

REPORT SUMMARY

REFERENCE NO - 14/502152/FULL		
APPLICATION PROPOSAL Demolition of United Reform Church and adjoining hall to facilitate the erection of 24 No. dwellings on this land and land to the south with associated parking, access (from Maidstone Road) and landscaping		
ADDRESS Lenham United Reformed Church Maidstone Road Lenham Kent ME17 2QH		
RECOMMENDATION GRANT OUTLINE PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS		
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views of Lenham Parish Council, who have requested that the application be reported to Planning Committee in the event of a recommendation for approval.		
WARD Harrietsham And Lenham Ward	PARISH/TOWN COUNCIL Lenham	APPLICANT Akehurst Epps Limited AGENT Hume Planning Consultancy Ltd
DECISION DUE DATE 28/11/14	PUBLICITY EXPIRY DATE 28/11/14	OFFICER SITE VISIT DATE Various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

Proposal site (applications relating to the use of the United Reformed Church as a playgroup/nursery and 36 High Street have been omitted for purposes of clarity):

- 14/502407 Demolition of United Reform Church and adjoining hall to facilitate the erection of 24 No. dwellings on this land and land to the south with associated parking, access (from Maidstone Road) and landscaping – CURRENTLY UNDER CONSIDERATION
- MA/14/0226 Demolition of United Reform Church and adjoining hall to facilitate the erection of 25No. dwellings on this land and land to the south with associated parking, access (from Maidstone Road) and landscaping – WITHDRAWN BY APPLICANT
- MA/14/0225 An application for the demolition of United Reform Church and adjoining hall to facilitate the erection of 25No. dwellings on this land and land to the south with associated parking, access (from Maidstone Road) and landscaping- WITHDRAWN BY APPLICANT
- MA/87/0956 Erection of four detached dwellings, garage to serve 21 Maidstone Road and formation of new access from Maidstone Road - REFUSED
- MA/83/0771 Renewal of permission for use for a playgroup for 24 children - APPROVED
- 50/0117/MK2 The building of a church - APPROVED WITH CONDITIONS

Adjacent site (land to south of Parapet House):

- MA/06/0023 Erection of 4 no. dwellings with associated garaging and access (resubmission of application MA/04/2365) – REFUSED, DISMISSED AT APPEAL

- MA/04/2365 Erection of 4 no. dwellings and 1 no. apartment and creation of new vehicular access – REFUSED, DISMISSED AT APPEAL
- MA/95/1589 Erection of three four bedroom houses and two five bedroom houses with associated garages – REFUSED, DISMISSED AT APPEAL

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The proposal site is located within the defined settlement boundary of Lenham, and comprises an irregularly shaped parcel of land. The site is entirely within the Lenham Conservation Area, but the site is not subject to any environmental or other designations, whether national or Maidstone Borough-Wide Local Plan 2000 specific and is not located in an area recorded by the Environment Agency as being prone to fluvial flooding. The main body of the site is entirely severed from public areas, including highways. The exception to this is the far northern projection of the site which fronts onto Maidstone Road, a classified road (C259) which provides a key route between the centre of the village and the A20. The site is currently in use as garden land associated with various properties surrounding it, other than the northern part of the site referred to above, which is currently occupied by the Lenham United Reformed Church, which has been unused for approximately four years.
- 1.02 The site, which has an area of approximately 0.9Ha, is predominantly given over to lawned garden areas, however there are a small number of modest single storey buildings and other structures in various states of disrepair on the land including a swimming pool and changing room in the south east of the site. There are two conjoined buildings on the land associated with the Lenham United Reformed Church, an early twentieth century striking red brick building set gable on to the highway, with a steeply pitched roof allowing additional accommodation in the roof space. Subservient to this is the church hall, a more modest building set further back from the highway which replicates some of the architectural forms of the dominant building such as the flat roofed projection to the front elevation, which is also constructed of red brick. There are a number of trees on the site, including a band of self seeded woodland along the boundary of the site with the cricket pitch, a mature Beech to the south of the church, and a row of trees along the eastern boundary of the site, all of which are protected by virtue of their location within the Lenham Conservation Area. Of these, most are of limited value and quality, however there are 2 Grade A trees and 21 Grade B trees among them.
- 1.03 The land uses surrounding the site are predominantly residential, including dwellings fronting onto Maidstone Road and High Street, however the western boundary of the site adjoins the Lenham Cricket Ground, and to the north of the site is a public car park. The neighbouring dwellings vary in age, size and design, and a number are listed, including 23 Maidstone Road, and 56, 58 and 60 High Street, all of which have curtilages which abut that of the proposal site. Of these all are Grade II listed, with the exception of 56 High Street (Honywood House), which is Grade II* listed. Notwithstanding this, there are more recent properties within close proximity to the site, including 10A Maidstone Road to the east of the car park, north east of the site. The site is located in close proximity to the village square, the proposed access from Maidstone Road being approximately 100m to the west of The Square, and accordingly the grain of the built environment tends to be quite tight to the north and east of the site, being largely comprised of terraced centre of village properties with small gardens. The grain of development tends to expand to the south and further to the north with distance from the heart of the village.
- 1.04 The topography of the site steps up in three distinct phases, with the land fronting onto Maidstone Road (currently occupied by Lenham United Reformed Church)

being lowest in elevation and set down in relation to the land to the south by approximately 1m, the boundary between the two being marked by a wall with some degree of retaining function located to the rear of the church buildings in line with the rear boundaries of adjacent residential properties. The land then steps up by approximately 2m towards the south, and beyond this rises more gently towards the south west of the site. Altogether there is a difference in heights of 4.4m between the northern edge of the site and its far south west corner. Notwithstanding the elevation of the site in relation to the land to the north and east, it is subject to very limited external views, largely limited to glimpses between dwellings, due to the screening effect of existing properties to the north, east and south of the site and tree'd landscaping buffers to the north of the Lenham Cricket Ground and along the southern side of Maidstone Road.

2.0 PROPOSAL

- 2.01 The application seeks full planning permission for the erection of 24 dwellings together with associated landscaping and access.
- 2.02 The site is, as set out above in section 1 above, very contained in terms of public views, with very limited frontage onto the public highway. The application proposes to gain access to the development by way of the land associated with Lenham United Reformed Church, which together with its hall would be demolished to allow this. Members will be aware that although located within the Lenham Conservation Area, these buildings are not listed.
- 2.03 The layout of the proposed development is very much a function of the constraints of the site, which include its topography and enclosed character, as well as the proximity of existing dwellings and heritage assets. The layout, which incorporates a central square and has a strong sense of enclosure to the development, also seeks to refer to the pattern of historic parts of Lenham particularly Church Square, and to a lesser extent The Square and more recent developments like Wickham Place, which have strong presence and closely packed properties centred around shared space.
- 2.04 The demolition of the existing church buildings would allow the provision of the access into the site, together with a detached dwelling which would be set back from the site frontage with Maidstone Road. Moving further into the site, to the east of the access way (and to the rear of numbers 17, 19-21 and 23 Maidstone Road) dwellings would be arranged in a staggered terrace of five, the northernmost of which would be connected to the others by an undercroft, allowing access to a parking area to the rear, beyond which is the neighbouring property Theohurst. This terrace would provide a strong frontage to the eastern side of the route into the site, opposite which would be a pair of semi-detached dwellings and a terrace of three properties, set perpendicular relative to the terrace on the opposite side of the access. These dwellings, located to the west of the site access would face south west, backing onto a parking area between the dwellings and the existing properties fronting onto Maidstone Road (numbers 31, 33, 35, 37 and 39). These dwellings would face into the site, and an open area of landscaping forming a "green" within the development which allows for the retention of a group of trees which include a grade A Beech and two grade B Sycamores.
- 2.05 Moving beyond these housing elements and the "green", the site opens out into a "square", around which are arranged twelve dwellings, comprising a right angled terrace of seven (incorporating an undercroft to allow access to rear parking in the south east of the site) along the south and east edges of the square, a smaller terrace of four forming the western edge of the square, and a detached dwelling on the northern edge of the square, which serves to provide a separation between the two main zones of the site. The siting of the dwellings around the square would serve to enclose this space, a sense of place which would be reinforced by the direct

fronting of the dwellings onto the central communal area. At the same time, the staggered frontages and variation of design of the dwellings would provide visual interest, and the inclusion of an undercroft and spaces between the dwellings would allow glimpses beyond the central space.

- 2.06 Beyond the square in the south west of the site a detached dwelling is proposed, which would essentially be separate from the main body of the site, although it would be accessed by way of the main route through the site.
- 2.07 All of the dwellings would have rear gardens; whilst these would be of variable size, the layout also includes communal areas of landscaping including the green in the west of the site and an area to the west of the access, together with zones of soft landscaping to the south and west boundaries of the site.
- 2.08 In terms of the detailed design of the proposal, the approach taken has been that of the traditional Kentish vernacular in terms of scale, overall appearance, architectural detailing and materials, which is a response to the setting of the site within the Lenham Conservation Area, and the high number of listed buildings forming the immediate and intermediate context of the development. As set out above, the development would incorporate terraced, semi-detached and detached dwellings, and care has been taken in the treatment of key frontages to shared spaces within the site to provide visual interest through variation and articulation of design, by way of the detailing of multi-aspect buildings. This is most clearly demonstrated in the variety of roof heights and forms incorporated into the design, which takes its cue from the roofscape of the heart of the village, although it also extends to the use of storm porches, bay windows, brick arches, roof overhangs, flat roofed dormers and undercrofts throughout the site. This approach is supported through the use of a variety of traditional materials local to the proposal site including hanging tiles, weatherboarding and brick.
- 2.09 Of particular note is the dwelling proposed to plot 1, which occupies the most prominent position within the site in respect of public views. The building is comparable in terms of its footprint to neighbouring terraced dwellings, but is set back from Maidstone Road by 6.5m in relation to the adjacent properties due to the requirement to provide appropriate visibility splays to the site access. Whilst this is out of keeping with the general pattern of the historic fabric of the surroundings, it is by no means a unique arrangement, and it should be noted that the front elevation of the building is in line with that of the garage to number 23 Maidstone Road which is located immediately adjacent to the proposed building. Furthermore, the existing buildings on the site are themselves set further back from the road than the building proposed. The design of this dwelling incorporates a first floor oriel window which wraps around its northern corner, making a nod to recessed features to properties in the locale including number 19-21 Maidstone Road and The Red Lion as well as cantilevered first floor projections to other buildings within the centre of the village. This feature provides a striking architectural feature of interest in the streetscene and also to the entrance of the development. The use of feature fenestration to this building is continued in the incorporation of a double height glazed feature to the side elevation of the dwelling.
- 2.10 The development would provide 40% affordable housing, including the detached dwelling fronting Maidstone Road at the site access, the terrace and pair of semi-detached dwellings located to the rear of numbers 31, 33, 35, 37 and 39 Maidstone Road in the north of the site, and four terraced properties forming the eastern boundary of the square in the south of the site. The housing mix is set out in the table below:

Affordable	No.
2 bed house	4

3 bed house	5
4 bed house	1
	(10)
Market	
2 bed house	2
3 bed house	9
4 bed house	3
	(14)
Total	24

- 2.11 The development would achieve Level 4 of the Code for Sustainable Homes.
- 2.12 The application has been subject to pre-application discussion, and represents the resubmission of a withdrawn application, itself subject to pre-application advice. The applicant engaged in consultation with the local community by way of leafleting and a meeting with the Parish Council prior to submission of the previous application, a scheme for the erection of 25 dwellings. The current application has been arrived at in light of consultation responses received in response to the previous application, in particular those of English Heritage, Maidstone Borough Council's Conservation and Landscape Officers, and Kent County Council's Highway Services Engineer, as well as advice from Maidstone Borough Council Planning Officers.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework 2012 (NPPF)

National Planning Practice Guidance 2014 (NPPG)

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV22, ENV49, T13, T21, CF1, CF3

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

Maidstone Borough Council Draft Local Plan: NPPF1, SS1, SP3, H3 (3), H2, DM1, DM2, DM4, DM5, DM6, DM10, DM11, DM12, DM13, DM23, DM24, ID1

4.0 LOCAL REPRESENTATIONS

- 4.01 A site notice was displayed at the site on 11th September 2014. The application was also advertised by way of a press notice published on 12th September 2014.
- 4.02 Twenty five discrete neighbour representations were received from (or on behalf of) sixteen households, in addition to which, a representation was received from Lenham Cricket Club. Of these, all raised objection to or concern over the proposal. The following issues were raised:
- Unsustainable location of site in relation to the village centre.
 - Setting of precedent and prematurity in respect of emerging Neighbourhood Plan.
 - Erosion of green space within the village of Lenham.
 - Overdevelopment of the site, excessive density of built development.
 - Impact upon the Area of Outstanding Natural Beauty.
 - Design of the proposal being out of keeping with the character of the village.
 - Highway issues, including traffic generation, inadequate provision of on site parking, inappropriate location for a new access, speed of traffic/speed limit.
 - Flood risk on the site.
 - Harm to residential amenity by way of loss of privacy/overlooking..

