

REPORT SUMMARY

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| REFERENCE NUMBER: 23/505615/FULL | | |
| APPLICATION PROPOSAL: Demolition of existing building and erection of 4no. detached three-bedroom chalet style dwellings and associated drainage infrastructure (resubmission of 23/502239/FULL). | | |
| ADDRESS: Downtown Victoria’s Leisure, Ashford Road, Harrietsham ME17 1BL | | |
| RECOMMENDATION: Application Permitted | | |
| SUMMARY OF REASONS FOR RECOMMENDATION: The site is a brownfield site in the countryside albeit as the western end of existing ribbon development to the A20. The scheme is for 4 chalet bungalows of lesser footprint and volume than the existing nightclub building and would result in a significant visual improvement compared with the existing built form. It would be reflective of the character and appearance of the locality. It therefore complies with Policy LPRHOU1. The site is already intensively developed and visually prominent from the A20 and the proposed redevelopment would not add any further to coalescence, nor the consolidation of sporadic development between Harrietsham and Lenham. The proposal would improve the appearance of the site and gives the opportunity for significant new soft landscaping especially along the frontage to the A20. It would accord with policy LPRSP9 It has a lawful use as a nightclub (sui generis) and more recent temporary commercial uses which would have generated significant traffic and comings and goings. The site is relatively sustainable in light of the location on a bus route that connects the site by public transport to both Lenham and Harrietsham which are both Rural Service Centres with shops, GP surgeries, schools and railway stations. Noise from the A20 can be mitigated to future occupants by the layout and by securing appropriate glazing, ventilation and boundary fences. There is no harm to trees subject to a Tree Preservation Order. There is no harm to neighbouring residential amenity by reason of unacceptable overlooking, overbearing or overshadowing This proposal now satisfactorily deals with the issue of Nutrient Neutrality which was the only reason for refusal of a similar planning application in 2023 (23/502239/FULL). | | |
| REASON FOR REFERRAL TO COMMITTEE: The application was called into Planning Committee by Lenham Parish Council | | |
| WARD: Harrietsham, Lenham And North Downs | PARISH/TOWN COUNCIL: Lenham | APPLICANT: Designer Heritage Homes AGENT: JD Planning Ltd |
| CASE OFFICER: Marion Geary | VALIDATION DATE: 11/12/23 | DECISION DUE DATE: 30/08/24 |
| ADVERTISED AS A DEPARTURE: Yes | | |

Relevant Planning History

21/506206/FULL

Demolition of existing nightclub building and erection of 5no. new four bedroom dwellings with associated parking, access and landscaping.

Refused 31.01.2022

Refused due to the scale, mass, height and siting of the dwellings and the engineered access and extent of hardstanding and potential impact on root protection area (RPA) of an A-grade Oak subject of a Tree Preservation Order

23/500881/FULL

Retrospective application for the temporary change of use of the building and surrounding land to car sales, car parts storage and siting of a food truck with timber canopy and 4no. covered seating huts for use as a cafe/takeaway.
Approved 26.05.2023 (NB temporary to Jan 2024)

23/502239/FULL

Demolition of existing building and erection of 4no. detached three bedroom chalet style dwellings.
Refused 19.07.2023

Refused due to insufficient evidence of effective mitigation measures for nutrient neutrality for new overnight accommodation in Stour catchment.

Enforcement

22/500158/CHANGE

Unauthorised change of use of site to mixed use including fast food takeaway and vehicle breakers.
Closed as planning application received

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site measures 0.3ha, being approx. 45 m wide and 70m deep. It contains a single storey building and lies on the north side of the Ashford Road (A20) at the western end of ribbon development between the villages of Lenham and Harrietsham. It is 700m from the western edge of Lenham settlement confines and 1.5km from its village centre. It lies 660m from the eastern edge of Harrietsham settlement confines and is also 1.5km from its village centre.
- 1.02 The majority of the land surrounding the building is loose hardstanding with a few patches of grass and there are low level trees and shrubbery along the west boundary of the site and close board fencing along most of the north and east boundaries.
- 1.03 The site had a long standing use as a nightclub with approx. 20 parking spaces which originated from a transport café understood to date from the 1950s. The nightclub building has been closed since 2019. The land in front of the building had temporary buildings of a Pizza-based café/takeaway and vehicle related uses with the building itself used for storage. These uses were regularised in 2023 for a temporary period until 01.01.2024 as a trial run to assess the effect of the development on the surrounding area.
- 1.04 Open agricultural land is located to the west and north-west at a lower level. Neighbouring bungalows are located to the east and north of the application site, and these are at an average density of 6 dph. The frontage of the site is unscreened and abuts the A20 to the south of the site, which provides a double gated access.
- 1.05 The land slopes down 4.25m from NE (129.31m OD) to SW (125.05m OD). The ridge height of the existing building at its maximum is 132.62(m OD) which indicates a height of approx. 5.5m albeit on a raised level of 1m above natural ground.

