

REPORT SUMMARY

REFERENCE NO: - 20/504976/FULL		
APPLICATION PROPOSAL: Demolition of existing buildings and erection of 6no. dwellings with associated parking, hardstanding, landscaping and area of ecological enhancement, infrastructure and earthworks. Enhancement of an existing access and provision of a new access from Lenham Heath Road.		
ADDRESS: Little Dene, Lenham Heath Road, Lenham Heath, ME17 2BS		
RECOMMENDATION: GRANT subject to a s106 legal agreement and conditions as set out in Section 8.0		
SUMMARY OF REASONS FOR RECOMMENDATION: This is an existing part brownfield site, in a countryside location. Whilst there will be a substantial increase in the massing on the site, there will be use of vernacular materials, the siting at the base of a slope providing the opportunity for a landscape scheme on land in the control of the applicant to give a robust backdrop reducing the visual impact of this development. Therefore, specific conditions are proposed together with a s106 to redress this balance. In accordance with Policy DM5, the development will deliver some environmental and ecological benefits both on and off-site. In respect of policy DM5, the site is not sustainable but the net impact in terms of trips is limited. Conditions are recommended for fast EV charging points and designed/bespoke working from home space. There are no transport, environmental or other technical objections from Statutory Consultees. The scheme has the potential to deliver housing in a nutrient neutral manner. On balance, the harm to the countryside's character and appearance is considered to be outweighed by the on and off-site benefits that can be secured. A s106 legal agreement would be needed in regard to nutrient neutrality and the landscaping and ecological benefits being secured by a LEMP (Landscape and Ecological Management Plan).		
REASON FOR REFERRAL TO COMMITTEE: The development would be a departure from the development plan principally due to the volume of new build in comparison with the existing former cattery buildings and the erection of a dwelling in the side garden of 'Little Dene'. The recommendation is contrary to the views of Lenham Parish Council.		
WARD: Harrietsham And Lenham	PARISH/TOWN COUNCIL: Lenham	APPLICANT: Esquire Developments
CASE OFFICER: Rob Jarman	VALIDATION DATE: 03/11/20	DECISION DUE DATE: 23/02/21
ADVERTISED AS A DEPARTURE: YES		

Relevant Planning History

Little Dene (cattery site)

90/1227 Outline application for a new dwelling for cattery.
Refused 05.09.1990 DISMISSD at appeal

81/1752 Erection of cattery for 20 cats
Approved 10.02.1982

Little Dene (dwelling itself)

20/504566/FULL Provision of new access with a dropped kerb, driveway with turning area and parking spaces.
Approved 18.12.2020

Land to the north of Little Dene

10/0458 Application to discharge conditions relating to MA/09/1017 (Change of use of land for the erection of 4 no. Yurts and a facilities cabin to provide holiday accommodation between April and September each year) - submission of details received on 18 March 2010 pursuant to condition 2 landscaping.
Approved 03.06.2010

09/1017 Change of use of land for the erection of 4 no. Yurts and a facilities cabin to provide holiday accommodation between April and September each year as shown on main proposals plan, planting plan and typical elevations received on 15/6/09; and site location plan received on 23/6/09.
Approved 17.08.2009

Land to south-east corner of the application site

07/0107 Outline application for the erection of one dwelling on land adjacent Little Dene with all matters reserved for future consideration as shown on three unnumbered plans received on 17/01/07.
Refused 09.03.2007 (reasons: unsustainable location and visual harm to countryside)

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located to the north of Lenham Heath Road and is an irregular shaped plot of land measuring approximately 0.48 ha. There is no settlement boundary to formally define the extent of Lenham Heath with the area being 'washed over' by the countryside. The CTRL and M20 transport corridor lies south of Lenham Heath Road. The start of PROW KH408 runs from the south west corner of the site. PROW KH405 runs E-W some 100m north of the application site.
- 1.02 The part of the site that was the cattery contains vehicular access, driveway, car parking, hardstanding, an office/admin block, cattery structures and other outbuildings/structures. The application site also includes residential garden land and agricultural grazing land east of the access.
- 1.03 Agricultural grazing land to the north of the site is in the control of the applicant, being outlined in blue on the site location plan.
- 1.04 There are no heritage assets within or bordering the site, although 'Sheathers' to the south-east is Grade II listed.
- 1.05 The 'Bull Heath Pit' local wildlife site occupies much of the woodland to the immediate west of the site. There are no TPOs or ancient woodland within or abutting the site.
- 1.06 The location does not lie within an area of Landscape of Local Value (LLV). There is limited mature planting on the site, with the majority being ornamental.
- 1.07 The topography of the surrounding land rises above the application site to both the west (Bulls Wood) and to the north to Mount Pleasant.

