindle around existing feature trees being two 16m high oak trees and a 10m high weeping willow. The centre of the application site would be the landscape core with larger specimens acting as a focal point. The planting would not only create an element of seclusion for each individual plot but also to enhance the boundaries of the site to provide additional habitat for wildlife and to supplement the wildlife corridors particularly along the eastern and southern boundaries. The planting along the western boundary will supplement the protected woodland on the adjacent parcel of land.
- 5.2.4 The dwellings themselves would be two storey in height and would be predominantly flat roofed with some shallow pitched or curved roofs of a contemporary design whilst using design cues from the local use of render and horizontal boarding. The flat/shallow pitched roofs not only fit well with the design of the dwellings but also minimises the bulk of the dwellings and ensures that the parkland setting is the overriding feature of the development rather

than the dwellings. The access road would serve each property and would be a tree lined drive, winding in nature, there would be a turning area for a refuse lorry to turn within the site. The dwellings would each have four parking spaces in either garages or car ports and on driveways. Many of the plots would include a feature green wall on their flank.

- 5.2.5 The flat roofs would also be utilised for the installation of photo-voltaic cells in order that all the properties would achieve level 4 on the Code for Sustainable Homes. Surface water drainage would be dealt with by way of a SUDS being employed that would include ponds around the perimeter of the site.
- 5.2.6 Biodiversity enhancement measures are proposed including the new ponds mentioned above that will be around the periphery of the site and the increased level of landscaping within the site. These measures will be discussed further later in the report.

5.3 Background and Principle of Development

- 5.3.1 There is extensive planning history. 'Headcorn Hall' itself is a significant and imposing Victorian building that has a lawful planning use as a nursing home. It is a two/three-storey building with steep pitched roofs with a one/two-storey outbuilding, together with substantial grounds, including two access drives and a parking area that could accommodate approximately 8 cars.
- 5.3.2 There is an extant planning permission, MA/82/0904 for the erection of a new 40 bedroom nursing home in the northern portion of the site with parking for access onto Shenley Road. The nursing home would have a footprint of approximately 20m by 53m and would have a floorspace in excess of 1400sqm. The works that have been undertaken have made a material start to the development and although the landscaping condition has not been discharged this is not a reason to consider the permission not to have been implemented. A legal opinion has been sought on this issue and it is considered that the permission has been implemented.
- 5.3.3 There is planning permission for the conversion and extension of the existing Headcorn Hall building from a nursing home to fourteen flats (7 one bedroom flats and 7 two bedroom flats) this would include two extensions two storey in height and in excess of 7.5m in length projecting from the eastern side of 'Headcorn Hall' and a further 10m long single storey extension that would extend 'Headcorn Hall' towards the existing outbuilding. This application was originally granted consent under reference MA/05/0347 and was subsequently renewed under reference MA/10/0712.
- 5.3.4 It is important to note that the fallback position for development on the site would be the significant extension and conversion of 'Headcorn Hall' to fourteen flats and a new build 40 bedroom nursing home. The nursing home would be

approximately 20m by 53m set approximately 30m from Shenley Road with an area of hardstanding for car parking located between the building and Shenley Road. It could be argued that the likelihood of the development occurring is small given that there has been no substantial progress on the nursing home in the 29 years since its permission. However, the site has recently changed hands and it is clear that the current owner will be developing the site and has expressions of interest from companies seeking to develop the approved scheme. The fallback position would result in considerably more development in terms of the built footprint on the site. It is against this fallback position that the proposed development should be considered.

- 5.3.5 The development of a site such as this in the open countryside a significant distance from any town or village, the closest being Headcorn approximately 1.2km from the site, would normally be unacceptable as it does not conform to the policies of the Development Plan. As such the application has been advertised as a departure from the Development Plan. The application has been the result of pre-application discussions. Further changes and alterations have been made since the application was submitted, in particular in relation to revisions to the Flood Risk Assessment and the commissioning of ecological surveys, which has led to a delay in determining the application.
- 5.3.6 The reasons that new residential development is not acceptable in the countryside is usually on the grounds that the site would not be in a sustainable location and the visual impact on the development on the character and appearance of the countryside. These are the main considerations when assessing the application against the fallback position for the development of the site. There are cases where some redevelopment in the countryside can be acceptable and the key considerations are whether this scheme is better in planning terms than the fallback position.
- 5.3.7 Given that there is a clear fallback position which is an important material consideration I consider that the principle of redevelopment could be acceptable. The key issue is whether the proposed scheme has a more benign impact on the character and appearance of the countryside.

