

<b>REFERENCE NO - 18/506657/FULL</b>		
<b>APPLICATION PROPOSAL</b> Residential development of 53 no. two, three and four bedroom traditional two storey houses and apartments inclusive of 40% affordable housing including provision of foul pumping station, open space with ecological pond and landscaping with vehicular/pedestrian access via Loder Close off Ham Lane, Lenham.		
<b>ADDRESS</b> Land West Of Loder Close And Westwood Close Ham Lane Lenham Kent		
<b>RECOMMENDATION</b> Conditional planning permission be granted subject to the completion of a s106 agreement		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposal is considered to be acceptable in terms of the impact on the character of the area, the adjacent countryside, the landscape setting of the AONB, highway safety and parking, neighbouring amenity, ecology, arboriculture and drainage.  Under Policy SP8 of the MBLP, Lenham is to provide additional housing growth and it has been designated as a Rural Service Centre and a broad Location for future housing development in the Local Plan to be delivered between 2021 and 2031.  The policy states that future housing sites should be allocated and determined by a Neighbourhood Plan and master plan process, by April 2021 in accordance with the criteria of policy H2(3). However, the Lenham Neighbourhood Plan (LNP) has encountered delays and can no longer be agreed in time to allow it to facilitate a realistic and desirable housing trajectory over the 2021 to 2031 period.  The site will be able to meet approx. 5% of future requirements for the settlement. The development will be self contained functionally and visually. The form and layout do not prejudice acceptable development in principle coming forward on neighbouring sites. The site is not dependent on any of the other earmarked sites in the draft LNP.  It has independent and acceptable safe direct access via Loder Close to Ham Lane and there are no capacity problems at the junction of Ham Lane with the A20 from an additional 53 units considered cumulatively with the 70 units at Westwood, a site with residential planning permission to the north.  Bearing in mind the location of the site where the countryside can be accessed relatively easily and there are playing field facilities immediately to the south, the development has an acceptable level of on-site open space and children's play which will also be available to neighbouring residents. It will provide reasonable and appropriate contribution to other infrastructure by CIL payments.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Called by Cllrs Tom and Jeanette Samms to the planning committee on the grounds that it is of significant development in Lenham; impacts upon the amenity of residents; poses a flood risk; causes harm to the rural character of the Countryside; displays insufficient landscaping		
<b>WARD</b> Harrietsham And Lenham	<b>PARISH/TOWN COUNCIL</b> Lenham	<b>APPLICANT</b> Wealden Land Ltd <b>AGENT</b> Wealden Homes
<b>TARGET DECISION DATE</b> 07/06/19		<b>PUBLICITY EXPIRY DATE</b> 17/05/19

**Relevant Planning History**

15/507941/FULL

Residential development of 45 two, three and four bedroom traditional two storey houses inclusive of 40% affordable housing including provision of open space, with vehicular access via Loder Close off Ham Lane  
Refused Decision Date: 31.03.2016

16/508039/FULL

Residential development of forty two 2, 3 and 4 bedroom two storey houses inclusive of 40% affordable housing including provision of open space and with vehicular access.  
Refused Decision Date: 17.03.2017

Adjoining site (Westwood, Ham Lane, Lenham)

14/502973/FULL

Erection of 82 new residential dwellings together with access onto Ham Lane, internal roads, parking, landscaping and ancillary works on land at Ham Lane  
Refused Decision date: 12.03.2015  
Allowed on appeal Decision date: 24.06.2016

17/504450/REM

Approval of Reserved Matters for the erection of 70 dwellings (Appearance, Landscaping, Layout and Scale being sought) pursuant to 14/502973/FULL - Outline application for erection of 82 new residential dwellings together with access onto Ham Lane, internal roads, parking, landscaping and ancillary works on land at Ham Lane  
Approved Decision date: 16.03.2018

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

- 1.01 The application site is approximately 1.97 ha in size and relates to a parcel of horse grazing land to the west of Lenham village. The site slopes gently down from north to south. To the south east of the site are two cul-de-sac developments known as Loder Close and Westwood Close, both of which are accessed from Ham Lane. To the southwest of the site is the village playing field (the William Pitt Field) which contains grass football pitches with parking and changing facilities. To the northwest of the site are agricultural fields/open countryside with 2 residential properties beyond, approx. 140m away and the TPO protected Dickley Wood to the west. Further to the north is the North Downs Area of Outstanding Natural Beauty. The site is 190m from the southern extent of the AONB and separated by a site with planning permission for housing development and the A20.
- 1.02 The parcel of land immediately to the northeast called Westwood is bounded by Ham Lane and the A20 and has an outline planning permission granted on appeal to Jones Homes for up to 82 dwellings although a reduced number of 70 dwellings were recently granted reserved matters approval. The appeal planning permission needs to commence before 16 March 2020. Vehicular access to that site is to be off Ham Lane. A footpath link from that site to the application site was indicated in the Reserved Matters approval.
- 1.03 All trees and significant vegetation are on the site boundaries. The north-eastern boundary includes sporadic tree/hedge planting and there is less vegetation on the north-western boundary. The southwestern boundary is lined by fairly substantial vegetation of an overgrown hedge with paling/wire fencing separating the site from the adjacent sports pitches. The south-eastern boundary of the site consists mainly of residential post and rail timber fencing to the rear of Westwood Close or close boarded fencing rear of Loder Close.

- 1.04 Access to the site is indicated to be via Loder Close which has a conventional macadam carriageway and a footway on its southern side and planted service strip on its northern side. The carriageway terminates at the site entrance by a 5 bar gate and then a grass track some 15m long before the site proper.
- 1.05 The junction of Loder Close to Ham Lane is on a straight section of Ham Lane with good visibility splays.

