

<b>REFERENCE NO - 17/500357/HYBRID</b>		
<b>APPLICATION PROPOSAL</b>		
Full application for the erection of 48 dwellings and associated infrastructure, landscaping and open space; and outline application for the erection of 102 dwellings (access, layout and landscaping sought)		
<b>ADDRESS</b> Land North Of Old Ashford Road, Lenham		
<b>SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO LEGAL AGREEMENT &amp; CONDITIONS)</b>		
<ul style="list-style-type: none"> <li>• The site is allocated in the Local Plan for approximately 145 dwellings under policy H1(41).</li> <li>• The proposals comply with the criterion under policy H1(41), and other relevant policies within the Local Plan.</li> <li>• There is no unacceptable impact from 150 dwellings (being 5 more dwellings than the approximate yield).</li> <li>• The development is considered to be of a high quality in terms of its design, layout, and materials.</li> <li>• Permission is therefore recommended.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
<ol style="list-style-type: none"> <li>1. Lenham Parish Council raises objections for the reasons outlined below and request committee consideration.</li> <li>2. Councillors J &amp; T Sams have requested the application be reported to Planning Committee for the following (summarised) reasons: <ul style="list-style-type: none"> <li>• Over intensification and lack of open space.</li> <li>• Impact upon the North Downs, detrimental impact upon the view from the historic Cross and insufficient screening and protection of the view.</li> <li>• Inadequate provision within open space for children’s play area.</li> <li>• Access of development onto the Old Ashford Road which will have a detrimental effect on users in and around Lenham square. The access should be onto the A20 where proper mitigation could be achieved.</li> <li>• The development is incongruous and of poor design with insufficient consideration taken upon neighbouring residents and those who will eventually live there.</li> <li>• Inadequate detail regarding potential flooding highlighted by local residents.</li> </ul> </li> </ol>		
<b>WARD</b> Harrietsham & Lenham	<b>PARISH COUNCIL</b> Lenham	<b>APPLICANT</b> Broad Oak Motor Group Limited <b>AGENT</b> Lee Evans Planning
<b>DECISION DUE DATE</b>		<b>PUBLICITY EXPIRY DATE</b>

28/09/18		22/08/18	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
16/504855	EIA Screening Opinion for the erection of 155no. Dwellings with associated garages, parking, access, open space and landscaping at land north of Old Ashford Road, Lenham	EIA Not Required	08/08/16

## **1.0 DESCRIPTION OF SITE**

1.01 The site is on the east side of Lenham and is a rectangular parcel of open arable land between the A20 to the north, and Old Ashford Road to the south, with an area of some 5.2ha. To the west are houses, a surgery and community centre, and to the east are two houses and commercial buildings beyond. Public right of way (PROW) KH433, which is a restricted byway, runs through the centre of the site from south to north. The AONB is immediately north of the A20 and rises steeply northwards towards the World War One Memorial Cross which was recently made a Grade II listed building. The site also includes land on the south side of Old Ashford Road where an attenuation pond for surface water drainage is proposed, and Tanyard Farm a Grade II listed house is just to the south of this land. The site is allocated in the Local Plan under policy H1(41) for approximately 145 houses subject to a number of criterion.

## **2.0 PROPOSAL**

2.01 The application seeks permission for 150 houses in two parts:

1. Firstly, detailed permission is sought for the erection of 48 houses within the southwest corner of the site and fronting Old Ashford Road. This would include an area of open space within the centre of site along the line of the PROW, and the main access from Old Ashford Road.
2. Secondly, outline permission is sought for the remainder of the site for the erection of 102 houses which would use the same access off Old Ashford Road. The layout and landscaping for this part is being considered at this stage but the appearance and height of the houses are not.

2.02 This basically means that the layout and landscaping for the whole site is being considered now but design and appearance is only being assessed for the 48 houses. The design and appearance of the remaining 102 houses would be assessed at a later date under reserved matters.