- 1.08 The established character of the immediate area is that of a hamlet of sporadic development with large undeveloped gaps between properties which front Lenham Heath Road together with other agricultural/commercial buildings. There is no prevailing architectural style, with dwelling types ranging from terraced cottages and former commercial uses to large detached houses.
- 1.09 Surrounding roads are typically narrow country lanes with no formal footpaths or lighting. However, a number of PRow provide local connections, including to Lenham Forstal Road and bus stops at Rose Lane.

2. PROPOSAL

- 2.01 The proposals seek to demolish the existing cattery structures and redevelop the site for residential purposes with new ecological habitat. The application originally proposed 7 dwellings, reduced to 6 comprising:
- 1 No. 5-bed detached dwelling (frontage detached)
 - 3 No. 3-bed dwellings (terraced)
 - 2 No. 4-bed dwellings (semi-detached)
- 2.02 The scheme proposes a two storey house in a "Farmhouse" style with side double car port (unit 1) in the side garden of 'Little Dene', infilling the existing built frontage. Units 2, 3 and 4 are a terrace and follow the general alignment of the cattery structures along the western boundary, with units 5 and 6 being semi-detached, closing off the courtyard to provide a L-shaped 'farmstead' character to the scheme. Parking is provided in a combination of open bays and an open fronted 5 bay car barn intended to replicate rural typology.
- 2.03 The existing access will be retained and slightly widened with acceptable sight lines that do not affect the existing front hedgerow. Hardstanding will be limited to the site access and parking areas
- 2.04 A SuDS area and meadow planting is proposed on former agricultural land east of the site access which will also provide new habitat. This will be connected by a reptile/wildlife corridor to a new biodiversity and reptile area that is to be created north of the main site area. New tree planting is proposed together with mixed native hedgerows.



Illustrative CGI from Lenham Heath Road



Frontage House (Unit1)



Illustrative CGI of rear dwellings

- 2.05 The materials for the rear buildings include multi-stock brick plinth, black weatherboarding and blue/grey slate roof tiles, with 'cart' style entrances and shuttered window openings.
- 2.06 The frontage dwelling and carport is indicated to be of red multi-stock brick with red clay roof tiles and white weatherboarding.
- 2.07 The applicant initially submitted a "shadow" Habitats Regulation Assessment (HRA) because the site is located within the catchment of the River Stour. It concluded that in addition to mitigation within the application site and in neighbouring land controlled by the applicant, a purchase of "credits" equating to 1.2ha of land at the new Forestry England site "Pleasant Forest" will assist in providing the necessary mitigation for nitrate and phosphate pollution from the new dwellings to demonstrate the development is "nutrient neutral". A revised Shadow Assessment was submitted which calculated an increase in Nutrient pollution but the applicant wishes to additionally mitigate by reducing water usage estimates significantly.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2017)

- SS1 Spatial Strategy
- SP17 Countryside
- SP19 Housing Mix
- DM1 Principles of Good Design
- DM3 Natural Environment
- DM5 Brownfield Land
- DM14 Density
- DM19 Open Space
- DM23 Parking Standards

- DM30 Design Principles in the Countryside

Kent Minerals and Waste Local Plan

- DM7 Safeguarding

Lenham Neighbourhood Plan (2020)

- D1 Design Policy
- D2 Small Scale Development
- D5 Residential Parking
- AT1 Active Travel
- GS1 Natural Space
- AQ1 EV Charging
- SHDS1 Supporting Assessments

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents: Maidstone Building for Life

Emerging Policies – Maidstone Borough Council – Local Plan Review Regulation 22 Submission: The regulation 22 submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is a material consideration, and some weight must be attached to the document because of the stage it has reached. The weight is limited, as it has yet to be the subject of a full examination in public

4. LOCAL REPRESENTATIONS

Members should note that since these comments were received, the application has been reduced from seven to six dwellings.