5.4 Visual Impact

- 5.4.1 The site is in the open countryside and within the Low Weald Special Landscape Area, it currently houses 'Headcorn Hall', a large Victorian property that is currently not in use and is beginning to fall into disrepair. Although there is a general need for care homes the size and layout of the property is such that the building could not be run as a viable care home. The site is predominantly flat and relatively open in character.
- 5.4.2 The permission for the nursing home and the extension and conversion of 'Headcorn Hall' to 14 flats would result in a large amount of built form and hard-

surfacing being concentrated into relatively small areas of land. The design brief given at pre-application stage was to create a "softer" development with a low density in a parkland/woodland setting. 'Headcorn Hall' is a good example of its type and architecturally suitable for its time. The design of the dwellings would be contemporary and good examples of modern day architecture.

- 5.4.3 The proposal is a low density (5dpha) sylvan scheme of ten two storey dwellings. They would be well designed and would incorporate either shallow pitched or flat roofs in order to minimise the bulk of the development and reduce its visual impact. However, there would still be a significant amount of development on what is currently a generally open site. Therefore there would be some visual impact from views along Shenley Road where glimpses of some of the new properties would be possible as well as the creation of the new access road and ordinarily this would result in unacceptable visual harm to the rural character and appearance of the surrounding area and would result in the scheme being refused.
- 5.4.4 In this case the planning history and the 'fallback' position on the site are of considerable relevance when assessing the application. The fallback position would be the extension and conversion of 'Headcorn Hall' to 14 flats and the erection of a 40 bedroom nursing home on the northern portion of the site.
- 5.4.5 The extensions to 'Headcorn Hall' in order to convert the building to form 14 new flats would be significant extensions. There would be two extensions two storey in height and in excess of 7.5m in length projecting from the eastern side of 'Headcorn Hall'. There would be a further 10m long single storey extension that would extend 'Headcorn Hall' towards the existing outbuilding. However, in the context of the site and its surroundings these extensions would not in themselves cause significant visual harm to the rural character and appearance of the area due to the significant set back (over 110m) from public vantage points on Shenley Road . Notwithstanding the impact of the building and extensions there would be a considerable level of car parking for 14 flats in a rural area with a total of 21 spaces proposed in two large areas of communal hardstanding. The car parking closest to Shenley Road would be approximately 85m away from the road and there would be limited visual harm. The proposed access road would be 5.5m in width, which would cause considerable visual harm from views along Shenley Road. In addition, there would again be some visual harm caused by the use of the flats and the associated domestic paraphernalia e.g. washing lines, garden furniture, etc.
- 5.4.6 The approved scheme for a 40 bedroom nursing home was a substantial new building arranged in a T-shape over 1400sqm of floorspace. It would have a footprint of approximately 20m by 53m and be set only 30m (approx) from Shenley Road with an area of hardstanding for car parking located between the building and Shenley Road. The building would have a two storey central element with single storey wings on either side. The design is poor, the building

due to its linear nature would have a massive expanse of roof with no articulation and the positioning of the car parking area in front of the building would mean that the hardstanding and cars would be highly visible from the road. Whilst there is tree screen of sorts that exists at the moment along the northern boundary, the building would be highly visible in the surrounding area and in particular from Shenley Road and in the event of the trees dying or being removed would be more dominant in the landscape. It would be a substantial building that would also include car parking, which would also cause considerable harm to the character and appearance of the countryside. This development would cause considerable visual harm to the countryside and the Special Landscape Area.

