

Oct. 24.8.16

**REPORT SUMMARY**

<b>REFERENCE NO - 15/507424/OUT</b>		
<b>APPLICATION PROPOSAL</b>		
<p>Outline application for residential development of up to 62 dwellings (including a minimum of 40% (25) (affordable housing), planting and landscaping, informal open space, surface water attenuation, vehicular access point from Mill Bank and associated ancillary works. (with the exception of means of access all other matters are reserved for future consideration) as shown on drawing nos. 6252-L-03 Rev B; dated 17.08.2015 and 6562-L-02 RevG; dated 16 December 2015, and the following supporting documents: Affordable Housing Statement by Levvel; dated August 2015, Air Quality Screening Report by Wardell Armstrong; dated 21 August 2015, Arboricultural Assessment by fpcr; dated August 2015, Ecological Appraisal by fpcr; dated August 2015, Flood Risk Assessment and Surface Water Drainage Strategy by Hydrock; dated August 2015, Drainage Analysis by Utility Law Solutions Ltd; dated August 2015, Ground Conditions Desk Study by Hydrock; dated August 2015, Heritage Statement by CgMs; dated August 2015, Landscape and Visual Appraisal by fpcr; dated September 2015, Noise Screening Report by Wardell Armstrong; dated August 2015, Planning Statement by Gladmans; dated September 2015.</p>		
<b>ADDRESS</b> Land West Of Mill Bank, Maidstone Road, Headcorn, Kent TN27 9RJ		
<b>RECOMMENDATION</b> – Grant planning permission subject to conditions and the prior completion of a legal agreement.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>		
<p>The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location adjoining the existing village boundary of Headcorn and is accessible to the village centre and local service. On this basis it is concluded that the proposed development would not result in significant planning harm.</p> <p>In this context and given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient ground to depart from the Local Plan.</p>		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
<p>The proposal constitutes a departure from the Local Plan 2000.</p> <p>Headcorn Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below.</p>		
<b>WARD</b> Headcorn	<b>PARISH/TOWN COUNCIL</b> Headcorn	<b>APPLICANT</b> Gladman Developments <b>AGENT</b>
<b>DECISION DUE DATE</b> 14/12/15	<b>PUBLICITY EXPIRY DATE</b> 14/12/15	<b>OFFICER SITE VISIT DATE</b> 09/10/2015
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		
MA/89/1400 - Outline application for the erection of 104 no. two storey dwellings (34 flats 79 2-bed houses) – Refused		

## **1.0 NEIGHBOURING SITES**

- 1.1 The application site was not put forward during the call for sites process. However, the call for sites brought forward three sites in proximity of the application. One site, on land at Moat Road (site HO-105), is to the immediate south and two others, Tong Farm north and south (HO3-261 & 262) which are on the east side of the Mill Bank with one of the sites being behind existing dwellings on the road frontage. All three sites were rejected from inclusion in the emerging local plan. The land at Moat Road was rejected because its development would create “unacceptable further expansion of the village into the countryside causing harm to its character and appearance” whereas development of the Tong Farm sites “would have an unacceptable visual impact on the countryside at the northern edge of the village”

## **2.0 DESCRIPTION OF SITE**

- 2.1 The site is an irregular shaped plot located on the western side of Maidstone Road / Mill Bank (A274) on the northern edge of Headcorn village. The site currently comprises farmland and is located outside the defined village envelope of Headcorn and is located in the open countryside and the Low Weald Special Landscape Area. Open countryside / farmland are located to the north, west and south of the site. Maidstone Road / Mill Bank abut the eastern boundary of the site. The north, east and southern edge of the site are bounded by an established hedgerow. The west boundary of the site is currently open with no change in the landscape between the site and adjoining fields.

- 2.2 The site has a gradual slope down from the south to the north, with the highest point within the southern part of the site bordered by wooded boundary. The site itself is relatively flat and varies between approx. 23.5 - 30m AOD. The topography continues to gradually fall away from the site further to the north.

- 2.3 Residential properties located on the west side of the A274 abut the southeast corner of the application site. Mill Bank Farm and associated buildings and a small cluster of residential properties are located to the southwest of the site. Residential properties on the opposite (east) side of the A274 face toward the application site with Headcorn Bowling Green opposite the northern section of the application site. PROW KH591 runs through the site from the northeast corner to the southwest corner of the site and there is a tree / hedge lined track running along the southeast and southwest boundary of the application site. The pedestrian footpath on the east side of the A274 runs up to the track in the southeast corner of the application site. The pedestrian footpath on the west side of the A274 runs the length of the site. The site is classified as Grade 3b agricultural land. There are several ponds adjacent the boundary of the application site, one adjacent the northwest corner and two adjacent to the southeast and southwest boundaries.

## **3.0 PROPOSAL**

- 3.1 Outline application for residential development of up to 62 dwellings (including a minimum of 40% affordable housing), planting and landscaping, informal open space, surface water attenuation, vehicular access point from Mill Bank and associated ancillary works. Access is being sought at this stage with all other matters reserved for future consideration.
- 3.2 The site for housing development (approx. 2.07ha) is proposed in the east and south section of the site with north and west sections dedicated as amenity green space (0.65ha) which includes additional landscaping / tree and hedgerow planting, natural and semi-natural open space (0.90ha) and a LEAP (0.04ha) and ecological mitigation with a trim trail through the open space. A detention basin is proposed in the northern

section of the site. Additional tree and hedgerow planting is proposed on the north, west and southern boundary.

- 3.3 Vehicle access into the site from the A274 would be in the southeast corner with emergency access toward the northeast corner of the housing development. A detailed layout of the housing development has not been submitted at this stage. The site area would provide for some 29 dwelling per hectare and the proposed layout plan indicates there would be a tree lined primary route running east to west through the site.

#### **4.0 PLANNING CONSTRAINTS**

- 4.1 Development in the open countryside and Special Landscape Area. The Barn Grade II listed building located on the east side of the A274. Listing as follows:

- 4.2 *'Barn, now house. C15 with C18, C19 and late C20 alterations. Timber framed, weatherboarded, on stone plinth, with plain tile roof. At right-angles to road. Three timber-framed bays with front and rear aisles. Full-height central entrance to north, to which porch with hipped roof added in C18. Mid C19 nearly full-height entrance inserted to south. C19 lean-tos to right and left. Hipped roof. Interior: principal posts with cut jowls, arch-braced to tie-beams and arcade plates. Rafters trenched for lapped collars, re-ordered with side purlins in C18, and with ridge piece inserted later. Mortices for curved passing shores to aisles; trench remains in north-west aisle tie. Most of wall studding replaced. Evidence for studs between nave and south aisle. Grooving for infilling to gable ends of nave and aisles. Scribed carpenter's marks. Stop-splayed edge-halved scarf joint. Covered yard erected to south 1866-98 and demolished 1984'.*

#### **5.0 POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, T13

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)

Maidstone Borough Council Local Plan Publication (Regulation 19) February 2016

Headcorn Neighbourhood Plan Regulation 16

#### **6.0 LOCAL REPRESENTATIONS**

- 6.1 A site notice was displayed at the site on 30.10.2015. Letters were sent to local residents and an advert was published in the local paper. The application was re-advertised in the local paper and by site notice as a 'Departure from the Local Plan' and as 'Affecting a PROW'. The description etc remain as initially submitted. These adverts expire on 19.02.2016.