- Pressure on social infrastructure and waste water services.
- Lack of consideration of impact on biodiversity, particularly bats and reptiles.
- Loss of trees.
- Harm to a public right of way adjacent to the site.
- Harm to heritage assets including Lenham Conservation Area and neighbouring listed buildings.
- Lack of detail and inaccuracies in the plans.
- Conflict with the activities of Lenham Cricket Club.
- Damage to neighbouring properties as a result of the development, including during the construction process and flood.
- Loss of views.
- Reference made to petition against the allocation of Lenham as a focus of housing development in the draft Local Plan.

4.03 A further representation was received which, whilst raising concern over the impact on local services and infrastructure, noted the contribution that the development would make towards providing local housing.

5.0 CONSULTATIONS

5.01 **Lenham Parish Council** wish to see the application refused on the following grounds:

"The site lies within the conservation area of the village and offers a green landscaped area, which is a natural environment for many substantial well established trees and undergrowth. Loss of such a landscape would impact upon the birds and several species of wildlife living in the habitat, in their natural environment.

The site is situated adjacent to many listed buildings and would impinge upon the privacy of several buildings. The density of the development places properties on the western boundary in close proximity to the Lenham Cricket Club ground and may make future use of the ground untenable, which could lead to the loss of a well used, popular sporting facility. Obviously, the concerns relate to possible injury to residents from stray cricket balls entering the development.

Many local residents are concerned that in an area where parking is already at a premium, the expected loss of parking spaces will cause more inconvenience to those who do not have off road parking facilities. It will be difficult to find alternative spaces to park, as the car park opposite the site is already regularly used to capacity and has time constraints on the length of time parking is permitted. The extra vehicles accessing/exiting the site will cause congestion on a busy main thoroughfare into the village centre. The actual access road to the site is perilously close to adjoining buildings with poor sightlines and visibility for pedestrians, particularly as it is opposite a busy entrance/exit to the Maidstone Road car park.

We consider this site to be a green lung in the village and a natural buffer from continuous development along the south side of Maidstone Road. We request that the application is refused and reported to Planning Committee."

5.02 **Kent County Council** raise no objection to the proposal, subject to the provision of contributions towards community and education infrastructure in the local area as follows:

- Primary Education: £2360.96 per applicable house (£56,663.04) towards expansion of Primary Schools local to the development.

- Secondary Education: currently no requirement.
 - Libraries: £1,152.38
 - Youth Service: £202.62.
- 5.03 **Primary Care Trust (NHS Property Services)** raise no objection to the proposal, subject to the provision of contributions of £14,292 towards local primary and community health services, being an extension to the Glebe Medical Centre (based on a contribution of £360.00 per person extrapolated from calculated occupancy rates of market housing units).
- 5.04 **Kent County Council Highway Services** raise no objection to the proposal subject to securing provision of the proposed access arrangements and the introduction of on street parking restrictions, as set out in the detailed comments:

"In the context of national planning policy it is not considered that this proposal will generate traffic levels that could warrant or sustain an objection on those grounds. I also write to confirm that the car parking levels proposed with this housing development are in line with County Council standards and are therefore acceptable. The applicant's transport consultant, through the Transport Statement provide, has also demonstrated that there is appropriate provision for turning a refuse freighter so that appropriate refuse collection can be undertaken.

Turning to visibility the applicant has proposed a simple vehicle crossover type access (which will need to be of a heavier duty in terms of construction) and this is considered acceptable for a development of this scale. This leads to a predominantly shared surface drive which again is considered acceptable for a development of this scale. The applicant has shown on drawing no. TPHS/047/DR/003 Rev. A, visibility splays from the access, marked from a realistic emerging viewing point. I also consider however that more realistic through traffic road positions can be applied with respect to visibility object points which could appropriately but safely reduce the need for on street parking restrictions further to that shown on the drawing.

Despite this it should be noted that it is considered that a section of double yellow lines will be required covering the garage access to no. 23 Maidstone Road and the frontage of no. 31 Maidstone Road.

Should this application be approved, implementation of the vehicle crossover and necessary on street parking restrictions will require the applicant to enter into a Section 278 agreement with the Highway Authority. From the topography of the site it is will also be necessary for the applicant to provide measures to prevent the discharge of surface water onto the highway."

- 5.05.1 Subsequently further comments were received which address specific concerns raised by objectors, as follows:

"I would like to add further comments regarding the road safety aspects of this application. A main tool in considering road safety for the future is to look at road safety records of the past. I can report that there have been no records of injury crashes on Maidstone Road, Lenham between Faversham Road and Swadelands Close for at least the last nine years. I have considered this and the details of this application proposal and am satisfied, subject to further details and implementation of measures that will require the applicant to enter into a S278 agreement with the Highway Authority, that this proposal will operate satisfactorily."

- 5.06 **Maidstone Borough Council Parking Services** raise no objection to the proposal or to the mitigation requested by Kent County Council Highway Services.

- 5.07 **Maidstone Borough Council Parks and Open Spaces** raise no objection to the proposal, subject to the provision of contributions of £37,800 (£1,575 per dwelling) towards Ham Lane Play Area.
- 5.08 **Maidstone Borough Council Housing Services** raise no objection to the proposal, stating that the proposed provision of affordable housing (being 40%), the tenure mix (being 60/40 affordable rent to shared ownership), and the mix of units (as set out in the table above under paragraph 2.10) is acceptable, as is the distribution of the ****
- 5.09 **Kent County Council Biodiversity Officer** raises no objection to the proposal, subject to conditions requiring the implementation of the recommendations of the Phase I Habitat Survey (undertaken by Arbtech) received 9th October 2014 and the inclusion of ecological enhancements within a detailed landscaping plan.

"We have reviewed the ecological information which has been submitted are satisfied that sufficient information has been provided to determine the planning application."

Bats

The ecological scoping survey identified the site as having low potential for bats roosting within the building and 1 emergence survey was carried out. Unfortunately the survey was not carried out in optimal weather conditions as detailed within the report:

There was heavy rain before the survey start time, however this ceased at 20:36. Light rain persisted from the survey start time until 21:41, leading to intermittent spitting/no rain until 22:45.

As such we had concerns on the validity of the survey data – this is backed up by the fact that no bats were recorded during the survey.

As a result of our comments an additional survey was carried out and no bats were recorded emerging from the building. As bats were recorded foraging within the site and emerging from adjacent buildings we are satisfied with the results of this survey.

Trees

The arboricultural report details that a number of trees are covered in ivy, contain dead wood or have cavities. A number of these trees are proposed to be removed as part of the proposed development.

An email from the ecologists has been provided detailing the below information which has satisfied us that the trees within the site have limited potential to be used by roosting bats.

All the trees on site were examined in detail in the course of the phase 1 survey. Although some were covered in ivy and had dead branches etc., they were thin and immature (see figure 3 in the report), without suitable bat roosting features. Some cavities were explored and found to be blind and exposed. No evidence e.g. staining, droppings, feeding remains was found on any tree on site, so it was concluded that the trees do not represent bat roosting habitat.

Reptiles

We accept that the majority of the site contains low potential for reptiles however the aerial photos clearly show that there is suitable habitat in areas adjacent to the site.

We had concerns that sufficient consideration has not been given to the potential of reptiles being present within the boundary and wooded areas of the site and as a result being impacted by the proposed construction work.

However a precautionary mitigation strategy has been detailed within the submitted report to minimise the potential of reptiles being injured/killed as a result of the proposed development.

We advise if planning permission is granted the precautionary mitigation strategy must be implemented if planning permission is granted. Although it does not state it in the submitted report – the precautionary works can only be carried out during the reptile active season (approximately April – September depending on the weather conditions).

Breeding Birds

There is suitable habitat within the site for breeding birds within the site. All nesting birds and their young are legally protected under the Wildlife and Countryside Act 1981 (as amended). We advise that all vegetation and buildings are removed outside of the breeding bird season (March – August).

If that is not possible an ecologist must examine the site prior to works starting and if any nesting birds are recorded all works must cease until all the young have fledged.

Enhancements

One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”.

The site plan details that a soft landscaping scheme will be included within the site – we advise that this can be designed to incorporate ecological enhancements.

If planning permission is granted a detailed landscape plan clearly showing all the ecological enhancements to be incorporated in to the site must be submitted as a condition of planning permission.”

- 5.10 **Natural England** raise no objection to the proposal, making reference to their standing advice.
- 5.11 **Maidstone Borough Council Conservation Officer** raises no objection to the proposal subject to conditions requiring the submission of samples and details of materials, joinery, architectural detailing, slab levels, boundary treatments, and hard and soft landscaping, and implementation of the approved details, as well as a condition restricting permitted development rights and the submission of an archaeological watching brief, making the following detailed comments:

“A Congregational Chapel has existed on this site since 1824, but the original building was destroyed by a bomb in 1940. This chapel occupied a backland position, being approached off Maidstone Road by a narrow alleyway next to two buildings which continued the building line of the street frontage to either side of the present site. These buildings were presumably also demolished by the bomb. Rebuilding of the chapel took place in 1950 to designs by the architects George Baines and Son, who had a long pedigree of non-conformist church work, some of their earlier 20th Century works now being accorded listed building status. The Lenham chapel, however, whilst being a pleasant enough example of mid-20th Century church design, has none of the special qualities of these earlier works. An architectural appraisal of the Lenham Conservation Area carried out by Kent County Council in April 1972 identified the chapel as being of little or no architectural or townscape value, tending to weaken the character of the area. I concur with this assessment. When the chapel was rebuilt, the frontage buildings were not, resulting in an unfortunate gap in the built-up street frontage which weakens the character of the townscape.

The proposal is to demolish the existing chapel and hall (the latter surviving from the previous church is an undistinguished late 19th Century building) in order to provide access to develop open land to the rear. This open land was formerly in orchard use

but is now of rather indeterminate use and character with some informal garden encroachments and the remains of an open-air swimming pool seemingly formerly associated with the residential property at No 36 High Street. Given the fully built-up frontages to both Maidstone Road and High Street, this open land is not widely visible and makes only a limited contribution to the character of the conservation area.

I have no objection to the demolition of the chapel and in principle I consider that the site behind is capable of development without adversely affecting the character of the conservation area. The proposals as now submitted are the result of extensive pre-application discussions which have resulted in significant improvements over the originally submitted scheme.

Ideally it would have been advantageous to re-instate buildings to the frontage of Maidstone Road to continue the strong building line. However, the need to construct an access road with adequate highway geometry means that it is only possible to place one building in this location and unfortunately this will need to be set back from the existing building line (although forward of the existing chapel). Nevertheless, I consider that this will result in an improvement over the existing situation; whilst I note English Heritage's disappointment that this building does not respect the adjacent building line, this is simply not possible if an adequate access is to be created. English Heritage also raises concerns regarding the design of this unit, considering that it fails to respond to local character and is a standard mass-produced house design; however, I consider it to be of appropriate scale and its simple design makes it suitably self-effacing so as not to compete visually with the listed buildings either side of the chapel plot, whilst quirky details such as the corner oriel window add interest to the street scene and features such as the segmental window and door arches and the flat door hood contribute appropriate vernacular touches.

Behind the frontage the layout has been significantly changed in the course of pre-application discussions in order to create an appropriate enclosed townscape culminating in an informal square which reflects built form in other parts of the conservation area such as Church Square. The impact on listed buildings at 58 and 60 High Street has also been significantly improved. The design of the proposed houses is based on vernacular precedent and roof spans have been kept to an appropriate dimension to produce buildings of appropriate scale to the context of the conservation area. The materials palette proposed is also appropriate. Whilst the development will undoubtedly have some impact on the character of the conservation area, in my opinion such impact will be acceptable and not lead to any material harm to significance."