The application has been recently re-advertised as a departure from the development plan by virtue of an amended site notice and press advertisement. These expire 14th and 13th April 2023 respectively and should these elicit any further representation following the publication of this report, Members will be updated either by written or verbal urgent updates.

Local Residents: Two representations received from local residents raising the following (summarised) issues

- Overlooking and loss of privacy
- Inadequate parking
- Increase in traffic
- Form of development out of character
- Loss of cattery business
- Impact on infrastructure
- Loss of habitat
- Would support a smaller scheme

5. CONSULTATIONS

Members should again note that since these comments were received, the application has been reduced from seven to six dwellings.

Lenham Parish Council

- Severe negative visual impact on the surrounding countryside.

- A large number of substantial executive homes on cramped and limited plots is out of character with this part of Lenham Heath is that of isolated detached dwellings and small holdings, many of them occupying fairly large plots.
- Introduces a fundamentally suburban character to the detriment of unspoilt countryside.
- Significant reduction in the potential of the site to support wildlife.
- The development would form an isolated car-based enclave.

5.01 Natural England (28/9/22) (these comments are based on the applicant's HRA, comments awaited on the Council's HRA which differs in terms of necessary mitigation. Members will be updated either by written or verbal updates as necessary)

5.02 No objection subject to appropriate mitigation including 1.2 ha area of land within the same fluvial catchment as the development site being converted from general farming use to woodland planting and managed in perpetuity through a S106 agreement with Forestry England.

KCC LLFA

5.03 No Comments

KCC Minerals

5.04 A Minerals Assessment is needed.

[Officer Note – the Applicant subsequently submitted the requested information.]

Southern Water

5.05 No issues raised – identify location of sewers.

KCC Ecology

5.06 No objections subject to mitigation measures and ecological enhancement measures in a Biodiversity Method Statement secured as a condition.

5.07 Due to potential impacts upon great crested newts, a Conservation Payment Certificate is needed to confirm adherence to a District Level Licensing Scheme.

5.08 The site is located directly adjacent to Bull Heath LWS. A construction management plan condition requiring details of timings and locations of mitigation measures should be secured by condition.

MBC Environmental Protection

5.09 No objection subject to conditions covering noise, any potential contamination and EV charging.

6. APPRAISAL

The key issues are:

- Principle of Development and Landscape Impact
- Design, Layout
- Nutrient Neutrality
- Ecology and Biodiversity

- Highways

Principle of Development and Landscape Impact

- 6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The MBLP 2017 and the Lenham Neighbourhood Plan 2020, together with the Kent Waste and Minerals Local Plan form the Development Plan.
- 6.02 The applicant asserts that both the NPPF and the MBLP recognise the importance of housing delivery, with the NPPF further emphasising the role that small sites can make to local housing targets; and that sites such as this make a material contribution to the Council's windfall targets and respond to Government initiatives to support the role of SMEs in delivering housing on smaller sites.
- 6.03 The principle of the development in the countryside relatively distant from Lenham village is contrary to the spatial hierarchy in policy SS1 and to the countryside protection Policy SP17. Policy SS1 directs the focus for new housing to a hierarchy of sustainable settlements and site allocations: as such, there is a limited reliance upon windfall housing to meet local housing targets.
- 6.04 Policy SP17 states that new development in the countryside will be permitted if, inter alia:
- it accords with other policies in the Local Plan;
 - it is of a high quality design;
 - it will not result in harm to the character and appearance of the area, and maintains, or where possible, enhances the local distinctiveness of an area;
 - it will protect and enhance any on-site biodiversity features where appropriate, or provide sufficient mitigation measures; and
 - it will respect the amenities of occupiers of neighbouring properties.
- 6.05 The key issue in policy SP17 is consideration of any harm to the character and appearance of the area. Due to the layout and modest height and size of most of the cattery buildings, the redevelopment of this site extends built development in terms of overall height, greater site coverage and siting further eastward into the countryside. It is inevitably of greater built mass than the existing buildings on the site. Therefore, the proposed built mass is significantly greater than that existing, so the site's openness will be eroded and it will be more suburban in character and appearance as opposed to rural.
- 6.06 However, within the site specific context, the visual prominence of the additional built form when viewed from Lenham Heath Road is lessened by reason of the site being a low level compared to the rising land behind the site. The land at the rear is in the control of the applicant and securing a high quality landscape scheme of native trees for that land would, over time, create a green backdrop to the development.
- 6.07 Whilst the site is visible from KH405, which passes up the hill behind the site, it is viewed in the context of the backdrop of existing housing on Lenham Heath Road. Views of the new housing will, to some extent, be screened by the new native-led landscape scheme and new ecological areas. Longer distance views towards and beyond the M20 will not be disrupted due to the topography.