5.4.7 The proposal would introduce new development into the countryside, however, the dwellings have been designed to sit in the landscape and not to appear prominent through the use of significant separation from the road and each other, the use of flat and shallow pitched roofs to reduce the bulk of the dwellings and the significant enhancement to the landscape in order to ensure that the natural features are the dominant feature and to mitigate any visual harm. The dwellings would vary in height with the maximum heights ranging from between approximately 5.5m for the dwellings at plots 1, 4, 7 and 9 to approximately 7.2m for plots 3 and 5. They have been sited in positions so they sit in landscaped enclaves with limited views between them or from public vantage points, where they would only be glimpses of the development. The access road has a short entrance off Shenley Road before curving away from view leaving the overriding views from Shenley Road being the landscaping and not the access road or the new dwellings. The creation of a parkland/woodland setting is an important concept of the scheme. The dwellings themselves are a contemporary design whilst using design cues from the local use of render and horizontal boarding. The finishes to the dwellings would be high quality and would be required to be through condition. It is clear that the level of landscaping proposed would improve the site both in terms of its contribution to the Special Landscape Area and biodiversity. I consider that the scheme does give the landscape priority over other planning considerations as required by policy ENV34 of the Maidstone Borough-Wide Local Plan (2000).

5.4.8 In summary, the proposal would result in a low density development of ten detached dwellings with low heights in generous landscaped plots. When this proposal is judged against the fallback position of a 1400sqm 40 bed care home approximately 53m by 20m with car parking less than 30m from Shenley Road and 14 flats within the 'Headcorn Hall' building including two extensions two storeys in height and in excess of 7.5m in length projecting from the eastern side of 'Headcorn Hall' with a further 10m long single storey extension that would extend 'Headcorn Hall' towards the existing outbuilding it is clear that the fallback position would have a significantly greater visual impact.

5.4.9 Overall, I consider that the proposed scheme does cause some visual harm. However, this has been limited by the design of the properties and the use of space around them. The fallback position of the extension and conversion of 'Headcorn Hall' to 14 flats and the erection of a new 40 bedroom nursing home has to be considered. Overall, the fallback scheme would result in a significant level of visual harm caused by the whole development, in particular the new 1400sqm care home. The position near Shenley Road would result in a considerable level of visual harm to the character and appearance of the countryside and Special Landscape Area. The sensitive redevelopment with a spacious modern development of good design set in a significantly improved and landscaped site would result in less visual harm. On balance, I consider that the development of the site as proposed would be acceptable.

5.5 Sustainability

5.5.1 The site is located in the open countryside and although not isolated is separated from Headcorn by a considerable distance, approximately 1.2km. Although there is a local bus service, this is not sufficient to provide a likely alternative form of transport. The result is that there would be a considerable reliance on the private car for the future occupiers of the development. Usually, this level of dependence on the private car would result in the scheme being refused on the grounds of sustainability.

5.5.2 As with the assessment of visual impact above the planning history and the fallback position on the site are of considerable relevance when assessing the application. The 'fallback' position would be the extension and conversion of 'Headcorn Hall' to 14 flats and the erection of a 40 bedroom nursing home on the northern portion of the site.

5.5.3 The proposed development would result in 4 less residential units than proposed by the conversion of 'Headcorn Hall'. Although the units would be larger, 10 five bedroom properties as opposed to 7 one bedroom and 7 two bedroom, the conversion development would still result in a significant level of vehicular traffic movements. In addition to the residential traffic movements there would be a considerable number of movements involved in the operation of the nursing home. There would be employees coming and going, medical visits, deliveries and visitors associated with the use and the occupants. According to the TRICS database the development of 14 flats and a 40 bed care home would generate 9 two way journeys in the morning peak hour with 17 two way journeys in the afternoon peak hour (26 in total) compared to 6 two way journeys in the morning peak hour with another 6 two way journeys in the afternoon peak hour (12 in total).

5.5.4 The proposed nursing home has not been designed to utilise modern standards in terms of sustainable construction and neither (in relation to either scheme on

the fallback position) is there any significant enhancements to the landscape or biodiversity.