2.03 The detailed element has mainly detached two storey houses fronting Old Ashford Road with a number of access points. Within the southwest corner would be mainly terrace properties and apartments blocks. Dwellings would include 2, 3, and 4 bed properties with 40% affordable housing. A small children's play area is proposed towards the north end of the site. The

outline element features a mix but with mainly terrace properties and some detached houses. It is anticipated that this will provide a mix of 1, 2, 3, and 4 bed properties and 40% affordable housing would be provided. The layout and design will be discussed in more detail in the assessment below.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough Local Plan (2011-2031): SS1, SP8, SP18, SP19, SP20, SP23, H1, ID1, H1(41), DM1, DM2, DM3, DM4, DM6, DM8, DM12, DM19, DM20, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- MBC Air Quality Planning Guidance (2018)
- MBC Public Art Guidance (2018)
- Kent Downs AONB Management Plan (2014-2019)
- Draft Lenham Neighbourhood Plan

### **4.0 LOCAL REPRESENTATIONS**

4.01 **Local Residents:** 34 representations received raising the following (summarised) points:

- Harm to the landscape and AONB.
- Design is not in keeping.
- Loss of view of the cross.
- Access should be onto the A20.
- Impact on local infrastructure.
- Traffic impact.
- Highway safety.
- Lack of parking.
- No play area.
- Flood risk from surface and groundwater.
- Drainage problems due to springs.
- Loss of farmland.
- Foul drainage inadequate.
- Impact on wildlife.
- Too many houses.

4.02 **Lenham Neighbourhood Plan Group:** Raise the following (summarised) points:

- Lack of clear vista to cross.
- Lack of landscaping along south boundary.
- Question amount of open space and off-site contribution and whether off-site open space should/can be provided.
- More houses than policy suggests.
- Parking should be provided for the community centre.
- Drainage problems.
- Access should be off A20.

4.03 **CPRE Kent:** Raise the following (summarised) points:

- Lack of landscaping.
- Loss of views to the cross.
- Risk of Groundwater pollution
- Soakaways contravene Building Regulations and interfere with the PROW
- Lighting impact on bats
- Lack of children's and young people's play space.

4.04 **Kent Downs AONB Unit:** Raises the following (summarised) issues:

- Highly visible from the AONB.
- Detracts from views towards the AONB.
- Welcome the incorporation of mature 4 to 6 metre high trees along the site's frontage with the A20, substantial tree planting throughout the site, including a wide band running on an east to west axis through the centre of the site.
- Structural landscaping must be secured throughout the entire site, not just the area subject to the full application and provided in areas outside of private ownership.
- Height should be restricted to two stories.
- Structural planting along the site's frontage with the A20 should be secured in advance of development taking place.
- Lighting to be carefully controlled across the site.

## 5.0 **CONSULTATIONS**

*(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)*

5.01 **Lenham Parish Council:** Raises objections and wish the application to be heard at Planning Committee for the following (summarised) reasons:

- The calculation for the open space requirement assumes that the adjacent Lenham Community Centre and car park is available as Amenity Green Space which it quite clearly is not.
- The shortfall of on-site open space should be provided within Lenham either within the site or offsite. Any offsite provision should be within distance as required by the Accessibility Standards set out in MBLP Policy DM19 (iii).
- MBLP Policy H1 (41) states that the site has the capacity to provide approximately 145 dwellings. The Parish Council believes there should be a reduction in the number of units on the site to allow for the provision of substantial areas of internal landscaping as required by MBLP Policy H1 (41) (4). The amount and type of open space currently proposed within the layout is not adequate to meet the requirements of MBLP Policy H4 (41).

- There should be a reduction in size of some of the units and some units should be pulled back from the Old Ashford Road frontage to allow for substantially enhanced new planting along the frontage as required by MBLP Policy H1 (41) (1).
- Additional planting should be provided along the frontage to the A20 Ashford Road by reducing the size of the private gardens and garage courts.
- The scheme should follow the principles for the protection of the AONB established by the Inspector in the Jones Homes appeal decision to the west of Ham Lane and south of the A20 (14/502/973/FULL, dated 29<sup>th</sup> April 2016 Condition 5).
- A destination play area for children and young people should be provided which could be realised by reducing the number of dwellings currently proposed and/or reducing the size of some dwellings.
- A larger number of smaller dwellings within the scheme would comply with the Parish Council's perception of local need within the village which is for more smaller starter homes rather than the greater number of large executive detached homes currently included.
- The current scheme is a gross overdevelopment of the site, which clearly fails to meet even the basic requirements for environmental protection of the AONB established by the Inspector at the Local Plan Examination. That requirement is reflected in established development plan policies MBLP Policies H1 (41) and DM19 which both apply to this site.
- In respect of the surface water drainage provision no attempt has yet been made to mitigate the flooding caused by the Bourne stream which when active runs down the Eastern boundary of the site. Until such times as plans agreed by KCC flooding are presented this application should not be approved.