- 5.12 **English Heritage** raise no formal objection to the proposal, although concerns are raised over some specific elements of the proposal, as set out in the following detailed comments:

"Some improvements have been made to the designs in respect of the Maidstone Road frontage. The visibility splay from the entrance road is, for example, less dominant.

However, despite a curious wrap-around oriel window, Plot 1 is still a standard mass-produced house, designed without particular reference to the character or appearance of the street or to the conservation area as a whole. We think that the design of this house in particular needs to address the NPPF's requirement for new development to respond to local character and history, and to reflect the identity of local surroundings and materials (para. 58). This does not mean a trite traditional pastiche, but instead a design which innovatively builds on the character of its

locality. We also remain disappointed that Plot 1 does not respect the building line of its existing neighbours.

English Heritage is content to defer to your Council in conjunction with its specialist conservation advice to seek an appropriate solution in this case and there is therefore no need to return to English Heritage for further advice on this application."

- 5.12.01 English Heritage provided the following comments in relation to the principle of the development in relation to the previous application on the site:

"Lenham is unusual for a Kent village for being laid out around a square, its form determined by the medieval market held weekly by one of St Augustine Canterbury's outlying farms, now Court Lodge Farm, to the south of the square. The square is at the convergence of highways serving Ashford, Maidstone and Faversham, forming a cruciform street pattern which remains readable today despite modern village extensions to the north and south.

Each of the four principal routes is lined with street-frontage properties, with the undeveloped quadrant of backland to the west of the High Street and south of Maidstone Road now forming part of the estate of the United Reform Church and is the subject of the current application. The site is largely hidden from Maidstone Road and the High Street because of the density of development along these routes. Although there is no development along the western edge of the site, this boundary is well screened from the adjacent cricket ground. Providing that this boundary is maintained and not reduced as appears to be shown on the proposed site plan, we would not object to the proposed houses.

The church itself, an unlisted former Congregational Church of 1951, is a simple, restrained design. It has now closed and we would not object in principle to its replacement, providing that any replacement building is of a high quality of design that reinforces the character and appearance of the conservation area. The NPPF encourages local authorities to seek opportunities for new development in conservation areas to enhance their significance (para. 137) and to respond to the area's local character and history (58).

English Heritage does not object to this development in principle, but we recommend that the western tree-lined boundary to the site should be retained and, if necessary, reinforced. A more sensitive approach to the Maidstone Road street scene is also called for and it would be beneficial to seek amendments to address the design issues raised above."

- 5.13 **Kent County Council Archaeological Officer** raises no objection to the proposal subject to a condition requiring the submission of details of archaeological field evaluation works and implementation of the approved details, making the following detailed comments:

"The site lies within 130m of some Anglo-Saxon burials, located during some shop works along the High Street to the east. Three inhumations were revealed with associated grave goods. Lenham is known to be a medieval market town and there are indications that it may have been an Anglo-Saxon settlement too. The presence of these burials suggests there is high potential for further early medieval remains within the development site. The site also partially lies within an area identified as medieval building plots in the Historic Towns Survey of Lenham (KCC/EH 2005).

The site along the Maidstone Road was occupied by a chapel, originally known as Ebenezer Chapel on 1st Ed OS map; Congregational Chapel on 2nd and 3rd Ed OS maps. The current building seems to be later but remains associated with the earlier structure may survive on site. It is not clear if there were burials associated with this

chapel and this needs to be reviewed to ensure there is sensitive handling of burial remains.

Current information suggests there is potential for early medieval remains to survive on this site. Much of the site might have been "backland" during the medieval and post medieval periods but the area fronting Maidstone Road could contain medieval or later buildings. There is a chapel marked on the 1st Ed OS map and remains associated with a post medieval chapel and burial ground could survive on the site."

- 5.14 **Maidstone Borough Council Landscape Officer** raises no objection to the proposal subject to the imposition of conditions requiring the submission of a detailed landscaping plan and tree protection plan, and implementation of the approved details, making the following detailed comments:

"A landscape and visual impact assessment (LVIA) and an arboricultural impact assessment (AIA) have been submitted in support of this application.

Whilst the broad principles of the LVIA are generally acceptable it appears not to have been based on current guidelines. It should adhere to the recommendations of LVIA3 (not the 2002 version).

Pre application advice has been provided to the applicant by the Council's Arboriculturists and the Arboricultural Impact Assessment produced by Ben Larkham appropriately considers the tree issues in some detail. It is not possible for the development on the site to proceed without the loss of the A grade Beech tree but significant areas of new planting have been provided around site boundaries and trees shown on the proposed site plan can be successfully retained without future pressure issues.

If you are minded to approve this application I would want to see pre commencement conditions requiring a detailed landscape scheme and a tree protection plan for both retained trees and areas of new planting."

- 5.15 **Environment Agency** raise no objection to the proposal in respect of flood risk but provide advice in respect of surface water drainage, pollution prevention and waste, which are appropriately dealt with by way of informative.
- 5.16 **Mid Kent Partnership Environmental Health Manager** raises no objection to the scheme, but request the imposition of informatives relating to the treatment of asbestos and best practice in construction.
- 5.17 **Southern Water** confirm that there is currently inadequate capacity in the local network to accommodate additional foul water disposal within the local network, however raise no objection to the proposal on the basis of the submitted FRA which states that the expected peak foul water discharge resulting from the development represents an overall reduction from the existing peak flow, which is acceptable in principle subject to conditions requiring the submission of details of foul and surface drainage, and implementation of the approved details, and an informative relating to the need for a formal connection to the public sewerage system.
- 5.18 **Kent County Council Surface Water Drainage Officer** raises no objection to the proposal subject to the imposition of conditions requiring the submission of details of surface water drainage (including a management plan) and implementation of the approved details, making the following detailed comments:

"It appears that the site may be suitable for infiltration as it is underlain by chalk; therefore in concept the utilisation of soakaways may be appropriate. However the FRA appears only to discuss management of runoff from the roof areas and there is no discussion of what is proposed for highway drainage.

It would be recommended that:

a) *The drainage strategy should account for all impermeable areas. At present the FRA discusses only those associated with roof areas and no provisions appears to have been made for highway drainage. It is not clear if other surface finishes (e.g. permeable pavement) are proposed.*

b) *A large number of soakaways are proposed but no information has been presented to indicate locations. If soakaways are utilised adequate separation distances must be allowed from boundaries, building foundations and other soakaways. An appropriate arrangement must be demonstrated prior to any construction.*

c) *Site specific ground investigation must be undertaken at the location of any measure proposed for infiltration and at the appropriate depth to ensure that adequate infiltration rates are achievable as well as confirming ground stability.*

d) *If soakaways are to be included as individual house soakaways information must be attached to each house sale on maintenance responsibilities. Appropriate access arrangements must be provided within the site layout to enable future maintenance.*

Management of surface water should be achievable onsite at this location but the information as currently submitted is insufficient to demonstrate this. Planning conditions should be placed to ensure that such information can be supplied and the feasibility of the drainage proposal demonstrated prior to construction."

- 5.19 **Sport England** raise no objection to the proposal, but raise concern over the proximity of the site to the Lenham Cricket Club ground and request a condition requiring the submission of details of cricket ground mitigation measures, and implementation of the approved details, making the following detailed comments

"The proposal involves the demolition of the United Reform Church and adjoining hall and the erection of 24 No. dwellings on this land and land to the south and provision of associated parking, access (from Maidstone Road) and landscaping. Due to the existing use of the area, it would not be considered possible to accommodate a playing pitch or part thereof this area and there are no existing sports facilities within this site.

I can therefore confirm that no objection is made to the principle of the planning application.

However, Sport England would wish to make comments on the following issue.

The proposed development site adjoins Lenham Cricket Club to the south west. The club have been based at their current site since 1968 and play in the Invicta cricket league and take part in the local 20/20 evening knockouts, as well as hosting friendly cricket matches against a number of local sides. Furthermore, the club hold junior coaching and nets sessions.

Due to the proximity and the existing use of the cricket club, potential exists for there to be an impact on the proposed development i.e. cricket balls leaving the site boundary and entering residential properties. Sport England would wish to avoid a scenario where future residents of the proposed development make complaints to the cricket club and/or Council about the impact of balls entering their properties if such impacts could have been considered and addressed at the planning stage. Retrospective mitigation measures are likely to be more difficult to implement and fund and the range of options available will be reduced. Mitigation measures are therefore required as part of the residential development to ensure that the use of the cricket ground does not have an adverse impact on the proposed development in terms of residential amenity and to ensure that the cricket club does not come under pressure from residents or the Council at a later date to implement such measures

which would be unreasonable given that the club is established on the site. There are a number of measures which could be pursued which include boundary treatments such as ball stopping nets and/or strategic tree planting and also cricket ball resistant material choices for windows and roofs, etc. and generally protecting the new residents from balls entering the private space. If a ball stop net was the chosen solution the ECB would recommend an 8m high fence for a net 50m away from the closest pitch. It appears that the scheme proposes to locate houses 47m from the cricket square on the adjacent site, with the proposed gardens being less than 37m away. Without appropriate mitigation measures being put in place the risk of balls entering the new development will be extremely high."

- 5.20 **UK Power Networks** raise no objection to the proposal.

6.0 BACKGROUND PAPERS AND PLANS

- 6.01 The development proposals are shown on drawing numbers SK01 and T13128 received 25th July 2014; drawing numbers 13-0158-01 rev A, 13-0158-03 and 13-0158-04 received 28th July 2014; drawing numbers 13-0158-10 rev A, 13-0158-11 rev A, 13-0158-16 rev A, 13-0158-17 rev A, 13-0158-21 rev A, 13-0158-22 rev A, 13-0158-23 rev A, 13-0158-24 rev A, 13-0158-25 rev A, 13-0158-26 rev A, 13-0158-27 rev A, 13-0158-28 rev A, 13-0158-29 rev A, 13-0158-31 rev A, 13-0158-32 rev A, 13-0158-33 rev A, 13-0158-40 rev A, 13-0158-41 rev A, 13-0158-42 rev A, 13-0158-46 rev A, 13-0158-50 rev A, 13-0158-51 rev A and 13-0158-52 rev A received 21st August 2014; drawing numbers 13-0158-30 rev A, 13-0158-35 rev A, 13-0158-36 rev A, 13-0158-37 rev A and 13-0158-38 rev A received 30th August 2014; drawing numbers 13-0158-05 rev B and 13-0158-07 rev A received 9th October 2014; drawing numbers 13-0158-04 rev C, 13-0158-15 rev A, 13-0158-18 rev B, 13-0158-20 rev B, 13-0158-45 rev B and 13-0158-47 rev C received 2nd April 2015; and drawing number 13-0158-06 rev D received 8th April 2015.
- 6.02 The application is supported by a Design and Access Statement (undertaken by Hume Planning Consultancy); Planning Statement (undertaken by Hume Planning Consultancy), Arboricultural Impact Assessment (undertaken by Ben Larkham Associates reference tr-1117-14), Landscape and Visual Impact Assessment Report and Appendices (undertaken by David Hares Landscape Architecture reference 227-01-01 and 227-01-02), Bat Emergence Survey (appendices only) (undertaken by Arbtech), Drainage Impact and Flood Risk Assessment (undertaken by BSF Consulting Engineers reference 15304 rev 2.2), Transport Statement Report (undertaken by TPHS) and Statement of Community Involvement (undertaken by Hume Planning Consultancy) received 25th July 2014; a Heritage Impact Assessment (undertaken by Purcell) received 21st August 2014; and a Bat Emergence Survey (undertaken by Arbtech) and Phase I Habitat Survey (undertaken by Arbtech) received 9th October 2014.

7.0 APPRAISAL

Principle of Development

- 7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the saved policies of the Maidstone Borough-Wide Local Plan 2000 (MBWLP). In the circumstances of this case, the key saved policy is H27, which restricts new residential development in "villages" such as Lenham to minor development; clearly the proposal currently under consideration goes beyond what can reasonably be considered to represent minor development, and is therefore contrary to this policy. The key material consideration outside of the Development

Plan in the determination of applications for residential development is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year housing land supply.