- 5.5.5 The applicant recognises that the location is not sustainable and will achieve level 4 on the Code for Sustainable Homes to offer some compensation through sustainable construction. The creation of level 4 dwellings is welcomed with regard to sustainable construction, however, I do not consider this to be a determining factor in this application and certainly not one to individually outweigh the problems with the unsustainable location.
- 5.5.6 The introduction of SUDS into the scheme would assist in achieving sustainable construction and would help to alleviate problems with flood risk. The mitigation measures, including SUDS and measures that will improve the level of flood storage. This will ensure that in terms of flood risk the proposal would be sustainable. Although a Flood Risk Assessment was submitted as part of the conversion of 'Headcorn Hall' to 14 flats there is no such assessment for the care home building and it is likely that this will worsen flood risk due to the expanse of the building and the area of hardstanding.
- 5.5.7 On the issue of sustainability the 'fallback' position would generate more traffic movements than the current proposal, a poorer level of construction, a worse impact on flood risk and fewer enhancements of the natural landscape and biodiversity and therefore I consider the proposal to be acceptable and an improvement on the 'fallback' position.

5.6 Residential Amenity

- 5.6.1 The nearest residential property to the development would be 'Hall Lodge' to the west of the site. 'Hall Lodge' would be in excess of 40 metres from the nearest proposed dwelling and this distance would be sufficient to prevent any significant impact on residential amenity in terms of levels of privacy and light enjoyed by the occupiers. Other properties of 'Hall Barn Farm' and 'Field House' are further distant from the proposed development and would not be directly affected with regard to the level of residential amenity enjoyed by the occupiers.
- 5.6.2 The existing access to 'Headcorn Hall' is off Biddenden Road and passes adjacent to 'Hall Lodge'. The proposal involves the closing of this access and the creation of a new access off Shenley Road. This arrangement would reduce the level of disturbance from vehicular movements on the occupiers of 'Hall Lodge'.
- 5.6.3 In terms of the residential amenity of future occupiers concern has been raised with regard disturbance from Headcorn airfield. The site is close to the airfield boundary, however, there are existing residences near to the airfield and the site itself has permission for 14 flats and a new 40 bed care home and as such I do not consider that the noise from the airfield would be grounds to refuse this application.

5.6.4 Overall, there would be no significant impact on the level of residential amenity enjoyed by the occupiers of nearby properties.

5.7 Highways

5.7.1 The proposal would involve the creation of a new access onto Shenley Road with the existing access onto Biddenden Road closed. This access would have adequate visibility to prevent any hazard to highway safety and be an improvement over the existing site access. The access is in a similar position to that accepted under a number of previous applications to develop the site and indeed the 'fallback' position.

5.7.2 The layout of the development would allow sufficient space to turn a refuse lorry in order for it to enter and leave the development in a forward gear.

5.7.3 There would be adequate car parking spaces within garages, car ports and on drives to serve the development (four spaces per dwelling) and ensure that there would be no overflow parking near the access point onto Shenley Road or indeed on Shenley Road itself.

5.7.4 Kent Highway Services seek improvements to the existing bus stops and warning signs at the junction of Shenley Road and Biddenden Road. However, this would be dealt with by Kent Highway Services through a Section 278 agreement. Kent Highway Services have stated:-

"The works would be provided under a S278 Agreement and would comprise a bus boarder and area of hardstanding at 2 bus stops near the site, a footway between the bus stops and extending around the radius of the junction into Shenley Road and advanced warning signs, (crossroads ahead diag. 504.1) with yellow backing boards, are required on both approaches to the Biddenden Road/Shenley Road junction on the A274. "

5.7.5 There would be no significant highway safety issues that would warrant refusal of the application.

5.8 Landscaping

5.8.1 The existing site has a number of trees that would be retained, including an existing screen on the northern boundary adjacent to Shenley Road. There are a number of trees that are to be removed as part of the development, however, these trees are in poor condition and are not worthy of retention.

5.8.2 As part of the design concept there is a significant level of new tree planting and landscaping. The boundaries of the site would be defined by significant levels of new tree planting that would be supplemented by hedging under. This would

ensure that the boundaries of the site would be well screened and enhance the adjacent field boundaries.

5.8.3 There would also be new trees proposed that would line the access road with a landscape core of feature trees in the centre of the site. This would enhance the setting of the development and would help to create the parkland setting.

5.8.4 The tree planting would consist of native species including alder, ash, hawthorn, hazel, holly, hornbeam, oak and spindle. These species would be acceptable in the context of the site and the Special Landscape Area although a further landscaping condition would be required to enable the number and size of the species to be assessed. Due to the importance of the landscaping scheme it will be important to ensure that large specimens are planted in key locations and to secure the long term maintenance of the planting through a long term landscape management plan of not less than 10 years and I propose to secure this through the Section 106 agreement.