- 6.08 The impact upon the visual amenity of users of the PRow would be in the context of the dispersed frontage to Lenham Heath Road and the cluster of buildings around Mount Pleasant.



- 6.09 The site does not lie within an LLV. The Maidstone Landscape Character Assessment identifies the site as lying within the Lenham Heath Farmlands which is characterised by, inter alia, broadleaf woodland, bracken and birch. This assessment is now dated being 2012 and whilst the applicant has not submitted an LVIA (Landscape and Visual Impact Assessment, the degree of harm to the landscape needs careful consideration. An LVIA would have provided a useful narrative as in this sort of case, the landscape impact is the primary issue.
- 6.10 Due to the site's relationship to existing built development and reduced visibility from the surrounding countryside, subject to sensitive design and layout of the development and securing landscaping of the site and surrounding land in the control of the applicant via a comprehensive LEMP (e.g. Hazelnut block planting), over time, the development would be subsumed into the wider rural landscape of the area, reducing the degree of harm to the character and appearance of the countryside.
- 6.11 MBLP Policy DM5 states that redevelopment on brownfield sites (which are not residential gardens) within the countryside will exceptionally be acceptable subject to a number of criteria.
- 6.12 Until relatively recently, part of the site (totalling 0.4ha) was used since the 1980s as a cattery, with the cat pens and associated outbuildings occupying the north-western most corner of the site. The existing access from Lenham Heath Road has been shared by the cattery and the dwellinghouse ('Little Dene', which is excluded from the application site), with the cattery being run by the occupiers of that dwelling.
- 6.13 The NPPF defines previously developed land (brownfield land) as:
Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.
- 6.14 The area which readily meets this definition and can truly be considered as brownfield land is the northern part of the site which is currently occupied by the cat pens and ancillary buildings. Hence, the site is considered as a mix of brownfield/garden land/agricultural land and has been advertised as a departure from the development plan for this reason.
- 6.15 However, in line with the recent court of appeal judgement received by the Council, when dealing with Policy DM5, 'the site' needs to be considered as a whole and the existing value and proposed enhancements to the entire site within the red line needs to be taken into account, not just the area considered as 'brownfield' land.

6.16 Policy DM5 requires that the site is not of high environmental value. The Local Plan does not formally define what is considered as high environmental value, however the Government's Guidance on Natural Environment sets out:

'Some previously developed or 'brownfield' land is of high environmental value, providing habitats for protected or priority species and other environmental and amenity benefits'

6.17 The application is accompanied by an Ecological Impact Assessment, this identifies

- There is no evidence of bat roosts and limited opportunity for foraging
- No evidence of dormice
- A small population of slow worms

6.18 The site therefore possesses very limited ecological value, with much being currently occupied by buildings/structures, hardstanding, access and parking. The existing side garden and agricultural land provides some visual amenity benefit and contributes to the open character of the landscape. However, it is not considered that the application site is of 'high environmental value' based on the PPG definition above.

6.19 Policy DM5 also requires the density and character of development to reflect its surroundings. Whilst density alone is not a reliable measure on small sites, at circa 12dph, the development is of a similar density to another DM5 site 400m to the north at Burgess Fields. There is no formal settlement boundary to Lenham Heath and the character of the area is one that is typified by a hamlet of sporadic development with large undeveloped gaps between properties which front Lenham Heath Road together with other agricultural/commercial buildings.

6.20 As highted above, the scale and plot size of the frontage dwelling replicates this established character, whilst the creation of a SuDS/ecological area to the east will be in-keeping with the rural character of the overall site frontage. The rear dwellings, by virtue of their layout design, materials and siting aim to replicate a traditional rural farmstead character.

6.21 Within the broader countryside, MBLP Policy DM5 introduces additional tests such as the proposals resulting in significant environmental improvement.

