

REPORT SUMMARY

REFERENCE NO - 14/503411/FULL			
APPLICATION PROPOSAL Residential development comprising erection of 23 dwellings (as amended by letters and accompanying plans dated 31/12/14, 5/2/15 and 6/8/15 and 25/11/15.)			
ADDRESS The Paddock Grove House Old Ashford Road Lenham Kent ME17 2PX			
RECOMMENDATION Permission granted subject to legal agreement			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development lies outside the built-up extent of Lenham and does not comply with policy ENV28 of the adopted Maidstone Borough-Wide Local Plan 2000. However, the site is in a sustainable location adjoining the built-up confines of the village and is accessible to the village centre and local services. On this basis it is concluded that the proposed development would not result in significant planning harm. In this context, and given the current shortfall in the required five year housing land supply, the low adverse impacts of the proposal are considered to be outweighed by the benefits of the proposed development. As such, the development is considered to comply with the National Planning Policy Framework, and this represents sufficient grounds for a departure from the adopted Local Plan.			
REASON FOR REFERRAL TO COMMITTEE The proposed development is a departure from the Development Plan.			
WARD Harrietsham and Lenham Ward		PARISH/TOWN COUNCIL Lenham	
		APPLICANT Southern Heritage Developments Ltd AGENT Hobbs Parker	
DECISION DUE DATE 10/12/14		PUBLICITY EXPIRY DATE 10/12/14	
		OFFICER SITE VISIT DATE 25/2/15 and 10/6/15	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal		Decision
			Date

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1** The application site lies to the south of the A20 Ashford Road which runs to the north of Lenham village. To the north of the A20 is the local cemetery and beyond it the North Downs AONB. To the east of the site is Lenham Community centre and doctors surgery and the recent residential development in Groom Way. To the south is Grovelands, a development of retirement properties and Atwater Court. There are 2 terraces of recent residential properties adjoining the eastern boundary and several older detached dwellings to the west. Lenham Conservation Area is situated to the south of the site.
- 1.2** The boundaries of the site are well planted with mature trees and shrubs and it is proposed that these will be retained within the layout. There is a large beech tree in

the centre of the site which was originally to be retained as part of a central green area within the development. However the Tree Officer has confirmed that the tree is in poor condition and has a short life expectancy. It is therefore proposed to remove the tree and it will be replaced by several smaller trees of a suitable species. The remainder of the site is currently covered in grass and small shrubs.

- 1.3 There is an existing access to the site from Ashford Road along the northern boundary and a secondary access to a disused BT repeater station in the NW corner of the site.

2.0 PROPOSAL

- 2.1 The proposals are for a mixed development of 23 dwellings comprising a combination of 14 open market and 9 affordable units, with a mix of 2, 3 & 4 bedroom houses and 4x1 bedroom apartments. Associated parking & car barns are included within the development with private amenity space and landscaping throughout the development.
- 2.2 The proposed access to the site is from the A20 towards the western end of the site serving the 23 dwellings and parking areas leading off the estate road on both sides. A secondary mews will be created leading off to the western part of the site serving 5 dwellings.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.8ha	0.8ha.	
Approximate Ridge Height (m)		9m	
Approximate Eaves Height (m)		5m	
Approximate Depth (m)		9-10m	
Approximate Width (m)		5-6m, 10m	
No. of Storeys		2	
Parking Spaces		30 + garages	
No. of Residential Units		23	
No. of Affordable Units		9	

4.0 PLANNING CONSTRAINTS

The site is not a specific housing allocation in the Draft Local Plan but Lenham is identified as a broad location in Policy H3(3) as being a suitable future location for housing growth subject to a range of development criteria.

Grove House is a listed building (Grade 2) situated 100m to the south
The southern boundary of the site adjoins Lenham Conservation Area
The boundary of the Kent Downs AONB lies to the north of the A20.
The village centre lies approx. 250m to the south west of the site.

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):

Development Plan: ENV34, ENV28

Supplementary Planning Documents: Affordable Housing DPD, Open Space DPD

6.0 LOCAL REPRESENTATIONS

A site notice was displayed for a period of 21 days expiring on 13/11/14.

3 letters of objection have been received and the main issues are summarised below:

1. The proposal would constitute ribbon development along the A20 leading out of the village.
2. The Neighbourhood Plan is being prepared and the application may be premature.
3. Fast moving traffic along the A20 would create additional traffic hazards.
4. The proposed development would place additional pressures on the existing infrastructure in term of additional traffic and pressure on local schools and medical facilities

2 letters of support have been received subject to there being no access from the application site into Grovelands and the erection of a close-boarded fence between Grovelands and The Paddock.

7.0 CONSULTATIONS

7.1 Parish Council – initial comments dated 10/11/14:

“We wish to see the application refused and called into planning committee for the following reasons.

Access concerns as the entrance to development onto A20, perilously close to a dangerous junction (Faversham Road/ A20) which is conflicting advice to other sites in close proximity to this development. (Ham Lane)

LPC are actively engaging in the development of a Neighbourhood Plan and are concerned this land is a loss of infrastructure utility area, which could be considered for car parking facilities as there is a lack of sufficient parking within the village to service the commercial and shopping amenities which LPC are keen to preserve.

As the MBC Local Plan has not been finalised or the LPC Neighbourhood Plan produced we are concerned there is a prematurity on application decisions.”