7.02 Paragraph 47 of the NPPF states that Councils should;

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;"

7.03 Relevant to this, the NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has carried this out with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA (2014) confirms the objectively assessed housing need for the borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum). Subsequent to this, the objectively assessed housing need was revised downwards to 18,600, as set out in a jointly commissioned addendum to the SHMA. This revised figure, which is based on central government population projections based on 2011 census data, was agreed by Cabinet in September 2014.

7.04 Currently, the Council has a 2.1 year supply of housing assessed against the objectively assessed housing need of 18,600 dwellings. The Council remains in the position of being unable to demonstrate a 5 year housing land supply.

7.05 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is stated that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies in the Maidstone Borough-Wide Local Plan 2000 for the supply of housing (such as H27 which seeks to restrict housing within villages such as Lenham) should not be considered up-to-date if a five year supply cannot be demonstrated. This position has been reflected in recent appeal decisions issued since the publication of the NPPF. In this policy context, the presumption in favour of sustainable development identified in paragraph 14 of the NPPF means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

7.06 In respect of the circumstances of the specifics of this case, the proposal site is located within the settlement boundary of Lenham, which is identified as a Rural Service Centre (RSC) in the draft Local Plan under draft policy SP3, providing a range of key services and community facilities including a nursery, primary and secondary schools, retail choices, and good public transport links to employment and retail centres.

7.07 RSC's are considered the most sustainable settlements in Maidstone's settlement hierarchy, as set out in the draft Local Plan, outside of the town centre and urban area by virtue of their accessibility, potential for growth and role as a service centre of surrounding areas. The draft Local Plan states that, "rural service centres play a key part in the economic and social fabric of the borough and contribute towards its character and built form. They act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys."

- 7.08 In this context, it is considered that, for the purposes of the determination of the current application, the location of the site is sustainable in the terms of the NPPF and draft Local Plan.
- 7.09 Policy SP3 of the emerging Local Plan seeks to focus new residential development on allocated sites and previously developed land (neither of which the proposal site is considered to represent) and otherwise to minor development (carrying forward the restriction set out in policy H27 of the MBWLP). Notwithstanding this, the site is within the zone identified under the scope of draft Local Plan policy H3 (3) as being suitable as a future location for housing growth comprising approximately 1500 units for the later parts of the plan (post-2026). The detail of the policy, however, states that in the event of sites such as this within the growth location coming forward prior to 2021, they will be assessed subject to the following detailed criteria:
- *Submission of necessary ecological and landscape surveys with detailed mitigation schemes;*
 - *Individual transport assessment for each development;*
 - *Provision of, or contributions towards, infrastructure improvements that benefits public transport users, pedestrians and cyclists;*
 - *Provision of, or contributions towards, community infrastructure where proven necessary;*
 - *Provision of publicly accessible open space as proven necessary, and/or contributions; and*
 - *Appropriate surface water and robust flood mitigation measures will be implemented where deemed necessary, subject to a flood risk assessment, incorporating sustainable urban drainage systems.*
- 7.10 As Members will be aware, the Council is in the position of not having an up to date adopted Local Plan and is not in a position to demonstrate a five year housing land supply. As such normal restraints on volume residential development do not currently apply as the adopted Local Plan is considered out of date. In such circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on existing service centres and on land within or adjoining existing settlements. The development of this site is therefore in accord with the objectives of the NPPF. The application is also supported by the location of the site within a general zone considered acceptable for housing under policy H3 (3) in the emerging Local Plan. Furthermore, the bringing forward of development on this sustainable site within an RSC, identified as being suitable for residential development in the emerging Local Plan, will of itself contribute towards the provision of housing and therefore help in meeting the shortfall in housing supply. This represents a strong material consideration in favour of the development.
- 7.11 The site was not submitted in the recent "call for sites" for residential development exercises undertaken by the Council; it is understood this was due to land ownership issues that have subsequently been resolved. The adjoining parcel of land, currently occupied by Lenham Cricket Club, was submitted in the most recent "call for sites" however in the absence of any information to suggest that alternative facility of equivalent scale, quality and accessibility could be provided locally, it was rejected solely on the basis that the loss of a community sports facility would be contrary to saved and emerging Local Plan policy.
- 7.12 Lenham is in the process of progressing a Neighbourhood Plan, however at the current time does not have a draft document. The documentation published to date does not contain any policies or discussion of housing provision other than

generalities which are not specific enough to be taken into consideration in the determination of the application before Members.

- 7.13 The concerns raised in respect of pre-maturity of consideration of the application due to the current status of the draft Local and Neighbourhood Plans is noted, however the Local Planning Authority has a duty to determine applications as and when submitted, and cannot refuse to determine applications on the basis that the policy framework is immature. Given the requirement for further work and procedural stages to be completed in respect of both documents, including examination, and the likely timetable for this to take place, and in light of the Council's position on its 5 year land supply (as discussed above) it is not appropriate or reasonable to delay consideration of the application in this regard.
- 7.14 I am aware that a grant of planning permission for the scheme currently under consideration could be seen as being premature in the strictest terms of policy H3 (3). However, given that the broad location has been identified as being suitable for housing development and RSCs as being the focus of new development outside of the main urban area in the emerging Local Plan, in the context of the presumption in favour of sustainable development set out in the NPPF it is considered that the principle of the development, which is not of a scale to prejudice future large scale provision of housing in accordance with the longer term objectives of the policy, is acceptable, subject to detailed consideration of whether any adverse impacts of the development would outweigh the benefits of the application in respect of the provision of affordable and market housing in a sustainable location.
- 7.15 In the circumstances of this case, the key planning issues in the consideration of this case are considered to be visual impact (including design quality); impact upon heritage assets (including listed buildings, the Lenham Conservation Area and non-designated heritage assets); affordable housing provision and S106 contributions; conflict with adjacent land uses (including residential properties and the Lenham Cricket Club); access/highway safety; landscaping and loss of trees; ecology; and loss of the church itself and associated buildings as a "community facility".

Visual Impact (including design quality) and Impact Upon Heritage Assets (including listed buildings, the Lenham Conservation Area and non-designated heritage assets)

- 7.16 Members will be aware that the designation of land within the boundary of a conservation area does not preclude suitable development on the land, and further that the key qualities of conservation areas are those of the built, rather than the natural environment. In this case, the detailed design, including the layout, is described above in paragraphs 2.02 to 2.09 (inclusive). In terms of the layout, it is considered that it represents a positive response to the constraints and topography of the site, and pays due respect to the historic fabric of the village heart of Lenham, taking its cue from established forms of development within the centre of the village, namely enclosed squares around which residential development of an intimate scale is arranged and open greens which in this case allow the retention of mature trees within the development as part of a shared space. The positioning of blocks of development within the site allow a distinct sense of transition when entering the site, from the point of entry off of Maidstone Road, opening out into the "green", progressing into the "square" with its sense of seclusion and beyond this, a single dwelling set in its own space in order to provide a sense of openness and respect the immediate setting of the neighbouring Grade II listed buildings, 58 and 60 High Street. As described above, a great deal of consideration has gone into the detail of the dwellings within the site. The frontages of the buildings in particular are considerably articulated and staggered in order to provide variety and depth, as well

as general visual interest to the streetscape within the site, whilst maintaining a consistent thread through the development in terms of the choice of materials and design detailing, which pays due respect to the traditional Kentish forms evident within the vernacular of the Lenham Conservation Area and the wider village environment. The quality of the scheme extends to the multi-aspect design of key buildings within the site which would give interest to different aspects of the streetscene, and allow natural surveillance of the open shared spaces within the site. For these reasons, the overall and detailed design of the proposed development is considered to represent a considered and sensitive response to the site itself, and its wider setting.

- 7.17 The critical point at which the development will present its public face, as it were, is the access of the site to Maidstone Road. The introduction of an access to the main body of the site will inevitably lead to the loss of the Lenham United Reform Church and its hall, which are features of note in the streetscape in this particular location. Notwithstanding this, as set out in the comments of the Council's Conservation Officer and English Heritage, the church, which is a mid twentieth century replacement of a former chapel lost as a result of bomb damage during World War Two, is not considered to be of sufficient historical or architectural merit to warrant a refusal of planning permission on the basis of its loss or an application for spot listing. Furthermore, the siting of the buildings within their grounds is such that, notwithstanding their elevation in relation to the public highway, their prominence in public views of the streetscene is limited due to the screening effect of other, adjacent buildings.
- 7.18 As Members will note from the consultation responses set out above, there is disagreement between English Heritage and the Council's Conservation Officer in respect of the assessment of the dwelling proposed to the frontage of the site on Maidstone Road, primarily in regard to its siting in relation to the public highway and its detailed appearance. In considering the merits of this element of the scheme, it is necessary to assess the impact of the development on the conservation area and the setting of adjacent listed building in the context of the existing buildings on the site, which, as set out in the preceding paragraph, are recognised by both parties as being of limited quality. In terms of the detailed design of the dwelling, it is described by English Heritage as a "*standard mass-produced house, designed without particular reference to the character or appearance of the street or to the conservation area as a whole*", whilst the Maidstone Borough Council Conservation Officer regards the building as "*of appropriate scale and its simple design makes it suitably self-effacing so as not to compete visually with the listed buildings either side of the chapel plot, whilst quirky details such as the corner oriel window add interest to the street scene and features such as the segmental window and door arches and the flat door hood contribute appropriate vernacular touches*". In this, I agree with the views of the Conservation Officer. The dwelling has been designed with key features that pay respect to characteristic to the surroundings whilst not slavishly copying the appearance of the adjacent properties, and in its simplicity otherwise clearly adopts a subservient presence in relation to the adjacent listed building as well as other key buildings within the Lenham Conservation Area. This modesty in appearance to my mind is an appropriate design approach which is also consistent with the positioning of the building in relation to the frontage of the site. Whilst the comments of English Heritage concerning the integrity of the historic streetscape and restoring the continuity of the original frontage, in this case it is considered that the setting back of the dwelling is a valid approach, for the following reasons. Firstly, because the existing church and hall (as well as to a lesser extent the adjacent garage serving number 23) are themselves set back, the positioning of the property forward of them will go some way to restoring a more engaged interaction between the buildings on the site and the public highway than currently exists, and secondly (on a practical

note) the proposed arrangement will allow visibility splays adequate to ensure safe access and egress to the site, this being the only realistic entry point to the site, allowing the land to be used for the provision of housing in a sustainable location in accordance with emerging Local Plan policy at a time of significant undersupply. These factors are of significant weight in assessing the comments and views of English Heritage, which in this case are not considered to be of sufficient robustness to tip the balance towards refusal of planning permission on heritage grounds, and in particular the impact on the character and appearance of the Lenham Conservation Area. It is noted that no concerns are raised by English Heritage in relation to the impact on the setting of listed buildings or the principle of the development of the site for residential purposes per se.