5.8.5 The Council's landscape officer has considered the proposal and raises no objection to either the trees that would be lost as part of the development or the proposed replacement planting in terms of the species proposed.

5.9 Section 106 Heads of Terms

5.9.1 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Act. This has strict criteria that sets out that any obligation must meet the following requirements: -

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

5.9.2 The following requests have been made by consultees as a result of the proposed development and through the importance of achieving a long term management of the proposed landscaping:-

- A contribution of £576.32 for bookstock at the local libraries required by the demand created by the proposed development;
- A contribution of £3,187.50 towards a youth worker for the Maidstone Rural Youth Project required as a result of this development;
- A contribution of £225.72 towards Telecare equipment for homes of clients generated as a result of this development;
- A contribution of £17,280 for improving the existing health care facilities within Headcorn Surgery;
- A contribution of £1,575 per dwelling for the improvement of the open space within surrounding area.

- Landscape Management Plan for a period not less than 10 years.

5.9.3 This proposal includes the provision of contributions for the Primary Care Trust (PCT), Kent County Council (KCC), and for Maidstone Borough Council Parks and Open Space Department (POS). The applicant has been made aware of these requests, and has agreed, in writing, the heads of terms as set out below.

5.9.4 Maidstone Borough Council Parks and Open Space Officer was consulted and has requested that a contribution of £1,575 per dwelling be made to improve the open space provision within the locality. It has been agreed that this money would be spent within a 2km radius of this site. The application proposes the provision of substantial five bedroom units, which are clearly capable of being suitable for family accommodation. I therefore am of the opinion that providing these contributions would not only be in accordance with the Councils adopted Development Plan Document (DPD) but the three tests set out above.

5.9.5 The PCT have requested that a contribution of £120 per occupant per dwelling be provided to upgrade the existing facilities within the locality, to ensure that the additional demand placed upon this infrastructure can be accommodated. The PCT have confirmed that the money will be spent upgrading the nearby Headcorn surgery. Policy CF1 of the Local Plan states that residential development that would generate a need for new community facilities will not be permitted unless the provision of new (or extended) facilities are provided, or unless a contribution towards such provision is made. I am of the opinion that the additional units being proposed here would give rise to additional demand upon the existing surgeries, and that the money being requested is not excessive. I am satisfied that this request for contributions complies with the three tests as set out above.

5.9.6 KCC has requested that the following contributions be made:

- £576.32 in total for additional bookstock at the local libraries required by the demand created by the proposed development;
- £3,187.50 for the additional youth and community workers (part thereof) required as a result of this development;
- £225.72 for adult social services towards Telecare equipment for homes of clients generated as a result of this development.

Again, I am satisfied that this request is in accordance with Policy CF1 of the Maidstone Borough Wide Local Plan (2000). KCC have identified that there would be an additional requirement for bookstock of the assessment of 4 active borrowers to be generated by the new development. In order to meet this additional demand, KCC have assessed the requirement as a total requirement of £576.32. I consider this request to meet the tests set out above.

- 5.9.7 With regards to the request for youth and community workers, KCC have identified that the proposal would give rise to additional demand for such a provision. The request is for a contribution towards the provision of a detached youth worker for the Maidstone Rural Project to serve the demand from the development. I consider that this request is justified, and that applicants have agreed to provide such a contribution. Again, I consider that this request meets the three tests as set out above, and as such, it is appropriate to require this contribution be made.
- 5.9.8 With regards to the request for adult social services, KCC have identified that the proposal would give rise to additional demand for such a provision. The requested monies would be spent on Telecare equipment for homes of clients generated as a result of this development. Telecare provides electronic and other resources to aid independence including falls, flooding or wandering alarms, secure key boxes and lifeline. I consider that this request is justified, and that applicants have agreed to provide such a contribution. Again, I consider that this request meets the three tests as set out above, and as such, it is appropriate to require this contribution be made.