Further comments dated 22/6/15:

“Following several meetings with the developers (Southern Heritage Developments Ltd.) and Mr P Hegley, tree officer at MBC, we wish to withdraw the original objection to the proposal and no longer wish the application reported to the planning committee.

Members have considered, in depth, the details as presented on site plan 2512-02B, in which, the amendments have taken into consideration our original concerns relating to the entrance/exit from the site onto the A20 Ashford Road. The sight lines have been considerably improved (SK03A) and the speed limit of the road in proximity to the development reduced accordingly. (SK04)

We have taken into consideration the recommendations of the tree officer and noted his recommendations.

Please ensure our withdrawal of objections are noted accordingly

7.2 KCC Highways –

“The application proposes the development of 23 homes served from a new access onto the A20 Ashford Road. The A20 is subject to the national speed limit; 60mph, at the proposed point of access. A ghosted right turn lane is proposed on the A20. A vision splay of 2.4m x

215m is required from the new access along the A20 and this should be shown on the submitted plans.

Details of any injury crashes along the A20 through Lenham are required for the latest 3 year period and a safety audit is required of the proposed new junction. Speed measurements indicate that the 85%ile speed of traffic on the A20 in the vicinity of the access is 54mph in both directions. In view of the recorded speed results and the additional development proposed in Lenham, I would recommend that the speed limit is reduced to 50mph and gateway treatment is provided on the westbound approach to the village to encourage lower speeds and enhance safety. The reduction of the speed limit would be subject to a Traffic Regulation Order and this would be processed by the applicant at the applicant's cost.

The site access is 5.5m wide with a 2m footway, narrowing within the site to encourage slower vehicle speeds and leading to a shared surface. Tracking diagrams indicate that there is sufficient space within the site for access and turning by the refuse vehicle. Please also provide plans showing the tracking for the fire appliance. The existing disused access to the former BT repeater station is to be closed.

A footway link is required alongside the south side of the A20 between the site access and the existing pedestrian refuge to the west. Also a footway/cycle link is to be provided towards Groom Way. Please provide drawings showing these links. Bus stops are located along Old Ashford Road.

With regards to parking the Interim Guidance Note 3 recommends a minimum of 1 space for each 1 and 2 bedroom home and 2 independently accessible spaces for homes with 3 or more bedrooms in village locations, with an additional 0.2 spaces per property for visitors. I am concerned that parking may occur to the front of Plots 6 and 7 which would impede access for the refuse vehicle and I would suggest that a parking bay be provided to prevent this. I am not clear as to whether Plot 8 is provided with a car barn or garage and I would recommend the former. Plot 9 could be provided with a double width drive to reduce the likelihood of vehicles parking on the access close to the A20 junction. TRICs has been used to establish traffic generation from the development and this estimates that there would be 4 arrivals and 10 departures during the AM peak and 10 arrivals and 6 departures during the PM peak."

Additional comments -

"Thank you for providing the additional details in respect of this planning application and also the RSA which has now been received.

Please could the following be included:

The speed limit should include the extent of the village: Ham Lane to the west and Old Ashford Road to the east with the terminal signs being provided in advance of those junctions.

I am concerned that the visibility splay from the access may be substandard to the west. This should measure 215m in each direction. Please could this be addressed.

7.3 KCC Economic Development –

KCC has reviewed the initial infrastructure contributions (original comments dated 23/10/15):

"Having had regard to the 5 Obligation restriction towards a 'project' or 'type of infrastructure', KCC have re-evaluated the previous request (October 2014) which would

have been based upon pooling a large number of developments to deliver an infrastructure project which as you appreciate from the Regulations post April 2015 can only be achieved through CIL. Without CIL in place, we are unable to continue with some earlier requests currently.

We are continuing, with Service providers, to re-evaluate and identify projects that can be delivered with 5 planning obligations.

The Government introduced CIL to replace pooling of contributions - as confirmed by the attached recent correspondence with Steve Quartermain's Office – Chief Planning Officer. There will be circumstances where 5 obligations will not generate sufficient monies to provide services required for the likes of the elderly, those with physical and learning disabilities and people living with dementia.

Following discussions with KCC service providers, the KCC requirements for this development have been reviewed and are now as follows:

- **Primary Education @ £2360.96 per applicable house (x19)** and £590.24 per applicable flat ('applicable' excludes 1 bed units of less than 56sqm GIA and sheltered accommodation) - towards the second phase of expansion of Harrietsham Primary School.
- **Libraries** - KCC require a contribution towards the extra bookstock the new borrowers from this development would require. Bookstock in Lenham at 1083 items per 1000 population is below the County average of 1134 and both the England and total UK figures of 1399 and 1492 respectively. This development will generate new active borrowers requiring additional items at a cost of £1104.36 to service their requirements as shown in the attached assessment. The County Council will provide the additional items to the local Library, as and when the monies are received.

As set out in the original request letter, KCC would request:

- a condition be included for the provision of **Superfast Fibre Optic Broadband**, namely:
Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community. This shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

INFORMATIVE – The BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises.

7.4 NHS Property Services:

"This proposed development is expected to result in a need to invest in a number of local surgery premises: Len Valley and The Glebe practices which are within a 2 mile radius of The Paddock. This contribution will be directly related to supporting the improvements within

primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

NHS therefore seeks a healthcare contribution of £14,796. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services”.

