

NOTES FOR TECH		
APPLICATION PROPOSAL		Ref No 22/504524/FULL
Erection of a terrace of 5no. dwellings with bin/cycle store, parking and turning areas and associated highway works.		
ADDRESS Land To The Rear Of The Foremans Centre High Street Headcorn Kent TN27 9NE		
RECOMMENDATION - Application Permitted		
WARD Headcorn	PARISH/TOWN COUNCIL Headcorn	APPLICANT Town Centre Parking Ltd AGENT Hobbs Parker Property Consultants
DECISION DUE DATE 09/12/22	PUBLICITY EXPIRY DATE 25/11/22	

Officer Site Visit

4.11.22

RELEVANT PLANNING HISTORY

Planning permission for the Erection of a two-storey building for a mixed-use comprising Use Classes A2 & B1 and reorganisation of existing car parking spaces, was approved under reference 17/502362/FUL on 31st August 2017. Subsequently an application was made under reference 18/500982/SUB to discharge the pre-commencement conditions and some works were subsequently carried out on site.

A Lawful Development Certificate has been obtained under reference 21/501905/LDCEX to confirm that the planning permission 17/502362/FUL has been awfully implemented.

DESCRIPTION OF SITE

The site sits within a 500m buffer zone of a wildlife site. It sits to the east of an area of protected trees. It sits to the south of the conservation area but is set back from its boundary by approx 53ms. Significant mature boundary screening and 7-10 Tallow court sit in between the conservation area and the site.

The application site extends to approximately 0.16 hectares, comprising a roughly rectangular area of land at the southern end of the Foreman Centre access road. The site is relatively flat, mainly surfaced with pavours as well as an area of aggregate hardstanding. The site is currently used as a private car park, providing 26 spaces and is located next to a pay and display car park and the Tallow Court residential Development comprising 10 traditionally designed cottages, which were constructed in 2007. North of this there is commercial development comprising a retail building occupied by the Original Factory Shop and a Sainsbury's Local store which fronts the High Street, this comprises part of the main central area of the village. To the South the site bounds the mainline railway. Headcorn Station is located some 400 metres east of the application site. Between the station and the

application is residential development in Rushford Close, comprising mainly semi-detached houses from the mid to late twentieth century and separated from the railway by the station car park. To the west of the application site is wooded area and beyond that the village hall.

The application site is within floodzone 1 land at least risk of flooding.

The application site sits immediately alongside the settlement boundary for Headcorn, which excludes land between the village and the railway. The High Street and retail units at the northern end of Tallow Court are within the defined local retail centre, that also includes High Street frontages.

PROPOSAL

The application seeks planning permission for the development of the site with a terrace of five individually designed houses. Each house is proposed to be a three-bedroom property and is shown with two parking spaces. A parking area of 20 parking spaces will be retained by the Parish Council at the western end of the site.

POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG):

Maidstone Borough Local Plan Adopted October 2017: SS1, SP1, SP18, SP7, DM1, DM2, DM4, DM12, DM23

SPG4 - Vehicle parking standards (July 2006)

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021. - The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public.

Headcorn Neighbourhood Plan.

LOCAL REPRESENTATIONS

Headcorn Parish Council have advised that they wish to see the application approved. They would like to see as condition of planning the slope down to the site made shallower if at all possible to negate the chances of vehicles grounding out on the peak of the slope and that all alterations to the traders carpark should be as specified in the sites initial treatment, e.g. Keeping the field gate entrance as well as two pedestrian entrances to the Long Meadow Graveyard the installation of infrastructure to support EV charging points if they should need to be installed at a later date, 20 no Car Park spaces as well as sufficient lighting and a keypad operated barrier to prevent unauthorised parking.

Headcorn Aerodrome have advised that the 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.

One comment of neither support or objection has been received advising that something needs to be done to prevent nuisance parking on the access road as this area is used by large delivery lorries and vans who often park alongside Sainsburys narrowing the road will cause significant problems for cars entering the car park and accessing the houses. They also doubt whether an area planted with shrubs will deter people parking along the access road whether it is narrower or not.

CONSULTATION RESPONSES

The County Council has no minerals or waste management capacity safeguarding objections or comments to make.

Network Rail have raised no objection but asked for the developer to liaise with them given the proximity of the site to a railway line.

Maidstone Environmental Protection have raised no objection subject to the imposition of conditions.