- 7.19 The site is elevated in relation to the central part of the village of Lenham to the north west, however as set out above, despite this close by views, including from within the Lenham Conservation Area, are restricted due to its confined nature and the screening effect of buildings to the north, south and east, and landscaping associated with the Parapet House and the Lenham Cricket Club to the north and west. Other than the aspect into the site at the point of access, key views of the site and the proposed development would be largely limited to glimpses between buildings from isolated points along Maidstone Road and High Street, such as between number 13 Maidstone Road and the adjacent public conveniences; numbers 34 and 36 High Street; numbers 36 and 38 High Street; numbers 54 and 56 High Street; and 56 and 58 High Street) which would be in many cases limited by virtue of the presence of tree screening.
- 7.20 The site is elevated in relation to the central part of the village of Lenham to the north east as well as the North Downs to the north, and as such would be visible in longer distance views. This has been explored in the visual impact assessment submitted in support of the application, which assessed the visual impact of the development from public viewpoints as being not significant due to the screening effect of intervening buildings and vegetation. These views include points along the Pilgrims' Way and the North Downs Way, which in the vicinity of Lenham share a route. This conclusion is supported by the Council's Landscape Officer.
- 7.21 In these wider views the development would be seen against the existing surrounding development, which includes terraced, semi-detached and detached dwellings to the north, south and east, which are of a variety of heights and scales. The development would be seen in the context of this existing pattern of built development, and for this reason, and by virtue of the not excessive height of the proposed dwellings and its varied roofscape which would ensure that the development would not appear as a monolithic block beyond the existing buildings, to my mind the visual impact on the general streetscape of the centre of Lenham would be, on balance, acceptable.
- 7.22 For these reasons, in the circumstances of this case, the broad visual impact of the development is considered to be acceptable as the scheme would be subject to limited close range views but in longer views would be seen as a logical extension to the built environment within the heart of Lenham. The visual impact of the proposal is further mitigated by the detailed design, which would provide a high quality of development which responds in a positive fashion to the historic fabric of the village and maintains existing landscaping within the site.
- 7.23 I am aware of appeal decisions relating to the dismissal of a smaller residential scheme to the rear (south) of Parapet House, to the north west of the current application site, dating from 2006 as summarised above in the site history. In determining the appeals, the Inspector took the view that the proposed development was inappropriate in a location considered to be relatively remote from the village

centre, and in particular that the introduction of backland development on the site would be out of keeping with the character of the immediate setting, which was predominantly comprised of spaciouly arranged frontage development. Whilst I note the outcome of the appeals, to my mind they differ from the circumstances of the proposal currently under consideration in two key respects. Firstly, the site before Members is located adjacent to existing properties themselves represent backland development including Theohurst, Vine Cottage, Beam End and The Old Forge, located to the east of the site, as well as a listed building (numbers 58 and 60 High Street) to the south of the site which, whilst not technically constituting backland development, are residential properties located to the rear of other dwellings fronting onto High Street. The introduction of backland dwellings cannot, in these circumstances, be considered to represent a foreign pattern of development in the same way as those proposed under the scope of MA/04/2365 and MA/06/0023. Secondly, these appeal decisions are almost ten years old, and predate the publication of the NPPF. Whilst the NPPF seeks to safeguard heritage assets, it also sets out the "golden thread" of the presumption in favour of sustainable development in the planning decision making process, and also establishes the prioritisation of the provision of housing as a key national objective and the requirement for Local Planning Authorities to demonstrate a five year housing land supply, which at the current time Maidstone Borough Council is unable to do. These factors, together with the absence of any significant harm to either the setting of listed buildings or the Lenham Conservation Area identified by Council or English Heritage officers, weigh substantially in favour of a grant of planning permission.

- 7.24 For the reasons set out above, it is considered that, on balance, the proposal is of suitably high quality of design and would not be harmful to the character of appearance of the Lenham Conservation Area, general streetscape, or wider landscape, including views from the North Kent Area of Outstanding Natural Beauty. Whilst I note the comments of English Heritage in respect of the enhancement of the conservation area, to my mind the proposal would be of equal merit to that of the buildings to be lost, and as such should not be viewed as a retrograde step in the evolution of the streetscene in this particular location. In order to safeguard the quality of the development, in this case it is considered appropriate and necessary to impose conditions requiring the submission of samples and details (as appropriate) of materials, joinery, architectural detailing and boundary treatments, and the implementation of the approved details.

Affordable Housing and S106 Contributions

- 7.25 A development of this scale will place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such, policy CF1 of the Maidstone Borough-Wide Local Plan 2000 and the Council's Open Space DPD allow for suitable contributions to make the development acceptable in planning terms to be sought in line with policies of the Local Plan.
- 7.26 This is supported by policy ID1 of the emerging Local Plan, which relates to infrastructure delivery. The preamble of the draft policy sets out the Council's progress towards developing its Community Infrastructure Levy (CIL), and in the event of competing demands for developer contributions towards the delivery of infrastructure for new development proposals, identifies the Council's hierarchy of prioritisation as follows:
- affordable housing, transport, open space, public realm, health, education, social services, utilities, libraries and emergency services.
- 7.27 In this case, the applicant proposes 40% affordable housing built to Lifetime Homes standards, which is in accordance with the current Maidstone Borough Council

Affordable Housing DPD. The proposed distribution of affordable housing within the site (plots 1, 8 - 9 inclusive and 20 - 24 inclusive) and the mix of housing stock and tenure (60% social rented and 40% shared ownership), being a mix of 4 x 2-bed units, 5 x 3-bed units and 1 x 4-bed unit have been arrived at in consultation with the Council's Housing Officer who has raised no objection to the details proposed. Therefore, subject to a S106 agreement safeguarding this provision, this element of the proposal is considered to be acceptable.

- 7.28 In terms of financial contributions towards social infrastructure other than affordable housing, any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criteria that set out that any obligation must meet the following requirements: -

It is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

*And

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

(a) obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and

(b) five or more separate planning obligations that—

(i) relate to planning permissions granted for development within the area of the charging authority; and

(ii) which provide for the funding or provision of that project, or type of infrastructure have been entered into before the date that obligation A was entered into.

*This section came into force on 6th April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

- 7.29 In this case, the following contributions have been sought in respect of the proposed development, which will be considered in detail below:

- **£2,360.96 per 'applicable' house (£56,663.04)** is sought towards the enhancement of teaching space at Lenham Primary School
- **£1,152.38** is sought to be used to provide additional bookstock at Lenham library to serve the residents of the development.
- **£202.62** is sought to provide youth service equipment at Swadelands Youth Centre to serve the residents of the development.
- **£14,292** (£360 per person, per market housing unit calculated in accordance with NHS formulae of occupancy) is sought towards the extension of the medical facilities available at The Glebe Medical Centre.
- **£37,800** (£1,575 per dwelling) is sought towards the improvement, maintenance, refurbishment and replacement of the Ham Lane play area.

- 7.30 Kent County Council has requested a contribution of £2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards the enhancement of the existing teaching space of Lenham Primary School, which will allow the building to be

reconfigured to provide additional space and enable the future expansion of the facility in due course. Evidence has been submitted that demand for places at this school will, as a result of the cumulative impact of developments in the vicinity of the village, exceed capacity. The contributions set out above would go towards meeting the additional strain placed upon the school facilities within the locality, is considered to be a reasonable sum, related to the scale of the development, and represents a specific project for which contributions have not to date been secured by way of S106 monies. I am therefore satisfied that this contribution meets the tests as set out above.

- 7.31 A contribution of **£1,152.38** per dwelling is sought by Kent County Council towards additional bookstock at Lenham library to serve the residents of the development on the basis that the development would result in additional active borrowers when overall borrower numbers are in excess of area service capacity and bookstock in Maidstone generally below the County and UK average, and the contribution would go towards mitigating this impact upon local services. I consider this request to be compliant with policy CF1 and to meet the tests set out above.
- 7.32 A contribution of **£202.62** is sought by Kent County Council towards the provision of equipment at local youth services at the Swadeland Youth Centre in order to accommodate the additional strain that would be placed on the service by the proposed development. I consider that this request is justified, compliant with policy CF1 and the tests as set out above.
- 7.33 A contribution of **£23,587** is sought to fund the extension of local surgery premises at The Glebe Medical Centre. This represents a specific project for which contributions have not to date been secured by way of S106 monies. I consider this request to be justified, compliant with policy CF1 and the tests as set out above.
- 7.34 A contribution of **£37,800** is sought towards the improvement and maintenance of Ham Lane play area in order to mitigate the additional pressure on public open space within Lenham. The Maidstone Borough Council Officer has confirmed that contributions sought to date do not result in this contribution breaching the limit on a pool of no more than five contributions towards a single project. I consider that this request is justified, compliant with policy CF1 and the tests as set out above.
- 7.34 The contributions set out above are considered to be necessary to mitigate the impact upon local social and other infrastructure, to be reasonably related to the character and scale of the proposed development, to be fully financially justified, tested against the requirements of S122 and S123 of the Community Infrastructure Levy Regulations 2010, and otherwise compliant with existing and emerging Development Plan policy. The provision of these contributions by way of an appropriate legal mechanism is therefore considered to be acceptable.

Conflict with Adjacent Land Uses (including residential properties and the Lenham Cricket Club)

- 7.35 The site is located within the village envelope and in close proximity to a large number of residential properties. In assessing the impact upon the residential amenity of surrounding occupiers, the key properties are those along the southern edge of Maidstone Road, in particular numbers 23 and 31, which are located to either side of the proposed access; Theohurst and Vine Cottage; numbers 56 to 72 High Street (inclusive [evens]) which are located to the north of High Street; and in particular numbers 58 and 60 High Street which are located to the rear of number 62 High Street in close proximity to the southern boundary of the site.
- 7.36 The layout of the development and detailed design of the dwellings has been arrived at so as to avoid overlooking/loss of privacy or loss of light/overshadowing to dwellings adjacent to the site. Moving through the site, whilst the property proposed

to plot 1 (fronting onto Maidstone Road) would be located in relatively close proximity to the existing dwellings on either side of the land associated with the Lenham United Reform Church, in the case of number 23, the existing dwelling would be separated from the proposed building by an existing garage, and has no facing flank windows. In the case of number 31, this dwelling has facing windows at ground and first floor level, however the flank elevation would be separated from the proposed dwelling by the access and associated landscaping. Whilst these buildings would have a separation distance of only 11.5m, the relative alignment of the openings and the fact that they would predominantly serve non-habitable rooms are such that it is considered that the relationship between the two buildings would be acceptable. In terms of the existing dwellings along the southern edge of Maidstone Road which have rear gardens adjoining the proposal site, the rear elevation to rear elevation distances exceed 21m, which is taken to be an acceptable arrangement in built up areas which has previously been held up at appeal. The land would also be used for car parking as well as private gardens, which would lead to decreased likelihood of activities and use of the land which would give rise to sustained overlooking of adjacent properties. Concern has been expressed that the introduction of residential development, and in particular the location of the access, will give rise to disturbance to the occupiers of number 31 Maidstone Road. The impact of the introduction of the access has been assessed by the Mid Kent Environmental Health Officer who has raised no objection on this basis. In any case, the level of disturbance arising from what is a relatively small development, the access of which is not hard up against the property boundary, is not excessive in the context of the village centre location.

- 7.37 Turning to the properties located to the east of the site, of these the closest is Theohurst, the flank elevation of which would be set perpendicular to the rear elevation of the dwelling proposed to plot 2. Whilst the separation distance in this case would be 20m, in the circumstances of the case, being the absence of primary windows to habitable rooms to this elevation of Theohurst, and the intervening provision of parking to serve the dwellings on plots 3 and 4, it is considered that this arrangement is acceptable.
- 7.38 Whilst the dwellings proposed to plots 3 to 11 (inclusive) would back onto gardens associated with existing properties, the separation distances involved are great enough that it is considered that there would be no conflict in respect of residential amenity. The dwellings proposed to plots 12 and 13 would be oriented directly towards the rear elevation of number 58, however there would be a separation distance of 17.5m and 20m, and the layout allows for intervening rear gardens as well as a band of landscaping which would extend around the southern corner of the site. This would be required to be managed collectively in order to maintain an appropriate level of vegetation screening between the site proposed dwelling and the existing buildings. The property proposed to plot 14 would be located in close proximity to number 60, however it would be set at an angle to the existing dwelling, (between 7m and 10m separation between the two buildings), however the relationship between the two, insofar as the proposed dwelling is to the north west and offset, is such that no loss of light would result to the openings of habitable rooms of number 60. No first floor openings are proposed to the south east elevation of the property proposed, and as such it is not considered that the relationship between the existing and proposed dwellings would give rise to overlooking of such a degree to warrant refusal of planning permission.
- 7.39 The properties proposed to plots 15 to 19 inclusive would not have any impact upon existing dwellings, however the dwellings proposed to plots 20 to 24 inclusive would back towards the rear of properties located to the south of Maidstone Road (numbers 31 to 39 [odds] inclusive), however the proposed dwellings would have a separation of in excess of 35m from the rear elevations of the existing properties, largely forming

the rear gardens of the existing dwellings, and would be severed from these private garden areas by rear gardens and shared parking areas.