7.5 KCC Ecology:

The initial advice confirmed that a Phase 1 Habitat Survey report has been submitted in support of the application. This ecological assessment identified the potential for protected species being present and affected by the proposed development and further surveys for bats, reptiles and great crested newts are recommended. Mitigation measures without the need for further surveys were recommended for a range of additional potential ecological impacts, including nesting birds, badgers, hedgehogs, common toads and stag beetles.

A Reptile Report, Great Crest Newt Survey Report, Great Crested Newt Mitigation Strategy and Bat Report have been submitted.

No bats were recorded emerging from the building or from the three trees with high potential for roosting bats. However, we do not agree that it can be concluded that bats recorded shortly after sunset “roosted nearby but not on site”; there are other trees on site with category 2 bat roosting potential that were not subject to a specific survey and we do not think it is possible to rule out the potential for these trees to support bat roosts on the site.

In addition, works to any of the trees with bat roosting potential (assessed as level 1 and 2 in the report) must be carried out in accordance with a method statement for sensitive working practice under the guidance of an appropriately licensed and experienced ecologist. The submission and implementation of the method statement must be secured by condition, if planning permission is granted.

The site currently also provides foraging and commuting habitat that will be affected by the proposed development; the use of sensitively designed external lighting will help to minimise the indirect impacts and the details must be secured by condition, if planning permission is granted. With respect to the loss of habitat, mitigation must be secured within the landscaping proposals through the use of native species planting and appropriate management of the retained boundary habitats.

We advise that due to the extent of semi-natural green space that will be lost as a result of the proposed development, there must be an acknowledgement that there will be a net loss of biodiversity, if planning permission is granted

We advise that the submission and implementation of method statement for the demolition of the building and works to the trees assessed as having level 1 and 2 bat roosting potential must be secured by condition. if planning permission is granted, Replacement opportunities for bats must be provided within the proposed development, and we would particularly expect these to be within the fabric of the proposed dwellings, rather than just mounted on trees on the site.

One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”. Given that the proposed development will result in a net loss of biodiversity, we advise that there should be significant efforts to incorporate biodiversity opportunities on the site by securing an appropriate landscaping strategy that incorporates native species planting and appropriate management of public open spaces.”

To minimise the potential for ecological impacts, we suggest the following condition wording:

No development shall take place until a method statement for minimising the potential for impacts to bats, during works to the on-site building and to trees with level 1 and 2 roosting potential, has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Detailed working method to achieve stated objectives, including details of temporary and permanent replacement roosting opportunities;
- c) Timetable for implementation;
- d) Persons responsible for implementing the works.

The works shall be carried out strictly in accordance with the approved details in the timescales specified in the method statement.

No development shall take place until an Ecological Design and Management Strategy (EDMS) to minimise the loss of biodiversity has been submitted to and approved in writing by the local planning authority. The EDMS shall include the following:

- a) Purpose and conservation objectives for the proposed ecological design;
- b) Detailed design to achieve stated objectives, including landscaping of private gardens and public open spaces using appropriate native species;
- c) Aims and objectives of management of public open spaces;
- d) Prescriptions for management actions;
- e) Details of the organisation(s) responsible for implementing the strategy;
- f) Details of the funding mechanism that will ensure the long-term implementation of the strategy;

The approved EDMS shall be implemented in accordance with the approved details.

There is a need to ensure that external lighting is designed to minimise impacts to bats and that works to vegetation are timed to avoid impacts to breeding birds.

7.6 KCC Archaeology -

“The site has high potential to contain remains associated with prehistoric and Roman activity. Isolated prehistoric flints have been located in the general area but more intensive activity may survive on the site. Important and extensive Roman remains have been located in the adjacent site of the Community Centre and to the south along Grove Way. This activity could certainly extend into the application site. The site lies beyond the probable medieval core of Lenham but Anglo-Saxon burials have been located within the village itself and Early Medieval settlement activity may survive in the surrounding area, within the application site.

The application is supported by an Archaeological Desk-based Assessment by ASE. This assessment is thorough and includes some assessment of historic landscape and setting issues, which is very welcome. I suggest the potential for Roman archaeology is slightly underestimated given the recent discoveries along Grove Way.

In general there has been reasonable assessment of the archaeological issues and there is clear potential for important archaeology on this site. Field assessment of this archaeological potential needs to be undertaken as soon as possible but I recommend the following condition is placed on any forthcoming consent:

“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 in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii following on from the evaluation, 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”.

7.7 MBC Housing:

“The development is for a total of 23 units with the applicant proposing 40% affordable housing which equates to 9 units.

The applicant has acknowledged at section 6.16 of the submitted planning application for the need to provide 40% affordable housing in accordance with draft local plan policy DM24 and pre-application advice, although they incorrectly state that, ‘Maidstone does not have an adopted, up to date policy on affordable housing.’

There appears to be no mention of the suggested tenure split within the submitted application. Housing would be looking at a 60% affordable rented units / 40% shared ownership units in accordance with the adopted policy.

The developers proposed bedroom split, as highlighted in their application, is as follows:

Size	Total Units	Affordable	Market
1 Bedroom	4	4	0
2 Bedroom	4	2	2
3 Bedroom	10	3	7
4 Bedroom	5	0	5
Total	23	9	14

Whilst this is a good suggested mix, ideally we would be looking at obtaining one of the 4 bedroom houses for affordable use.