- 1.06 There are no PROWs near the site. It lies 370m east of the Kent Downs National Landscape at its closest point.
- 1.07 The site lies in an Area of Archaeological Potential and within the 30m buffer zone of Ancient Woodland (Dickley Wood) on the south of the Ashford Road. There is a TPO to the east: Rear of The Spinney, Ashford Road, Lenham (TPO 12 of 1993). This includes a large oak tree close to the common boundary.
- 1.08 The site lies in Flood Zone 1 (low risk). It lies outside the River Stour catchment area but is in the "additional catchment area" where development's wastewater may drain into the River Stour, either directly or indirectly (and thus go on to pollute the Stodmarsh European protected site in breach of the Habitats Regulations 2018).

2. PROPOSAL

- 2.01 The application is for the demolition of the existing commercial building and removal of the hardstanding and the erection of 4no. detached three bedroom chalet style dwellings. Each will have a ridge height of 7.7m and an eaves height of 3.6m and are effectively 1.5 storey dwellings. The density would be 13 dwellings per hectare.
- 2.02 The existing access will also form the new access albeit with the footway surfacing improved and tactile paving to mark the edge of the crossing point.
- 2.03 It proposes a similar scheme to that for 4 chalet bungalows refused under 23/502239/FULL. The changes in terms of the dwellings are:
 - The building line of plots 3 and 4 has reduced from an average of 16.5m to 12m to the A20
 - The rear gardens of plots 3 and 4 are no longer adjacent to the A2 but are to be to the north of the dwellings
 - Side dormer windows have been added to plots 1 and 2 at the rear of the site
 - The front first floor windows of plots 1 and 2 are obscure glazed to avoid overlooking of gardens of plots 3 and 4
- 2.04 The changes in terms of nutrient neutrality is that for the refused application 23/502239/FULL, it was claimed that drainage would be to a foul sewer with no further details as to which wastewater treatment plant it would drain to. That application was refused on the basis of inadequate information.
- 2.05 In this application, the agent has confirmed that was a factual error and that the site does not benefit from a connection to a public sewer and there is no public sewer adjacent to the site. Therefore the proposed foul drainage arrangement is using on-site package treatment plant. The agent confirms that the site benefits from an EA Permit for the disposal of foul water in this way, although this would need to be varied to reflect the changes to the site proposed. The implications of this change from the 2023 refusal are discussed below.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Local Plan Review 2024
Neighbourhood Plan: Lenham 2021
Kent Waste and Minerals Plan (amended 2020)
The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Landscape Character Assessment 2012 (Updated 2013)
Kent Downs AONB Management Plan 2021-2026 (Third Revision)
Supplementary Planning Documents: Maidstone Building for Life 12 (2018)

Maidstone Local Plan Review 2024
LPRSS1 - Spatial Strategy
LPRSP9 – Countryside
LPRSP11- Economic Development
LPRSP15 - Principles of good design/Non-conforming Uses
LPRSP14(A) – Natural Environment
LPRHOU1- Brownfield land
LPRHOU5- Density
LPRTRA1- Air Quality
LPRTRA2- Transport
LPRTRA4- Parking Standards
LPRQD1- Sustainable Design
LPRQD4- Design principles in the countryside
LPRINF3 - Renewable Low Carbon Energy
LPRSP6(D)- Lenham
LPRSP14(C) - Climate Change
LPRQD6 - Technical Standards
LPRQD7 - Private Open Space Standards
Lenham Neighbourhood Plan- CP1- Countryside Protection

- 3.01 The Maidstone Borough Local Plan Review (LPR) was adopted by the Council on the 20 March 2024. Strategic level legal challenges were made to adoption that relate to specific strategic development sites within the LPR and do not affect the full weight that should be applied to the LPR2024 itself. Maidstone Borough Local Plan 2017 policies are therefore now superseded.

4. LOCAL REPRESENTATIONS

Lenham Parish Council

- 4.01 Objection for the following reasons (summarised)
- Sporadic development contrary to countryside protection policies
 - Intensive form of speculative, executive housing
 - consolidates the pattern of sporadic development along the A20 arterial road.
 - Development in functional green wedge results in coalescence of Lenham with neighbouring Harrietsham
 - Site was rejected in LPR “Call for Sites”
 - Harmful to rural amenity
 - Loss of this important local facility which provides economic variety
 - No essential housing needs in Lenham and Harrietsham

5. CONSULTATIONS

Natural England

- 5.01 No objections.

Environment Agency

- 5.02 No comments

Forestry Commission

- 5.03 No objection subject to standing advice on Ancient Woodlands.

Southern Water

- 5.04 No objection subject to the Environment Agency being consulted directly by the applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.