## **2. PROPOSAL**

- 2.01 This is a full application for residential development of 45 no. 2, 3 and 4 bedroom two storey houses and 8 no. 1 bed flats in 2 storey apartment blocks of 4 flats each. There will be 40% affordable housing on a 70/30 affordable rent/shared ownership tenure including provision of public open space. The affordable units are sited on the boundary next to the playing field.
- 2.02 The overall density (excluding the access to Loder Close) is approx. 30 dph.
- 2.03 There would be a non-adopted shared surfaced loop road around a central island containing 16 houses with the remaining houses backing onto the 3 site boundaries plus part of the south-eastern boundary. Most of the south-eastern boundary comprises an area of Public Open Space measuring 0.3ha in 2 sections. This includes a new cycleway link to the Westwood site to the north, an ecological pond and a play area (intended for toddler play).
- 2.04 In addition to the pedestrian/cycle link indicated to the Westwood site, a potential future pedestrian link with the adjoining site to the west is proposed in the southwest corner of the site, should this link be needed in the future if there were to be further development. There is also an indicative pedestrian/cyclist link to the Playing Field in the south-eastern corner.
- 2.05 The scheme has been revised since originally submitted, there is one fewer housing unit, more open space, concrete roof tiles have been replaced by either clay tiles or Redland Cambrian and simplified but authentic architectural detailing to the units.
- 2.06 The proposed houses would all be two storey in height and of a traditional appearance with mostly red/brown facing brickwork although 10 plots will have buff/brown brick type. There will be some use of red feature brickwork, white Hardieplank weather boarding, and clay tile hanging. Roofs will be either clay or composite slate roof tiles (using 60% reconstituted slate waste). The 2 sets of flats will have Juliette balconies to the front elevations. Ragstone is to be used on the ground floor publicly visible elevations of 4 houses which front onto the Public Open Space and on the side garden walls of 5 plots which turn visually prominent corners.
- 2.07 Rainwater goods are to be black UPVC and fascias/soffits and windows are white UPVC. Some of the plots will have rafter feet eaves. There are flat or clay tiled pitched roofed canopies to front doors and some plots have pitched roof bay windows.
- 2.08 An area of Public Open Space of approx. 0.3ha is proposed to span the access road at the entrance of the site. The larger part would abut the south-eastern boundary of the site adjoining and acting as a buffer to Westwood Close. The north boundary of the site adjoins the appeal site (Westwood). This provides a soft landscaped area on entering the site. It has a varying width of 13-20m.
- 2.09 A public footpath/cycleway connection is shown partly crossing the POS for 28m which then makes use of the shared surface access road with an aim of linking the application site to the adjoining site to the north and the sports field to the south, should the completion of those links be needed in the future.

2.10 In terms of landscaping, the strategy is:

- North-western boundary to open countryside: 4 rows of mixed native hedgerow with 2m grass strip as a habitat corridor, to be outside gardens and managed by the management company, to include canopy native trees
- North-eastern boundary to Westwood: double row mixed native hedge with canopy native trees, to be within private gardens (abutting proposed substantial landscaping beyond the common boundary on the adjacent site if developed to its planning permission)
- South-western boundary to Playing Field: no landscaping within the site due to existing dense belt of trees within and bordering the playing field
- South-eastern boundary: double row mixed native hedge planted against a 1.8m high green mesh fence for temporary security, planted outside of private gardens and to be managed by the management company.
- Public Open Space: line of fruit trees and a small area of meadow species; pond designed to retain water year round with various depth shelves to the edges for biodiversity; native tree and shrub mix; log piles; hawthorn boundary to pond to reduce disturbance.
- Planting around the pumping station to screen (privet and broom).
- Single species hedges to demarcate some front and side garden boundaries of hazel, hawthorn, privet, beech or hornbeam
- Areas of ornamental and native shrubs in domestic areas and to screen boundary fences.

2.11 The ecological enhancement is to comprise bird boxes (sparrow terraces), bat tubes, hedgehog gaps in fences, dormouse-friendly hedges, hazel coppice and green corridors; log piles. Ornamental species in the domestic landscaping is shown to be used when native equivalents are not practicable, but the applicant states that ones chosen will be nectar rich or have berries.

2.12 The lighting will comprise lantern style to the house front doors and rear doors. Otherwise there will be 15 bollards to street/parking areas (the road is not to be adopted).

2.13 Foul drainage is via a pumping station sited in the SW corner with a connection to the main sewer. Surface water drainage is indicated to be to ground via permeable paving and soakaways.

### **3. POLICY AND OTHER CONSIDERATIONS**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017  
SP8 Lenham Rural Service Centre  
SP17 Countryside  
SP20 Affordable Housing  
ID1 Infrastructure Delivery  
H2(3) Lenham broad location for housing growth  
DM1 Principles of good design  
DM3 Natural environment  
DM6 Air Quality  
DM8 External lighting  
DM12 Density of housing development

DM19 Open space and recreation  
DM21 Assessing the transport impacts of development  
DM23 Parking standards  
DM30 Design principles in the countryside;

Supplementary Planning Documents Air Quality; Public Art

#### **4. LOCAL REPRESENTATIONS**

##### **Local Residents:**

4.01 10 representations received from local residents raising the following (summarised) issues

- Highway danger: Ham Lane lacks a pavement on both sides for most of its length, is already busy including HGVs to and from Lenham Storage and the speed limit is routinely breached.
- Ham Lane and A20 junction is unsafe with additional traffic
- negative impact to the country lanes
- Increased traffic congestion on A20 and M20 motorway which already suffer from traffic related incidents & daily have slow moving/queuing vehicles.
- Unsustainable location due to reliance on the car, residents will not walk to Lenham's village centre facilities
- Poor bus services
- Residents will drive to railway station
- Noise and pollution during construction
- parking problems will worsen in village centre
- overlooking
- noise, smells and disturbance from the new properties and the traffic
- reduce the sense of outlook and natural light
- addition of trees along boundary reduces natural light
- traffic noise and light and air pollution
- detrimental impact on local community facilities (e.g. shops, schools, healthcare)
- expanding the village into farmland
- loss of rural character to Lenham, becoming a small town
- affects the setting of the AONB
- Contrary to the Maidstone Landscape Capacity Study 2015
- brownfield sites should be concentrated on first
- devaluation of neighbouring houses
- harm to mental health and wellbeing of neighbouring residents
- public footpath and play area will harm privacy and security of the houses in Westwood Close from theft and vandalism
- visual impact study has no reference to the affected view from Westwood Close
- The site floods during periods of wet weather, presumably due to the gradient and its proximity to the North Downs