5.02 **Natural England: No objections** and advise that national guidance is taken into account and impact upon the AONB is carefully considered.

5.03 **Environment Agency: No objections.**

5.04 **KCC Highways: No objections** subject to conditions (which pass the relevant tests) to cover extension of the 30mph limit on Old Ashford Road and provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.

5.05 **KCC PROW: No objections**

5.06 **KCC Lead Local Flood Authority: No objections** subject to conditions requiring detailed drainage calculations; securing off-site storage;

maintenance and verification of the drainage; and preventing groundwater pollution.

5.07 **KCC Ecology: No objections** subject to conditions securing the reptile mitigation measures and enhancements.

5.08 **KCC Economic Development:** Request the following contributions to mitigate the impact of the development:

- £3324.00 per applicable house and £831.00 per applicable flat towards phase 1 of Harrietsham Primary School expansion.
- £4635.22 towards installation of conversation and adult lip reading classes in the Village Hall.
- £1281.28 towards Lenham Youth service enhancement of mobile unit and equipment.
- £21,844.10 towards Lenham Library enhanced library services including additional stock.
- £9597.56 towards provision of automatic doors for disabled access to Lenham Community Centre.

5.09 **KCC Archaeology: No objections** subject to conditions.

5.10 **NHS:** Seek £142,560 towards reconfiguration, refurbishment/upgrade to the Len Valley Practice or towards provision of new premises.

5.11 **MBC Parks:** Seek £164,100 to deliver improvements to the children's play facilities, sports pitch & infrastructure at Ham Lane & William Pitt Field.

5.12 **MBC Landscape:** Raise some concerns re. proximity of parking bays to trees in the northwest corner and plot 16 near the northern boundary in terms of future pressure.

5.13 **MBC Environmental Health: No objections** and recommend conditions relating to air quality emissions reduction, and installation of electric vehicle charging points.

5.14 **Southern Water:** Advise that there is not sufficient capacity in the local network at present.

5.15 **Kent Police:** Recommend measures to minimise crime are incorporated.

5.16 **UK Power Networks:** No objections.

## **6.0 APPRAISAL**

6.01 The principle of housing development at the site is acceptable it being allocated in the Local Plan for housing under policy H1(41). The key issues are therefore whether the proposals comply with the site policy criterion

and any other relevant policies within the Local Plan. Whilst the application seeks 5 more dwellings than referred to under policy H1(41), this is an approximate and paragraph 4.189 of the Local Plan states that the dwelling yields for each site are an estimate and the actual number could be higher or lower following detailed consideration of an application. I will therefore assess the proposals with reference to matters under the site policy and any other relevant considerations. Neighbourhood Plan's are a material consideration but as Lenham's is at a very early stage (public consultation to be carried out September 2018), it does not attract sufficient weight to have any bearing on the assessment of this application.