We are currently working on the following percentages for affordable housing units for sites that are able to provide a range of unit sizes:

Affordable Rented Units (60%)

1-Beds (35%), 2-Beds (30%), 3-Beds (20%), 4-Beds (15%)

Shared Ownership Units (40%)

1-Beds (20%), 2-Beds (50%), 3-Beds (30%)

This would equate to the following mix:

Size	Total Units	Rental	Shared Ownership
1 Bedroom	3	2	1

2 Bedroom	3	1	2
3 Bedroom	2	1	1
4 Bedroom	1	1	0
Total	9	5	4

However, it is acknowledged that the site plan contains a block of 4, 1 bedroom apartments which would be suitable for affordable rent. There does not appear to be mention in the application of whereabouts on the site the affordable housing is planned but a suggested affordable provision could be:

Size	Total Units	Rental	Shared Ownership
1 Bedroom	4	4	0
2 Bedroom	2	0	2
3 Bedroom	2	1	1
4 Bedroom	1	1	0
Total	9	6	3

In terms of unit sizes, we would ideally be looking for 2-bed, 4 person dwellings, as well as 3-bed, 6 person dwellings, to help maximise occupancy, in accordance with need.

Provision for lifetime homes across all the affordable dwellings is also encouraged”.

7.8 MBC Environmental Health –

“There is no site history which leads the Council to require a ground contamination investigation.

It is not anticipated that road traffic is likely to cause undue noise disturbance.

The provision of cycle storage should be considered. Residents should be provided with a Welcome Pack promoting the use of sustainable transport. This should include information on local buses, cycle routes and links to relevant local websites with travel information.

INFORMATIVE:

As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.”

7.9 MBC Heritage –

The proposed development site lies adjacent to the Lenham Conservation Area and close to a large number of listed buildings. However, the scheme as proposed is well thought out in its layout, featuring a mix of terraced, semi-detached and detached two storeyed housing of attractive neo-vernacular design. I am in agreement with the submitted heritage statement that the proposals will have no adverse impact on the setting of the conservation area or any nearby listed building; development closest to the site is of late 20th or 21st Century date.

I note from the archaeological assessment that the site has a high potential for Romano-British archaeology and moderate potential for prehistoric and post-medieval archaeology and that it is suggested that trial trenching take place in advance of development to inform any necessary mitigation measures. I would suggest that KCC Heritage Section be

consulted to see whether it is recommended that such investigation take place before determination of this application.

Recommendation: Subject to the views of KCC Heritage Section regarding archaeological matters I RAISE NO OBJECTION to this application on heritage grounds and recommend conditions relating to samples of materials, joinery details, landscaping and removal of PD rights.

7.10 MBC Landscape Officer-

"Trees on this site are protected under an area TPO, No. 4 of 1971.

The Arboricultural Impact Assessment is acceptable in principle but I have a number of concerns relating to the layout in respect of existing trees. Firstly, the building in the far southeast corner of the site (block 20-23) has a poor relationship with the adjacent trees, causing an issue with future pressure for removal. Secondly, whilst I would normally welcome any proposals to retain mature feature trees on development sites, I do have concerns about the retention of the C grade Beech tree in the position as shown. Whilst there may be potential to veteranise the tree it is located on a public open space, a high usage area, which may ultimately prove hazardous given the tree's current condition assessment. The proposals for 'no dig' construction as indicated are acceptable in arboricultural terms but I do question whether Highways would accept such construction for the main access into the site.

Many of the trees are not in great condition and I would therefore like to see a long term management proposal for phased replacement of existing trees alongside an appropriate landscape scheme which includes an enhancement to site boundaries, particularly ensuring a strong buffer to the north of the site alongside the A20. An Arboricultural Method Statement (AMS) in accordance with BS5837:2012, with details of locations of services, is also required."

Further comments dated 30/11/15

"From an ecological perspective there would be great benefit in retaining the central Beech by undertaking a programme of veteranisation with a view of allowing new adjacent planting to grow and take its place in the future. Such a programme could be asked for by way of a condition. Details of replacement planting should also be asked for by way of a condition and I would suggest that either a Common Beech or English Oak (of not less than semi mature size 20/25cm girth) be planted within the centre of the green.

To protect the replacement tree and prevent disturbance around the veteranised Beech both could be incorporated within indigenous shrub planting (using species such as Dogwood, Elder, Holly etc.) This planting area could then be mulched and fenced off with chestnut fencing. The introduction of bulb planting towards the edges of the fenced area within the grass would add further ecological and landscape interest. In addition to the planting the stacking of cordwood from the Beech within this area is also recommended by way of a suitably worded informative"

MBC Parks and Leisure

"It is clear this development offers no opportunity for provision of formal open space on-site.

It also exceeds the threshold number of dwellings that makes the development eligible for an off-site contribution.

We would therefore request an off-site contribution of £36225 from the developer the calculation for which is 23 units @ £1575 per unit.

The cost per dwelling is as set out in the 'Supplementary Planning Guidelines' and using Fields in Trust (the former National Playing Field Association) guidelines and cost for the provision of outdoor playing space.

The development site is located within Harrietsham and Lenham ward. This ward is typically underprovided for in terms of open space in most categories.

This would go towards enhancing, maintaining, repairing and renewing amenity areas and green spaces within a one mile radius of the proposed development. Primarily we would request that any contribution received be given to the Parish Council for general improvements and enhancements to the amenity, open and green spaces land they own and which would be used by any new residents in the area

Such sites as William Pitt Field and Play Area and Ham Lane Play Area are within the vicinity of the development of the site and would be used by the development as they are the nearest sites with areas of equipped play. These sites are owned by the Parish Council and so we would request that monies received by the Council be transferred to the Parish"

7.11 UKPN – No Objections

7.12 Environment Agency – No comments

7.13 Natural England –

Statutory nature conservation sites – no objection

This application is in close proximity to the Lenham Quarry Site of Special Scientific Interest (SSSI).