KCC Archaeology

- 5.05 No response

KCC (Flood and Water Management)

- 5.06 No comments

KCC Ecology

- 5.07 No objection subject to conditions for the following reasons:
- An update site visit for bats was undertaken during May 2023 and this information remains valid subject to a Precautionary Works Method Statement being implemented during building removal.

KCC Highways

- 5.08 No objection subject to conditions on:
- Construction Management
 - Access and Visibility splays
 - Vehicle and cycle parking and EV charging

Environmental Protection

- 5.09 No objection subject to conditions on road noise.

6. APPRAISAL

- 6.01 The key issues are:
- Spatial Strategy
 - Character and Appearance/Landscape
 - Sustainability
 - Brownfield Development
 - Residential Amenity
 - Highways
 - Nutrient Neutrality
 - Biodiversity Net Gain

Spatial Strategy

- 6.02 The application site is in the countryside and so the proposal is contrary to the spatial strategy set out in Policy LPRSS1 (spatial strategy) of the adopted Maidstone Local Plan Review which states for locations outside of the built settlements, protection will be given to the rural character of the Borough.
- 6.03 The Lenham Neighbourhood Plan also defines the application site as countryside and Policy CP1 states that all proposals will be assessed in terms of the potential visual impact, effects upon landscape character and heritage assets of the site and surroundings; potential impact upon biodiversity; capacity of infrastructure and

services available; relationship of the proposed development to the setting and character of the rural hamlets within the countryside beyond Lenham village. The policy CP1 further protects the rural environment of the Parish from adverse impacts upon the character of the countryside.

- 6.04 The site is previously developed land (brownfield) based on the NPPF definition, being land which is occupied by a permanent structure, including the curtilage of the developed land.
- 6.05 Policy LPRSP9 (Countryside) would allow for development if the redevelopment scheme complies with policy LPRHOU1 (discussed further below), does not significantly harm the character and appearance of the area and retains the separation of individual settlements. This is discussed below.

Character and Appearance/Landscape

- 6.06 Policy LPRSP15 of the LPR promotes the principles of high-quality design and requires that proposals should also respect the topography and respond to the location of the site. Policy LPRQD4 establishes design principles for the countryside in terms of siting, mass and scale of development in the countryside.
- 6.07 The application site is at the western end of a strip of ribbon development. There is low-lying open agricultural land to the west and to the south is the A20 with a woodland beyond. The land rises from road level. However, the surroundings to the site to the north and east are low rise bungalows in large plots approx. 6 dwellings to the hectare.
- 6.08 The site lies in the Landscape Character Assessment: Harrietsham to Lenham Vale. Generally, this is an area in moderate condition with very high sensitivity with guidelines to conserve and restore. However, the specific application site is previously developed land containing a commercial building and is part of established ribbon development along the A20.
- 6.09 The footprint of the 4 dwellings is 428 sqm and is smaller than the existing building footprint of 900sq. The volume of the existing building is approx. 3342 cu. metres and the volume of the proposed 4 bungalows is approx. 2440 cu. metres. Hence there is a reduction in built development of the site in footprint and volume.
- 6.10 The proposed chalet bungalows are 1.5 storeys and so do have a greater average height than the building in situ and would be publicly visible from the countryside to the west and on approach from the south. However, there is proposed landscaping along the A20 frontage and a significant reduction in both the amount of hardstanding and the visual impact of associated commercial related uses outside the building itself.
- 6.11 The proposal is not out of character with the surrounding pattern and grain of development and is sympathetic to the scale of surrounding dwellings. The parking areas are out of view when entering the site and the building line set back from the road is 12m, giving scope for a significant improved landscaping of the site frontage.
- 6.12 The density of the new housing proposed is higher than the immediate locality but at 13.3 dph, it is still a low density and is not considered to be cramped or represent overdevelopment although it is higher than the immediate neighbouring properties.
- 6.13 Policy LPRHOU1 specifically requires "effective and efficient use" of brownfield land when redeveloped and I consider that the proposed density is an acceptable compromise towards that objective.
- 6.14 The vehicular access onto a busy 50mph A-road will, by necessity, need to be engineered with visibility splays but the width of the access is unchanged from

existing. The parking and turning gives an overall amount of hardstanding bearing in mind the small scale of the development but this is sited behind the frontage plots so the wider visual impact is lessened compared to the existing parking and turning areas of the commercial use.