- 7.40 Members will be aware that there is no private right to a view, and whilst there would inevitably be some loss of openness of aspect to some householders as a result of a grant of planning permission, the proposed dwellings are arranged in such a way as to avoid the introduction of an overly overbearing aspect to the occupiers of existing properties. The relationship of the proposed dwellings within the site to each other is such that it is not considered that the design of the development would give rise to conditions unfavourable to the residential amenity of future occupiers.
- 7.41 For these reasons, the impact of the development in terms of the residential amenity of the occupiers of existing dwellings and future occupiers of the development is considered to be acceptable, subject to conditions restricting permitted development rights and requiring the submission of slab levels (and implementation of the approved details).
- 7.42 In respect of the relationship of the site to the adjacent cricket ground, it is recognised that there is potential for conflict between the two, in particular the dwellings proposed to plots 14 to 19 (inclusive) and their associated parking and garden areas. However, notwithstanding this, there are mitigation methods available, including the incorporation of buffer landscaping (as shown on the submitted plans) in to the layout of the development, the use of toughened glass to facing openings, and the introduction of protective ball stop netting, the latter of which are recommended by Sport England in their comments, which raise no objection in principle. To my mind, in order to safeguard the continued use of the Lenham Cricket Club on its current premises, and the potential severity of damage to body and property, all three are necessary in order for any conflict to be adequately mitigated, and to that end I propose the incorporation of the requirement for toughened glass to facing elevations and appropriate planting along the western boundary of the site in the wording of the materials and landscaping conditions, as well as a condition requiring the provision of a continuous permanent ball stop netting system along the western site boundary between the rear boundary of 72 High Street to the corner of the Lenham Cricket Ground to the north east of the pavilion. In accordance with the recommendations of the England Cricket Board and Sport England, this should have a minimum height of 8m. Whilst the netting element can be lowered when not in use, it is my understanding that the conventional construction of heavy duty ball stop mesh nets in respect of their material and mesh size is such that overshadowing would not result from the installation to the extent that harm would result to residential amenity. Whilst Lenham Cricket Club suggest that this would not be effective, this is an arrangement that has been successful at other pitches in Kent, and is supported by Sport England and the England Cricket Board. In respect of impact on the outlook of the proposed dwellings, to my mind this would be a matter of "buyer beware". Although the supporting structures and the netting itself would be located on the boundary of a conservation area, to my mind its introduction would be acceptable in the circumstances of this case by virtue of the very limited visual impact of the permanent uprights and the transparent and fine appearance of the netting, which would be seen against the landscaping proposed and is a form of development which would not be alien to the established use of the adjacent land. Reference has been made to a judgement relating to the quashing of a planning permission allowing an extension above a forge in the South Downs National Park, however it appears that in that case Sport England had considered the proposed mitigation "unenforceable"; in the case of the application currently before Members, Sport England have suggested the mitigation, and therefore must consider it to be effective and enforceable. The separation distances in the South Downs case were also less than those in Lenham.

- 7.43 For these reasons, it is my view that the securing of the mitigation listed above by way of appropriate conditions would enable the two adjacent land uses can co-exist without conflict, even allowing for the changes of level between the site and the neighbouring properties to the north and east.

Access and Highway Safety

- 7.44 The proposed access would be located in the north of the site and would extend southward into the main body of the development, at the point of junction with Maidstone Road taking the form of a "simple vehicle crossover" with shared surfaces and "home zone" design within the scheme. In light of the scale of the proposed development, this is considered to be acceptable. The Kent County Council Highway Services Engineer has requested the imposition of conditions, including the safeguarding of the delivery of the approved access arrangements and the provision of on street parking restrictions to enable safe vehicular access and egress to take place; the Maidstone Borough Council parking Services manager raises no objection to the proposed alterations to on street parking restrictions. These conditions are considered to be reasonable and necessary in the circumstances of this case.
- 7.45 Whilst the proposal would inevitably give rise to increased traffic movements, this is not in excess of the capacity of the local highway network, and no objection is raised by the County Engineer on this basis.
- 7.46 For these reasons, subject to the imposition of the relevant conditions, it is not considered that there is any objection to the proposal on highway safety grounds.

Landscaping and Loss of Trees

- 7.47 The existing landscaping on the site is of mixed and limited quality, and not considered worthy of specific protection. However, it provides context to the site and the wider village as a whole and where possible trees of value are retained within the scheme, for example along the south eastern edge of the site and on the "green", without future pressure for removal of key specimens as a result of the residential development. The exception to this is a Grade A Beech located centrally to the proposed site access, however it would not be possible to retain this specimen in the bringing forward of the site as any arrangement of the site access would prejudice the survival of the tree. This has been the subject of ongoing discussions between the developer and the Council's Landscape Officers, and regrettably it is accepted that, in the absence of an alternative site access and the context of bringing forward a residential scheme of high design quality in a sustainable location such as this, the loss of the tree is outweighed by the wider benefits of the proposal and the retention of other trees of value within the scheme and the introduction of additional areas of periphery planting to soften the edge of the development.
- 7.48 As can be seen above, the Council's Landscape Officer raises no objection to the proposal, subject to the imposition of conditions requiring the submission of details of detailed landscape proposals (including implementation details and a long term management plan) and an tree protection plan, and implementation of the approved details. Due to the screening role of the shared landscaping areas on the periphery of the site and the need to prevent excessive height and appropriate maintenance of these areas within the development, I propose a tightly worded landscape condition which incorporates the requirement for the submission of details of an ongoing long term management plan and its implementation for 10 years. As Members will be aware, the proposed layout and arrangement of parking is somewhat novel in a new development, although it takes its cue from the historic fabric of Lenham. In this case, the parking arrangement proposed, as well as responding a positive fashion to the historic fabric of Lenham, frees up space within the development for landscaping. In order to discourage on street and anti-social parking within the site and safeguard

landscaping the introduction of dwarf and post and rail fencing, which will maintain the openness of the development will be utilised, as shown on drawing number 13-0158-06 rev D, and it is considered that this "nudge" tactic will be sufficient to encourage occupiers to make effective use of the parking spaces allocated and to discourage parking behaviours detrimental to correct use of the highway.

- 7.49 Subject to the conditions set out above, it is not considered that, on balance, there is any objection to the proposal on arboricultural or landscape grounds.

Biodiversity

- 7.50 Concerns have been raised about the detrimental impact of the scheme on biodiversity assets. A Phase I Habitat Survey and Bat Emergence Survey have been submitted in support of the application which conclude that the site is of limited biodiversity value. These findings have been accepted by the Kent County Council Biodiversity Officer, who has raised no objection to the proposal subject to the imposition of a condition requiring the development to be undertaken in accordance with the recommendations of the Phase I Habitat Survey. In addition, to ensure enhancements to biodiversity, I propose that the wording of the materials condition include a requirement to incorporate swift bricks and bat boxes within the development and to include the provision of cordwood within the site to provide for hibernacula within landscaped areas.
- 7.51 Subject to the imposition of the relevant conditions, it is not considered that there is any objection to the proposal on the grounds of harm to biodiversity assets, subject to conditions.

Loss of the church and associated buildings

- 7.52 The church, and associated buildings used ancillary to the ecclesiastical use of the property, does not fall to be considered as a community facility under the scope of adopted plan policy CF3, however places of worship are included within the scope of policy DM12 of the emerging Local Plan, which although of material weight in the determination of the current application is not adopted policy, which diminishes that weight. In the circumstances of this case, the proposal would result in the loss of a church and hall, however the church ceased operation in 2012. Following the decision by the church to cease the use, the property was marketed at a realistic and competitive rate regionally and nationally, however no significant interest in relation to a continued D1 use emerged; the dominant interest being in the redevelopment of the site and land for residential purposes. It is therefore considered that the premises has been adequately been demonstrated to be non-viable under recent and current conditions.
- 7.53 Concern has been raised over the loss of the existing buildings as a viable community facility. In relation to the provision of alternative facilities, Lenham has a modern community centre which provides a significant local facility for meetings and a wide variety of activities. Whilst this is not provided as a direct replacement of the hall which is to be lost as a result of the current application, it does represent an alternative within the local area. There are alternative active United Reform Churches in Maidstone and Sittingbourne. Furthermore, whilst there is uncertainty over whether non-Church of England churches can be considered as assets of community value in accordance with the Localism Act 2011, no application has been made on behalf of the local community in this regard. In the context of the absence of adopted local plan policies relating specifically to the loss of such facilities and the existence of alternative facilities within the local area, it is not considered that there is any objection to the proposal on this basis.

Other Matters

- 7.54 Concern has been raised in respect of the potential for there to be graves on the site. This has been explored by the applicant, and it is understood that the remaining gravestones will be relocated to a suitable alternative establishment. Whilst it is believed, in the context of the site history, to be unlikely that there are any human remains on the site which has been deconsecrated following the cessation of the use of the church for ecumenical purposes, nonetheless in the event of bodily remains being found, the exhumation and subsequent disposal of any material would be controlled under the Disused Burial Grounds Act 1884 and the Disused Burial Grounds (Amendment) Act 1981 separate of planning control. English Heritage has published guidance on the treatment of human remains disturbed as a result of development, which states that the principle of burials being disturbed as a result of development is potentially acceptable (and particularly where it is believed that most or all known burials have been removed), but that if disturbance does take place, an archaeological condition is acceptable to deal with the event (and the developer would thereafter be responsible for the study and subsequent reburial of the remains). There has been a suggestion that the landscaping of the site access incorporate reference to the historic use of the site as a place of worship; whilst admirable and appropriate given the history of the site, it is not considered that this is necessary to make the development acceptable in planning terms and therefore fails the tests for conditions, however the applicant is by way of an informative encouraged to work together with the Parish Council and other parties to ensure that the landscaping scheme submitted in association with the relevant condition is mindful of the previous spiritual use of the site and pays it due respect.
- 7.55 The site is known to be of archaeological potential, and as such a pre-commencement condition has been requested by the Kent County Council Archaeological Officer for the purposes of investigating and recording any features of archaeological interest. This condition should also cover the potential for the discovery of human remains.
- 7.56 The site is not a location recorded by the Environment Agency as being prone to fluvial flood, and as such no objection is raised to the proposal on the grounds of flood risk. A drainage impact and flood risk assessment has been provided in support of the application. The report recommends that a surface water management strategy be developed for the scheme, and that SuDS techniques be incorporated into the detailed design of the development. Although no detail of these mitigation strategies are provided, the document indicates that surface water will be dealt with by way of soakaways. No objection in principle has been raised to this by either the Environment Agency or the Local Lead Flood Authority (KCC), who take over responsibility for such matters as of 6th April 2015, subject to the imposition of a pre-commencement condition requiring the submission of details of a sustainable surface water drainage scheme (including highway drainage), and implementation of the approved details. Whilst I note the concerns of the occupiers of neighbouring properties in this respect, in the absence of objection from the Environment Agency or the Local Lead Flood Authority (in this case Kent County Council), no objection is raised in this regard, subject to the suggested conditions.
- 7.57 In regard to foul drainage, Members will note that the submitted drainage impact and flood risk assessment states that the proposed development would result in a net reduction in foul drainage from the site. The rationale for this is that the surface (roof) drainage from the existing buildings on site all drain to the mains sewer. As all surface water drainage resulting from the proposed development would be dealt with by way of a sustainable surface water drainage system, and (notwithstanding modern consumption of water resources) the use of highly efficient white goods, sanitary wear and other appliances would be incorporated into the development, the net output to the mains sewer would be less than existing, regardless of the fact that the

- extent of the built development on the land would be far greater than at present. This report has been scrutinised by Southern Water, who (despite there being no capacity in the local waste water network) raise no objection to the proposal on the basis of the reduction in flows, subject to a pre-commencement condition requiring the submission of details of foul and surface drainage, and implementation of the approved details.
- 7.58 The former and current uses known to have taken place on the land are not believed to be likely to give rise to land contamination such that contaminated land condition are required in the circumstances in this case, a view supported by the comments of the Environment Agency and the Mid Kent Partnership Environmental Health Manager.
- 7.59 I am aware that Ward Members have previously expressed a desire that the occupancy of the affordable housing units be restricted to use for local needs housing, however the application has been assessed on the basis of the affordable housing being available to serve borough wide need, and in the absence of an up to date local housing needs survey, it is not appropriate to restrict occupancy in this way. Notwithstanding this, the Council's Housing team have confirmed that there are currently 15 households on the register who have evidenced a local connection, and 6 households which have claimed, but not evidenced, a local connection, although the claimed local connections have not to date been formally verified. Those households on the housing register who have a local connection will have the opportunity to bid for the affordable rented properties on this scheme and will be considered in accordance with the council's housing allocation scheme policy. They will also be able to express an interest in any shared ownership properties by applying direct to the Homebuy Agent.
- 7.60 Concerns have been raised in respect of the density of the development, which is 26.6 dwellings per hectare (dph). This housing density is in fact lower than the objective of achieving housing densities of 30dph in locations such as this within RSCs as set out in emerging Local Plan policy H2. However, in the circumstances of this case, in particular the location of the site within a conservation area, this housing density is considered on balance to be acceptable in the interest of securing a high quality of design that responds in a positive manner to the specific context of the site.
- 7.61 The agent has confirmed that the proposed development is expected to achieve Code for Sustainable Homes Level 4, and as such is compliant with emerging Local Plan policy. A condition should be imposed safeguarding this standard of sustainable development.
- 7.62 The site is not considered to represent agricultural land for the purposes of determining the current application. Reference has been made in objections to a public right of way associated with Lenham Cricket Ground; this is not recorded on the Kent County Council definitive map, and as such any impact on this informal route cannot be taken into consideration in the determination of the application.
- 7.63 The site is currently the subject of an application for conservation area consent in respect of the demolition of buildings on the land including the church and hall, and various outbuildings within the centre of the site. This application remains under consideration at the current time, however it is expected that the application will be recommended for approval subject to conditions, in particular tying the demolition of the church buildings to the build out of the scheme currently under consideration. No objection has been raised to the application for conservation consent by either English Heritage or the Council's Conservation Officer.