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

7.14 Southern Water -

"Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

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

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer. The planning application form makes reference to drainage using Sustainable Urban

Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

Specify the responsibilities of each party for the implementation of the SUDS scheme

Specify a timetable for implementation

Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

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7.15 River Stour IDB:

The site of this proposal is outside of any IDB district so provided that off-site surface water runoff is appropriately attenuated, to that of the Greenfield site, IDB interests should not be affected.

8.0 BACKGROUND PAPERS AND PLANS

The following documents and plans were submitted with the application:

- Design and Access Statement
- Transport Statement
- Planning Statement
- Archaeology South East
- Ecology – Phase 1 Habitat Survey and Great Crested Newt Survey
- Tree Survey, Tree Protection drawing, Arboricultural Impact Assessment

The submitted plans are as follows:

Location plan	251201A
Site Plan	251202
Detailed floor plans and elevations plots 1-23	251210-251261
Garage details –	251262/63/69
Sections -	251264/65/66
Perspectives –	251267/68
Topographical survey -	251270

9.0 APPRAISAL

9.1 Principle of Development

The site is located on the north side of Lenham village and adjoins the existing built-up area on 3 sides. It has good access to the A20 and is well related to the village centre within easy walking distance of local services and community facilities.

Lenham is identified as a rural service centre in the Draft Local Plan (Policy H3(3)) as a location for future housing growth for up to 1500 dwellings towards the end of the plan period, as defined in the policies map. Should sites come forward for development before the Local Plan is reviewed in 2021 they should be assessed against a range of development criteria including the necessary ecological and landscape surveys, transport assessments, and contributions to community infrastructure.

The site was identified as being suitable for residential development in the Housing Sites Assessment in 2014 which concluded as follows:

“This is a well contained site with strong boundaries of mature trees and hedges covering its perimeter. The site is in a good location, immediately adjacent to the village boundary, and close to the village centre, community centre and medical facility. The site can be accessed from the A20 (running adjacent to the site’s northern boundary) or from Old Ashford Road (through Grovelands, which is a retirement village adjacent to the site’s southern boundary). The site comprises a level overgrown field, with a large tree towards the centre (which should be retained) and a significant cluster of trees in the south west and south east corners of the site (again deserving retention).”

It is acknowledged that the proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local Plan 2000. However, it is in a sustainable location, immediately adjoins the existing village boundary of Lenham within a general area identified as being suitable for housing development which would not result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient ground to depart from the Local Plan.

Given its close proximity to the village centre and good accessibility to local facilities, shops and public transport services, the site is considered to be in a sustainable location and suitable for development. However the location adjoining the conservation area and a listed building will require a sensitive design and layout which has regard to its historic setting and the design and layout of the adjoining development.

9.2 Visual Impact

The site has a 130m frontage to the A20 and the proposed development will be visible from Ashford Road. There is an existing mature tree screen along the road frontage which will be retained to provide some degree of screening from the A20 and the open countryside to the north which is within the AONB. The proposed dwellings in the northern part of the site will be set back from the frontage to the A20 which will enable the majority of the existing trees to be retained, except for the provision of the new access which will create a small gap of approx. 10m.

The site lies to the south of the AONB and the southern boundary is defined by the A20, Old Ashford Road. The impact of the proposed development on the setting of the AONB is reduced by the mature tree screen along the northern boundary to the A20 and also by the

cemetery to the north of Old Ashford Road and a small pocket of residential development to the north of the crossroads at Faversham Road. The area further north towards the lower slopes of the North Downs to the north of the cemetery is more open and rural in character. Medium and long distance views of the site are possible from the open countryside to the north but it is well screened by mature vegetation and is seen against the backdrop of the built up area of Lenham village.

There are limited views into the site from the A20 which are to some extent mitigated by the mature tree screen along the northern boundary. The site is enclosed to the south by Grovelands (a retirement complex) comprising terraced 2 storey accommodation in an attractive woodland setting within the grounds of Grove House, a Grade II listed building”

The proposed development would round off the shape of the village on its northern side without encroaching into open countryside and would complete the pattern of development in Faversham Road to the west and the community centre to the east.

The layout has been designed to retain the majority of the existing vegetation. The proposed dwellings will be situated on average approx. 10m from the southern and eastern boundaries although plots 1-5 will be 16m from the eastern boundary in order to retain most of the existing trees.

The proposed layout is based around an estate road which runs east-west with communal parking at the end of each spur and a shared surface serving plots 9-15. As stated above it was originally intended to retain the large mature beech tree in the centre of the site as a focal point surrounded by a small green. Unfortunately the tree is in poor condition with a limited life expectancy and the Landscape Officer has recommended that it should be removed. Its removal will be subject to a requirement for a replacement by one or more trees of appropriate species in a similar position.

The trees on the site are protected by an area TPO (No. 4 of 1971). The concerns raised by the Landscape Officer have been carefully considered but there is considered to be adequate separation between Plots 20-23 and the trees along the southern boundary. The mature beech tree in the western part of the site is an important visual feature and is proposed to be retained as a focal point. A long-term management proposal for phased replacement of existing trees and a detailed landscaping scheme will be required including enhancement of the vegetation along the site boundaries, particularly along the northern boundary to the A20.