- 6.15 There will be a reduction in both volume and footprint of the bungalows compared to the commercial building being demolished, the reduction in hardstanding, and scope for landscaping along the A20, the proposal would now provide for a high spatial quality and would, in accordance with local plan policy LPRHOU1, result in a significant environmental improvement compared with the existing built form, and better reflect the character and appearance of the locality. The revised location of the rear gardens of plots 3 and 4 reduces the likelihood of domestic paraphernalia visible to the A20.
- 6.16 The proposal would not result in the loss of any important view; it would not appear cramped, or harmfully at odds with the prevailing pattern of development in the locality; and nor would it appear unacceptably dominant or visually incongruous when viewed from any public vantage point.
- 6.17 Lenham Parish Council has objected due to their concerns that the redevelopment would result in coalescence of Lenham with neighbouring Harrietsham and consolidation of the pattern of sporadic development along the A20. However, the site is already intensively developed with a visually prominent commercial building, extensive hard surfacing and an open frontage with no landscape screening. In my view, the redevelopment with 4 small dwellings does not add to coalescence or sporadic development. The proposal would also give an opportunity for landscape screening, especially along the frontage to the A20.

Sustainability

- 6.18 The site is within 180m walking distance of a convenience store at a petrol station located to the east. An eastbound bus stop is 130m away and a westbound bus stop is 270m away. This is the 10X service with approx. hourly daytime services between Ashford and Maidstone Monday-Saturday (though no service on Sundays).
- 6.19 The Rural Service Centre of Lenham with a rail station, primary and secondary schools, a GP surgery and local convenience store and other shops is approximately 1 km away with public footpaths available. The Rural Service centre of Harrietsham is 1.2km away with a rail station, a primary school, a GP surgery and local convenience store.
- 6.20 Taking these factors into account, I do not consider the location of the development proposal to be in an unsustainable location, particularly when compared to the lawful and recent temporary commercial uses which would attract significant vehicular traffic and comings and goings especially into the evenings.

Brownfield Development

- 6.21 The site has been in various commercial uses for several years. Its lawful planning use is a nightclub (sui generis) but temporary uses for car related and hot food takeaways have taken place in recent years.
- 6.22 As a "brownfield" site, Policy LPRHOU1 relates and states that that in exceptional circumstances, the residential redevelopment of previously developed land in the countryside is acceptable provided:
- it makes effective and efficient use of land
 - the site has poor environmental value

- the density of new housing proposals reflects local individual character and appearance, being consistent with policy LPRHOU5
 - meet the policy requirements as set out elsewhere in the LPR
 - the site is, or can reasonably be made, accessible by sustainable modes to local services in identified settlements.
- 6.23 The redevelopment gives an effective and efficient use of brownfield land commensurate with its countryside location.
- 6.24 I consider the existing site to have poor environmental value. It has a prominent building, extensive hard surfacing and no landscaping. The form of the building has extended in an ad hoc and piecemeal fashion over the years since its original transport café use and has 3 small areas of pitched roofs and half of the roof is a flat roof.
- 6.25 The chalets bungalows have fully pitched roofs with barn hips and well-proportioned dormer windows and the layout has much less building form close to the prominent A20 frontage.
- 6.26 This proposal is in a relatively sustainable location, would result in a significant environmental improvement, the new housing would reflect the character and appearance of the locality, and the proposal would accord with other local plan policies. I conclude the proposal complies with LPRHOU1 and thus is acceptable development of a brownfield site in the countryside.