APPRAISAL

Principle

Guidance in the National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development and that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Local Plan Policy SS1 relates to the provision of the Borough's housing supply. It demonstrates that local housing targets can be met from within the existing settlements and on sites with the least constraints on the edge of settlements. It describes the most sustainable locations for the provision for new housing within the urban area of Maidstone, with Rural Service Centres as the secondary focus.

Policy SP1 supports the development and redevelopment or infilling of appropriate urban sites in a way that contributes positively to the locality's distinctive character;

The application site is adjacent to the Headcorn Rural Service Centre which is a sustainable location that fully accords with the strategic objectives of the Local Plan and the NPPF. The site sits adjacent to the Rural Service Centre boundary and is also highly accessible and visually and physically connected to the Service centre. For the above reasons, on balance, the principle of the development is supported.

Visual and Heritage Impact

The NPPF requires all new development to provide high quality design and states that good design is a key aspect of sustainable development and is indivisible from good planning, and that it should contribute positively to making places better for people. Local Plan Policy DM1 seeks to achieve high quality design in all development proposals, and to achieve this, the Council expects proposals to positively respond to, and where appropriate enhance the character of their surroundings. The key aspects of a development proposal are its scale, height, materials, detailing, mass bulk and site coverage.

Policy SP18 of the Local Plan relates to the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected and design is sensitive to heritage assets and their settings. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets, and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.

The National Planning Policy Framework states:

‘In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.’

‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon decision makers to have special regard to the desirability of preserving the setting of a listed building. Section 72 of the Act also places a duty on decision makers, to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area.

The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal including their setting and take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.

The NPPF also requires that when considering the impact of a proposal on a heritage asset, the Council should first consider whether the development has sought to minimise any impacts through its design, before considering what the residual level of harm may be.

The existing site is a hard surfaced car park with a reasonable level of landscaping. It is readily accessed from the high street.

The existing access is retained and the development is focussed centrally within the site, in the existing managed land which means that the built proposals are kept away from the wooded areas to the north and west.

All dwellings are set within generous plots, set back from road frontage, in keeping with surrounding development and characteristic of conservation area. As a low density development, it retains a feeling of spaciousness and minimises disturbance to the existing tree canopy, with views into and across the site remaining screened.

The proposal has a refuse store and a bike store to be use between residents. Each plot also has its own electric vehicle charging point.

Submitted plans demonstrate that the scale of dwellings reflect the neighbouring development with the roof scape in keeping with surrounding architectural style. The density of the site appropriately reflects the location of the site just outside of the service centre and allows for appropriate vegetation to be retained.

The proposed houses are of a modest scale and appropriately designed so that they suitably respond to the form of the site and the character of the surrounding area. The design approach is not dissimilar to that of the ten houses in Tallow Court. The scheme therefore respects and continues the design of the residential development on the surrounding land. The scheme therefore makes best use of the land and provides a design response appropriate for the site.

The character and appearance of the dwellings, like Tallow Court, reflects both the scale and the traditional palette of materials and design cues found in the vernacular, red bricks and clay tiles, weatherboarding, roof and window forms. Overall, the proposals provides a cohesive palette of traditional materials and forms that reflects and compliments the character of the neighbouring development also found within the conservation area.

The proposed layout provides communally enjoyed, naturally surveilled open space to the front of the dwellings and private garden areas to the rear. Parking provision that is readily accessible from each property but that does not compete or detract from the setting or appearance of the individual homes. Each property has two parking spaces. A further two public parking spaces are retained on the site to supplement the parking available in the public car park to the north.

The physical detachment and modest scale of the proposal would ensure that it does not have a detrimental impact on the character or appearance of the conservation area and its impact is therefore acceptable in this regard.

A Landscape Visual Appraisal has been submitted with the application which assesses the significance of the surrounding landscape and the impact of the development upon it. The report assesses the viewpoints from which the development would be seen, these are mainly glimpsed views. It identifies the significance of impact being low to at worst moderate. This is representative of the officer assessment of the site.

Arboricultural survey work is submitted with the application which shows that the proposal will result in the loss of 3 category B and 5 category C trees. While this is regrettable, the site is well screened, and the proposal shows for additional planting to mitigate against this loss. The report additionally concludes that providing that adequate tree protection is implemented, the amenity value of the trees on the site will be preserved. Retained trees will be protected from soil compaction and impact damage where necessary by protective barriers and / or systems and methods of ground protection.