### Design & Layout

- 6.02 As outlined above, the layout and landscaping for the whole site is being considered now but design and appearance is only being assessed for the 48 houses in the southwest corner and fronting Old Ashford Road. The layout is shaped around the access from Old Ashford Road and the large central open space which affords views to the memorial cross. The entrance road runs north and then splits to the west and east. On the western part of the site are detached houses that front Old Ashford Road and courtyard development behind with terrace apartment blocks. The eastern part has two perimeter blocks which address streets, and houses fronting the roads on the north and east boundaries of the site. Buildings face Old Ashford Road and address the access into the site and the central open space area which is appropriate. The proposed building line along Old Ashford Road generally lines up with buildings either side of the site. Good connectivity is provided to the community centre via a pedestrian link to the west and there are good links within the development itself.
- 6.03 In terms of the site policy requirements, the proposals retain and substantially enhance the existing hedging and trees along both the north and south boundaries. This is through a 5m wide landscape buffer along the majority of the northern boundary, apart from some small sections where there are parking areas. This would include a native hedgerow 4 rows wide and mix of native trees. This would add to the existing hedging and trees and fill the gaps and provide for a substantial buffer. The Parish Council consider this buffer should be larger and cite the appeal decision at Ham Lane where the Inspector required a 15m buffer. Firstly, I do not consider a 15m buffer is necessary in this case because there are existing trees and hedging over much of the north boundary (unlike Ham Lane) which would be added to. Where there is a gap new planting is proposed and there are also trees on the opposite side of the A20 (albeit they are not under the applicant's control). Secondly, Ham Lane was not a site allocated in the Local Plan and it is considered that the proposed landscaping will accord with the site policy.
- 6.04 For the south boundary much of this is open at present and the proposals are to retain the hedging where it exists and introduce a new native hedge row and trees. The number of access points along Old Ashford Road has been reduced from the original 8 to 5 and some detached garages have been removed to ensure a stronger landscape boundary here. I consider

both areas of landscaping must be outside of private gardens to ensure it is maintained as structural landscaping and a condition can ensure this. I also consider this structural landscaping should all be provided early on under phase 1 of the development, which can be secured by condition. This landscaping will serve to soften and in time to a degree screen the development and complies with criterion 1.

6.05 The restricted byway would be retained through the site with ample space either side to ensure there would be no safety issues with users and the new development (criterion 2). The layout has been designed to provide a pronounced vista which affords clear views to the memorial cross to the north in line with criterion 3. The proposals have been amended since submission to move some buildings further west and the applicant has provided plans to demonstrate a clear view which opens up as one travels northwards. This view is ensured through the provision of a substantial area of open space in the centre of the development (0.55ha), which exceeds the amount specified under criterion 10 of the policy (0.34ha). Whilst there is a road running through the centre (which is necessary to provide access), being low level it would not detract from the view. The agent has confirmed that a children's play area is proposed at the north end of the open space but this would be a Local Area of Play (LAP) which is for younger children and so would have smaller play features rather than large equipment. As such, it would not intrude greatly on the vista. The central open space would therefore provide a distinct and positive feature of this development with views of the Grade II listed cross. Criterion 3 refers to open drainage channels or swales in this open space, however, the applicant is proposing alternative SUDs measures which will be discussed below.

6.06 With regard to criterion 4 and 5, the proposals have been designed taking into account the submitted Landscape and Visual Impact Assessment (LVIA) with significant landscaping on the northern boundary, and internal landscaping through a green corridor of trees that would run along the main road that runs from west to east through the site. Trees would also be provided along other internal roads and many trees are proposed within gardens. This will in time screen and soften the development and ensure an acceptable impact from and towards the AONB. The Local Plan Inspector in his Interim Findings acknowledged that the site would be visible from the AONB, just as the adjacent industrial estate is already visible but that there is scope for mitigation in the design and landscaping of the development to soften the edge of the built development. This would be achieved through the proposed landscaping so that the impact upon the AONB is limited to an acceptable level. He also outlined that the site is sufficiently distant from the Pilgrims Way and set at a lower level such that its impact on the wider available views would be limited.

6.07 Houses and gardens would be laid out to ensure sufficient privacy and outlook. With regard to the amenity of existing properties, new houses would be sufficient distances from houses in the southeast corner and to the west to ensure there is no unacceptable impact upon privacy or outlook. In terms of road noise from the A20, the acoustic assessment identifies measures including glazing specifications, alternative ventilation



systems and an acoustic barrier to garden areas (1.8m close boarded fence). These can be secured by condition to ensure appropriate amenity.