6.22 As detailed above, the existing site is of not of 'high environmental value'. The proposals would introduce features to support wildlife and biodiversity:

- SuDS pond which will maintain permanent water and appropriate native marginal planting
- A surrounding botanical wetland
- Native tree planting on site boundaries
- New and enhanced native woody hedgerow species
- Nectar rich ground planting
- Bat boxes/bricks on built fabric and trees.
- House sparrow and starling boxes on built fabric and robin etc boxes on trees.
- Log piles around the site and reptile areas.

- 6.23 To the north of the development site, on grazing land of approx. 0.35ha within the applicant's control, it is proposed to create a 0.13ha reptile receptor. This will lie adjacent to the LWS, but also be connected through the site, with a reptile corridor created to connect to the new pond.
- 6.24 Existing non-native planting will be removed, whilst appropriate species such as a beech hedge will be retained. Species that are considered to be invasive to heathland will be excluded from the planting scheme.
- 6.20 As such the proposals have the potential to increase the environmental value of the site and wider area.
- 6.25 DM5 includes a criterion that the site is, or can be made sustainable. The NPPF states that "*Significant development should be focused on locations which are or can be made sustainable....However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making....*".
- 6.26 The site is some distance from the services in Lenham Village and the local bus service is extremely limited. The lack of footway and streetlights means that the site is in conflict with that aspect of DM5. However, the reasoned justification to Policy DM5 states that consideration should be given to:
- what sustainable travel modes are available or could reasonably be provided;
 - what traffic the present or past use has generated; and
 - the number of car movements that would be generated by the new use, and what distances, if there are no more sustainable alternatives.
- 6.27 There are bus stops within walking distance (albeit along roads without footpaths or lighting), but services are limited to one per day and no service on Sundays.
- 6.28 A cattery use would generate a level of traffic movement that is not restricted by any planning conditions. This reduces the net impact of traffic generated by the proposed residential redevelopment. Journey distances and times by car to Lenham are relatively short. Both of these factors have been afforded weight by a number of planning inspectors and are relevant when considering if the site is environmentally sustainable.

Design and Layout

- 6.29 Policy DM1 outlines the principles of good design requiring all development to be of a high quality, responding positively to the character and appearance of the local area in which it is situated. Policy DM30 provides further guidance in respect of rural sites, where sensitivity to local typology is emphasised.
- 6.30 The scheme proposes two building typologies. The front dwelling in the former side garden of 'Little Dene' reflects the existing character of dispersed dwellings which front Lenham Heath Road, with form and materials reflecting traditional local styles. Open gaps to both sides of the dwelling ensure that it does not appear cramped within the plot and so the impact on Lenham Heath Road is relatively limited.
- 6.31 The rear buildings adopt a form aimed at creating a 'farmstead' courtyard with traditional materials such as black weatherboarding and slate roofs; timber side-hung ledge and brace shutters, and double height "barn style" doors (which for units 5 and 6 are to galleried landings).
- 6.32 The character of the scheme is inevitably suburban given the mass of the buildings and layout. Farm buildings would have been much smaller and arranged randomly

as they evolved as needs be. The only similar type of farm would be a Victorian range farm building complex.

- 6.33 Nevertheless, the use of vernacular materials typical of a Kentish farmstead secured by condition would contribute to the quality of the development. This would mean specifically requiring: timber feather edged weatherboarding; natural slate; plain clay tiles. In terms of the Farmhouse, it is considered that hanging clay tiles including fish scale design would be a better reflection of the local vernacular and so the incorporation of this material is also required by a suggested condition. The incorporation of Kentish Ragstone plinths will also be key to meeting the high quality design that is necessary to mitigate the impact of the development on the character and landscape of the locality.
- 6.34 The scheme also responds to BfL 12 encouragement to incorporate natural drainage via an infiltration pond to combine surface water attenuation with ecology and visual amenity benefits; adequate car parking is provided to meet needs without dominating the layout due to careful siting of car barns.