The proposed layout, density, varied house types and detailed design including a range of detached, semi-detached and terraced dwellings, generally reflect the character and appearance of the surrounding area. The proposed elevational designs incorporate traditional Kentish vernacular features including external chimney stacks, bay windows, small dormer windows and arched lintels. Traditional materials are proposed including stock brick, clay roof tiles, tile hanging, slate and render. It is considered that the overall design and layout will integrate well with the character of the surrounding development and is appropriate to this location on the edge of the village.

9.3 Impact on residential amenity

The site is flanked by established residential development on 3 sides and the development has been designed to safeguard the amenities of the adjoining occupiers from potential loss of privacy due to overlooking and general disturbance. The most critical areas of the proposed development are considered to be along the southern and western site boundaries.

Along the western boundary there is a terrace of 3 dwellings (Plots 9-11) which have rear elevations approx. 30m from the western boundary. The detached garages to the rear of Plots 9-10 provide additional separation. There is considered to be adequate separation from the nearest existing dwelling to the west, subject to satisfactory details of landscaping and boundary treatment. Plot 12 in the SW corner of the site has a similar arrangement with a detached garage between the proposed dwelling and the western boundary. The rear elevation of Plot 12 will adjoin the turning head at the eastern end of Atwater Court and will not result in any direct overlooking of existing properties to the south.

Along the southern boundary Plots 12-23 adjoin a detached garage block of garages to the east of Atwater Court. The garages provide separation between the proposed development and the existing residential properties at Grovelands, subject to satisfactory boundary screening and landscaping. Plots 12-19 have 10m rear gardens and adjoin the garage court at Grovelands. The proposed terrace of 4 dwellings in the SE corner of the site (Plots 20-23) are closer to the southern boundary, having shorter rear gardens of approx. 7m. However the nearest adjoining properties to the south are approx. 30 from the boundary which provides adequate separation.

On the eastern boundary there is an terrace of 4 dwellings at Groom Way with 20m rear gardens which adjoin the application site. The nearest proposed dwellings to Groom Way at Plots 20-23 will be 8m from the eastern boundary and will provide a gap of approx. 30m between the buildings. The community centre and doctors surgery are situated to the east but will not be affected by the proposed development.

Along the northern boundary there will be some degree of traffic noise due to proximity to the A20 but the layout in this part of the site has been designed so that the side elevations of the proposed dwellings will face the road but will be set back approx. 10-15m from the edge of the carriageway. The EHO considers that it is not anticipated that road traffic is likely to cause undue noise disturbance and with effective sound insulation measures it is considered that traffic noise will not be an issue.

9.4 Highways

The proposed access to the site from the A20 will be taken from a point approx. 100m east of the crossroads. The estate road crosses the site from NW-SE with a shorter spur serving the western part of the site.

A package of highway improvements has been requested by the Highway Authority in conjunction with the proposed improvements to the Ashford Road/Faversham Road crossroads to the west of the site. The proposed improvements comprise the following:

1. Speed limit on A20 reduced to 50mph and gateway treatment provided on the westbound approach to the village to encourage lower speeds and enhance safety. The reduction of the speed limit would be subject to a Traffic Regulation Order and this would be processed by the applicant at the applicant's cost.
2. The speed limit on the A20 should include the extent of the village from Ham Lane in the west and Old Ashford Road in the east with terminal signs being provided in advance of those junctions.
- 3 The visibility splays from the access onto the A20 to be increased from 160m to 215m x 2.4m in each direction.

4 A footway link will be provided alongside the south side of the A20 between the site access and the existing pedestrian refuge to the west. A footway/cycle link will also be provided to Groom Way.

An amended plan has been received (616353/SK03) showing the proposed highway improvements including the increased sight lines from the proposed access, an additional splitter island and speed restriction signs along the A20 and no further objections are raised.

9.5 Landscaping

The trees on the site are protected by an area TPO, (No. 4 of 1971). The Landscape Officer has advised that the submitted Arboricultural Impact Assessment is acceptable in principle but has a number of concerns relating to the layout in respect of existing trees.

The proposed dwellings in the southeast corner of the site (Plots 20-23) have a poor relationship with the adjacent trees, causing an issue with future pressure for removal. It has been agreed that the trees along this part of the site are not in good condition and could be replaced with similar species.

Whilst any proposals to retain mature feature trees on development sites is normally encouraged, the large C grade beech tree in the centre of the site has extensive structural damage and is in poor condition. Although there may be potential to carry out surgery to retain the tree in this prominent part of the site, it is located on a public open space, a high usage area, which may ultimately prove hazardous given the tree's current condition assessment. Whilst its removal is regrettable it provides an opportunity for replacement with an appropriate species such as oak

Unfortunately many of the trees within the site are not in good condition and it would be of benefit to see a long term management proposal for phased replacement of existing trees alongside an appropriate landscape scheme which includes an enhancement to site boundaries, particularly ensuring a strong buffer to the north of the site alongside the A20. An Arboricultural Method Statement (AMS) in accordance with BS5837:2012, with details of locations of services, will also be required.

9.6 Impact on ecology

The applicant has carried out detailed surveys of great crested newts, bats and reptiles in response to advice from KCC Ecology. However KCC has raised further concerns about the net loss of biodiversity due to loss of habitat comprising terrestrial habitat for great crested newts contrary to the relevant advice in the NPPF.