Residential Amenity

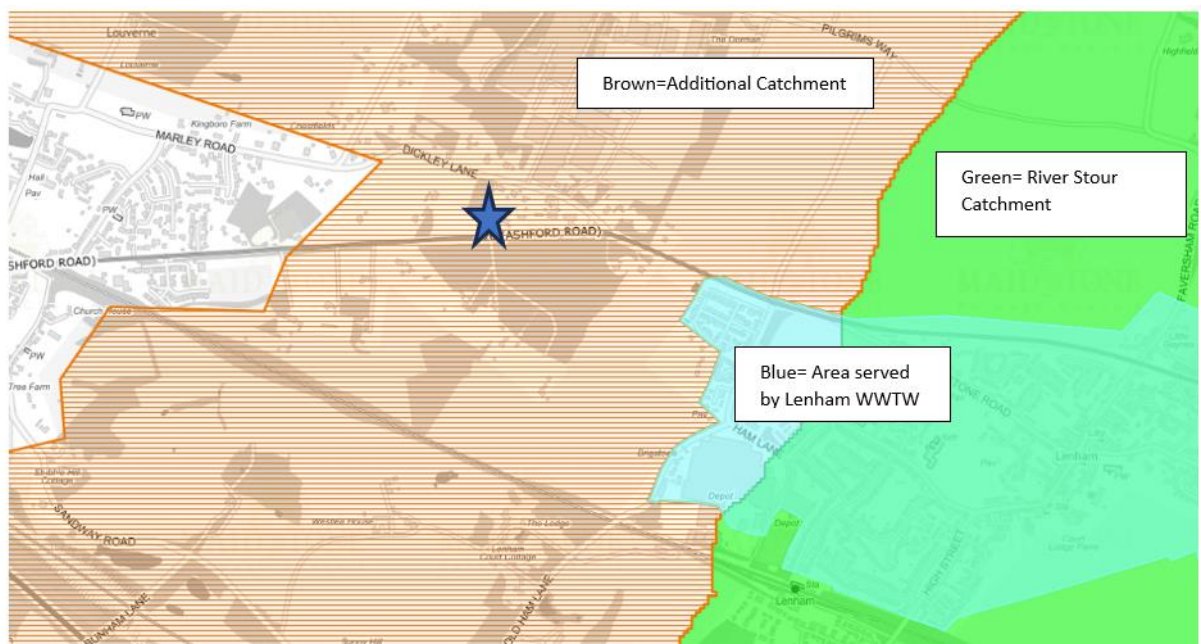
- 6.27 Local Plan policy LPRSP15 and the NPPF states that proposals will be permitted where they create high quality design and respect residential amenities of neighbouring property and for future occupiers of new development. Development should not be exposed to excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion.
- 6.28 The chalet bungalows will present upper floor dormer windows facing north towards White Pillars north of the application site but the distance between the new windows and the rear of that bungalow is over 50m which is well in excess of acceptable privacy distances. The design of the flank of the units avoids overlooking of the neighbouring property and garden to the east. The new chalet bungalows would not be close enough to be unacceptably overbearing or overshadowing to the neighbouring properties. Hence there are no concerns with impact on private residential amenity of neighbouring property and the proposal would accord with local plan policy LPRSP15.
- 6.29 Turning to noise impact on future occupiers of the development, various noise mitigation measures in terms of glazing specification and ventilation strategy and boundary fencing should be required by condition. The rearrangement of the gardens of plots 3 and 4 away from the A20 in this application will reduce noise to the amenity areas by reason of the building form and will reduce what could have been unsightly acoustic fencing along the A20.
- 6.30 In terms of ground contamination, in the light of the past commercial uses including car related businesses on unsealed surfaces, a condition is recommended.
- 6.31 Subject to the imposition of conditions, the amenity impact of the proposal would be acceptable with regard to both neighbouring occupiers and future residents, in accordance with local plan policy LPRSP15.

Highways

- 6.32 As detailed above, KCC Highways have no objections to the scheme as revised.

- 6.33 Local Plan policy LPRSP15 states that proposals should safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access. Local Plan policy LPRTRA2 seeks to ensure that the vehicle trips generated by a use can be adequately accommodated on the road network and LPRTRA4 seeks adequate on-site parking.
- 6.34 The proposal shows an acceptable access to the site with space within for manoeuvring and parking.
- 6.35 The replacement of this commercial site with 4 dwellings would not cause unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe which are the tests in the NPPF (paragraph 115) to refuse a scheme on highway grounds. The application is concluded not to breach policies LPRTRA2 or LPRTRA4 of the MBLP.

Nutrient Neutrality



- 6.36 The site lies outside the R Stour catchment area (green) but is in the “buffer”. The buffer covers development that needs to demonstrate it does not drain into the River Stour, either directly or indirectly (and thus does not go on to pollute the Stodmarsh National Nature Reserve in breach of Habitats Regulations).
- 6.37 In this application, the agent has confirmed that the information in the refused application 23/502239/FULL was an error and that the site does **not** benefit from a connection to a public sewer and there is no public sewer adjacent to the site.
- 6.38 The proposed foul drainage arrangement for the current proposal is through on-site package treatment plant (PTP). The agent confirms that the site already has an EA Permit for non- mains drainage.
- 6.39 Therefore, the foul drainage effluent would be treated by the PTP and drain to ground. It would not drain to a watercourse tributary or via Lenham WWTW that discharges to the River Stour. Natural England has been consulted and raises no objection.
- 6.40 On this basis, it is concluded that the reason for refusal of 23/502239/FULL has been overcome and the site does not need to demonstrate nutrient neutrality.

Biodiversity Net Gain

- 6.41 The site consists of a building with car parking to the front and back and small areas of short mown grass. A cherry laurel hedge runs along part of the west boundary. Oak and sweet chestnut trees line the east boundary, present on the neighbouring land, on the other side of the fence within a TPO.
- 6.42 In terms of biodiversity net gain (BNG), LPR policy LPRSP14(A) requires a 20% net gain on 'new residential development' which will be secured by suggested condition including for long term management (30 years). An ecological enhancement condition is also suggested.