Nutrient Neutrality

- 6.35 Regulation 63 of *The Conservation of Habitats and Species Regulations 2017* requires an assessment where a project may give rise to significant effects upon any Natura 2000 site including:
- Special Areas of Conservation (SAC)
 - Special Protection Areas (SPA)
 - RAMSAR Sites
- 6.36 The application site lies within the upper River Stour catchment and is hydrologically connected to the Stodmarsh SAC, SPA and Ramsar site north east of Canterbury as waste water from the site would discharge to the Lenham WWTW, then the River Stour, which itself enters Stodmarsh.
- 6.37 Since July 2020, Natural England advice is that a likely significant effect on the internationally designated Stodmarsh sites (SAC, SPA and Ramsar) cannot be ruled out due to the increases in wastewater from new residential developments coming forward in the River Stour catchment. This increases phosphate and nitrate pollution to protected habitats by resulting in ecologically damaging eutrophication.
- 6.38 In accordance with methodology prescribed by Natural England, the applicant's 'shadow' HRA identifies that to achieve nutrient neutrality, in addition to the land use changes within the red and blue lined land detailed in the planning application, the off-site delivery of 1.2ha of woodland on former cereal farming land at Pleasant Forest would assist in providing the necessary credits required. It also requires the Council to accept water usage levels by the new dwellings very much lower than standard water usage figures.
- 6.39 The Council is the "competent authority" and is obligated by the Regulations to carry out its own appropriate assessment which concludes:
- The mitigation offered from conversion of land from cereals to woodland at Pleasant Farm/Forest is insufficient mitigation for Phosphates both pre and post 2025.
 - Pre-2025 occupation is unlikely to be acceptably mitigated as the Phosphate discharge is extremely high. Any planning permission would need to be restricted accordingly in terms of the date of occupation.
 - Post 2025 occupation, mitigation for the remaining 3 of the 6 units would need to be demonstrated

- 6.40 The differences in conclusions of the Council's HRA compared to the applicant's HRA stem from differing assessments of the existing land uses on the site and water usage figures.
- 6.41 Potentially any or all of the following mitigation would be required:
- confirmation of purchase of more credits of offsite mitigation of Phosphate
 - quantifying if the SuDS strategy reduces phosphate in surface water run off
 - converting more lowland agricultural land within the Stour Catchment to Shrub or similar non-farming use
 - increase on-site semi natural greenspace or shrubland instead of residential land (eg reduce the garden sizes of plots 1 and 5 and increase area of Water/Greenspace).
- 6.42 Revised comments from Natural England are awaited but it is expected that an objection would be raised until the mitigation measures have been secured prior to occupation of the dwellings.
- 6.43 There is an obvious appetite by the developer to secure the necessary mitigation and given a range of opportunities are and may become available in the short term, there is a reasonable likelihood that Nutrient Neutrality could be demonstrated within the time-limit imposed by any permission (3 years). This would not include proposals for water usage rates lower than the Building Regulations as such restrictions would have to be controlled by planning conditions and it is considered that they would not meet the legal tests for conditions, not least being unreasonable and unenforceable.
- 6.44 Therefore it is considered a s106 legal agreement would be necessary to restrict implementation until full Nutrient Neutrality can be satisfactorily evidenced and to ensure the mitigation is in place prior to occupation.

Ecology and Biodiversity

- 6.45 The application site has been the subject of an Ecological Impact Assessment, the findings of which KCC's Biodiversity Officer supports and ecological enhancement is proposed as detailed above.
- 6.46 The condition requested by KCC to secure a CMP to ensure no adverse construction phase impacts on the neighbouring woodland is appropriate
- 6.47 The ecological benefits associated with the scheme accord with Policy DM3.

Highways

- 6.48 Policies DM21 and DM23 focus on assessing the transport impact of the development and the Council's parking standards. The Transport Statement has been assessed and demonstrates that there will be no adverse impact on the local highway network.
- 6.49 The existing access to the cattery site will be retained with adequate sight lines provided and accords with the recommendations of a road safety assessment.
- 6.50 Car parking is provided in accordance with standards at 2 spaces per dwelling, plus two visitor spaces. Each dwelling will have EV charging (a Building Regulations requirement) and cycle storage which can be secured by condition. It is considered that fast EV charging (above 7KWh) for each dwelling are necessary to be secured

by condition in this situation due to the relatively poor sustainability of the site (i.e. in excess of normal Building regulations requirements).