- 6.2 Some 26 local residents have objected (it is noted that the website shows a number of duplicate objections). The following (summarised) issues were raised:

- Pressure on local infrastructure
- Too many houses in Headcorn
- Inadequate foul water drainage capacity
- Unsustainable location
- Flooding
- Increase runoff
- Pressure on local schools and doctors
- Traffic congestion

- Insufficient parking
- Loss of amenity
- Contrary to Headcorn's Neighbourhood Plan
- Contrary to the Development Plan
- Urbanisation
- Layout and density disproportionate with Headcorn
- Dangerous access
- Visual impact on the open countryside
- Out of keeping with Headcorn village
- Loss of agricultural land
- The site is outside the village envelope
- Exceeds proposed limit of 30 houses in the Headcorn NP.
- Contrary to Policy ENV28
- Loss of village identity
- Loss of wildlife habitat
- archaeology report is incorrect
- There is a significant Roman site abutting the SW corner of the proposed development
- demands of the resident population will outstrip the amenities
- Questions the level of social housing and whether 40% is too high
- Few employment opportunities in Headcorn
- Maidstone should plan strategically
- Impact on the setting of The Barn a grade II listed building
- Noise survey not submitted
- Cumulative impact of housing developments in Headcorn should be considered
- Transport Statement cannot be relied upon as it uses secondary data

**6.3 Headcorn Parish Council:** Objects to the application for the following reasons:

- In Flood Zone 1
- Has direct access onto the A274
- This site was identified as the most popular site for development in the
- Regulation 14 consultation of the Headcorn Neighbourhood Plan, although the proposed development is double the size of development that was consulted on.
- KCC have approved the application in spite of recent press coverage stating that they would be objecting to any further development on the A274. The concern centres on the Wheatsheaf junction which with current traffic flows at peak times is already described as severe.
- MBC refer to the housing needs of Maidstone as a whole and do not look specifically at the "villages". There are other villages in the area that are crying out for new homes.
- The developer maintains that they have a right to connect to the existing foul drainage system, a point disputed by HPC
- It would be inconsistent for HPC to approve this development

The Council wish to see the application refused for the following reasons:-

- The inadequacies in the current foul water drainage system
- Lack of school places
- Consideration must be given to the cumulative effect of development in the village
- Traffic burden in Headcorn and on approaching routes

**6.4 Weald of Kent Protection Society:** Objects on the following (summarised) grounds:

- The application is premature due to Southern Water comments re: sewerage

- Pressure on local primary school
- Station car park is full
- Dangerous vehicle access
- Traffic generation
- The site is a greenfield site

## 7.0 CONSULTATIONS

- 7.1 **KCC Ecology:** *'The revised Ecological Appraisal has been provided. The results of the completed ecological surveys are reported and we are satisfied that sufficient ecological survey work has been carried out, at this time, to inform the determination of the application.'*

*It is concluded in the report that the site is of low ecological value, though there are areas of habitat with potential to support a range of wildlife, including the confirmed presence of protected species.*

*Low numbers of bats, albeit a reasonable range of species, were recorded commuting and foraging along the site boundary habitats. While great crested newt surveys were limited by access restrictions, the ponds closest to the site were surveyed and the presence of a 'low' population of great crested newts was confirmed. Low populations of slow-worms and viviparous lizards were recorded in suitable habitat on the site. The site provides suitable habitat for breeding birds. The dormouse survey recorded no evidence of dormouse presence.*

*The extent of habitat loss in close proximity to the known great crested newt ponds means that a European protected species mitigation licence (EPSML) will be required. While we acknowledge that the proposal is in outline form, we advise that it is necessary for the applicant to demonstrate at this stage how the appropriate level of mitigation will be achieved; the high protection afforded to great crested newts means that engagement with the EC Habitats Directive requirements is essential and there is no provision in the legislation to differentiate between outline and full planning applications.*

*Maidstone BC must therefore consider whether it is unlikely that a EPSML will be granted, which requires consideration of the three derogation tests:*

- *The development activity must be for imperative reasons of overriding public interest or for public health and safety;*
- *There must be no satisfactory alternative; and*
- *Favourable conservation status of the species must be maintained.*

*We consider the first two points to be planning matters outside our expertise but we are able to advise on the third point.*

*In addition to the outline of the proposed approach to ecological mitigation, Figure 4 in the revised Ecological Appraisal provides an overview of the proposed mitigation layout, with additional notes provided. We previously queried whether there was sufficient acknowledgement of the need to ensure that the public amenity function of the open space does not compromise the achievability of the great crested newt mitigation and the delivery of biodiversity benefits.*

*We advise that the further details now provided adequately demonstrate that there is scope for the open space to achieve multifunctional benefits, and as such that the*

*application now includes sufficient information regarding the potential ecological impacts and how they can/will be addressed to enable an informed determination to be made.*

*We advise that a detailed mitigation strategy for the site and an ecological design and management strategy for the open space must be secured by condition, if planning permission is granted. We would be happy to suggest condition wording on request'.*

**7.2 Environment Agency:** *'We have assessed this application as having a low environmental risk. We therefore have no comments to make'.*

**7.3 Southern Water:** Advise that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. 'The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be required (by the developer) and provide to drain to a specific location. Southern Water recommend informatives should the application be approved.

Southern Water investigations indicate that there are no public water sewers in the area to serve the development. Alternative means of draining surface would be required which does not involve disposal to a public foul sewer. Advise KCC Lead Local Flood Authority should be consulted and request a condition for details of foul and surface water drainage should the application gain consent.

**7.4 KCC Sustainable Drainage:** No objections. Requests detailed sustainable surface water condition is attached. 'We acknowledge that the approval being sought is for outline approval only we are pleased to note that a Flood Risk Assessment/Drainage Strategy has been submitted to outline how the surface water generated by these proposals can be accommodated and disposed of without increase in flood risk'.

**7.5 KCC Development Contributions:**

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

Primary Education Provision: Primary Education contribution of £323,809.54 towards the second phase of permanently expanding Headcorn Primary School from 1FE to 2FE. A Primary Land acquisition contribution of £54,138.20 is also requested towards the cost of acquiring additional land to accommodate the expansion of Headcorn Primary School.