- 6.08 In terms of parking, this is generally in accordance with the Council's parking standards with 1 space for 1/2 bed flats, 1.5 spaces for 2 bed houses, and 2 spaces for 3/4 bed houses, all independently accessible. KCC raise no objections in terms of parking.
- 6.09 Overall, the layout is considered to be of a high quality providing a distinct character through the large central open space and vista of the memorial cross, and with substantial landscaping on the boundaries and within the site. The proposals create a high quality and attractive layout providing active frontages and focal buildings and complying with the requirements of policy H1(41) and policy DM1 of the Local Plan. The structural landscaping, which accords with the site policy, would serve to limit as far as possible the impact of the allocated housing site upon the setting of, and views towards the AONB.

#### Appearance & Scale

- 6.10 The site policy requires a high standard of design incorporating the use of vernacular materials and policy DM1 seeks high quality design and positive responses to local character. The applicant has proposed a traditional appearance with detached, semi-detached, and terrace houses, all of two storeys, and two storey apartment blocks.
- 6.11 The buildings have a mix of roof styles mainly with gables, but also some hipped roofs and catslide roofs on buildings picking up on vernacular styles. Garages when not integral have been designed to appear as Kentish out buildings using brickwork or timber boarded walls. Materials will include tile hanging, painted timber boarding, multi stock brickwork, and timber windows. A variety of plain tile, slate and leaded flat roofs will be used. Ragstone would be used on some of the walling that fronts the central open space area. Detailing is provided on houses including decorative plinth courses, detailing above door and window openings, bay windows, and chimneys.
- 6.12 Overall, I consider the appearance and scale of the buildings to be to a high standard in accordance policy DM1 of the Local Plan and high quality materials can be secured by condition.

#### *Surfacing & Boundary Treatments*

- 6.13 Surfacing includes a variety of materials with the main roads being tarmac but driveways and parking courtyards will be block paving or similar. Pathways within the open space would be gravel or a similar material that is rural in character which can be secured by condition. Boundary treatments would include brick walls on exposed boundaries with ragstone panels in places. Close boarded fencing would be provided within gardens. Overall, I consider these details would provide a high quality appearance to the development.

### Landscaping & Ecology

- 6.14 As outlined above, the landscaping scheme is robust and provides a quality structural element to the scheme and would provide an attractive environment and setting for the development. Some concerns have been raised by the landscape officer regarding the proximity of parking bays to trees in the northwest corner and plot 16 near the northern boundary in terms of future pressure. The parking bays would be below the canopies of some sycamore trees here but they are not category A trees and on balance this is not considered objectionable. Plot 16 and its garden are near to a category B hawthorn tree but the tree is to the north and so would not block sunlight or overshadow the property so on balance I consider this is an acceptable relationship.
- 6.15 With regard to ecology, the scoping survey required a reptile survey to be carried out which has been submitted. This found a low population of common lizard within the grass verge along the A20. A small loss of reptile habitat for the new footpath towards the A20 would occur and so a reptile mitigation strategy has been provided that will provide additional habitat through meadow planting in the northern section of the central open space. Prior to any ground works starting, a translocation exercise would take place. KCC Ecology raises no objections to this mitigation. Enhancements would be made in the form of hedgehog nesting boxes, gaps under any new fencing to allow hedgehogs access onto all garden areas, bird boxes, and bat roosting spaces within the new buildings.

### Access & Highways Safety

- 6.16 KCC Highways have raised no objections with regards to the new access points on Old Ashford Road or the impact of traffic on the local highway network. It is proposed to provide a footway along the entire frontage on the northern side of Old Ashford Road and extend the 30mph limit in line with the site policy. I note representations have referred to highway safety and congestion but there are not grounds to oppose the application on this basis and it accords with policy DM21. I also note preference for access onto the A20 by some but the adopted policy requires access onto Old Ashford Road only.

### Infrastructure & Open Space

- 6.17 In line with policy DM20 major residential development will put pressure on existing services and requests for monies to mitigate the impact of the development towards primary education, health, open space, community learning, youth services, libraries, and social care have been requested. I have assessed these requests and consider them to be necessary to mitigate the impact of the development due to the additional pressure future occupants would place upon these services, and consider them to pass the legal tests for securing financial contributions.