5.10 Other Matters

Flooding

- 5.10.1 Part of the site is identified as land liable to flooding and as such a Flood Risk Assessment (FRA) was submitted as part of the application. The Environment Agency originally objected to the scheme on the grounds that the development fails to meet the requirements of part (c) of the flood risk exception test. The Flood Risk Assessment did not demonstrate that the development will be safe, without increasing flood risk elsewhere and where possible will reduce flood risk overall and thereby failed this requirement.
- 5.10.2 Revisions were made to the FRA and there were lengthy discussions between the Environment Agency and Evans and Langford on behalf of the applicant. Following these discussions GTA were employed by the applicant and they produced a further addendum to the FRA with measures contained to ensure that the occupiers of the development would be safe from flood risk and also that the development would not worsen the existing flood risk. The SUDS that would form part of the construction with the ponds within the site and the proposed permeable paving would ensure that the site could store the water from a 1 in 100 year storm plus 30%. This addendum and the measures contained within it led to the Environment Agency removing their objections to the application. Conditions are required to ensure these measures are met and should be imposed on any approval.

Biodiversity

- 5.10.3 An ecological scoping survey was submitted as part of the application. This was undertaken by Lloydbore landscape and ecology. Following the scoping survey phase 2 surveys were submitted, which dealt with bats, reptiles, great crested newts and barn owls.
- 5.10.4 The survey identified that there are great crested newt populations within ponds near to the application site. However, this proposal would not result in any alteration to these populations. The rough grassland margins would be retained and the proposed ponds and wetland areas with connectivity would enhance the aquatic habitat available for great crested newts.
- 5.10.5 The bat survey did not indicate high levels of use by bats and the retention of boundary habitats and new landscaping will improve foraging resources. Bat boxes should be included as part of the redevelopment.
- 5.10.6 The reptile survey requires the creation of a donor site and hibernacula as mitigation for the disturbance to the habitat. The space on the site would ensure that this should be possible within the applicant's ownership.
- 5.10.7 Natural England were consulted on the survey and are satisfied that the mitigation proposed for widespread reptiles, great crested newts and bats are adequate and that there are no barn owls to be affected.
- 5.10.8 The scheme will provide for enhancements to the habitat of the site through the extensive landscaping proposed and the ponds that would be located around the periphery of the site and the proposed mitigation identified within the survey. There would be additional biodiversity enhancements through the use of green walls as part of the development to provide further habitat for insects. These would provide significant enhancements to the habitat available for wildlife and ensure that the development complies with PPS9 with respect to enhancing biodiversity as well as providing a parkland setting.

6. CONCLUSION

- 6.1 The application proposes development that would usually be unacceptable in this rural area. However, due to the 'fallback' position of this site being the extension and conversion of 'Headcorn Hall' to 14 flats and the erection of a new 40 bedroom nursing home the scheme would have less of a harmful impact than the fallback position and is on balance acceptable.
- 6.2 The scheme itself is well designed and would create a parkland setting for large dwellings in large plots. The landscape is key to the design and would improve this part of the Special Landscape Area through the extensive tree planting within the site and along the boundaries. The dwellings themselves have been

designed in a way to minimise their impact through both the bulk of the buildings and their positioning within the site set in enclaves of landscaping with limited views from public vantage points.

- 6.3 The matters of flood risk and impact on protected species and enhancement of biodiversity have been dealt with by specialists on behalf of the applicant and the specialist bodies of the Environment Agency and Natural England are satisfied with the submissions and the recommendations contained within.
- 6.4 The additional demand for services will be dealt with by way of a legal agreement. I therefore recommend that Members give this application favourable consideration and give delegated powers to the Head of Development Management to approve subject to the submission of a suitable S106 agreement and the conditions and informatives as set out below.

7. RECOMMENDATION

Subject to the submission of a S106 legal agreement addressing the following matters:

- A contribution of £576.32 for bookstock at the local libraries required by the demand created by the proposed development;
- A contribution of £3,187.50 towards a youth worker for the Maidstone Rural Youth Project required as a result of this development;
- A contribution of £225.72 towards Telecare equipment for homes of clients generated as a result of this development;
- A contribution of £17,280 for improving the existing health care facilities within Headcorn Surgery;
- A contribution of £1,575 per dwelling for the improvement of the open space within surrounding area.
- Landscape Management Plan for a period not less than 10 years.