Other Matters

- 6.43 The Arboricultural Impact Assessment report advises that the Root Protection Areas (RPA) of all retained trees have been used to define the extent of development, ensuring that there are no incursions within these protected areas. Tree protection measures have been proposed which could be secured by condition along with details of landscaping. This will need to include details of the location of services and utilities if a direct conflict with the protected tree's RPA.
- 6.44 Ecological survey information has been submitted and there is unlikely to be any direct impacts to protected species. They have advised conditions that should be attached to any permission.
- 6.45 A bat survey concludes the building is not being used as a bat roost and no mitigation or licence is expected to be needed prior to its demolition. No other special ecological mitigation is suggested other than care in regard of breeding birds and hedgehogs.
- 6.46 A planning condition could be used to seek on site renewable energy generation to cover 10% of predicted energy requirements of the proposed houses. Electric vehicle charging points are indicated but would be secured under building regulations.
- 6.47 A water saving condition will be imposed in accordance with policy LPRQD1 and accessible and adaptable dwellings under policy LPRQD6.
- 6.48 The proposed dwellings would ensure a satisfactory living accommodation for future occupiers and the floorplans submitted accord with the nationally described space standards and LPRQD6. The garden sizes comply with policy LPRQD7.
- 6.49 Lenham PC refer to the site being rejected as an allocation in the LPR which is incorrect. The site was in the "green sites" (ie suitable for development) for 6 dwellings. It did not become a formal allocation because there was an excess of housing numbers in the green sites.
- 6.50 The site has not made a measurable contribution towards diversified economic activity in the 5 years since the nightclub use ceased. The temporary vehicle related uses were the subject of an enforcement investigation following a complaint, leading to the temporary planning permission on a trial basis referred to above.

PUBLIC SECTOR EQUALITY DUTY

- 6.51 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

- 6.52 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 The revised scheme, on the basis of the reduction of dwellings to 4, the layout and siting improvements, the reduction in hardstanding and improved access arrangement, the provision of 1.5 storey dwellings and the space for a high quality and enhanced landscaping provision, would provide for a high spatial quality throughout the site and would, in accordance with local plan policy LPRHOU1, result in a significant environmental improvement compared with the existing built form, and would be reflective of the character and appearance of the locality.
- 7.02 As such, in this regard it would also accord with LPR policy LPRSP9 due to no significant harm on the character and appearance of the area.
- 7.03 The proposal would preserve the site as countryside and would therefore not be significantly harmful to its character and appearance. The site is already intensively developed and visually prominent from the A20 and the proposal would not add any further to coalescence, or the consolidation of sporadic development. The proposal would improve the appearance of the site and gives the opportunity for significant new soft landscaping especially along the frontage to the A20.
- 7.04 The scheme is similar to 23/502239/FULL in terms of scale and form albeit with a relocation of the rear gardens away from the A20 to improve their amenity and reduce the prospect of future garden paraphernalia being visible from the A20.
- 7.05 The scheme locates the rear gardens away from the A20 to improve their amenity and reduce the prospect of future garden paraphernalia being visible from the A20. Noise from the A20 can be mitigated by securing by condition, appropriate glazing, ventilation and boundary fences,
- 7.06 Trees subject to a Tree Preservation Order can be safeguarded by securing compliance with a Tree Protection Specification.
- 7.07 There is no harm to neighbouring residential amenity by reason of unacceptable overlooking, overbearing or overshadowing.
- 7.08 This amended scheme satisfactorily deals with the issue of Nutrient Neutrality by clarifying the intended method of drainage will not impact on the River Stour.

EIA Screening

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| EIA Development | No |
| Comments | Not schedule 2 development due to small scale |

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

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 approved shall be carried out in accordance with the following approved plans:

Additional Information PCD382 / 001 Proposed Site Access and Highway Works Received on 19 March 2024

Amendment HT-P1 Proposed House type Plot 1 Received on 12 June 2024

Amendment HT_P2 Rev A Proposed House Type Plot 2 Received on 09 July 2024

Amendment HT-P3 Proposed House type Plot 3 Received on 12 June 2024

Amendment HT-P4 Proposed House type Plot 4 Received on 12 June 2024

Amendment SL_01 Rev B Proposed Site Layout Received on 09 July 2024

Amendment SE-01 Proposed Street Elevation Coloured Received on 12 June 2024

Amendment CSL-01 Site Layout Received on 12 June 2024

Reason: To clarify which plans/documents have been approved.

- 3) No development shall take place until a Biodiversity Gain Plan to ensure a minimum 20% net gain in habitat types on the site has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Gain Plan shall include:

- a) Detailed proposals for biodiversity net gain which shall include information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat; the pre-development biodiversity value of the onsite habitat; the post-development biodiversity value of the onsite habitat.

- b) A Habitat Management and Monitoring Plan (HMMP) for maintaining the onsite biodiversity net gain for a period of 30 years from completion of the development which shall include:

- (i) a non-technical summary;

- (ii) the roles and responsibilities of the people or organisation(s) delivering the HMMP;

- (iii) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;

- (iv) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and

- (v) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,

The development shall be implemented in full accordance with the requirements of the approved HMMP.

Notice in writing shall be given to the Council when the habitat creation and enhancement works as set out in the HMMP have been completed.

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure measurable net gains to biodiversity.