8.0 CONCLUSION

- 8.01 The proposal is contrary to adopted Maidstone Borough-Wide Local Plan 2000 policy, however for the reasons set out above, being the absence of a five year housing land supply, the age of the Development Plan, the location of the site within a larger area identified as being suitable for volume housing under policy H3 (3) of the emerging Local Plan, and the location of the site within an identified Rural Service Centre in a sustainable location, it is considered to be such that the proposal is acceptable in principle in the context of decision making that accords with the National Planning Policy Framework.
- 8.02 Whilst the development would be seen in public views, particularly from Maidstone Road and High Street, the limited visual impact of the development and the quality of the design are such that it is not considered that substantial harm would result to the character or appearance of the streetscene or the Lenham Conservation Area. The proposal would not be detrimental to the setting of neighbouring listed buildings, or to the residential amenity of the occupiers of adjacent properties, and conditions are capable of mitigating any conflict between the residential occupation of the development and the use of the adjacent cricket ground, whilst impact on biodiversity and landscape can be adequately mitigated and there is no objection to the proposal on the grounds of highway safety.
- 8.03 I have taken into consideration the consultation responses and other representations received in relation to the proposal, and assessed the application in respect of all material considerations. In this case, the limited harm that would result from the development, as mitigated by the proposed legal agreement and conditions, would not outweigh the demonstrable benefits of the provision of 24 dwellings, including affordable housing provision, in a sustainable location in the context of an inability to demonstrate a five year housing supply. As such compliance with the National Planning Policy Framework 2012 provides sufficient grounds for a departure from the Maidstone Borough-Wide Local Plan 2000. For this reason I recommend that Members grant delegated powers to the Head of Planning and Development to approve the application subject to the receipt of an appropriate S106 legal mechanism and the following conditions.

9.0 RECOMMENDATION

That subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:

The provision of 40% affordable residential units within the application site; and

A contribution of £2,360.96 per 'applicable' house (£56,663.04) towards the enhancement of teaching facilities at Lenham Primary School; and

A contribution of £202.62 towards youth service equipment at Swadelands Youth Centre; and

A contribution of £1,152.38 to be used to address the demand from the development towards additional book stock at Lenham Library; and

A contribution of £14,292 (£360 per predicted occupier based on size of market dwellings) to be prioritised firstly towards the extension of healthcare facilities at The Glebe Medical Centre, Harrietsham; and

A contribution of £37,800 towards the improvement, maintenance, refurbishment and replacement of the Ham Lane play area.

The Head of Planning and Development be given DELEGATED POWERS TO GRANT planning permission subject to the conditions and informatives set out in the report.

CONDITIONS to include

- (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 shall not commence until, written details and 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 in writing by the Local Planning Authority. The details shall include, inter alia:

- i) Traditional building materials including stock brick, plain clay tiles, hanging tiles and timber weatherboarding which reflect the local vernacular of Lenham; and
- ii) Incorporate a bat box to the boundary facing elevation of every dwelling at a height of at least 5m above ground level and a minimum of two swift bricks to either the north or the west elevation of every dwelling at a height of at least 5m above ground level, and
- iii) The use of cricket ball impact resistant glazing and roofing materials in the construction of west facing elevations of the dwellings on plots 14, 15, 16, 17, 18 and 19.

The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, to safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings, and in the interests of avoiding conflict between adjacent land uses.

- (3) No development 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 in writing by the Local Planning Authority;

- i) Details of the roof overhangs and eaves, which shall include exposed rafter feet and soffits (which shall be constructed of timber); and
- ii) Details of windows and doors (which shall be constructed of timber) and recesses/reveals (which shall be a minimum of 70mm); and
- iii) Details of the junction of the timber boarding and the brickwork; and
- iv) Details of decorative brick work including arches to fenestration, string courses and plinths.

The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, to safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings.

- (4) The development shall not commence until details of all external lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority, and shall include the following:

i) A layout plan (showing spillage and luminance levels) with beam orientation and a scheme of equipment in the design (luminaire, type, mounting height, aiming angle and luminaire profiles).

ii) A schedule of proposed hours of use for the different components of the submitted light scheme

iii) Details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology.

The lighting, which shall minimise light spillage to surrounding land, shall be installed, maintained and operated in accordance with the approved details and maintained thereafter unless the Local Planning Authority gives its written consent to any variation;

Reason: To prevent light pollution in the interests of the safeguarding of biodiversity assets, ensure a satisfactory appearance to the development and a high quality of design, and safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings

(5) The development shall not commence until details of all fencing, walling and other boundary treatments have been submitted to the Local Planning Authority and approved in writing. The submitted details shall include:

i) Details of a permanent retractable ball stop net with a minimum height of 8m to the western boundary of the site between the rear boundary of 72 High Street to the corner of the Lenham Cricket Ground to the north east of the pavilion, which shall be constructed of permanent supporting posts and a fully retractable heavy duty ball stop mesh net constructed in accordance with ECB guidelines;

ii) Details in the form of drawings to an appropriate scale of 1:20 or 1:50 and a sample panel of all proposed retaining walls within the site, which shall have a maximum height of 1m when measured against the highest adjacent approved ground level within the site; and

iii) Post and rail fencing of a height of no more than 1m to define garden areas.

The details shall not include any means of enclosure forward of any front elevation to any dwelling.

The development shall be carried out in accordance with the approved details before the first occupation and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, and to safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings.

(6) No development shall take place until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include drawings to an appropriate scale of 1:20, or 1:50 of all retaining walls and their relationship to adjoining buildings. The development shall be completed strictly in accordance with the approved levels;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, to safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings and secure the residential amenity of the occupiers of neighbouring dwellings.

(7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by any order revoking and re-enacting that Order

with or without modification) no development within Schedule 2, Part 1, Class(es) A, B, C, D, E, F, G and H and Schedule 2, Part 2, Class A to that Order shall be carried out without the prior written permission of the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, to safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings and secure the residential amenity of the occupiers of neighbouring dwellings.

(8) The approved details of the parking, garaging and turning areas and visibility splays as shown on drawing number 13-0158-04 rev A received 4th March 2015 shall be completed before the commencement of the use of the land or buildings hereby permitted and available for such use. No development whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended (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, garaging and turning provision is likely to lead to parking inconvenient to other road users and result in conditions detrimental to the interests of road safety.

(9) The approved details of the access and visibility splays as shown on drawing number TPHS/047/DR/003 Rev A (Appendix H to TPHS Transport Statement Report) received 25th July 2014 shall be completed before occupation of the development. The access shall be maintained thereafter unless with the agreement in writing of the Local Planning Authority and the visibility splays be kept free of obstruction above a height of 1.2m above ground level;

Reason: Development without appropriate provision for vehicular and pedestrian access and egress and visibility splays will give rise to conditions detrimental to the interests of highway and pedestrian safety.

(10) No part of the development hereby permitted shall be occupied until all works necessary to provide the approved access arrangements and double yellow lines on either side of the site access, extending across the existing access to the garage serving number 23 Maidstone Road and across the frontage of number 31 Maidstone Road, have been constructed and completed to the satisfaction of the Highway Authority;

Reason: In the interests of highway and pedestrian safety.

(11) The dwellings hereby approved shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 or above has been achieved;

Reason: To ensure a sustainable and energy efficient form of development.

(12) The development hereby permitted shall not commence until a detailed sustainable surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to the Local Planning Authority and approved in writing in consultation with the Lead Local Flood Authority.

The drainage details submitted to the Local Planning Authority shall:

Include details of all sustainable drainage features; and

Specify a timetable for implementation; and
Provide a long term management and maintenance plan for the lifetime of the development which shall specify the responsibilities of each party for the implementation of the SUDS scheme and any other arrangements to secure the operation of the scheme throughout its lifetime; and

Relevant manufacturers details on all SUDS features.

The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

Reason: To reduce the impact of flooding on the proposed development and prevent any impact from the development on surface water storage and flood, and future occupiers.

(13) The development shall not commence until details of foul water drainage have been submitted to and approved by the Local Planning Authority in consultation with Southern Water. The development shall be carried out and maintained thereafter in strict accordance with the approved details;

Reason: In the interest of pollution and flood prevention.

(14) The development hereby permitted shall be undertaken strictly in accordance with the recommendations of the Phase I Habitat Survey (undertaken by Arbtech) received 9th October 2014, and all precautionary works recommended by the Phase I Habitat Survey shall be carried out during the reptile active season approximately April to September depending on weather conditions);

Reason: in the interests of safeguarding biodiversity assets.

(15) The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, the detailed design of kerb-stones/crossing points which shall be of a wildlife friendly construction, and the use of variable surfacing materials to indicate areas for parking within the square, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings, and safeguard biodiversity assets.

(16) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012 and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines (Harrietsham to Lenham Vale landscape type) and shall be based on the principles shown on drawing number as shown on drawing number 13-0158-04 rev A received 4th March 2015 and shall include, inter alia, the retention of all trees and hedges identified as such in

the Ben Larkham Associates Arboricultural Impact Assessment (reference tr-1117-14) received 25th July 2014; landscaped buffer zones to the western boundary and south east corner of the site, a "green" in the west of the site, and a landscaped area adjacent to the site access. The landscaping scheme shall include the provision of cordwood greater than 150mm in diameter arising from tree clearance shall be retained and stacked safely within landscaped areas and other appropriate features of biodiversity enhancement.

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens.

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained, ensure a satisfactory appearance to the development and a high quality of design, and safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings.

(17) The use or occupation of each phase of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the Local Planning Authority gives written consent to any variation;

Reason: To safeguard proposed landscaping and existing trees and hedges to be retained, ensure a satisfactory appearance to the development and a high quality of design, and safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings.

(18) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

i) Archaeological field evaluation works undertaken in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii) Any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

(19) The development shall not commence until, details of the refuse and cycle storage facilities on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: no such details have been submitted and to ensure a satisfactory appearance to the development and a high quality of design, and to safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings.

(20) No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, and to safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings.

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

drawing numbers SK01 and T13128 received 25th July 2014; drawing numbers 13-0158-01 rev A, 13-0158-03 and 13-0158-04 received 28th July 2014; drawing numbers 13-0158-10 rev A, 13-0158-11 rev A, 13-0158-16 rev A, 13-0158-17 rev A, 13-0158-21 rev A, 13-0158-22 rev A, 13-0158-23 rev A, 13-0158-24 rev A, 13-0158-25 rev A, 13-0158-26 rev A, 13-0158-27 rev A, 13-0158-28 rev A, 13-0158-29 rev A, 13-0158-31 rev A, 13-0158-32 rev A, 13-0158-33 rev A, 13-0158-40 rev A, 13-0158-41 rev A, 13-0158-42 rev A, 13-0158-46 rev A, 13-0158-50 rev A, 13-0158-51 rev A and 13-0158-52 rev A received 21st August 2014; drawing numbers 13-0158-30 rev A, 13-0158-35 rev A, 13-0158-36 rev A, 13-0158-37 rev A and 13-0158-38 rev A received 30th August 2014; drawing numbers 13-0158-05 rev B and 13-0158-07 rev A received 9th October 2014; drawing numbers 13-0158-04 rev C, 13-0158-15 rev A, 13-0158-18 rev B, 13-0158-20 rev B, 13-0158-45 rev B and 13-0158-47 rev C received 2nd April 2015; and drawing number 13-0158-06 rev D received 8th April 2015;

supported by a Design and Access Statement (undertaken by Hume Planning Consultancy); Planning Statement (undertaken by Hume Planning Consultancy), Arboricultural Impact Assessment (undertaken by Ben Larkham Associates reference tr-1117-14), Landscape and Visual Impact Assessment Report and Appendices (undertaken by David Hares Landscape Architecture reference 227-01-01 and 227-01-02), Bat Emergence Survey (appendices only) (undertaken by Arbtech), Drainage Impact and Flood Risk Assessment (undertaken by BSF Consulting Engineers reference 15304 rev 2.2), Transport Statement Report (undertaken by TPHS) and Statement of Community Involvement (undertaken by Hume Planning Consultancy) received 25th July 2014; a Heritage Impact Assessment (undertaken by Purcell) received 21st August 2014; and a Bat Emergence Survey (undertaken by Arbtech) and Phase I Habitat Survey (undertaken by Arbtech) received 9th October 2014;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, to safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings, and in the interests of avoiding conflict between adjacent land uses.