Other Matters

- 6.51 In response to KCC's representations, the applicant submitted a Minerals Assessment which confirmed no conflict with Policy DM7 of the KMWLP.
- 6.52 Surface water drainage will be managed through a SuDS system incorporating permeable hard surfaces and infiltration pond.
- 6.53 Due to the scale of development, a requirement for affordable housing is not triggered.
- 6.54 In terms of residential amenity, the siting of the new dwellings provides adequate distance between the new dwellings and neighbouring dwellings and their gardens and so policy DM1 is complied with.
- 6.55 To retain the character of the scheme and amenity, conditions restricting permitted development are suggested and a condition on sensitive external lighting is needed.

Public Sector Equality Duty,

- 6.56 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.

Community Infrastructure Levy

- 6.57 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.

7. CONCLUSION

- 7.01 This is an existing part brownfield site, in a countryside location. There is no prevailing form to development in this location.
- 7.02 Whilst there will be a substantial increase in the massing on the site, there will be use of vernacular materials, the siting at the base of a slope providing the opportunity for a landscape scheme on land in the control of the applicant to give a robust backdrop reducing the visual impact of this development. Therefore, specific conditions are proposed together with a s106 to redress this balance.
- 7.03 In accordance with Policy DM5, the development on the previously developed land will deliver some environmental and ecological benefits both on and off-site.
- 7.04 In respect of policy DM5, the site is not sustainable. However when the existing use is taken into account, the net impact in terms of trips is limited. Given the unsustainable location, conditions are recommended for rapid EV charging points and designed/bespoke working from home space.
- 7.05 There are no transport, environmental or other technical objections from Statutory Consultees. The scheme has the potential to deliver housing in a nutrient neutral manner.
- 7.06 On balance, the harm to the countryside's character and appearance is considered to be outweighed by the on and off-site benefits that can be secured.

- 7.07 A s106 legal agreement would be needed in regard to nutrient neutrality and the landscaping and ecological benefits being secured by a LEMP (Landscape and Ecological Management Plan).

8. RECOMMENDATION

GRANT planning permission subject to the following conditions and the prior completion of a legal agreement to secure the heads of terms set out below with delegated authority to the Head of Development Management to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee:

s106 to require prior payment of monitoring fees of £1530 in total

HEADS OF TERMS

- Demonstrate Nutrient Neutrality prior to implementation and ensure the mitigation is in place prior to occupation.
- On and off site landscaping and ecological benefits (secured by a LEMP) which shall include a substantial planting and maintenance scheme to provide an enhanced backdrop to the scheme incorporating Hazelnut block planting. This is a s106 head due to the long term maintenance required.

CONDITIONS

- 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 drawings:

29691A / 100 Rev N - Site Block Plan
29691A/H 100 Rev M - Sketch Scheme – Coloured
29691A / 124 Rev B - Plot 1 Floor Plans
29691A / 125 Rev B - Plot 1 Elevations
29691A / 120 Rev C - Plots 2,3, 4 Floor Plans
29691A / 121 Rev C - Plots 2, 3, 4 Elevations
29691A / 122 Rev D - Plots 5, 6 Floor Plans
29691A / 123 Rev D - Plots 5, 6 Elevations
0370/20/B/20D – Landscape Strategy

Reason: To clarify which plans have been approved.

- 3) The construction of the dwellings shall not commence above slab level until written details and photographs of samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved by the Local Planning Authority. Notwithstanding the submitted details, for the 'Kentish farmstead' units 2-6 (incl), these shall include coursed Kentish ragstone plinths, dark stained timber featheredged weatherboarding, and natural slate roof tiles and timber ledge and brace shutters/barn doors. For unit 1

'Farmhouse', these shall include Kentish ragstone plinths, white painted timber featheredged weatherboarding, fish scale clay tile hanging, plain clay roof tiles with bonnet hip tiles. The development shall be constructed using the approved materials.

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

- 4) No development above slab level shall take place until details in the form of large-scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority:

- a) Details of arched soldier headers above windows.
- b) 'Fishscale' tile hanging detail.
- c) Details of fenestration, cills, and recesses/reveals.
- d) Details of gable verges,
- e) Details facias and soffits (which shall be of timber)

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

- 5) Prior to slab level, a Biodiversity Delivery Plan shall be submitted to and approved by the Local Planning Authority, which shall accord with the proposed mitigation measures set out the Native Ecology Ecological Impact Assessment Reference 0547_R01 Rev A dated 16/10/20. The development shall be carried out in accordance with the details submitted and any enhancement/mitigation features shall be retained and maintained in the future.