- construction sites known to attract thieves and youths
  - ecology study does not cover bats and hedgehogs and birds including pheasants, starlings and blue tits
  - proposed pool will attract rats and insects near to Westwood Close
  - no additional employment in the area and people already travel out of Lenham for work
  - no need for more housing in this area, the houses already built within Lenham and surrounding area are not selling
  - not part of wider Masterplanning that should inform the Neighbourhood Plan
  - the affordable element would be of no real benefit to the Parish of Lenham
  - Inadequate on-site open space
  - Noise from play area
  - Street lighting would cause light pollution affecting wildlife
  - Inaccuracies in the application documents indicate the applicant has not visited the village
  - too much harm to justify only 54 extra houses, the existing residents have not been considered or consulted
  - site should remain as open countryside to break the vista of continuous housing
  - Local Plan in Policy H2(3): should be refused as prior to a review of the Local Plan or adoption of the Neighbourhood Plan
  - The Hearn report, on which Maidstone Borough Council have formulated their housing needs, stipulates that The Rural East (Harrietsham & Lenham) should only have a net gain of 25 houses p.a., already met by current developments underway in Harrietsham and in Lenham.
  - contrary to NPPF re a plan-led system is the primary mechanism in delivering sustainable development by succinct local and neighbourhood plans
  - Premature- the draft Lenham Neighbourhood Plan is at Regulation 14 and not to be far enough advanced to have any influence in the decision making process
  - The decision should be as the 2 recent refusals on this site.
- 4.02 One further objection was received to the revised plans: The reduction of 1 house does not reduce impact of the development; footpath still impacts the privacy; noise levels from this play area which will be a magnet for children from adjoining Jones Homes development (70 houses with approx 140 children) and children who currently use William Pitt field as a meeting point; litter; inadequate open space.
- 4.03 Issues such as property value, a right to a view and construction nuisance are not material planning considerations and therefore cannot be taken into account in the determination of this application. The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

## **5. 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)

### Lenham PC

- 5.01 No objections subject to conditions relating to on site contractor parking, open space calculation, CIL monies percentage, improvements to the quality of detailing

relating to the elevations of buildings and improved street sections should be included.

- 5.02 Regarding the weight to be given to the emerging Lenham Neighbourhood Plan, there are currently unresolved objections made by Kent County Council and Maidstone Borough Council regarding infrastructure provisions within the Plan.
- 5.03 To grant permission would pre-determine decisions about the scale and location of new development in the emerging LNP. Phasing could be pre-determined and decisions about how and whether Section 106 contributions can be collected may well be pre-determined.
- 5.04 The draft Plan should not be used as a basis for confirming the residential use of the land. The application should be refused because otherwise it would undermine the plan-making process by pre-determining decisions on the scale and location of new development in the emerging Lenham Neighbourhood Plan.

#### KCC (Development Contributions)

- 5.05 Original response: Based on the original proposals for 54 units, this development will place unfunded pressures on KCC in the form of Primary Education; Community learning, Youth Service, Libraries, Social Care. Funding will be sought from the CIL receipts.
- 5.06 Request a requirement to provide 'fibre to the premise' Broadband Delivery UK (BDUK), part of the Department for Culture, Media and Sport, requires delivery of superfast broadband to all.
- 5.07 Revised response: Request £159,552.00 towards the 1FE expansion of Lenham Primary School via a s106 legal agreement.

#### Southern Water

- 5.08 Southern Water can provide foul sewage disposal to service the proposed development. A formal application for connection to the public sewerage system is required in order to service this development.
- 5.09 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, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities.
- 5.10 Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of a proposed pumping station site.

#### KCC (Flood and Water Management)

- 5.11 No objection in principle to the proposed development with surface water drainage based upon a combination of permeable paving and soakaways. Additional ground investigations will be required to give sufficient coverage of the site and allow testing at the proposed depth/invert level of infiltration features, including permeable paving areas. Recommend groundwater monitoring is undertaken for a sufficient period prior to commencement of development as further design information and ground investigations are required to confirm the suitability of the drainage proposals.

#### Natural England

- 5.12 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites.

- 5.13 The proposed development site is close to the Kent Downs AONB. NE advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal.
- 5.14 A local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development. The application must not have a significant impact on or harm the statutory purpose of the AONB which is to conserve and enhance the area's natural beauty.

#### Environmental Protection

- 5.15 The site is outside the Council's Air Quality Management Area. The scale of this development warrants an air quality assessment. Installation of a publically accessible Electric Vehicle charging point would be a useful promotion of a sustainable travel option.
- 5.16 Due to the proximity of the site to the main road (A20), as the most significant noise source, request mitigating measures mentioned in the noise assessment report are put in place. There are some indications of land contamination based on information from the contaminated land database & historic maps databases near the site. Also there could be contamination risks on the proposed site due to its present use. There is no indication of any significant chance of high radon concentrations.
- 5.17 Details regarding any external lighting should be required as a condition of any planning permission granted.

#### Kent Police

- 5.18 They have met the applicant to discuss CPTED for this proposal; note the inclusion of the SBD section (section 7) within the Design and Access Statement (DAS).
- 5.19 The proposed pedestrian Link/Cycle path, whilst running to the rear of the properties in Westwood Close is screened from their rear garden boundaries with a hedge of defensive planting. The path moves away from the rear of the properties in Westwood Close as it heads northwards of the proposed new development. The Landscape Masterplan also shows the defensive planting hedge as detailed "Double row mixed native hedge to provide a green boundary between the existing Westwood Close development and the public open space on the subject site.
- 5.20 The present rear boundary treatments of the gardens in Westwood Close appeared to be machined post and rail fencing with what looks to be an access path for some of the rear of the properties, between a second post and rail fence, with stock fence mesh infilling. The low height and type of existing fencing does give cause for concern, should the proposed new footpath run directly against the existing fence.
- 5.21 Suggest that defensive planting mentioned above, be conditioned as part of any planning consent and that this planting be protected by additional temporary fencing until it has become mature and fully established.