*'The proposed development is forecast to give rise to 17 primary pupils; these pupils cannot be accommodated within forecast school capacities and therefore this need can only be met through the provision of extended Primary Schools in the area.*

*Headcorn Primary School is located close to the proposed development site; the school currently provides for 210 pupil places (1 Form of Entry) and occupies a site of 2.1338 hectares; the site has considerable restrictions on developable space due to being divided by a stream which flows into the River Buel. KCC has commissioned*

*architects to examine the feasibility for the school to expand to 2FE (420 places); the results of the feasibility are that the school is capable of expansion, but at considerable cost.*

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

*Given the proposed development gives rise to 17 primary pupils KCC therefore requests £323,809.54 be secured from the development towards the construction of the school extension'.*

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

*The additional land measures 3383m<sup>2</sup> and is identified on the attached plan. KCC has secured this land through a planning obligation at a cost of £3,184.60 per pupil'.*

**Secondary School:** Secondary Education contribution of £141,588 towards the first phase of expanding Maidstone Grammar School.

*'This proposal gives rise to 12 additional secondary school pupils during occupation of this development. This need can only be met through the expansion of appropriate Secondary Schools within the Borough.*

*The County Council requires a financial contribution towards extension of secondary school provision at £11,799 per pupil for the 12 additional pupil'.*

**Libraries Contribution:** A contribution of £2,977.24 towards new book stock supplied to Headcorn Library.

*'There is an assessed shortfall in provision: bookstock for Maidstone Borough at 1339 per 1000 population is below the County average of 1349 and both the England and total UK figures of 1510 and 1605 respectively'.*

**Community Learning:** A contribution of £1,903.40 is sought towards the cost of commissioning adult and community learning classes within the village, including rental of space and equipment required.

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

**Youth Services:** A contribution of £523.28 is sought 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.

*'To accommodate the increased demand on KCC services the County Council requests £8.44 per dwelling towards equipment to expand the range of youth focused activities'.*

- 7.6 KCC Highways:** *'Gladman developments have demonstrated that a satisfactory access can be provided at the location shown providing suitable visibility standards in relation to the speeds measured. I note the standard of access proposed in terms of width and corner radii and consider that this is also appropriate and satisfactory to the location.*

*Gladman have also undertaken a fair and robust transport impact assessment for a maximum of 70 dwellings and an 'opening' or completion year of 2020. The relative traffic generation against existing flows and forecast flows from other developments is demonstrated to be less than 5% and less than daily variations in traffic flows. In the context of national planning policy it is not considered that an objection based on traffic generation could be successfully sustained.*

*I write to confirm on behalf of the highway authority that I have no objection to this outline application but note the following'.*

*It is considered that several additional features will be required on Mill Bank over the site frontage and reference has been made to these in the Transport Statement. Namely and for ease of reference at any full application stage:-*

*Gateway treatment and relocation of the speed limit to the Bowling Green/northern extent of the site to incorporate also a highlighted/enhanced footpath access/egress point.*

- *An alternative emergency access point probably located in this area and maybe incorporated into the above.*
- *An additional interactive sign also in this area possibly of actual speed and smiley face type to distinguish between the existing interactive speed sign.*
- *The location of new bus stops and integration with them.*
- *The identification and provision of uncontrolled pedestrian crossing points.*
- *The provision of adjacent parking to formalise informal roadside parking that currently occurs at two locations.*

*All the above including the access arrangements would be required as part of a Section 278 agreement with this authority.*

*Subject to the above measures being included as part of any full planning application, I consider that this application is acceptable in transport terms.'*

- 7.7 Upper Medway Drainage Board:** No objections providing that any permission includes for details of SuDS, and its future maintenance, to be agreed in direct consultation with KCC's Drainage and Flood Risk Management Team,
- 7.8 KCC Public Rights of Way:** No objections to the application. Requests that a hard all-weather surface be created with a minimum of 2 metres in width for the full length of the path.
- 7.9 MBC Housing:** No objections. Affordable housing provision is in accordance with council policy. An alternative mix for the 25 affordable units is proposed.



**7.10 MBC Landscape Officer**

*'The site is located within landscape character area 43, Headcorn Pasturelands, as defined in the Maidstone Landscape Character Assessment, which is nested within the Low Weald landscape type. The landscape guideline for this area is conserve'.*

*The submitted Landscape and Visual Appraisal, dated September 2015, is an appraisal of the outline proposal and considers potential landscape and visual effects on that basis.*

*There are two groups of trees adjacent to this site protected by TPO No. 5 of 1986-group G2 located adjacent to the pond to the southwest corner of the site and group G3 to the southeast corner of the site.*

*The Arboricultural Assessment dated August 2015 is acceptable in principle but it is disappointing to note that the location of the site access would mean the removal of a B grade Oak, the highest value tree along the eastern boundary. However an arboricultural reason for objection on this ground would not be defensible on appeal due to the relative immaturity of the tree.*

*If you are minded to grant consent for this outline application I would want to see pre commencement conditions requiring an Arboricultural Method Statement, including a tree protection plan, in accordance with BS5837: 2012, together with landscape conditions.*

**7.11 MBC Spatial Policy:** Objects to the proposal (October 2015) concluding:

*'This application should be determined through the process set out in paragraph 14 of the Framework. The development would bring the benefits of reducing the borough's housing land supply deficit and providing affordable housing for which there is a recognised need. However, it would also have an adverse impact by virtue of the harm that it would cause to the character and appearance of the countryside in the locality. Given that the harm that would be caused to the countryside by this development may reasonably be considered to be "unacceptable", then this would outweigh the benefits of the development to a degree that is both significant and demonstrable.*

*'On that basis there is a policy objection to the proposed development such that planning permission should be refused'.*

Further comments received in January 2015 as followed:

*'Further to the spatial policy comments made on 8 October 2015 in respect of the above site, I am aware that the Headcorn Neighbourhood Plan is currently subject to Regulation 16 Consultation.*

*I note that the application site for 15/507424 Land West of Mill Bank/Maidstone Road has been considered in the emerging neighbourhood plan within the sustainability assessment and that at least part of the site ranks as one of the most sustainable potential development sites, in areas adjacent to the existing settlement. The Neighbourhood Plan itself does not allocate any sites for development.*

*Clearly you may wish to give this consideration as you assess and apply the planning balance required in the NPPF in relation to the submitted application and in the light of the still limited weight that the emerging Neighbourhood Plan has.*

*In terms of anticipated housing supply in the emerging local plan, there is not an overriding need to approve any application on this site. Clearly however, the*

*development would make a contribution towards the current lack of a five year supply, and in the absence of a submission plan, this must carry substantial weight. It is still the case that the Council can only demonstrate a 3.3 years supply of available housing land as indicated previously'.*

*It is for you to weigh the level of any harm arising from the development on the character and visual impact on the countryside as part of the consideration of the planning balance referred to above'.*

**7.12 Kent Police:** No objections regarding crime prevention. Suggest conditions if granted.

**7.13 Headcorn Aerodrome:**

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

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

**7.14 MBC Public Open Space:** The level of on-site open space proposed is in accordance with policy and an off-site contribution is therefore not required for this development. Advise that a LEAP (for 4-12 year olds) should be provided rather than a LAP. An amended plan was received on the 18.12.2015 changing the LAP to a LEAP.