The applicants' ecologist has advised that for the purposes of the ecology assessment, the reports took a precautionary approach. Even though there is a reduction in the area of high and medium quality great crested newt habitat, it does not automatically follow that all animal species will be negatively impacted and some may benefit. It is claimed that a change to wildlife friendly management practices of those habitats in the public open spaces, and those under the control of a management company, have the potential to benefit wildlife.

The applicant maintains that there is sufficient material to be confident that the grant of planning permission would be appropriate, in the light of relevant guidance and case law. The development will not be able to proceed without the grant of a European Protected Species Licence, and thus there is no risk of any harm to great crested newts or their habitat, which cannot be adequately mitigated. It is contended that the other matters raised can be dealt with through appropriate planning conditions.

Works to any of the trees with bat roosting potential (assessed as level 1 and 2 in the report) will be carried out in accordance with a method statement for sensitive working practice under the guidance of an appropriately licensed and experienced ecologist. The submission and implementation of the method statement would be secured by an appropriate condition, as recommended by KCC Ecology.

The site currently provides foraging and commuting habitat that will be affected by the proposed development and the use of sensitively designed external lighting will help to minimise the indirect impacts and the details would be secured by condition. With respect to the loss of habitat, mitigation must be secured within the landscaping proposals through the use of native species planting and appropriate management of the retained boundary habitats.

A condition is therefore recommended requiring submission of a method statement relating to ecological mitigation including the trees assessed as having level 1 and 2 bat roosting potential. Replacement opportunities for bats must be provided within the proposed development which should be within the fabric of the proposed dwellings, rather than just mounted on trees on the site.

One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”. Given that the proposed development will result in a net loss of biodiversity due to the extent of GCN terrestrial habitat that will be lost as a result of the development there should be significant efforts to incorporate biodiversity opportunities on the site by securing an appropriate landscaping strategy that incorporates native species planting and appropriate management of public open spaces.

KCC Ecology has advised that due to the extent of semi-natural green space that will be lost as a result of the proposed development, there should be an acknowledgement that there will be a net loss of biodiversity. It is therefore recommended that, to minimise the potential for ecological impacts conditions should be imposed requiring a method statement for minimising the potential for impacts to bats, during works to the on-site building and to trees with level 1 and 2 roosting potential, has been submitted to and approved in writing by the local planning authority.

In addition, no development should take place until an Ecological Design and Management Strategy (EDMS) to minimise the loss of biodiversity has been submitted to and approved in writing by the local planning authority. There is also a need to ensure that external lighting is designed to minimise impacts to bats and that works to vegetation are timed to avoid impacts to breeding birds.

Based on the above it is acknowledged that the proposals will have a negative impact on biodiversity and this issue will be referred to in the conclusion.

9.7 Infrastructure contributions.

The following contributions have been requested:

- 40% affordable housing in compliance with adopted Policy AH1
- Primary Education @ £2360.96 per applicable house (x19) and £590.24 per applicable flat towards the second phase of expansion of Harrietsham Primary School.

- Libraries - a contribution of £1104-36 to provide additional bookstock and equipment at Lenham Library
 - a healthcare contribution of £14,796 towards investment in local surgery premises: Len Valley and The Glebe practices
 - Open Space provision - request an off-site contribution of £36225 from the developer the calculation for which is 23 units @ £1575 per unit towards enhancing, maintaining, repairing and renewing amenity areas and green spaces within a one mile radius of the proposed development.
- provision of Superfast Fibre Optic Broadband

It is proposed to secure the above contributions by S106 Agreement and a draft Agreement has been submitted with the application. The contributions have been assessed and are considered to be CIL compliant.

10.0 CONCLUSION

The proposed development lies outside the present built up extent of Lenham and does not conform with policy ENV28 of the Maidstone Borough-wide Local Plan 2000. However, the site is in a sustainable location close to the village centre, and adjoins the existing village boundary of Lenham and the proposed development would not result in significant planning harm.

The submitted scheme reflects the context of this part of the village adjoining the Conservation Area in terms of its density and layout and safeguards the visual and residential amenities of the area. The various contributions required by the S106 Agreement and the package of highway improvements will ensure that the proposed development will not place an unacceptable burden on local services.

The proposed development will result in a net loss of biodiversity due to the extent of terrestrial habitat for great crested newts that will be lost as a result of the development. However measures to incorporate biodiversity opportunities on the site can be achieved by securing an appropriate landscaping strategy and ecological enhancements including bat boxes, swift bricks and bird boxes.

Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is considered to be sufficient ground to depart from the adopted Local Plan.

11.0 RECOMMENDATION –

That subject to a S106 Agreement in such terms as the Head of Legal Services may advise to secure the following community infrastructure contributions under the following heads of terms:

- **40% affordable housing** in compliance with adopted Policy AH1

- **Primary Education** - £2360.96 per applicable dwelling @ £2360.96 per applicable house (x19) and £590.24 per applicable flat towards the second phase of expansion of Harrietsham Primary School - Total £44,858.24
- **Libraries Contribution** - £1104-36 to provide additional bookstock and equipment at Lenham Library
- **Healthcare contribution** of £14,796 towards investment in Len Valley and The Glebe practices which are within a 2 mile radius of The Paddock which will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.
- **Open Space provision** - request an off-site contribution of £36225 from the developer the calculation for which is 23 units @ £1575 per unit towards enhancing, maintaining, repairing and renewing amenity areas and green spaces within a one mile radius of the proposed development (eg William Pitt Field and Play Area and Ham Lane Play Area),

the Head of Planning be delegated authority to grant outline planning permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In accordance with the provisions of S91 of the Town & Country Planning Act 1990, as amended by S51 of the Planning and Compulsory Purchase Act 2004

2. The development shall not be occupied until the applicant has entered into an Agreement under S278 of the Highways 1980 to secure the following works within the highway which shall be implemented before any of the dwellings are first occupied:

a). to provide a new footway along the South side of Ashford Road between the proposed access to the site and the existing pedestrian refuge to the west and to provide a footway/cycle link to Groom Way.

b). to reduce the speed limit on the A20 from 60mph to 50mph to include the section of Ashford Road between Ham Lane to the west and Old Ashford Road to the east with the terminal signs being provided in advance of those junctions.