6.18 With regard to public open space, this has been questioned a number of times in terms of the application of policy DM19 and calculation of the off-site contribution. Policy DM19 seeks to deliver 5 types of open space on new housing developments and the amount will depend on the size of the development and the availability of open space within the local area. Where open space to serve the development cannot be provided in full on a site, for example due to site constraints or housing numbers, then provision should be made off-site nearby. If it can't be provided off-site then a financial contribution is appropriate.

6.19 In this case, 0.7ha of public open space which is mainly semi-natural is being provided on site including a small children's play area (LAP). Whilst the play area is not a policy requirement, as the site is near the edge of the village, I consider it is appropriate to have some play facilities on the site. This amount of open space exceeds the specific policy requirements (0.34ha) but this development would generate a need for around 3.2ha of open space. Clearly, this cannot be provided on site whilst providing for the number of dwellings and a good quality layout appropriate to the rural location. Therefore I have questioned whether there is any off-site land that could be used for open space, particularly the land to the south where an attenuation pond would be provided. The applicant does not consider useable sized areas for other types of open space could be accommodated to the south and I agree as the land potentially available would be very limited and be of an irregular shape. Therefore, an off-site contribution of £164,100 is appropriate in lieu of provision as allowed for under policy DM19. The Parks Team have considered the representations made and advise that this is the appropriate amount and correct calculation (and have discounted the adjacent Lenham Community Centre and car park as Amenity Green Space). Some representations consider that houses should be reduced to provide more open space but I do not consider the open space gained from removing 5 houses is sufficient to warrant this. Ultimately, the approach taken to open space is not unacceptable or contrary to policy.

#### Affordable Housing

6.20 Affordable housing would be provided at 40% which is in accordance with the Local Plan for rural greenfield sites. The tenure split would be 60% affordable rent and 40% shared ownership. Whilst policy SP20 seeks indicative targets for a split of 70/30, the applicant does not wish to increase above a 60/40 split and as this is a target, it is not considered grounds to refuse the application.

#### Flood Risk & Drainage

6.21 The site is not within a high flood risk area but some groundwater flooding has occurred in the past predominantly along the southern boundary of the site and within the south-eastern corner. Although there are no fluvial flood risk associated with the site, photographs have been submitted that show water along the east edge of the site and in neighbouring properties. Therefore to protect against any potential surface and groundwater

flooding, all finished floor levels would be minimum of 150mm above external ground levels and the use of soakaways in the area at risk of rising groundwater will be avoided. The east edge of the site also forms part of the landscaping scheme rather than being developed.

6.22 In terms of surface water from the development, water from the main roads and houses within the detailed part of the site would run to a proposed attenuation pond on the south side of Old Ashford Road. This pond will have an outfall control for discharge into the existing ditch/stream network. Private access and parking areas would be permeable. The houses on the outline phase would have soakaways within rear gardens. KCC (LLFA) have reviewed the details and raise no objections subject to conditions. They advise that if further testing reveals that infiltration is limited for the permeable areas and soakaways, then the attenuation pond could be used. On this basis, open drainage channels or swales in the central open space are not required.

6.23 With regard to foul drainage, Southern Water have advised that there is insufficient capacity at present. Additional off-site sewers, or improvements to existing sewers will therefore be required. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location. Planning conditions should not duplicate other legislation and so I do not consider a condition is reasonable or necessary.

#### Heritage

6.24 The housing development is over 100m away from the Grade II listed Tanyard Farmhouse with Old Ashford Road between. The site is visible from this building and the listed building can be seen across the site from the A20. However, I do not consider the application site significantly contributes to the listed buildings significance which mainly derives from its architecture and materials as shown in the listing. As such, the development would not be harmful to its setting or significance. The attenuation pond is a low impact and 'soft' landscape feature and would not harm the setting of Tanyard Farm. The recently listed memorial cross was constructed as a testament to those who died during the First World War. It is clearly seen from places within the village and in a prominent position 'above' the parish and some of its significance derives from its size and prominence. The development would obscure some views from Old Ashford Road but it would still be visible from the PROW through the site which forms the approach to the cross. Due to the distance from the cross (0.5km), I do not consider the development would harm its setting.