**7.15 NHS:** *'On review of the application I can confirm that on this occasion we will not be seeking S106 contributions against this development. As this development is for 62 houses, the local surgeries have the capacity to cope with the additional patients anticipated as a result of these dwellings being built'.*

**7.16 MBC Conservation Officer:** Raise no objections to this application on heritage grounds subject to detailed design and the maintenance of a strong hedgerow screen along the A274 boundary of the site

*'The Northern corner of the application site lies opposite the listed barn now converted to residential use, separated from it by the busy A274. The listed building is largely screened by vegetation and outbuildings from the road; the road boundary of the application site is formed by a hedgerow which it is proposed to retain and enhance.*

*The application site plays little part in providing the setting to the listed building and in my opinion a suitably designed residential development would cause negligible harm to the setting of the listed building'.*

**7.17 Southern Gas:** No objections. Advise on location of gas pipes.

**7.18 UK Power Networks:** No objections

## **8.0 AMENDMENTS**

**8.1** Amended site plan (ref: 6562-02-G) was submitted on the 18.12.2015. The amendments are summarised as follows:

## Planning Committee Report

2015. The Council therefore cannot currently demonstrate a five-year supply of deliverable housing sites, and this position was reported to the Strategic Planning, Sustainability and Transportation Committee on 23 July 2015. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the National Planning Policy Framework as a whole.

- 9.8 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.
- 9.9 The new Local Plan has advanced and is at Regulation 19 stage and the Plan is scheduled for submission to the Planning Inspectorate for examination in May 2016. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure. The application site is not one of the allocated housing sites within the Plan. 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 and it remains the case the most recently calculated supply of housing, which assesses extant permissions and expected delivery, is from April 2015 and this demonstrates a 3.3 year supply of housing. The Council is in the process of re-calculating this for April 2016, but at this present time that evidence base is not available.
- 9.10 In respect of the circumstances of the specifics of this case, the proposal site is located on the northern edge of Headcorn village boundary, in reasonable proximity to the services in the village centre as well as good public transport links. The site is located within 800m walking distance of the core village centre and within 400m of the nearest bus stop situated along the A274. Existing pedestrian footpaths to the south of the site on both sides of the A274 would allow future occupiers to walk into the village.
- 9.11 The Regulation 19 Local Plan identifies Headcorn as a Rural Service Centre and the Plan states Headcorn has a diverse range of services and community facilities which are easily accessible on foot or by cycle due to the compact form of the village. There are local employment opportunities and there is a local wish to ensure that existing employment sites are kept in active employment use. A regular bus service runs between Headcorn and Maidstone and the village has good rail linkages to other retail and employment centres, including London. Outside of the town centre and urban area, rural service centres are considered the most sustainable settlements in Maidstone's settlement hierarchy.
- 9.12 In this context, it is considered that the location of the site is sustainable in the terms of the NPPF as it is located on the edge of the Headcorn village boundary and within walking distance to the shops, services, employment opportunities, schools and train and bus stops within the village.
- 9.13 The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on residential development in the open countryside do not currently apply as the adopted Local Plan is considered out of date. In such

- Section of amenity green space relocated from central location to the southern corner of scheme
  - LAP changed to LEAP
  - Tree-line central access road
- 8.2 The amendments are not considered to materially affect neighbouring residential properties over or above the original scheme therefore re-consultation has not been undertaken in this instance.

## 9.0 APPRAISAL

### 9.1 Principle of Development

9.2 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:

9.3 *"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."*

9.4 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.

9.5 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.

9.6 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 *'Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*.

9.7 The update of the Maidstone Strategic Housing Market Assessment (June 2015) established an objectively assessed need (OAN) for housing of 18,560 dwellings between 2011 and 2031, or 928 dwellings per annum, and these figures were agreed by the Strategic Planning, Sustainability and Transportation Committee on 9 June 2015. Taking account of the under supply of dwellings between 2011 and 2015 against this annual need, together with the requirement for an additional 5% buffer, the council is able to demonstrate a housing land supply of 3.3 years as at 1 April

circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on edge of town developments. The development of this site is therefore in accord with the objectives of the NPPF being located directly adjacent to the edge of the urban area of Maidstone and in a sustainable location.

- 9.14 In regard to the Headcorn Neighbourhood Plan (NP), the NP is out for Reg 16 consultation for 6 weeks starting on 15 January 2016 and is therefore fairly advanced in the process and a degree of weight should therefore be afforded to the plan. The draft plan identifies approximately half of the developable area of the site as being potentially acceptable for development due to the sustainable location. The remainder of the site, comprising half of the developable area (approx. 1ha.) + greenspace (approx. 1.35 ha.), is classified as being one of the least sustainable sites for development according to the draft plan. Clearly the neighbourhood plan indicates that the front section (east) of the site would constitute sustainable development and I am of the opinion that the rear (west) section of the site would not be so significantly unsustainable to warrant refusal on sustainability grounds due to the connectivity within the site. Pedestrian access would be afforded into the village to the south of the site. The Headcorn Neighbourhood Plan also sets a cap of 30 houses for any individual housing development, and introduces phasing, with a proposed development level of 30 units every 5 years for new housing in developments of more than 2 units. The NP also sets affordable housing at 20%. The proposed development would therefore conflict with the aims and objectives of the emerging NP and the Parish Council object to the proposal. The NP is a material consideration, however, as the Borough cannot demonstrate a 5 year housing supply the relevant policies for the supply of housing in the NP are not considered up to date, due to the lack of five year housing land supply.
- 9.15 Given the sustainable location of the application site on the northern edge of the village, on balance, the principle of residential development is accepted in accordance with the NPPF. In the circumstances of this case, the key planning issues are considered to be visual impact (including whether the site can suitably accommodate the development), impact on heritage assets, residential amenity, access/highway safety, ecology and flood risk.