The application is accompanied by a Landscaping Planting Plan (drawing no.0535/22/B/20) Which sets out a detailed planting scheme for the site, including reinforcement of the site boundaries using native trees and shrubs chosen to reflect the existing landscape character. On balance therefore the impact on tree coverage would be acceptable.

Matters of tree protection and additional landscaping as detailed in the arb report can be controlled through condition.

The density, layout, scale, detailing and landscaping of the proposal is appropriate to the location and setting of the site and the visual impact of the proposal would therefore accord with local and national planning policy and is supported in this regard.

Residential Amenity

Policy DM1 requires proposed development to respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that it does not result in or is exposed to excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

The site is well separated from other nearby dwellings with the closest occupier in the Tallow Court development. Distances are such that the proposal would not cause overshadowing, loss of daylight or privacy to these existing units. The proposal provides for an acceptable standard of living accommodation for future occupiers of the development with both room and garden sizes being appropriate.

An acoustic report is submitted with the application and Environmental Protection have advised that in this regard, they are now satisfied that the initial part of this development can commence on the basis that a further noise assessment is carried out after the first stage. They have recommend approval of the proposal subject to conditions.

Access/Highways/Transport

Policy DM23 takes into account the following:

- 2i. The accessibility of the development and availability of public transport
 - ii. The type mix and use of the development
 - iii. The need to maintain an adequate level of car parking in town centres
 - iv. Whether development proposals exacerbate on street car parking to an unacceptable degree
3. Cycle parking facilities on new developments will be of an appropriate design and sited in a convenient, safe, secure and sheltered location.
 4. New development should ensure that proposals incorporate electrical vehicle charging infrastructure

A transport assessment has been submitted with the application which provides an overview of the proposed development from a transport perspective. It assesses the transport-relevant elements of the development, including parking, access, trip generation and the impacts upon the surrounding transport networks.

The development will provide 15 covered and secure cycle parkings within a communal bike store, provide a total of 10 car parking spaces; provide access through the application site to the Parish Council car park located to the west, and allow for emergency vehicle access within 45m of all dwelling entrances, and refuse vehicle access compliant with MfS1 requirements.

The transport assessment provides a trip forecasting exercise using the TRICS database to determine the trip generation of the proposed development. It concludes that the development is likely to generate vehicle trips over the course of an average weekday of:

- 3 less two-way vehicle trips in the morning peak hour (0800-0900);
- 3 less two-way vehicle trips in the evening peak hour (1700-1800).

It concludes, and it is accepted that the trips generated by the development will not result in a highway impact that could be considered as severe.

The proposal utilises the existing access point which is sufficient to service both the retained car parking area and the parking and access associated with the 5 proposed dwellings. In response to Parish Council concerns about the access ramp, plans have been submitted to show it as slightly shallower to avoid potential grounding problems.

The highways safety impact of the proposal would be acceptable and sufficient parking in accordance with local plan and KCC standards is proposed in an acceptable layout. Details of EV charging points can be required by condition.

Ecology

Policy DM3 of the Local Plan states that where appropriate, development proposals will be expected to appraise the value of the borough's natural environment through the provision of an ecological evaluation of a development site to take full account of the biodiversity present.

The site sits within a 500m buffer zone of a wildlife site. A PEA has been submitted with the application which concludes that the application is a low ecological impact proposal. The footprint of the building is within the brick pave hardstanding area.

However, there is low nesting bird potential within the trees and shrubs and if any works are planned as part of the development proposal, bird surveys will be necessary depending on whether the trees and scrubland are worked on during bird nesting season (March-August inclusive). This can be dealt with by an informative.

The survey found no field signs of Amphibians. However, there are records of Great Crested Newt in the last twenty years and eight great crested newt license applications within 2km of the site. The current proposed build site itself does not present any suitable habitat as it is a car park.

Any habitat that is scheduled for removal within 5m of the northern and western boundary must be accompanied with an Ecological Clerk of Works to conduct a destructive search. This will reduce the possibility of any reptiles or amphibians being impacted by the development. If at any point great crested newt are encountered on site, any works in progress must stop and a Protected Species licence application be prepared and submitted to Natural England.

As a precautionary approach, amphibian mitigation has been recommended and can be required by condition.