## **6. APPRAISAL**

### **Main Issues**

- 6.01 The key issues for consideration relate to:
- Development Plan Context
  - Principle of Development
  - Visual impact/Landscape
  - Residential Amenity



- Drainage and flooding
- Highways
- Ecology
- Affordable Housing
- Infrastructure and Open Space

### **Development Plan Context**

- 6.02 In terms of the reasoning behind the adopted Local Plan policies affecting development in the broad location of Lenham, one needs to consider the Planning Inspector's Report on the Examination of the Maidstone Borough Local Plan (July 2017).
- 6.03 In the submission version of the Local Plan, 1500 homes were proposed for the Broad Location of Lenham between 2026 and 2031 but the Inspector was unconvinced that 300 homes would be delivered per annum for a 5 year period. Rather he opined that (paragraph 191):
- "There is no reason to delay delivery until 2026 as was proposed in the submitted Local Plan. However, as there is an available supply of planning permissions and proposed allocations in both Lenham and nearby Harrietsham to address short term needs, neither is it necessary or appropriate to bring development forward sooner than 2021, particularly as there are expected to be infrastructure constraints to be addressed including sewerage and waste water treatment capacity and the need for a new primary school."*
- 6.04 The Inspector concluded that:
- "200. The H2(3) Lenham Broad Location should be reduced from 1500 to 1000 dwellings to be delivered between 2021 and 2031. That would be a more realistic delivery rate. The reduced total development within the Plan period would also allow more flexibility for the individual site allocations. These allocations would be determined by a Neighbourhood Plan or, by default, in a Local Plan review before April 2021. The plans would need to address any infrastructure constraints..."*
- 6.05 Therefore, in order to provide a 'realistic' delivery rate, 100 homes per annum need to be delivered (i.e be ready for occupation) between April 2021 to 2031. Given that only 53 homes are proposed and there are no other current applications, it seems likely that the first delivery target of 100 homes between 2021 and 2022 will be missed. Moreover, given that it is now mid 2019, it seems unlikely that the scheme will be completed by April 2021 given the need for a s106, discharge of conditions, other authorisations, site clearance and preparation, construction etc. In conclusion, I consider that delivery, in isolation, is to be welcomed as this was the focus for the Inspector bringing forward the start of the delivery period to 2021.
- 6.06 Recent analysis of Housing land supply projections indicates that it is not unrealistic to assume 3-4 years for delivery from detailed planning permission awaiting s106 agreements. The developers here have indicated that they see their development providing key delivery at the front end of the Plan period.
- 6.07 The Lenham Neighbourhood Plan is at Regulation 14 stage and so only limited weight can be given to it.
- 6.08 In terms of potential infrastructure constraints, the Inspector refers to wastewater capacity and the need for a new primary school. I am not aware of Southern Water requesting developer contributions to improve capacity at the local wastewater

treatment plant. Drainage is discussed later but the proposal incorporates a self contained drainage system. Secondly, monies for primary school education will be dealt with by CIL and it is understood that KCC Education now want monies for expanding the existing primary school in Lenham (previously they favoured Harrietsham) and this can be a focus for CIL monies. I am not aware of any other significant infrastructure constraints.

- 6.09 In terms of connectivity, links or potential links are proposed on all 4 sides so this is not piecemeal development rather a layout that respects and takes account of its surroundings.
- 6.10 Therefore, I conclude that this scheme, even if it were interpreted as 'premature', would cause no significant harm in strategic policy terms. Rather it provides some certainty of actual delivery which was the focus of the Inspector and remains a focus of the revised NPPF.

### **Principle of Development**

- 6.11 The site has been the subject of 2 refusals of planning permission for residential development in 2015 and 2016. In both cases, the applications were determined against the MBLP from 2000 and the policies in emerging Local Plan in 2016/17, principally on the grounds of being in the open countryside and by being premature and prejudicing future housing development in Lenham which was intended to be strategically delivered after 2021 through a Neighbourhood Plan/strategic master plan. Those previous schemes were judged to be contrary to the NPPF which made clear that the plan-led system was the primary mechanism in delivering sustainable development, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.
- 6.12 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough Local Plan 2017.
- 6.13 The site is outside the settlement boundary of Lenham and is thus initially covered by policy SP17 which relates to development within the countryside. The policy presumption is against development which harms the character and appearance of the area or the amenities of surrounding occupiers. However, housing development here needs to be assessed as to whether it falls within category (5) listed in policy SP17 as follows: "*such other exceptions as indicated by policies elsewhere in this plan*".
- 6.14 Policy SP8 of the MBLP allocates Lenham as one of the Borough's rural service centres which are the second most sustainable settlements in the hierarchy and appropriate to accommodate growth. Thus policy SP17 can be set aside in determining this case.
- 6.15 Within policy SP8, Lenham is also identified as a broad location for growth by the delivery of approximately 1000 dwellings post April 2021 to be delivered in accordance with policy H2(3). The policy goes on to say that Masterplanning of the area will be essential to achieve a high quality design and layout, landscape and ecological mitigation, and appropriate provision of supporting physical, social and green infrastructure. The policy includes an expectation that housing site allocations and associated infrastructure requirements will be made through the Lenham Neighbourhood Plan (LNP) or through the local plan review to be adopted by April 2021. The policy requires that housing sites should avoid significant adverse impact on the setting of the AONB and coalescence with neighbouring Harrietsham.

- 6.16 The 1000 houses are expected to be delivered from April 2021 to April 2031, which is considered to be a realistic delivery rate of approx. 100 units per annum.
- 6.17 As Members are aware, in the time that has elapsed since this approach to the future development at Lenham was formulated at the Local Plan Examination, the LNP has not advanced at the expected rate and is still at Consultation draft stage Regulation 14 and thus much behind its anticipated timetabling. It would not have significant weight in terms of development management decisions until several more stages have passed, not anticipated to be realistically achievable until 2020 at the earliest.
- 6.18 Notwithstanding the above, the Consultation draft LNP which was published in September 2018 does indicate a general direction of travel for the residential allocations for Lenham. It includes the application site for development of
- approximately 55 dwellings at a density of 30 per hectare;
  - access from Loder Close;
  - a structural landscape corridor at least 15 metres wide being provided to the north-east of the site of at least 0.15 ha in order to provide enhanced visual screening for the existing dwellings in Westwood Close.
- 6.19 As demonstrated below, all these objectives are generally met by the application scheme albeit the PoS has a more varying width of 13-20m. The approximate 30dph density meets policy DM12 of the MBLP.
- 6.20 The draft LNP also allocates agricultural land for housing development to the west as site 5 and the William Pitt Playing Field to the south as site 6 (subject to prior replacement playing pitches being made within Lenham Parish).
- 6.21 It is now less than 2 years until April 2021 and it is important to ensure that delivery of 1000 units is relatively even throughout the 2021-2031 period (which was a factor given much weight by the Inspector). To allow for the time taken for planning permissions to be granted, conditions to be discharged and for site preparation and construction to proceed, it is clear that delaying planning decisions until the LNP is made/agreed is no longer feasible. To do so, MBC would be failing in its duty to meet this element of its housing targets.
- 6.22 The developer has committed to not allowing occupation of any of the units until after April 2021 and this could be a planning condition on the basis it reflects the policy position in an adopted Local Plan regarding the earliest date of delivery of the 1000 units in this broad location.
- 6.23 To rely on future allocations in Lenham being determined by the agreed LNP would not allow adequate time for delivery of housing in the early part of the period 2021 to 2031. Essentially, the delay in the progress of the LNP which could not have been envisaged when the policy was being formulated and is a factor that has weight in policy H2(3) in this case.
- 6.24 It is necessary to afford significant weight to the need for a pragmatic and realistic trajectory for the delivery of 1000 housing units in Lenham and this outweighs the strict application of the policy as worded. Paragraph 50 of the NPPF gives context for assessing prematurity. It states that refusal of planning permission on grounds of prematurity will seldom be justified before the end of the Local Planning Authority publicity period on a draft neighbourhood plan. Thus the PC's and objectors' submission that prematurity should be a reason for the refusal of this application is not in accordance with clear national policy on that issue.
- 6.25 Lenham PC, whilst initially not objecting to the principle of the development, did subsequently submit comments regarding the NPPF's policy context for the weight