3. Visibility splays of 2.4m x 215m in each direction shall be provided prior to occupation of the development at the proposed access from the site onto the A20 as indicated on the submitted plan and shall be permanently maintained.

Reason: In the interests of highway safety

4 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance on completion

5. Before development commences a landscape management plan for the phased replacement of existing trees alongside an appropriate landscape scheme which includes an enhancement to site boundaries, particularly ensuring a strong buffer to the north of the site

alongside the A20 shall be submitted to and approved by the LPA and implemented in accordance with the approved details. An Arboricultural Method Statement (AMS) shall also be submitted for approval in accordance with BS5837:2012, with details of locations of services, and shall be implemented in accordance with the approved details.

Reason: in the interests of visual amenity and to ensure a satisfactory appearance on completion.

6 . The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

Reason: To ensure an appropriate appearance and setting to the development.

7 All planting, seeding or turfing approved pursuant to condition 5 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory setting and external appearance to the development.

8. The garages and parking spaces hereby permitted shall be kept available for the parking of motor vehicles at all times. The garages/car parking spaces shall be used solely for the benefit of the occupants of the dwellings of which they form part and their visitors and for no other purpose and permanently retained as such thereafter

Reason: To ensure satisfactory parking provision within the site in the interests of highway safety

9. Construction of the development shall not commence until details of the proposed means of foul and surface water sewage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water

Reason: in the interests of flood prevention and public health.

10. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans,

Location plan –	- 2512-01A
Site Plan	- 251202
Detailed floor plans and elevations plots 1-23	-2512-10-2512-61
Garage details –	2512-62/63/69
Sections -	2512-64/65/66
Perspectives –	2512-67/68
Topographical survey -	2512-70

Reason: To ensure that the development conforms with the details shown on the submitted plans

11. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: In the interests of the visual and residential amenities of the area.

12. No development shall take place until a method statement for minimising the potential for impacts to bats, during works to the on-site building and to trees with level 1 and 2 roosting potential, has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Detailed working method to achieve stated objectives, including details of temporary and permanent replacement roosting opportunities;
- c) Timetable for implementation;
- d) Persons responsible for implementing the works.

The works shall be carried out strictly in accordance with the approved details in the timescales specified in the method statement.

Reason: In the interests of biodiversity

13. No development shall take place until an Ecological Design and Management Strategy (EDMS) to minimise the loss of biodiversity has been submitted to and approved in writing by the local planning authority. The EDMS shall include the following:

- a) Purpose and conservation objectives for the proposed ecological design;
- b) Detailed design to achieve stated objectives, including landscaping of private gardens and public open spaces using appropriate native species;
- c) Aims and objectives of management of public open spaces;
- d) Prescriptions for management actions;
- e) Details of the organisation(s) responsible for implementing the strategy;
- f) Details of the funding mechanism that will ensure the long-term implementation of the strategy;

Reason : In the interests of biodiversity

14. No development shall take place until the applicant has secured the implementation of

- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii) following on from the evaluation, 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.

15 There shall be no vehicular access to the site via Grovelands to the south of the application site

Reason: In the interests of the residential amenities of the area

16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without

modification), no extensions to the dwellings hereby permitted shall be erected other than those expressly authorised by this permission.

Reason : in the interests of the visual amenities of the area

17. Before work commences full details of existing and proposed ground levels and finished slab and floor levels shall be submitted to and approved by the LPA and the development shall be undertaken in accordance with the approved details.

Reason in the interests of the visual and residential amenities of the area.

18. No lighting shall be placed or erected on the site including the site of the proposed community facilities without the prior approval of the Local Planning Authority. Any lighting details for the community facilities that are submitted shall include inter-alia;

- a) Details of the lighting pylons and luminaires, which shall be of an asymmetric type.
- b) Details of lighting plots showing the dispersal and intensity of light/lux level contours within the site and demonstrating that the proposed scheme complies with the recommendations of the Institute of Lighting Engineers 'Guidance Notes for reduction of Obtrusive Light' for sites located in Environmental Zone E2.
- c) Details of measures to prevent excessive light spillage outside any floodlit areas.

Reason: To prevent light pollution and in the interests of residential amenity

19. Details of a scheme to provide sources of renewable energy shall be submitted to the LPA before development commences and the approved details shall be implemented before the development is first occupied.

Reason: to achieve a sustainable form and energy efficient form of development.

20. Details of the siting of bird and bat boxes, bat bricks and swift bricks shall be submitted for approval before development commences and shall be installed at suitable locations within the site in accordance with the approved details.

Reason: in the interests of wildlife protection.

INFORMATIVES

1. As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected."

Case Officer: Tim Bloomfield

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