Measures to secure a biodiversity net gain can also be secured by condition.

CIL

The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

PUBLIC SECTOR EQUALITY DUTY

Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

Conclusion

The proposal would represent acceptable residential redevelopment within a sustainable and accessible location that would be of an accordant appearance, preserve the character and appearance of the adjacent conservation area and would not have a detrimental impact on neighbouring amenity. Sufficient parking is available for users of the units. The proposal would accord with national and local planning policy and it is recommended that permission is granted.

EIA Screening

EIA Development	No
Comments	Development in line with Schedule 2

RECOMMENDATION – Application Permitted subject to the following conditions/reasons:

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

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

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

22_42_02B
 0535/22/B/20
 11952/1101 Rev P2
 01,02, 03A, 04, 05A, 06 to 14
 22_42_SK02
 Acoustic report dated 21st April 2022. Ref No 2221082
 Arboricultural report ref CTC/TAL/AR2
 PEA ref FEL/6793
 Tree protection plan 002

Reason: To clarify which plans have been approved.

(3) The materials to be used in the development hereby approved shall be as indicated on the approved plans.

Reason: To ensure a satisfactory appearance to the development

(4) Upon completion, no further development permitted by Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), shall be carried out.

Reason: In the interests of the amenities of the area

(5) Details of all hard landscaping works and 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 and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development.

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

(7) The development hereby approved shall only commence in accordance with the tree protection measures as shown in the tree protection plan no 002 as approved.

No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

(8) The approved landscaping associated with the individual dwellings shall be in place at the end of the first planting and seeding season (October to February) following occupation of the relevant individual dwelling. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

(9) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: To safeguard the character and appearance of the countryside and in the interests of residential amenity.

(10) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the relevant individual dwelling by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details prior to first occupation of the relevant individual dwelling and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

(11) Prior to the commencement of development above ground floor slab level, an assessment of the measures required to mitigate the impact of vibration and re-radiated noise within the approved dwellings from railway traffic, shall be submitted to and approved by the LPA. The report shall include measurements taken during the initial construction phases of below ground works to provide details of the predicted levels of vibration and re-radiated noise, together with design proposals and drawings of the additional measures to be incorporated in to the construction of the dwellings to satisfactorily address the railway impacts which the report identifies that the development may be subjected to. The development shall thereafter be carried out in accordance with the approved details with all approved measures in place prior to first occupation and retained thereafter.

Reason: To protect the amenity of future residents.

(12) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter;

Reason: To ensure an energy efficient form of development. Details are required prior to commencements as these methods may impact or influence the overall appearance of development.

(13) Prior to the commencement of any development, details of amphibian mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Works shall only commence and take place in accordance with the approved details. If at any point great crested newt are encountered on site, any works in progress must stop and a Protected Species licence application be prepared and submitted to Natural England.

Reason: In the interest of ecological protection.

INFORMATIVES

(1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

(2) Your attention is drawn to the following working practices which should be met in carrying out the development:

-Your attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition: if necessary you should contact the Council's environmental health department regarding noise control requirements.

-Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Council's environmental health department.

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

-Vehicles in connection with the construction of the development should only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

-The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable. Where possible, the developer shall provide residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work.

-Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

-It is recommended that the developer produces a Site Waste Management Plan in order to reduce the volumes of waste produced, increase recycling potential and divert materials from landfill. This best practice has been demonstrated to both increase the sustainability of a project and maximise profits by reducing the cost of waste disposal.

-Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

If relevant, the applicant must consult the Environmental Health Manager regarding an Environmental Permit under the Environmental Protection Act 1990.

(3) Due to the close proximity of the works to the railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing.

The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. To start the process with the Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rail's Asset Protection website (<https://www.networkrail.co.uk/running-the-railway/looking-at-the-the->

railway/asset-protection-and-optimisation/). This website also provides more information about our Asset Protection team and the services they offer.

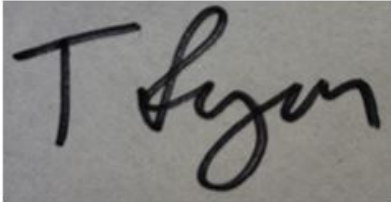
(4) Any works which involve tree or scrubland clearance should take place only outside of bird nesting season (March-August inclusive).

The Council's approach to this application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

Delegated Authority to Sign:	Date:
 Print name: Tony Ryan	07.12.2022