that the LPA should give to the consultation draft LNP. Paragraph 48 of the NPPF states that Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given). In the case of LNP, the Regulation 14 policies have not been subject to any formal consultation and thus low weight must be given to it. Accordingly, the application site has to be assessed on its individual merits in the context of its juxtaposition with the village of Lenham, the William Pitt Field, the approved development at Westwood, highway access and contributions toward delivery of infrastructure necessary for and relevant to the development.

### **Visual impact/Landscape**

- 6.26 The 'Landscape Assessment of Kent' (Kent County Council, 2004) locates the site within the landscape character area of: Hollingbourne Vale West. ie typically small broadleaved woodlands and irregular fields. The Landscape Assessment of Kent seeks to:
- Restore rural views by controlling the visibility of detracting features
  - Create a dense woodland framework for transport corridors
  - Create edges to settlements and new rural features to distinguish highways and the approaches to settlements.
- 6.27 The Maidstone Landscape Character Assessment (2012/2013) locates the site within the landscape character area of: Harrietsham to Lenham Vale. This is identified as: *"..... some fragmentation is caused by the railway line and the busy A20, the pattern of landscape elements is generally coherent. ....The pattern of woodlands, hedgerows and the mosaic like field pattern between Harrietsham and Lenham is very distinctive, as is the location of Harrietsham and Lenham, situated at the foot of the Downs and at the sources of rivers and springs."*
- 6.28 It makes the following recommendations to enhance the landscape:
- Conserve the undeveloped foreground and rural setting of the Kent Downs AONB
  - Conserve the mosaic field pattern and hedgerow boundaries, and restore further traditional boundaries where practicable.
- 6.29 The Maidstone Landscape Capacity Study: Sensitivity Assessment January 2015, site specific assessment for Loder Close (HO3-195) considers that the landscape character sensitivity is moderate and the visual sensitivity low. It concludes that the overall landscape sensitivity is low leading to the conclusion that the site has a high capacity to accommodate housing without material harm to the landscape. The report includes reference to some opportunities and constraints:
- increase the footprint of Lenham when viewed from the AONB
  - effects of lighting
  - relate to the playing field and schools
  - cumulative effects with adjacent sites
  - Reflect the style, density, pattern and materials of the village vernacular
  - Consider outward looking frontages to the adjacent countryside and playing field
  - Maintain open countryside between Lenham and Harrietsham to prevent the further ribbon development on the A20

- 6.30 The site is considered to be within the setting of the ANOB, being 190m away at its closest. Although the site is not within the AONB, and so certain policy considerations within the MBLP and NPPF do not apply, the national Planning Practice Guidance (PPG) sets out that the duty to 'have regard' to the purposes of the AONB can also be relevant outside AONB boundaries, where there might be an impact their statutory purposes.
- 6.31 The site would be effectively screened from the east/Ham Lane by the existing residential developments at Loder Close and Westwood Close. Fairly substantial boundary treatment along the southern boundary of the site assists in screening the development from the south. From the west and north the site is more open and visible and these are arguably the more important existing viewpoints given the rural setting and the location of the ANOB further to the north of the A20. There is sporadic tree and hedge planting along the northern boundary of the site and there is further sporadic vegetation/tree planting along the south side of the A20 adjacent the neighbouring site. There is limited boundary planting along the west boundary of the site. From the rising ground within the ANOB to the north, views of the site are possible from the footpaths and bridleways and from the higher escarpment the site is visible within the patchwork landscape. On lower and closer land to the north, northeast and northwest, the site would be visible from the A20 and Ham Lane.
- 6.32 Taking account of the Westwood site having planning permission, the submitted Landscape and Visual Assessment concludes that proposed housing development of site would only be visible from 3 significant local viewpoints and 1 from within the AONB. Where the site is visible, landscape mitigation is proposed to reduce the visibility of the site and soften the development from the neighbouring landscape, roads and existing dwellings. This will follow existing field patterns.
- 6.33 The adjoining site of Westwood would sit in the foreground of the application site and would screen the proposal from the A20. In terms of the cumulative impact and the setting on the AONB the proposed housing development would not project further west into the open countryside than Westwood and the proposal would be viewed in the backdrop of the adjoining site and the context of the existing housing at Loder Close and Westwood Close.
- 6.34 Even without the Westwood site to the north being built out, the development of this site for houses is not considered to have a detrimental impact on the setting of the AONB due to:
- Its minor scale in relation to Lenham as a whole
  - The adjacent existing residential development
  - The retention of the existing field pattern
  - The existing landscape topography and screening
- 6.35 Regarding any harmful visual impact of the development in terms of the western boundary abutting the open countryside and adjoining field, the Regulation 14 draft LNP has this adjoining land a site making a key contribution to the 1000 unit broad housing growth of policy H2(3). Even so, on its own merits, the proposed scheme would have significant landscape screening to that boundary, making it acceptable in visual impact terms.
- 6.36 The development of this site for 53 houses, subject to robust landscape conditions, would not have an unacceptably harmful impact on the character of the surrounding area, the wider countryside or the setting of the AONB and would not appear significantly dominant or incongruous within this setting when viewed from the A20 and Ham Lane. It would not cause coalescence with Harrietsham which is another criterion of policy SP8.