#### Other Matters

6.25 With regards to archaeology, some field work has been carried out on the site where the detailed application is proposed and some finds associated with the Roman period were made. The east field has been investigated in the southern half with no archaeology revealed and the geophysical survey

in the northern half again showed no archaeological features. On this basis conditions are considered appropriate and this has been agreed by KCC.

6.26 Issues raised by third parties not addressed in the assessment above relate to loss of farmland. The site is allocated in the Local Plan where the loss of farmland was fully considered and this is not grounds for the LPA to object to the application.

6.27 Environmental Health has requested an Air Quality Emissions Reduction condition, however, as the development is not near to an area of poor air quality, I consider that charging points for dwellings is a proportionate response in this case in accordance with policy DM6.

6.28 With regard to the Council's Public Art Guidance, this only applies to applications submitted after 1<sup>st</sup> January 2018. With regard to the Kent Minerals Plan, the site does not fall within a minerals safeguarding area.

## **7.0 CONCLUSION**

7.01 I have considered all representations received on the application and for the above reasons the proposals are considered to be acceptable and provide a high quality development in accordance with site policy H1(41), and other relevant policies within the Local Plan. Permission is therefore recommended subject to a legal agreement and the conditions set out below.

7.02 There is a second recommendation to seek delegated powers to grant permission without the Heads of Terms (excluding affordable housing) in the event that the legal agreement is not completed and decision notice issued before the Community Infrastructure Levy (CIL) commences on 1<sup>st</sup> October. If this occurred, then the development would have to pay CIL and monies towards primary education, health, open space, community learning, youth services, libraries, and social care cannot be collected. Affordable housing would still be secured under a legal agreement.

## **8.0 RECOMMENDATION(S):**

### **RECOMMENDATION 1:**

In the event that the decision notice is issued prior to 1<sup>st</sup> October 2018, subject to the prior completion of a legal agreement to provide for the Heads of Terms set out below and subject to the conditions as set out below, the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION**, and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Heads of Terms:

1. £3,324.00 per applicable house and £831.00 per applicable flat towards Phase 1 of Harrietsham Primary School expansion.
2. £4,635.22 towards installation of conversation and adult lip reading classes in the Village Hall.
3. £1,281.28 towards Lenham Youth service enhancement of mobile unit and equipment.
4. £21,844.10 towards Lenham Library enhanced library services including additional stock.
5. £9,597.56 towards provision of automatic doors for disabled access to Lenham Community Centre.
6. £142,560 towards reconfiguration, refurbishment/upgrade to the Len Valley Practice or towards provision of new premises.
7. £164,100 to deliver improvements to the children's play facilities, sports pitch & infrastructure at Ham Lane & William Pitt Field.
8. 40% affordable housing (60/40 split in favour of affordable rent/shared ownership)

## **RECOMMENDATION 2:**

In the event that the decision notice is not issued prior to 1<sup>st</sup> October 2018, subject to the prior completion of a legal agreement to provide for the Heads of Terms set out below and subject to the conditions as set out below, the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION**, and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

### Heads of Terms:

1. 40% affordable housing (60/40 split in favour of affordable rent/shared ownership)

### Conditions:

1. The operational development within the outline element of the development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
  - a. Scale
  - b. Appearance

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The detailed element of 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.

3. No development shall take place on the detailed and outline phases until details of the proposed slab levels of the building(s) and the existing site levels (including buildings where finished floor levels will be a minimum of 150mm above ground level) for that phase have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;

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

4. No development shall take place on the detailed and outline phases until the applicant, or their agents or successors in title, has secured the implementation of the following for that phase:

- (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 that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

5. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting

from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

6. No development including site clearance and demolition shall take place on the detailed and outline phases until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority for that phase. The AMS should detail implementation of any aspect of the development that has the potential to impacts on trees and their roots and detail any tree works necessary to implement the approved scheme and include a tree protection plan.

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

7. No development above slab level shall take place on the detailed and outline phases until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority for that phase. The development shall be constructed using the approved materials and they shall include the use of ragstone in walling as shown on the approved plans, clay tile hanging and roof tiles, slate roof tiles, painted timber boarding, and multi stock brickwork.