## **10.0 Design and layout**

- 10.1 The application is in outline with all matters reserved save for the access. As such the drawings in terms of layout that have been submitted are illustrative in form and designed to show how a development of 62 dwellings could be accommodated on the site.
- 10.2 The Framework Plan proposes an area of open / public space to the north and west of the site which would provide 0.65ha of amenity green space, 0.90ha semi-natural green space, a LEAP of 0.04ha and attenuation basin 0.04ha. The existing boundary along the west of the site is currently open and this would be enhanced with additional tree and hedgerow planting and ecological mitigation. The housing development would be off set a minimum of 20m from the existing landscaped boundary of the application site and the Design and Access Statement advises that the houses would be set back from the hedgerow along the A274 to the east. Given the built up character on the opposite side of the A274 I am of the opinion that housing development would not appear significantly incongruous when viewed from the road and a detailed layout and design would be fully assessed under a reserved matters application to ensure an appropriate setting is achieved in terms of connectivity / relationship with the road that would see the retention of the existing hedge along the east boundary.

- 10.3 The Framework Plan (ref: 6562-L-02 Rev G) provides the proposed location and size of the housing development with indicative access routes through the site and the indicative layout provided in the Design and Access Statement demonstrates that 62 houses could be accommodated on the site. The number of units and density is considered appropriate for the edge of urban boundary location (29 dwellings per hectare) and I am of the opinion that the site could accommodate the 62 houses subject to an acceptable layout and design.
- 10.4 The Design and Access Statement considers existing styles of development in the surrounding area and the material used, and advises that the new dwellings will be assimilated in a strong landscape framework. It also considers the historical pattern of development looking at maps dating back to 1896. Indicative information is given on proposed appearance and materials which are reflective of the character of the surrounding area. Materials, including surface treatment will be subject to a condition requiring detailed samples to be submitted as the house types are not yet being established. Whilst it is suggested that the storey heights will be 2 /2.5 across the site, again the precise details will be determined at 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. I would recommend the heights indicated are conditioned to set clear parameters for the reserved matters.
- 10.5 The Framework Plan shows a primary vehicle access on the A274 in the southeast corner of the site with an emergency vehicle access in the northeast corner of the housing development. The Framework Plan shows a central tree lined access running from east to west. There would be good connectivity within and through the site. The site would be permeable to pedestrians and cyclist via the proposed emergency access and PROW although it is noted that there is no footpath on the east side of the A274 to the north of the site, however, provision of uncontrolled pedestrian crossing points would be provided as part of the development proposal. In addition, the PROW which currently cuts diagonally across the site would be retained and resurfaced allowing permeability through the site and linking the site to Black Mill Lane to southeast and the northern corner of the site to the A274 and the PROW which continues on the opposite side of the road. The PROW within the site would also connect with the proposed trim trail and area of public open space in the western section of the site. The PROW through the site would be through a parcel of land which will benefit from ecological enhancement and additional tree planting and landscaping and would make an attractive pedestrian route. A footway connection is proposed from the southern side of the proposed access road to the existing footway on the A274 to the south of the site on the western side of the road which would allow safe pedestrian access into the village from the site.
- 11.0 Landscaping & Visual Impact**
- 11.1 Landscaping is a matter reserved for future consideration. Notwithstanding this, an illustrative site layout has been submitted which shows the retention of the landscaped boundaries on the eastern boundary, save for the location of the access routes into the site.
- 11.2 Where possible all existing trees and hedgerows would be retained and enhanced. Additional tree planting would be carried out within the site and hedgerow would be reinforced to plug gaps. A detailed landscape scheme would indicate the existing species to be retained and new native species to be planted.

- 11.3 The site is a greenfield site and its development for residential development would clearly have an impact visually on the locality. It is important to assess the impact of the proposed development in its setting and surrounding context. The existing boundary along the west of the site is currently open and this would be enhanced with additional tree and hedgerow planting and ecological mitigation. The Framework Plan shows an area of open / public space to the north and west of the site (as indicated above) and the housing development would be off set a minimum of 20m from the landscaped boundary of the application site and the Design and Access Statement advises that the houses would be set back from the hedgerow along the A274 to the east. Additional tree and hedgerow planting is also proposed along the southeast and southwest boundary of the site. The hedgerow along the eastern boundary of the site adjacent to the A274 would be retained and is key to enhancing the setting of the site when viewed from the road. The retention of the hedge would also help to retain the rural character of the area.
- 11.4 It is accepted that there will be views of the site from the A274 and the PROW KH591 which crosses the site and clearly what is currently greenfield pasture land will change to an urban form. However, considering the grain of development opposite and to the south of the site it is my view that the scheme will form a natural extension to the existing built form at this end of Headcorn. Viewed from the A274 the proposed development would be seen in the context of the neighbouring residential development to the south and residential development located on the opposite (east) side of the A274. I am of the view that the eastern boundary of the site would not therefore appear significantly out of character given the immediate built form the A274.
- 11.5 The site would be clearly visible from PROW KH591 and the proposal would undoubtedly change the existing rural character of this section of the PROW. The visual impact from the PROW does weigh against the scheme, however, the views from the PROW would be short range views only and provision of an area of open space to the north of the PROW would ensure that the footpath retains its open character and the footpath would not become hemmed in by housing development.
- 11.6 The provision of open space on the north and west boundary of the site is considered to provide a good landscape / natural buffer between the proposed housing development and surrounding countryside and would serve to limit the visual impact on the development on the open countryside.
- 11.7 Due to the relatively flat nature of the application site, coupled by the additional landscaping proposed along the north, west and south boundary I am of the view that the proposal would not appear significantly prominent from further ranging views. Views of the site would be afforded from PROW KH589 located to the northwest of the site, however any views would be limited due to the separation distances, gradient of the land and existing and proposed landscaping which would screen / act as a buffer to the housing development. The limited views of the site from PROW KH589 would also be seen in the context of the adjoining urban development to the south of the site. Views from the Greensand Ridge would be limited due to the distance from the site and in my view the proposed development would appear within the context and as an extension to the northern boundary of the village envelope, rather than an a prominent and isolated housing development within open countryside.
- 11.8 The site is also located within the Special Landscape Area, although I would advise this designation is not being carried forward in the emerging local plan. However, at the present time Policy ENV34 is still a relevant saved policy which seeks to protect and conserve the 'scenic quality and distinctive character' of the SLA. Clearly, as considered above the character will undoubtedly change from a greenfield site to built

development, however, the application has to balance the many issues, impact, gains and losses involved in meeting the need for houses. Due to the location and character of the site, being a relatively flat arable field, coupled by the additional landscape planting / buffer along the north and west boundary, I do not feel the development would cause significant wider harm to the landscape character of the area, but clearly the loss of the site itself will transform that element of the SLA. In coming to this conclusion I have balanced the harm against the public benefit accruing from the proposals which include 62 new houses, 40% of which would be affordable. I do not consider the development will cause 'harm' to the SLA as the scale and location of the development in relation to the existing built environment will not appear out of character in this location, but clearly at the reserved matters stage the height, design and form of the development will need to be fully assessed.