- 6.37 I am satisfied that the scheme as revised accords with policies SP17, DM1, DM3 and DM30 of the MBLP.

### **Residential Amenity**

- 6.38 Policy DM1 of the MBLP requires respect for the amenities of occupiers of neighbouring properties and uses and adequate residential amenities for future occupiers of the development.
- 6.39 To the east of the site are the residential properties in Loder Close and Westwood Close. These have rear gardens backing onto the application site mostly with post and wire boundary treatment which allows clear views into the site from the rear gardens. The rear gardens of the properties in Westwood Close are short (approx. 4m) in places and the rear elevations of these properties are close to the site boundary.
- 6.40 The layout proposes an area of open space with substantial landscaping that spans the internal access road stretching along the part of the south-eastern boundary adjacent to the rear gardens of the properties in Westwood Close. Given the location of the open space and separation distance typically between the proposed houses and the properties located in Westwood Close, the proposal is not considered to result in an unacceptable loss of amenity, in terms of loss of light, outlook or privacy to the properties in Westwood Close.
- 6.41 The rear gardens of plots 1-4 would back onto the eastern boundary of the site adjacent Loder Close. The properties in Loder Close adjacent the site boundary benefit from larger rear gardens than those in Westwood Close. The outlook from the rear windows and garden areas in Loder Close would undoubtedly change, however, it is considered that there would be sufficient separation between the proposed units and existing houses on Loder Close such that there is no material impact on amenity in terms of outlook, privacy and natural light.
- 6.42 It is acknowledged that the rear gardens of the properties in Westwood Close are largely open (post and rail fencing) and allow views over the application site and countryside. As Members will appreciate, there is no right to a view when determining planning applications. Whilst the proposed layout and location of the open space would encourage public access in proximity to the boundary of the private rear gardens in Westwood Close, I do not consider this point would warrant a sustainable reason for refusal and is mitigated by the introduction of a detailed robust landscape boundary treatment which would be secured by condition, including the recommendation of Kent Police as regards temporary enhanced security from a mesh fence within the hedgerow.
- 6.43 The introduction of a small play area for toddlers is not considered to result in a risk of unduly noisy or otherwise anti-social behaviour to substantiate concerns in that regard.
- 6.44 There is no in situ residential development to the north, south and west of the site which would be affected by the proposed development.

### **Drainage and flooding**

- 6.45 The site is located in Flood Zone 1 and so presents a low environmental risk of flood in terms of fluvial flooding.
- 6.46 Notwithstanding concerns of the neighbouring residents and PC over alleged waterlogging of the site, KCC (Flood and Water Management) are satisfied that SUDs can be accommodated in principle on this site and raise no objections subject to the submission for further details by a pre-commencement condition.

## **Highways**

- 6.47 Lenham is designated as a sustainable location for growth in the Local Plan based on, for example, its accessible rail service and local village centre services.
- 6.48 A single vehicular access is proposed along the northern edge of Loder Close and would link the application site with Ham Lane. The existing vehicular and pedestrian access onto Ham Lane from Loder Close would be utilised/shared by the proposed housing development. Parking in accordance with adopted standards is proposed for all the residential units with visitor parking within the site. The proposal includes sustainable connectivity to other parts of Lenham.
- 6.49 KCC (H&T) has no objections to the proposed development in terms of parking, and the shared surface loop road nor by additional trip generation or wider highway matters. Therefore, I do not consider there to be any sustainable highways grounds to object to the proposed development in the light of policies DM21 and DM23 of the Local Plan.

## **Ecology**

- 6.50 KCC (Ecology) acknowledge that the main body of the site holds limited ecological interest although boundary hedgerows/trees have the potential to support nesting birds and some. Confirmation is needed that the trees proposed for removal have been assessed for their bat-roosting potential. This can be the subject of a planning condition.
- 6.51 The hedgerow along the north-eastern boundary includes ancient hawthorns and old blackthorns and should be retained within the proposed development. This can be the subject of a planning condition is suggested to deal with these points.
- 6.52 They support the incorporation of features into the design which are beneficial to wildlife, including native species planting and the installation of bat/bird nest boxes and sparrow terraces. They support the measures to enhance biodiversity that are outlined on the Landscape Masterplan, which would provide opportunities for wildlife within the site.
- 6.53 A condition for a LEMP (landscape and ecological management plan) is suggested.

## **Affordable Housing**

- 6.54 The development is for a total of 53 units with the applicant proposing 40% affordable housing which equates to 21 units. The level of affordable housing and 70/30 tenure split is in accordance with Council policy SP20 and secured by a s106 legal agreement. This will help to meet housing needs and will assist in creating a sustainable community.

## **Infrastructure and Open Space**

- 6.55 The requests of KCC for education and community services financial contributions are noted and would need to put forward to be considered to be funded by CIL, including the request for primary school funds. The NHS did not make representations on this application but similar consideration of local healthcare needs generated would take place.
- 6.56 Policy DM19 relates to access/provision of open space and recreation. Bearing in mind the location of the site where the countryside can be accessed relatively easily and there are playing field facilities immediately to the south, I consider that the development is providing its own acceptable level of on-site open space and children's play, being approx. 0.3 ha out of a site area of 1.97ha.