Reason: To ensure a satisfactory appearance to the development.

8. No development above slab level shall take place until details of the ragstone walling has been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site.

Reason: To ensure a high quality design.

9. No development above slab level shall take place on the detailed and outline phases until, written details and samples of the surface materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the local planning authority for that phase. The development shall be constructed using the approved materials. Surface materials shall avoid the use of tarmac for driveways, parking areas and pathways through the open space.

Reason: To ensure a satisfactory appearance to the development.



10. No development above slab level shall take place on the detailed and outline phases until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land to which they relate and maintained thereafter. Details shall include the use of ragstone walling and walling on boundaries exposed to public view.

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

11. No development above slab level shall take place on the detailed and outline phases until details of any external meter cupboards, vents, or flues have been submitted to and approved in writing by the Local Planning Authority for that phase. The development shall be carried out in accordance with the approved details. Such features shall be installed to limit their visibility from public view points.

Reason: To secure a high standard of design.

12. No development above slab level shall take place until specific details of the landscaping scheme, as shown on drawing no. 2378/16/B/4 RevA, which shall be designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall include a full planting specification, programme of implementation and a 10 year management plan. The scheme shall include the following:

- Structural landscaping along the north, east, south, and west boundaries of the site set outside of the garden/boundaries of properties and details of long-term management.
- Structural landscaping along the north boundary of the site being implemented alongside the detailed element of the development.
- Planting to provide natural/semi-natural open space within the central open space area.

Reason: In the interests of landscape and AONB protection and to ensure a satisfactory appearance to the development.

13. No development above slab level shall take place until details of the equipping and laying out of the children's play area, and the mechanism for the ongoing management and maintenance of all the public open space areas within the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory public open space and its ongoing management and maintenance.

14. No development above slab level shall take place on the detailed and outline phases until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority for that phase. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

15. No development above slab level shall take place on the detailed and outline phases until details of plots where electric vehicle charging points can be installed have been submitted to and approved in writing by the Local Planning Authority for that phase. The development shall be carried out in accordance with the approved details and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles.

16. No development above slab level shall take place until details of ecological enhancements and as outlined at paragraph 4.10 of the Preliminary Ecological Appraisal (KB Ecology) dated 29/04/15 have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to the occupation of the development and thereafter retained. Details shall include the following:

- Hedgehog nesting boxes and gaps under new fencing to allow hedgehogs access onto all garden areas.
- Bird and bat boxes.
- Bird and bat nesting features integral to buildings.
- Wildlife friendly drainage gullies.

Reason: In the interests of biodiversity protection.

17. The approved details of the access points shall be completed before the commencement of the use of the land or buildings hereby permitted and the sight lines maintained free of all obstruction to visibility above 1.0 metres thereafter;

Reason: In the interests of road safety.

18. Before the development hereby permitted is first occupied, the following highways works shall be fully implemented:

- A new footway along the entire south boundary of the site on Old Ashford Road.
- Extension of the 30mph limit on Old Ashford Road to at least the east edge of the site.

Reason: In the interests of highway safety.

19. No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:
- A description of the drainage system and its key components.
  - A general arrangement plan with the location of drainage measures and critical features clearly marked.
  - An approximate timetable for the implementation of the drainage system
  - Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities.
  - Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction).

20. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

21. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England ) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

22. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where it has been demonstrated to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources.

23. If any of the planting, seeding and turfing specified in the approved landscape details fails to establish or any trees or plants which, within five 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 they shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension of any dwellings or enlargement of any roofs shall be carried out without the permission of the local planning authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

25. The development shall be carried out in accordance with the approved Reptile Mitigation Strategy (KB Ecology) dated 02/03/18 unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of biodiversity protection.

26. The development shall be carried out in accordance with the noise mitigation measures as outlined at section 5.0 of the Noise Impact Assessment (MRL Acoustics) dated January 2016 unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of biodiversity protection.

27. The development hereby permitted shall be carried out in accordance with the Approved Drawing List received on 23/08/18.

Reason: In the interest of visual and residential amenity and to clarify which plans have been approved.

Case Officer Richard Timms