Reason: To ensure that appropriate biodiversity mitigation / enhancements are secured.

- 6) The development hereby approved shall not commence above slab level until details of roadways and hard landscape works have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings.
Reason: To ensure a satisfactory appearance to the development

- 7) 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.

- 8) The construction of the dwellings shall not commence above slab level until a detailing planting scheme has been submitted to and approved by the Local Planning Authority and which accords with the principles landscape strategy as shown on HW&Co drawing 0370/20/B/20D. All new hedging shown to southern, eastern and northern boundaries shall be double staggered mixed native species and the final maintenance height shall be detailed. The approved planting shall be carried out no later than the first planting season (October to February) following

first occupation of the development. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation 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. The details shall specifically address screening to the south, north and eastern boundaries of the site.

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

- 9) All existing trees and hedges on and immediately adjoining the site shall be retained, unless identified on the approved plan 0370/20/B/20D as being removed, except if the Local Planning Authority gives prior written consent to any variation. All trees and hedges shall be protected from damage in accordance with the current edition of BS5837. Any trees or hedges removed, damaged or pruned such that their long term amenity value has been adversely affected shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions to mitigate the loss as agreed in writing with the Local Planning Authority.

Reason: In the interests of landscape, visual impact and amenity of the area and to

- 10) None of the dwellings hereby permitted shall be occupied until the sustainable surface water drainage works have been submitted to and approved by the Local Planning Authority and which shall accord with the principles set out in the iDLtd report reference IDL/1032/DS/001 Revision P01 dated October 2020. The submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, including any requirement for the provision of a balancing pond and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii) include a timetable for its implementation in relation to the development; and,

iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework.

- 11) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the LPA.
Reason: There is always the potential for unexpected contamination to be identified during development groundworks

- 12) Prior to commencement, a construction management plan shall be submitted to and approved by the LPA, which demonstrates that appropriate measures will be in

place during the construction period to mitigate any potential impacts upon the adjacent Bulls Heath Pit wildlife site. This shall include measures to mitigate impacts from activity, noise, artificial lighting and dust as set out in the Native Ecology Ecological Impact Assessment Reference 0547_R01 Rev A dated 16/10/20.

Reason: To ensure that there are no adverse impacts upon the site's wildlife value

- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development or gates, fences, walls shall be carried out to any dwelling hereby permitted within Schedule 2, Part 1, Classes A-H (inclusive) or Part 2, Class A to that Order.

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

- 14) The development shall not commence above slab level until details of how decentralised, renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved by the local planning authority. Measures shall include EV fast charging points (above 7kW) to each dwelling and details of number and location of equipment such as solar array and/or Air Source Heat Pumps. The approved details shall be installed prior to first occupation of the relevant dwelling and maintained thereafter. If any PV panels are installed and are or become defective, they shall be replaced as soon as is reasonably practicable.

Reason: In the interests of sustainable and energy efficient form of development.

- 15) Prior to occupation, a lighting design plan for biodiversity should be submitted to and approved by the Local Planning Authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (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. No lighting shall be installed except in accordance with the approved scheme which shall be retained and operated in accordance with the approved scheme.

Reason: In the interests of biodiversity and rural amenity.

- 16) The development hereby approved shall not commence above slab level until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and retained thereafter;

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

- 17) No development shall commence until details have been submitted to and approved by the Local Planning Authority indicating rooms specifically designed for "working from home" within each dwelling hereby approved. The details shall be implemented as approved.

Reason: In the interests of environmental sustainability.

INFORMATIVES

- 1) The mixed native hedgerows shall reflect the species and % mix detailed for 'Lenham Heath Farmlands' in the Maidstone Landscape Character Assessment Supplement 2012.
- 2) 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.
- 3) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present
- 4) It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/whatwe-look-after/highway-land/highway-boundary-enquiries>. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site. 6) The buildings being demolished should be checked for the presence of asbestos and any found should only be removed by a licensed contractor. 7) No demolition/construction activities shall take place, other than between 0700 to 1900 hours (Monday to Friday) and 0700 to 1300 hours (Saturday) with no working activities on Sundays, Bank or Public Holidays. 8) You are advised that wheel washing and dust mitigation should be carried out during the construction period.

Case Officer: Rob Jarman

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