### **Building for Life 12- Maidstone Edition 2018**

- 6.57 The NPPF has a chapter dedicated to design (“12. Achieving well-designed places”) and there is specific reference to the design assessment framework ‘Building for Life 12’. Maidstone BC has now published its own version of BfL12 and this application has been carefully considered against this assessment framework, especially with particular emphasis on vernacular materials and architectural detailing; landscaping being integral to design; ecological corridors; streets which are not dominated in design terms in catering for the car; sustainable design principles, and bio-diversity.
- 6.58 There are proposed pedestrian/cyclist connections to the SE, SW and NE corners, in addition to the main access road in order to achieve integration and permeability. The site is adjacent to the village of Lenham with its range of facilities and services including public transport.
- 6.59 In terms of character and well defined streets and spaces, the key design feature that gives the proposed layout structure and distinctiveness is the circular shared surface layout and the location of generous open space and pond spanning both sides of the entrance on the south-eastern frontage of the site, generally faced by outward looking dwellings.
- 6.60 The loop road allows easy legibility and waymarking and is traffic calmed with raised tables to encourage low vehicle speeds and encourage pedestrian and bicycle use.
- 6.61 Design techniques such as dual aspect buildings turning corners and ragstone wall garden enclosures along the most publicly visible corners define and add locally reflected interest.
- 6.62 Distinct ‘green ecological corridors’ are proposed around the boundaries including the ecological pond near the south-eastern boundary. The ecological pond area is shown to be landscaped with indigenous species incorporating positive biodiversity features.
- 6.63 Sufficient amenity space is proposed. Private gardens are intended to be the location of bin and recycling storage (except for day of collection points).
- 6.64 In terms of architectural detailing, both vernacular materials and façade treatment are proposed in an authentic manner. The use of natural roof materials which weather well is appropriate in an edge of village location where the roofscape will be visible, including from the AONB until landscaping matures.

### **Other Matters**

- 6.65 The proposed method foul drainage would be acceptable in principle from planning point of view and would be for the developer to agree with Southern Water Services under its own legislation. Surface Water drainage does need to be the subject of a pre-commencement planning condition however as requested by KCC as the Lead Local Food Authority because if amendments are necessary following further technical work, that must not be prejudiced by development having commenced.
- 6.66 The external lighting detailed above is low level and respectful of the rural locality and neighbouring amenity and accords with policies DM1 and DM8 of the MBLP.
- 6.67 Solar renewable energies will be applied to 10% of the site and will be located on the rear elevation of the units to the southern end of the site to receive photovoltaic solar panels facing to a south-south-west direction which maximises on the solar gain as shown on sunlight paths included in this application. All units will have provision of electric car charging points to promote and encourage the use of this



mode of transport which assists in complying with the objectives of policy DM6 as regards air quality

- 6.68 There are no protected trees on or immediately adjacent to this site and the submitted Arboricultural Report is considered acceptable in principle. Therefore, no arboricultural objections are raised subject to a condition requiring compliance with this report.
- 6.69 Issues raised by local residents have been largely addressed in the preceding sections. In terms of the expressed fear of crime, this in itself is not always a land use planning matter: case law has established that the extent to which it might be, must have reasonable basis. The boundary is open and exposed, the risk of unauthorised access is there, changing this area to one where there is increased activity, but where greater community supervision will take place and where the land use is sympathetic, does not justify the fear of crime being of material weight in this instance.
- 6.70 In terms of policy ID1, the proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved.

## **7. CONCLUSION**

- 7.01 The proposal is considered to be acceptable in terms of the impact on the character of the area, the adjacent countryside, the landscape setting of the AONB, highway safety and parking, neighbour amenity, ecology, arboriculture and drainage.
- 7.02 Lenham is to provide additional housing growth and it has been designated as a Rural Service Centre and a broad Location for future housing development in the Local Plan to be delivered between 2021 and 2031.
- 7.03 The site will be able to meet approx. 5% of future requirements. The development will be self contained functionally and visually and the form and layout do not prejudice acceptable development in principle coming forward on neighbouring sites. The site is not dependent on any of the other earmarked sites in the draft LNP.
- 7.04 It has independent and acceptable safe direct access via Loder Close to Ham Lane and there are no current envisaged capacity problems at the junction of Ham Lane with the A20 from an additional 53 units considered cumulatively with the 70 units at Westwood to the north.
- 7.05 Bearing in mind the location of the site where the countryside can be accessed relatively easily and there are playing field facilities immediately to the south, the development has an acceptable level of on-site open space and children's play which will also be available to neighbouring residents. It will provide reasonable and appropriate contribution to other infrastructure by CIL payments.

## **8. RECOMMENDATION**

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

- Provision of Affordable housing of 12 shared ownership and 9 affordable rented to a size to be agreed by the Housing Officer
- the imposition of the conditions as set out below:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0147/18/B/20A Landscape Masterplan; SP/WH/01 Schedule Of Parking; WH-LC-001 Site Location Plan; WH-LC-002 Existing Site Plan; WH-LC-004 Rev A Refuse Vehicle Tracking and Collection; WH-LC-005 Rev B Proposed Hard Landscaping Plan; WH-LC-006 Rev A Proposed Street Scenes; WH-LC-007 Rev A Proposed Boundary Treatment Plan; WH-LC-009 Proposed Shed and Bin Storage; WH-LC-010 Rev A Proposed Site Management Plan; WH-LC-011 Rev A Proposed Lighting Plan; WH-LC-G-01 Single Garage Details; WH-LC-P1-5-01 Plots 1-5 Floor Plans; WH-LC-P1-5-02 Rev A Plots 1-5 Elevations; WH-LC-P1-5-03 Plots 1-5 Elevations; WH-LC-P6-8-01 Plots 6-8 Floor Plans; WH-LC-P6-8-02 Rev A Plots 6-8 Elevations; WH-LC-P9-10-01 Plots 9-10 Floor Plans; WH-LC-P9-10-02 Plots 9-10 Elevations; WH-LC-P11-13-01 Plots 11-13 Floor Plans; WH-LC-P11-13-02 Rev A Plots 11-13 Elevations; WH-LC-P14-17-01 Rev A Plots 14-17 Floor Plans; WH-LC-P14-17-02 Rev C Plot 14-17 Elevations; WH-LC-P18-21-01 Rev A Plots 18-21 Floor Plans; WH-LC-P18-21-02 Rev B Plots 18-21 Elevations; WH-LC-P22-23-01 Plots 22-23 Floor Plans; WH-LC-P22-23-02 Plots 22-23 Elevations; WH-LC-P24-26-27-01 Plots 24,26 and 27 Floor Plans; WH-LC-P24-27-02 Rev A Plots 24 and 27 Elevations; WH-LC-P25-01 Plots 25 Floor Plans; WH-LC-P25-02 Rev B Plot 25 Elevations; WH-LC-P26-02 Rev A Plot 26 Elevations; WH-LC-P28-29-01 Plots 28-29 Floor Plans; WH-LC-P28-29-02 Rev A Plots 28-29 Elevations; WH-LC-P30-31-01 Plots 30-31 Floor Plans; WH-LC-P30-31-02 Rev A Plots 30-31 Elevations; WH-LC-P32-33-01 Plots 32-33 Floor Plans; WH-LC-P32-33-02 Rev A Plots 32-33 Elevations; WH-LC-P34-35-01 Plots 34-35 Floor Plans; WH-LC-P34-35-02 Rev A Plots 34-35 Elevations; WH-LC-P36-37-01 Plots 36-37 Floor Plans; WH-LC-P36-37-02 Plots 36-37 Elevations; WH-LC-P38-39-01 Plots 38-39 Floor Plans; WH-LC-P38-39-02 Rev A Plots 38-39 Elevations; WH-LC-P40-41-01 Plots 40-41 Floor Plans; WH-LC-P40-41-02 Rev A Plots 40-41 Elevations; WH-LC-P42-43-01 Plots 42-43 Floor Plans; WH-LC-P42-43-02 Rev A Plots 42-43 Elevations; WH-LC-P44-45-01 Plots 44-45 Floor Plans; WH-LC-P44-45-02 Rev A Plots 44-45 Elevations; WH-LC-P46-47-01 Plots 46-47 Floor Plans; WH-LC-P46-47-02 Rev A Plots 46-47 Elevations; WH-LC-P48-01 Plot 48 Floor Plans; WH-LC-P48-02 Rev A Plot 48 Elevations; WH-LC-49-01 Plot 49 Floor Plans; WH-LC-P49-02 Rev A Plot 49 Elevations; WH-LC-P50-51-01 Plots 50-51 Floor Plans; WH-LC-P50-51-02 Rev A Plots 50-51 Elevations; WH-LC-P52-53-01 Plots 52-53 Floor Plans; WH-LC-P52-53-02 Rev B Plot 52-53 Elevations;