- 11.9 The boundary treatment throughout the site will however be essential to achieving a good scheme. Particular care will need to be taken in the proposed area of open space in the north and west of the site which would buffer the housing development from the open countryside. A fully detailed landscaping scheme will need to demonstrate an appropriate mix of indigenous landscaping and long terms management plan.
- 11.10 An Arboricultural report has been submitted and within this recommendations are made as to which trees should be removed. Few trees would be removed as part of the development proposal, although the Landscape Officer has commented on the loss of young oak tree to accommodate the vehicle access. The loss of the tree would be regrettable but would be offset by the overall benefits of the development and the additional tree planting throughout the site. There are no TPO's on the trees affected by the development. TPO trees located to the south and southwest of the site would not be affected by the built development and suitable conditions would ensure the protection of these trees. The landscape officer has not raised any arboricultural objections to the proposal.
- 11.11 The vehicle access and emergency vehicle access would require the removal of sections of hedgerow along the A274. The vehicle access points would be kept to a minimum to allow for visibility splays and it is noted that a majority of this hedge would be retained.
- 11.12 When considering the visual impact of the proposed development and its siting in relation to the existing urban boundary, it is my view that a well designed scheme will be capable of being absorbed visually into the environment at this end of Headcorn. Clearly there would be some visual harm arising from additional housing in the open countryside, however, in this instance the visual impact of the development is considered to be limited to short range views from the A274 and PROW within the site. It is not disputed that the character of the area as currently seen will change but in terms of the wider impact it is not considered to be significant. It is my view that development in this location is acceptable in landscape terms and that with a suitably composed landscape management strategy that is overseen by a management company and secured through the S106 agreement, the provision of landscaping on the buffers can be safeguarded.
- 11.13 Overall, it is considered that development of the site would cause some visual harm and therefore result in some conflict with policies ENV28 and ENV34 of the Local Plan but this would be relatively low harm. Additional landscaping, particularly along the north and west boundary, would to some degree mitigate the visual impact of the built development.

## **12.0 Impact on Heritage Assets**



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- 12.1 The Barn is a grade II listed building located on the east side of the A274 on the northern edge of the Headcorn, with the Bowling Green to the north and open countryside to the east of The Barn. Objections have been raised in relation to the impact on the setting of this grade II listed building from the housing development and proposed emergency entrance into the site.
- 12.2 The Council Conservation Officer has been consulted and raises no objections to this application on heritage grounds subject to detailed design and the maintenance of a strong hedgerow screen along the A274 boundary of the site. The development would not have an impact in the Headcorn conservation area due to the separation distances. The site is not located within an archaeological priority zone.
- 12.3 With the exception of the primary access and to a lesser extent the emergency vehicle the existing hedgerow along the A274 would be retained.
- 12.4 Reviewing the Conservation Officer comments he is of the opinion that the application site at present plays a limited role in providing the setting to the grade II listed building due to the separation by the A274 and screening which includes vegetation and outbuildings. The setting to the north, east and south would be retained as existing and the proposed location of the emergency access would prohibit built development opposite The Barn. The Conservation Officer is of the opinion that a suitably designed residential development would cause negligible harm to the setting of the listed building and I have no reason to differ from this view.
- 12.5 Nevertheless the proposed housing development would have some visual impact on the setting of the listed building and there is a requirement to assess whether the impact is of significant harm to warrant refusal of the planning application. In order to reach a conclusion it is essential to consider Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special regard should be had to the desirability of preserving the building or its setting.
- 12.6 It is clear from the assessment undertaken by the conservation officer that he is of the view that that a suitably designed development would cause negligible harm to the setting of the listed building.
- 12.7 In my mind, this is a clear case of balancing the benefits of the development versus the impact to the setting of the listed building. The proposed development would undoubtedly have some visual impact on the setting of the nearby listed building due to the introduction on new housing and the emergency vehicle access point. The NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 12.8 In this instance it is therefore considered that the public benefits arising from an additional 62 houses (which include 40% (25) affordable housing) would, in my view and in light of the significant shortfall with regard to the 5 year supply, outweigh the negligible harm identified by the conservation officer and should not therefore prohibit the development of the site.

### **13.0 Infrastructure**

- 13.1 A development of this scale is clearly expected to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the

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development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.

- 13.2 However, any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements: -

It is:

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

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

- (a) obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and*
- (b) four or more separate planning obligations that—*
  - (i) relate to planning permissions granted for development within the area of the charging authority; and*
  - (ii) which provide for the funding or provision of that project, or type of infrastructure have been entered into before the date that obligation A was entered into.*

- 13.3 This section came into force on 6<sup>th</sup> April 2015 and means that planning obligations cannot pool more than 4 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

The following contributions have been sought:

- 13.4 There are requests made by Kent County Council as the Local Education Authority towards primary school education contributions that amounts to £323,809.54 towards the second phase of permanently expanding Headcorn Primary School from 1FE to 2FE. A Primary Land acquisition contribution of £54,138.20 is also requested towards the cost of acquiring additional land to accommodate the expansion of Headcorn Primary School. There will be a greater demand placed on schools within the local area from the occupants of the 62 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate in order to extend the existing school at Headcorn.
- 13.5 Kent County Council has sought a Secondary Education contribution of £141,588 towards the first phase of expanding Maidstone Grammar School. This proposal gives rise to 12 additional secondary school pupils and KCC advise that this need can only be met through the expansion of appropriate Secondary Schools within the Borough. There will be a greater demand placed on schools within the borough from the occupants of the 62 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate in order to expand Maidstone Grammar School.
- 13.6 Kent County Council has sought £2,977.24 towards new book stock supplied to Headcorn Library. It is likely that the proposed development of 62 dwellings would result in additional demand placed on the book stock at Headcorn library and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

- 13.7 Kent County Council has sought 1,903.40 towards the cost of commissioning adult and community learning classes within the village, including rental of space and equipment required. It is likely that the proposed development of 62 dwellings would result in additional pressure on community facilities within Headcorn and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 13.8 Kent County Council has sought a contribution of £523.28 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. It is likely that the proposed development of 62 dwellings would result in additional pressure on youth services and facilities within Headcorn and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 13.9 Justification for the contributions is outlined at paragraph 7.5 above and within the evidence supplied by KCC in their contribution request and, I consider that the requested contributions have been sufficiently justified to mitigate the additional strain the development would put on these services and comply with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the CIL tests above.