INFORMATIVES

(1) The landscaping details required by condition 15 above should be worked up in discussion with Ward Members and the Parish Council in order for the historic use of the site to be appropriately referenced in the design of a public area of open space within the site.

(2) There is suitable habitat within the site for breeding birds within the site. All nesting birds and their young are legally protected under the Wildlife and Countryside Act 1981 (as

amended). We advise that all vegetation and buildings are removed outside of the breeding bird season (March to August). If that is not possible an ecologist must examine the site prior to works starting and if any nesting birds are recorded all works must cease until all the young have fledged.

(3) The lighting scheme provided in accordance with condition 11 should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers.

Bats and Lighting in the UK

Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.

2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

Low pressure Sodium Lamps (SOX) emit a minimal UV component.

High pressure Sodium Lamps (SON) emit a small UV component.

White SON, though low in UV, emit more than regular SON.

High

Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps

Mercury lamps (MBF) emit a high UV component.

Tungsten Halogen, if unfiltered, emit a high UV component

Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output. Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

Lighting should illuminate only ground floor areas -light should not leak upwards to illuminate first floor and higher levels;

Lamps of greater than 2000 lumens (150 W) must not be used;

Movement or similar sensors must be used -they must be carefully installed and aimed, to reduce the amount of time a light is on each night;

Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;

Light must not be directed at or close to bat roost access points or flight paths from the roost -a shield or hood can be used to control or restrict the area to be lit;

Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;

Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

(4) A formal application for connection to the public sewerage system is required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or www.southernwater.co.uk).

(5) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.

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

(7) Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

(8) Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

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

If the existing premises, including outbuildings, are found to contain asbestos based material the following informative must also be complied with:

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

As the development involves demolition and/or construction, compliance with the Mid Kent Environmental Code of Development Practice is expected.

(10) Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.

Where it is proposed to store more than 200 litres (45 gallon drum = 205 litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to Environment Agency guidance PPG1 General guide to prevention of pollution, which is available on online at www.environment-agency.gov.uk (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf).

(11) Please note that the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Please also note that contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

(12) Clean water from a roof will be acceptable discharging to ground via soakaway, provided that all roof down pipes are sealed against pollutants entering the system from surface run-off, effluent disposal or other forms of discharge. The method of discharge must not create new pathways for pollutants to groundwater or mobilise contaminants already in the ground.

Soakaways constructed for the discharge of clean roof water should be no deeper than one metre below ground level. No soakaway should be sited in or allowed to discharge into land impacted by contamination or land previously identified as being contaminated.

There should also be no discharge to made ground. Roof drainage going to soakaway is generally acceptable, but other surface drainage may need to go through treatment systems or to foul main, for instance from vehicle parking areas

(13) The details submitted in accordance with condition 12 above (surface water drainage) shall include run off from include run off from all hard surfaces, as well as all roofs. Please note that soakaways require adequate separation distances must be allowed from boundaries, building foundations and other soakaways, and an appropriate arrangement must be demonstrated prior to any construction.

(14) The details required by condition 18 (archaeology) above should include provision for the disturbance of human remains associated with burials on the church site.

Case Officer: Catherine Slade

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Reference number: 15/502152

Amendment to report:

The recommendation as set out on the report summary on the papers refers to outline planning permission; this is incorrect as the application is for full planning permission, which is accurately reflected in the recommendation under section 9 of the report.

Amended drawings and appendices to LVIA:

An amended drawing numbers 13-0158-04 rev D and 13-0158-07 rev B have been received which show the correct footprint of the dwelling to plot 14, and a streetscene from Maidstone Road. Copies of both drawings are attached. As such I propose amending conditions 16 and 21 be amended and the following informative added to the recommendation as follows:

Condition 16

The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012 and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines (Harrietsham to Lenham Vale landscape type) and shall be based on the principles shown on drawing number as shown on drawing number 13-0158-04 rev D received 10th April 2015 and shall include, inter alia, the retention of all trees and hedges identified as such in the Ben Larkham Associates Arboricultural Impact Assessment (reference tr-1117-14) received 25th July 2014; landscaped buffer zones to the western boundary and south east corner of the site, a "green" in the west of the site, and a landscaped area adjacent to the site access. The landscaping scheme shall include the provision of cordwood greater than 150mm in diameter arising from tree clearance shall be retained and stacked safely within landscaped areas and other appropriate features of biodiversity enhancement.

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens.

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained, ensure a satisfactory appearance to the development and a high quality of design, and safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings.

Condition 21

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

drawing numbers SK01 and T13128 received 25th July 2014; drawing numbers 13-0158-01 rev A, 13-0158-03 and 13-0158-04 received 28th July 2014; drawing numbers 13-0158-10 rev A, 13-0158-11 rev A, 13-0158-16 rev A, 13-0158-17 rev A, 13-0158-21 rev A, 13-0158-22 rev A, 13-0158-23 rev A, 13-0158-24 rev A, 13-0158-25 rev A, 13-0158-26 rev A, 13-0158-27 rev A, 13-0158-28 rev A, 13-0158-29 rev A, 13-0158-31 rev A, 13-0158-32 rev A, 13-0158-33 rev A, 13-0158-40 rev A, 13-0158-41 rev A, 13-0158-42 rev A, 13-0158-46 rev A, 13-0158-50 rev A, 13-0158-51 rev A and 13-0158-52 rev A received 21st August 2014; drawing numbers 13-0158-30 rev A, 13-0158-35 rev A, 13-0158-36 rev A, 13-0158-37 rev A and 13-0158-38 rev A received 39th August 2014; drawing numbers 13-0158-05 rev B and 13-0158-07 rev A received 9th October 2014; drawing numbers 13-0158-06 rev C, 13-0158-15 rev A, 13-0158-18 rev B, 13-0158-20 rev B, 13-0158-45 rev B and 13-0158-47 rev C received 2nd April 2015; drawing number 13-0158-06 rev D received 8th April 2015; drawing number 13-0158-04 rev D received 10th April 2015; and drawing number 13-0158-07 rev B received 14th April 2015;

supported by a Design and Access Statement (undertaken by Hume Planning Consultancy); Planning Statement (undertaken by Hume Planning Consultancy), Arboricultural Impact Assessment (undertaken by Ben Larkham Associates reference tr-1117-14), Landscape and Visual Impact Assessment Report (undertaken by David Hares Landscape Architecture reference 227-01-01 and 227-01-02), Bat Emergence Survey (appendices only) (undertaken by Arbtech), Drainage Impact and Flood Risk Assessment (undertaken by BSF Consulting Engineers reference 15304 rev 2.2), Transport Statement Report (undertaken by TPHS) and Statement of Community Involvement (undertaken by Hume Planning Consultancy) received 25th July 2014; a Heritage Impact Assessment (undertaken by Purcell) received 21st August 2014; and a Bat Emergence Survey (undertaken by Arbtech) and Phase I Habitat Survey (undertaken by Arbtech) received 9th October 2014; and Visual Impact Assessment Appendices (undertaken by David Hares Landscape Architecture reference 227-01-01 and 227-01-02) received 14th April 2015;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, to safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings, and in the interests of avoiding conflict between adjacent land uses.

Additional informative:

For the avoidance of doubt, the approved layout (subject to details required by way of conditions) is that shown on drawing number 13-0158-04 rev D received 10th April 2015.

Members will note that in paragraph 5.14 the Maidstone Borough Council Landscape Officer makes reference to report being undertaken to 2002 LVIA guidance. This was in response to a drafting error in the appendices (note the Officer's comment that the "broad principles of the LVIA are acceptable"), and an amended version making reference to the correct (2013) guidance has been provided. The Council's Landscape Officer has confirmed that this is acceptable to address this matter in a satisfactory manner.

Recommendation:

My recommendation remains unchanged, subject to the amended conditions and additional informatives as set out above.

340. 14/502152 - DEMOLITION OF UNITED REFORMED CHURCH AND ADJOINING HALL TO FACILITATE THE ERECTION OF 24 NO. DWELLINGS ON THIS LAND AND LAND TO THE SOUTH WITH ASSOCIATED PARKING, ACCESS (FROM MAIDSTONE ROAD) AND LANDSCAPING - LENHAM UNITED REFORMED CHURCH, MAIDSTONE ROAD, LENHAM, KENT

All Members except Councillor Butler stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Mr Cockett, an objector, Mr Hughes, for Lenham Parish Council (against), Mr Hume, for the applicant, and Councillor Sams (Visiting Member) (against) addressed the meeting.

RESOLVED:

1. That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:
 - The provision of 40% affordable residential units within the application site;
 - A contribution for Kent County Council of £2,360.96 per 'applicable' house (£56,663.04) towards the enhancement of teaching facilities at Lenham Primary School;
 - A contribution for Kent County Council of £202.62 towards youth service equipment at Swadelands Youth Centre;
 - A contribution for Kent County Council of £1,152.38 to be used to address the demand from the development towards additional book stock at Lenham Library;
 - A contribution for NHS Property Services of £14,292 (£360 per predicted occupier based on size of market dwellings) to be prioritised firstly towards the extension of healthcare facilities at the Glebe Medical Centre, Harrietsham;
 - A contribution for Maidstone Borough Council Parks and Leisure Department of £37,800 towards the improvement, maintenance, refurbishment and replacement of the Ham Lane play area; and
 - Details of a long term management plan for strategic landscaping areas within the site and cricket ball stop nets to the western boundary of the site, which shall include details of the following: responsibility for ongoing long term management; financial contributions towards implementation/installation and long term maintenance (including the duration of the contribution) (details to be finalised by Head of Planning and Development acting under delegated authority),

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report, as amended by the urgent update report, and the additional informative set out in the urgent update report.

2. That the details of the S106 legal agreement in relation to strategic landscaping and the management and maintenance of cricket ball stop nets are to be finalised in consultation with Ward Members and the Parish Council.

Voting: 7 – For 3 – Against 2 – Abstentions

341. 14/504556 - DEMOLITION OF BRANDYS BAY INCLUDING REAR GARAGE, STABLE BLOCK AND OUTBUILDINGS TO ENABLE THE CONSTRUCTION OF 40 DWELLINGS WITH PARKING PROVISIONS - BRANDYS BAY, SOUTH LANE, SUTTON VALENCE, KENT

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Mrs Hunt, an objector, Councillor Armstrong of Sutton Valence Parish Council (against) and Mr Norton, for the applicant, addressed the meeting.

RESOLVED:

1. That subject to the prior completion of a S106 legal agreement, in such terms as the Head of Legal Partnership may advise, to secure the following:
 - The provision of 40% affordable residential units equating to 16 dwelling houses within the application site;
 - The delivery of one wheelchair accessible home within the affordable housing on this site;
 - A contribution for Kent County Council of £2,360.96 per applicable house (x39 = £92,077.44) towards the enhancement of teaching space at Sutton Valence Primary School;
 - A contribution for Kent County Council of £2,359.80 per applicable house (x39 = £92,032.20) towards the enhancement of teaching space at Cornwallis School);
 - A contribution for Kent County Council of £1,872.62 to be used to address the demand from the development towards book stock (to be supplied to the Mobile Library Service covering Sutton Valence);
 - A contribution for Kent County Council of £331.11 to be used to address the demand from the development towards youth