Reason: For the purpose of clarity and to ensure a satisfactory appearance to the development and a high quality of design.

- 3) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved by the local planning authority. It 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 and without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance): that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters; appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

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 are required prior to the commencement of the development as they form an intrinsic part of the proposal which cannot be disaggregated from the carrying out of the rest of the development.

- 4) 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 modelled 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; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

- 5) No dwelling hereby permitted shall be occupied before April 2021.

Reason: To ensure the delivery of the site accords with policies SP3 and H2(3) of the Maidstone Borough Local Plan.

- 6) The access to the site from Loder Close shall be carried out in accordance with drawings hereby approved and shall be completed before the first occupation of the buildings hereby permitted.

Reason: In the interests of highway safety.

- 7) The development hereby approved shall not commence until details of the proposed finished floor, eaves and ridge levels of the building(s) and the existing site levels have been submitted to and approved in writing by the local planning authority and the development shall be completed in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development having regard to the countryside location of the site and the relationship with neighbouring dwellings.

- 8) No external lighting shall be installed on the site except in accordance with the details shown on drawing WH-LC-011 A hereby approved. All lights shall be suitably cowed or shall have light directed downwards to minimise light pollution.

Reason: In the interests of visual amenity and ecological interest.

- 9) The materials to be used in the construction of the external roofs, elevations and boundary treatment hereby permitted shall incorporate those materials and architectural detailing on drawings hereby approved including ragstone, clay tiles unless alternative similar materials have agreed in writing by the Local Planning Authority.

Reason: To accord with the terms of the application and to ensure a satisfactory appearance to the development.

- 10) A landscape and ecological management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to first occupation of any dwelling on the site. Landscape and ecological management shall be carried out in accordance with the approved plan unless the local planning authority gives written consent to any variation. This shall give details of all the mitigation measures hereby approved and shall include details of the numbers and locations of the following: bird bricks and bat tubes; wildlife gaps in boundary fencing; deadwood piles; wildlife friendly gullies.

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

- 11) The development hereby approved shall not commence above DPC until a landscape scheme 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 details shall include the enhancement/creation of to hedgerows to the boundaries as detailed on the landscape masterplan hereby approved. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value together with the location of any habitat piles and include a planting specification, a programme of implementation and a 5 year management plan. The landscape scheme shall specifically address the need to provide landscape screening to the site perimeters.

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

- 12) The approved landscape details relevant to an individual dwelling shall be completed by the end of the first planting season following completion of that dwelling. Any other communal shared or street landscaping shall be completed by the end of the first planting and seeding season following completion of the 53rd unit. Any seeding or turfing which 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 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.

- 13) No development above slab level shall take place 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. The approved plots shall not be occupied until a minimum of one electric vehicle charging point has been installed on each property, and shall thereafter be retained for that purpose.

Reason: In the interests of pollution control.

- 14) The energy strategy hereby approved shall be implemented prior to the occupation of the 53rd dwelling on the site.

Reason: In order to provide for a sustainable form of development.

- 15) Noise mitigation shall be carried out as detailed in the Noise Assessment ref 151201/2 hereby approved.

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

- 16) The development shall not be occupied until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority. The details shall include large scale drawings of 2/3 coursed and coped ragstone walling where hereby approved. The ragstone walling shall use a lime based mortar and be completed with flush joints. The housing areas and open space shall be implemented in full in accordance with the approved details before the first occupation of any of the dwellings hereby approved, or in accordance with a programme to be agreed in advance in writing by the local planning authority.

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

- 17) Notwithstanding the Arboricultural Implications Assessment, the hedgerow along the north-eastern boundary which includes ancient hawthorns and old blackthorns and should be retained within the proposed development. No tree shall be removed unless it has first been assessed as having no bat roosting potential in accordance with details that have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of biodiversity.

- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension to any property shall be built and no new boundary treatments shall be erected without the permission of the Local Planning Authority.

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

- 19) 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.

- 20) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority.

If evidence of potential contamination is encountered, the closure report shall include:

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be submitted for information.

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

#### INFORMATIVES

- 1) In regard of surface water drainage, additional ground investigations will be required to give sufficient coverage of the site and allow testing at the proposed depth/invert level of infiltration features, including permeable paving areas. 2. There should be an absolute minimum 1m unsaturated zone above the highest recorded groundwater level. We would recommend groundwater monitoring is undertaken for a sufficient period prior to commencement of development. The design should accommodate the 1 in 100 year storm with a 20% allowance for climate change and an additional analysis undertaken to understand the flooding implication for a greater climate change allowance of 40%. 4. At the detailed design stage, the drainage system should be modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value,

Case Officer: Marion Geary