The Head of Development Management BE GIVEN DELEGATED POWERS TO APPROVE subject to the conditions set out below:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
2939/PL.01, 2939/PL.02, 2939/PL.03, 2939/PL.04, 2939/PL.05, 2939/PL.06, 2939/PL.07, 2939/PL.08, 2939/PL.09, 2939/PL.10, 2939/PL.11, 2939/PL.12, 2939/PL.13, 2939/PL.14, 2939/PL.15, 2939/PL.16, 2939/PL.17, 2939/PL.18,

2939/PL.19, 2939/PL.20, 2939/PL.21, 2939/PL.22, 2939/PL.23, 2939/PL.24, 2939/PL.25, 2939/PL.26, 2939/PL.27, 2939/PL.28, 2939/PL.29, 2939/PL.30, 2939/PL.31, 2939/PL.32, 2939/PL.33, 2939/PL.34, 2939/PL.35, 2939/PL.36, 2939/PL.37, 2939/PL.38, 2939/PL.39, 2939/PL.40, 2939/PL.41, 2939/PL.42, 2939/PL.43, 2939/PL.44 and 2939/PL.45;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000).

3. No development shall take place until, written details and samples of the materials as shown on the submitted drawings, including the proposed balcony enclosures to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000) and C4 of the South East Plan (2009).

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, including the species to be used on the green walls, 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 a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted in accordance with policies ENV6 and ENV34 of the Maidstone Borough-Wide Local Plan (2000).

5. The development shall not commence until, details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

- i) Details of the roof overhangs and eaves
- ii) Details of windows and doors and recesses/reveals
- iii) Details of the down-pipes and down-pipe enclosures
- iv) Details of the balconies
- v) Details of the junction between the rendered areas, timber cladding and glazing
- vi) Details of the green walls

The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area in accordance with PPS1.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A and B shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000).

7. No development shall take place until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000).

8. No development or site clearance shall take place until a full schedule of biodiversity mitigation and enhancement measures that will include all the recommendations contained within the ecological survey undertaken by Southern Ecological Solutions and dated June 2010 and bat boxes has been submitted to and approved in writing by the Local Planning Authority shall be carried out in full as part of the development and the landscaping scheme;

Reason: To ensure no adverse impact on biodiversity occurs in accordance with guidance contained in PPS9.

9. Prior to commencement of site works, a hydraulic connection of sufficient capacity beneath Shenley Road is provided, to enable surface runoff from the development to drain towards the River Beult.

Reason: To minimise the risk of surface flooding both on site and the public highway in accordance with guidance contained in PPS25.

10. All shared surface drainage infrastructure from the point of connection from individual dwellings to the outfall to the ditch on Shenley Lane, should remain within public accessible areas.

Reason: To ensure access for maintenance purposes by the appropriate body responsible for drainage maintenance in accordance with guidance contained in PPS25.

11. No development shall take place until a long term surface drainage management plan, which should be undertaken by a competent organisation has been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details. The frequency and means of maintenance should be based on guidelines within C697: The SUDS Manual, published by CIRIA;

Reason: To ensure appropriate long term maintenance of the surface drainage infrastructure and to minimise the risk of flooding in accordance with guidance contained in PPS25.

12. 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 in accordance with guidance in PPS5.

13. The dwelling shall achieve a minimum of Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that at least Code Level 4 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development in accordance with policies CC4 and H5 of the South East Plan (2009) and Kent Design 2000 and PPS1.

Informatives set out below

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

The applicant is advised to contact Kent Highway Services with a view to entering a Section 278 agreement for a bus boarder and area of hardstanding at 2 bus stops near the site, a footway between the bus stops and extending around the radius of the junction into Shenley Road and advanced warning signs, (crossroads ahead diagram 504.1) with yellow backing boards, are required on both approaches to the Biddenden Road/Shenley Road junction on the A274.

The proposed development is not in accordance with the policies of the Development Plan. However, due to the specific planning history and the fallback position for development the development, subject to the conditions stated, is considered to represent circumstances that would result in less harm and would outweigh the existing policies in the Development Plan and there are no overriding material considerations to indicate a refusal of planning consent.