- 4) The developer shall arrange for a watching brief to be undertaken by an archaeologist approved by the local planning authority so that the excavation is observed and items of interest and finds are recorded. No works shall start on site until a written programme and specification for the work has been submitted to and approved by the local planning authority.

Reason: To enable the recording of any items of historical or archaeological interest.

- 5) No works shall take place to the existing structure until a Precautionary Works Method Statement for Bats has been submitted to and approved in writing by the local planning authority. The content of the method statement should include:

- Any seasonal time constraints for building removal;
- Method of instruction to site staff by the site ecologist;
- Methodology for soft-stripping of building materials;
- A building plan identifying the location of all features to be soft-stripped;
- Times when an ecologist is required on site (where relevant);
- Contingency plans should a bat be encountered during works.

The works shall be carried out in accordance with the approved details and a copy of the Works Method Statement (including plans) will be retained on site for the duration of building removal works.

Reason: In the interests of protected species.

- 6) From commencement of works (including site clearance), the following precautionary measures will be implemented to avoid capture of S41/priority species hedgehog:

- Backfilling of trenches and other excavations will be undertaken before nightfall, or a ramp will be left to allow any animals to easily exit;
- All excavations and trenches will be checked each morning throughout the construction period and prior to infilling;
- All temporarily stored building materials (that might act as temporary resting places) will be isolated within hardstanding areas and raised off the ground, e.g. on pallets

Reason: In the interests of protected species.

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

(i) A preliminary risk assessment which has identified:

- all previous uses

- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

(ii) A site investigation, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(iii) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (ii). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall thereafter be implemented as approved.

Reason: In the interests of public health.

- 8) No development shall take place until details of the proposed finished floor levels of the building(s), all ground levels of the development, and existing site levels shown at 0.5m contour intervals have been submitted to and approved in writing by the Local Planning Authority. The proposed finished floor levels of all buildings shall be as close to existing site levels as feasible with land raising and retaining structures being avoided where possible. Where any land raising or retaining structures are required they must be clearly justified and kept to the minimum height necessary. The development shall be completed strictly in accordance with the approved details.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

- 9) The development hereby approved shall not commence above slab level until a scheme has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the internal noise levels within the residential units and the external noise levels in gardens will conform to the standard identified by the current version of BS 8233 2014, Sound Insulation and Noise Reduction for Buildings. The assessment should have regard to ProPG: Planning & Noise (2017) and the Acoustics Ventilation and Heating Guide (2020) to ensure that there is a good balance between acoustics, ventilation and thermal comfort for future occupants. It is expected that higher levels of noise that require windows to be closed to meet BS8233 internal level specifications will need greater ventilation than the minimum standard in the Building Regulations in trying to achieve open window equivalence which will involve user control of ventilation rates to key rooms such as living rooms and bedrooms. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of the amenity of future occupants.

- 10) The development hereby approved shall only be carried out in accordance with the measures outlined in the Revised Arboricultural Impact Assessment and Tree Protection Specification 9 SA/1873/21-A) received 17 December 2023. All trees to be retained must be protected by barriers and/or ground protection. 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

- 11) The development hereby approved shall not commence above slab level until written details of the following materials to be used for the external surfaces of the development hereby approved shall be submitted to and approved in writing by the local planning authority:

- (i) Red multi-stock brickwork;
- (ii) Plain clay roof tiles;
- (iii) Plain clay tile hanging; and
- (iv) Feature use of Knapped Flint panels or Kentish Ragstone plinths (ie ragstone already quarried).

The development shall be carried out in accordance with approved details and shall be maintained as such thereafter.

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

- 12) No development above slab level shall take place until details of a scheme for the enhancement of ecology on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of ecology through integrated methods into the fabric of the buildings by means such as swift bricks, bat tubes and bee bricks, and through the provision within the application site of measures such as bird and bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to the first occupation of any unit or area to which the details relate and all features shall be permanently retained thereafter.

Reason: To enhance ecology.

- 13) No development above slab level shall take place until details and evidence of the measures necessary to incorporate at least 10% on-site renewable or low carbon energy production measured as a percentage of overall consumption have been submitted to and approved in writing by the Local Planning Authority. Such details shall include measures for battery energy storage unless this is demonstrated with evidence to be unfeasible. The approved details shall be implemented prior to the first use/occupation of any unit to which the details relate and thereafter retained.

Reason: To ensure a sustainable form of development

- 14) The development hereby approved shall not commence above slab level until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:

- a) a scheme designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012).
- b) details of the number, size, species, maturity, spacing and position of existing/proposed native trees and landscaping and
- c) a ten [10] year landscape management plan including the management of the landscape buffer to the A20.

Only non-plastic guards shall be used for the new trees and hedgerows).

The details shall specifically include native hedgerow landscaping along boundaries of the site and substantial native planting in the landscape buffer on the southern frontage to the A20.

Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development. The reason for the longer 10 year period is to ensure adequate screening of the development in a countryside location.