#### **14.0 Drainage and flooding**

- 14.1 The issue of foul water drainage within the village has been raised as a critical issue by numerous residents, Councillors and the Parish Council.
- 14.2 The applicant has submitted a Flood Risk Assessment/Drainage Strategy to outline how the surface water generated by these proposals can be accommodated and disposed of without increase in flood risk. In summary the SuDS strategy proposes:
- Surface water discharge into the existing drainage ditch at the lower point of the site at a controlled rate.
  - Prevention measures by the potential inclusion of water butts.
  - Site Control features, in the form of an open detention basin in the northern section, to accommodate the additional surface water runoff generated by the development site.
  - Aim to limit, where possible, the impermeable fraction of development.
  - Infiltration is not viable due to the geology of the site.
- 14.3 Southern Water has advised that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Southern Water advises that the proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be required (by the developer) and provide to drain to a specific location. Southern Water recommend informatives should the application be approved. Any future developer of the site is advised by Southern Water to enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service the development. Should the application be approved a condition is recommended to ensure acceptable foul and surface water sewerage disposal is provided prior to the construction of the development.
- 14.4 Southern Water advises there are no public water sewers to serve the development and alternative means of draining surface would is required. KCC Lead Local Flood

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Authority have been consulted in relation to the sustainable drainage scheme proposed and raise no objection in terms of surface water drainage subjected to specific details being submitted via condition which shall include details of the implementation, maintenance and long term management of the sustainable drainage scheme.

- 14.5 The site is located in Flood Zone 1 and the Environment Agency has raised no objections on flood grounds advising that the development of this site presents a low environmental risk in terms of flood risk.
- 14.6 Members are advised that a new development can only be required to mitigate its own impact and not solve existing problems.
- 14.7 Clearly, the proposed foul drainage from the development will not solve existing problems in the village but will be designed mitigate the development's impact, which is all that is required.
- 14.8 I therefore advise that issues relating to foul drainage are not grounds to object to the application as this could be dealt with by a planning condition via the Water Industry Act.
- 14.9 On this basis no objections are raised to the foul drainage and the LLFA and the EA raise no objection to the surface water drainage or in terms of the impact upon flood risk, subject to conditions.

### **15.0 Residential Amenity**

- 15.1 Residential properties located on the east side of the A274 would be separated from the development by the width of the public highway and the further set back of the houses from the boundary of the site. The residential property known as Swans located to the south would be located in excess of 20m from the housing development area shown the Framework Plan and Black Mill Farm located to the southwest would be more than 100m from the housing development. Given these separation distances, in my view, there would be no unacceptable amenity impacts in terms of loss of privacy, light or outlook from the proposed development.
- 15.2 The application site is located approx. 2 miles from Headcorn Aerodrome and within an area covered by the safeguarding map. The application site is in proximity to existing residential development and I do not consider the noise connected with the aviation activity will be significantly harmful to future occupiers to warrant refusal.

### **16.0 Highways**

- 16.1 Proposed vehicle access is put forward for consideration for this outline application. A single vehicle access is proposed onto the A274 in the southeast corner of the site with an indicative emergency vehicle access proposed in the northeast corner of the site.
- 16.2 The application documents include a detailed design of the vehicle access which has been reviewed and deemed to be acceptable from a highways safety perspective by KCC Highways.
- 16.3 As stated above the indicative layout demonstrates that the site would offer a good level of permeability throughout the site and pedestrian links would allow access to the village centre to the south of the site.
- 16.4 The developer has submitted a transport assessment working on a proposed development of 70 houses to demonstrate a worst case scenario. The assessment

includes, inter alia, traffic surveys, capacity studies and accident analysis and, has been reviewed by KCC Highway Authority. The transport assessment indicates the relative traffic generation against existing flows and forecast flows from other developments is demonstrated to be less than 5% and, less than daily variations in traffic flows. The transport assessment has had regard to three other committed housing developments in Headcorn, namely at Grigg Lane/Lenham Road (ref: 12/1949, 13/1943, 15/501342, 14/503960/OUT), a site off Lenham Road (14/503960/OUT and 14/505162/FULL) and the 220 housing scheme off Ulcombe Road (ref: 15/503325/HYBRID). KCC Highways advise that in the context of national planning policy it is not considered that an objection based on traffic generation could be successfully sustained in this instance.

16.5 The Transport Statement indicates that several additional highway features are also proposed to facilitate the development, including:

- The location of new bus stops at the site frontage.
- The identification and provision of uncontrolled pedestrian crossing points (to connect the PROW across the A274).
- The provision of adjacent parking to formalise informal roadside parking that currently occurs at two locations.
- Full details/design of the emergency access point.
- Relocation of the speed limit to the Bowling Green/northern extent of the site
- Gateway treatment to highlighted/enhanced footpath access/egress point.
- Speed reduction signage.

16.6 KCC Highways has no objections to the above highways treatment and advises they would be required as part of a Section 278 with the Highways Authority.

16.7 It is envisaged that the site could accommodate the sufficient on-site car parking in accordance with Council and KCC parking standards.

16.8 No objections are raised to the development on highways safety, capacity or parking grounds.

## **17.0 Ecology**

17.1 Following the submission of a revised Ecology Appraisal KCC have advised that they are satisfied that sufficient ecological survey work has been carried out to inform the determination of the application.

17.2 The Ecology Appraisal concludes that the site is of low ecological value. However there are areas of habitat with potential to support a range of wildlife, including the confirmed presence of protected species therefore suitable mitigation and protection measure will need to be adhered to if the development is granted permission.

17.3 The surveys indicate there is a low presence of bats, great crested newts, slow worms and viviparous lizards and the site provides suitable habitats for breeding birds.

17.4 KCC acknowledge that a European protected species mitigation licence (EPSML) will be required due to the proximity of the development to the ponds adjacent the site. In regard to the EPSML, KCC Ecology advises that consideration must be given to whether the EPSML will be granted which requires consideration of the three derogation tests:

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- The development activity must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative; and
- Favourable conservation status of the species must be maintained.

17.5 KCC Ecology has provided specialist advice in relation to criterion three and have advised that the ecological mitigation and biodiversity benefits incorporated into the open space in the north and west of the site are sufficient and advise that the open space will be able to achieve multifunctional benefits, subject a detailed mitigation strategy an ecological design and management strategy for the open space being secured by condition.

17.6 In respect to criterion one and two, these are planning issues and I am of the opinion that the public benefits arising from the addition of 62 new houses and the Councils current shortfall in housing land supply are sufficient justification to address these points.

### **18.0 Affordable Housing**

18.1 The development is for a total of 62 units with the applicant proposing 40% affordable housing which equates to 25 units. The housing department raise not objections to the level of affordable housing which is in accordance with Policy, while some further discussions will occur between the applicant and housing department to ensure a suitable mix is provided in this location of the Borough. This is an outline application therefore the location of the affordable units has not been indicated however it is expected the detailed design would suitably integrate the units throughout the whole of the site, rather than concentrating the affordable housing in one location.