- 15) The development hereby approved shall not commence above slab level until details for new hedgerow planting along all boundaries of the site has been submitted to and approved by the local planning authority which shall show a double staggered hedgerow with approximately 45cm spacing and consisting of 70% Hawthorn or Blackthorn, 5% Dogwood, 10% Field Maple, 10% Hazel, 2.5% Holly and 2.5% Wayfaring Tree and shall include the siting, spacing, maturity, details of management (including should planting fail) and will follow the detailed guidance on native hedgerow planting and maintenance on the web site at [Hedges - Maidstone Borough Council](#). The approved hedgerow shall be planted in the first planting season following the first occupation of the buildings and shall be planted and thereafter maintained for at least a 10 year period as per the approved specification with any decaying or dead plants replaced as per the approved specification and managed accordingly.

Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development. The reason for the longer 10 year period is to mitigate the intensification of use of the site by strengthening the landscaping particularly along the front boundary of the site where visibility from the public highway is greatest.

- 16) No dwelling shall be occupied until secure and covered cycle parking relating to that dwelling has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. They shall be retained thereafter.

Reason: In the interests of sustainable travel.

- 17) All landscaping specified in the approved landscape details shall be carried out in the first planting season (1 October to end of February) following the first occupation.

The approved landscaping shall be retained for at least 10 years following its implementation and shall be managed and retained strictly in accordance with the approved specification/management plan, and any approved or retained seeding or turfing which fails to establish or any trees or plants which, before a period of 10 years from the completion of the development has expired, die or become so seriously damaged or diseased that their 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. No replacement planting or removal of any planting shall take place without the prior written consent of the local planning authority.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. The reason for the longer 10 year period is to ensure adequate screening of the development in a countryside location.

- 18) The development hereby approved shall not commence above slab level until, details of 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 building(s) or land.

Reason: To ensure a satisfactory appearance to the development.

- 19) 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 maintained thereafter;

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

- 20) Prior to the first occupation of the dwellings hereby approved, a Closure Report shall be submitted to and approved in writing by the local planning authority. The closure report shall include full verification details as set out in the approved remediation method statement. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Reason: In the interests of public health.

- 21) No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details of it are submitted to and approved in writing by the local planning authority. Any details to be submitted shall include a lighting plan for biodiversity designed in accordance with the Bat Conservation Trust's 'Guidance Note 8: Bats and Artificial Lighting 08/23'. The plan shall also show the type and locations of proposed external lighting, as well as the expected light spill in lux levels, to demonstrate that existing dark corridors will be maintained and that areas to be lit will not adversely impact biodiversity including boundary vegetation, proposed landscaping and bat/bird boxes. All external lighting shall be installed in accordance with the specifications and locations set out in the approved plan and shall be maintained as such thereafter.

Reason: In the interest of visual and residential amenity; and to safeguard protected species.

- 22) The approved details of the vehicle parking and turning areas shall be completed prior to the first use of the related dwelling hereby approved 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 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.

- 23) Prior to first occupation, the access and visibility splays hereby approved shall be constructed in accordance with drawing PCD382/001 with a bound surface for a distance of 5m from the highway. There shall be no obstructions over 1.05metres above carriageway level within the visibility splays

Reason: in the interests of highway safety.

- 24) The dwellings hereby approved shall meet the higher level of water efficiency of 110 litres per person, per day as set out under the Building Regulations Part G2 or any superseding standard. The dwellings shall not be occupied unless this standard has been met.

Reason: To ensure a sustainable form of development in an area of water stress.

- 25) The dwelling(s) hereby approved shall meet the accessible and adaptable dwellings building regulations Part M4(2) standard or any superseding standard. No dwelling(s) shall be occupied unless this standard has been met and the dwelling(s) shall be thereafter retained as such.

Reason: To ensure the development meets acceptable standards of accessible and adaptable dwellings.

- 26) The foul drainage shall comprise of a Package Treatment Plant discharging to ground or connection to a sewer that discharges to Harrietsham Wastewater Treatment Works only.

Reason: To ensure that the foul drainage from the site does not finally discharge into the River Stour to comply with the Conservation of Habitats and Species Regulations 2017.

- 27) Prior to the development hereby approved reaching slab level a scheme for (a) the storage and screening of refuse bins, and (b) the collection of refuse bins shall be submitted to and approved by the Local Planning Authority. The approved details shall be in place before first occupation of the development hereby approved, and maintained thereafter.

Reason: In the interests of amenity and the streetscene.

- 28) Before the development hereby permitted is first occupied, the proposed window(s) to the front first floor of plots 01 and 02 shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

- 29) No additional windows or other openings shall be inserted, placed or formed at any time in the east facing windows of plot 02.

Reason: To prevent overlooking of adjoining property.

Informatives

- 1) KCC Highways
- 2) KCC Biodiversity officer
- 3) CIL Liable