### **19.0 Other Matters**

19.1 A number of objectors have raised concerns regarding the impact of the development on local infrastructure, in particular pressure on local schools and doctor's surgery and their ability to accommodate additional pupils.

19.2 In this regard S106 contributions are being sought from the development towards extending Headcorn Primary School. It is also noted that KCC as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011. The NHS has been consulted and advises that the local surgeries have the capacity to accommodate the additional demand from the proposed development.

### **20.0 Environmental Impact Assessment**

20.1 The development is considered to fall within Schedule 2 development of the EIA regulations. Assessment against the EIA regulations should essentially answer the basic premise of whether significant effects upon the environment are likely such that the proposal should be accompanied by an Environment Statement (ES).

20.2 The Annex to the EIA section in the NPPG provides a table which gives indicative screening thresholds and guidance to help determine whether significant effects are likely for this type of development. The guidance threshold for sites which have not been previously developed is as follows:

- The site area of the scheme is greater than 5 ha.
- The development includes more than 150 dwellings.

- 20.3 Overall, it is not considered that the development on its own or cumulatively would have significant effects upon the environment to warrant an ES. It is considered that the development would not be of more than local importance, and would not involve unusually complex and potentially hazardous environmental effects. The development also does not exceed the thresholds laid out under the NPPG and on this basis, it is not considered that an ES is required.
- 20.4 The Secretary of State has recently undertaken a screening direction on another site in Headcorn and in doing so he had particular regard to the potential for cumulative effects of development in the Headcorn area. In that instance the Secretary of State concluded that the development was not likely to have significant effects on the environment, individually or cumulatively, and the development was not EIA development.

## **21.0 CONCLUSION**

- 21.1 The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins the existing urban boundary, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.
- 21.2 Development at this site would extend the grain of Headcorn village boundary development to the north in line with the existing built development on the opposite side of the A274. Whilst the development would have an impact on the open countryside and would cause negligible harm to the setting of a nearby listed building, on balance, it is considered that the public benefits, including 62 additional houses, 40% of which would be affordable, would outweigh the harm identified.
- 21.3 The site is on the village boundary of Headcorn in safe walking distance of a number of services and facilities located within village, including schools, doctors, services and local employment, with Headcorn train station located slightly further away in the southern part of the village, also accessible by foot. The proposed development includes measures to enhance connectivity from the site to the centre of Headcorn and the development of this site for residential purposes would represent an example of sustainable development and would conform to the aims and objectives of the NPPF and is not considered to result in significant planning harm.
- 21.4 Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.
- 21.5 It is therefore considered that the development of the site for residential purposes is acceptable and it is recommended that subject to the completion of a section 106 agreement planning permission is granted.

## **22.0 RECOMMENDATION -**

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

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- The provision of 40% affordable residential units within the application site (25 affordable units).
- Contribution of £323,809.54 towards the second phase of permanently expanding Headcorn Primary School from 1FE to 2FE.
- Contribution of £54,138.20 towards the cost of acquiring additional land to accommodate the expansion of Headcorn Primary School.
- Contribution of contribution of £141,588 towards the first phase of expanding Maidstone Grammar School.
- Contribution of £1,903.40 towards community learning for the cost of commissioning adult and community learning classes within the Headcorn, including rental of space and equipment required.
- Contribution of £523.28 towards equipment to expand the range of youth focused activities able to take place at the Headcorn Village Hall, to address the demand from the development towards youth services locally.
- Contribution of £2,977.24 towards new book stock supplied to Headcorn Library to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- Contribution towards the upgrading/resurfacing of PRoW KH591 within the site (to be confirmed).

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

CONDITIONS to include

- (1) 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, written details and samples of the materials to be used in the construction of the external surfaces of any buildings shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

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



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 building(s) or land and maintained thereafter.

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

- (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 follow the principles of the Green Infrastructure and Landscape strategy (pages 40-42) of the Design and Access Statement and 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 west and south boundary of the site to include tree planting.
- (iii) Native landscape planting between any boundary treatments and the site boundaries.
- (iv) Native tree planting along streets within the site.
- (v) Details of the double hedge along the east and south boundary.
- (vi) Native tree and landscaping for the amenity greens.
- (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

## Planning Committee Report

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 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.

- (9) No development shall take place (including any demolition, 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.

- (10) No occupation of the development hereby permitted shall take place until details of a scheme for the preparation, laying out and equipping of the play/amenity area, and its on-going maintenance have been submitted to and approved in writing by the Local Planning Authority. The facility shall be completed in accordance with the approved details prior to the first occupation of the development.

Reason: To provide open space to contribute to meeting the recreational needs of prospective occupiers.

- (11)The development shall not be occupied until details of the long-term management and maintenance of the public open space, including details of mechanisms by which the long term implementation of the open space (including play equipment) will be secured by the developer with the management body(ies) responsible for its delivery, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented and maintained.

Reason: In the interests of adequate open space provision and visual amenity.

- (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)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 flood risk management measures given in the Flood Risk and Surface Water Drainage Strategy, Hydrock Ref. R/14887/F001, August 2015, shall be confirmed against the detailed design values 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 with no increase in on-site or off-site flood risk.

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.

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Reason: In the interest of water pollution

- (16)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.

- (17)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.

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

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

- (19)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.

- (20)There shall be no occupation of the development hereby permitted until the provision, by way of a Section 278 Agreement between the applicant and Kent County Council Highways, of the works identified in the application are agreed with the planning and highway authorities.

Reason: In the interests of highway safety.

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

Drawings: 6252-L-03 Rev B; dated 17.08.2015 and 6562-L-02 RevG; dated 16 December 2015 and the following supporting documents: Affordable Housing Statement by Levvel; dated August 2015, Air Quality Screening Report by Wardell Armstrong; dated 21 August 2015, Arboricultural Assessment by fpcr; dated August 2015, Ecological Appraisal by fpcr; dated August 2015, Flood Risk Assessment and Surface Water Drainage Strategy by Hydrock; dated August 2015, Drainage Analysis by Utility Law Solutions Ltd; dated August 2015, Ground Conditions Desk Study by Hydrock; dated August 2015, Heritage Statement by CgMs; dated August 2015, Landscape and Visual Appraisal by fpcr; dated September 2015, Noise Screening

## Planning Committee Report

Report by Wardell Armstrong; dated August 2015, Planning Statement by Gladmans; dated September 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

to Applicant: APPROVAL

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.


#### SW Informative

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development.

Case Officer: Andrew Jolly

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

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



Andrew Jolly