

REPORT SUMMARY

REFERENCE NO - 14/502973/FULL			
APPLICATION PROPOSAL Erection of 82 new residential dwellings together with access onto Ham Lane, internal roads, parking, landscaping and ancillary works on land at Ham Lane			
ADDRESS Westwood, Ham Lane, Lenham, Kent ME17 2LP			
RECOMMENDATION Grant Planning Permission subject to a legal agreement			
SUMMARY OF REASONS FOR RECOMMENDATION The site is a proposed allocation in the regulation 18 Local Plan and is considered suitable to assist in meeting the housing need (not endorsed by Cabinet); The density and design of the scheme is appropriate for the site and will not unduly compromise the setting of the North Downs Area of Outstanding Natural Beauty; The applicant is prepared to enter into a legal agreement to ensure that justified contributions are met.			
REASON FOR REFERRAL TO COMMITTEE The application is a departure from the Local Plan. Councillor Sams called it in for the reasons stated in the report.			
WARD Lenham	PARISH Lenham	APPLICANT Jones Homes AGENT David Hicken Associates	
DECISION DUE DATE 16/12/2014	PUBLICITY EXPIRY DATE 12/11/2014	OFFICER SITE VISIT DATE Various	
RELEVANT PLANNING HISTORY (the history below is for the site to the south of the application site)			
App No	Proposal	Decision	Date
MA/03/1498	Outline application for demolition and residential development	APP	23/09/2003
MA/03/1498/02	Reserved Matters	APP	21/11/2005
MA/09/0315	Full application for the erection of 19 dwellings and associated works	APP	26/09/2009

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 The application site is located on the west side of Ham Lane, south of the A20 Ashford Road. It is located outside and to the west of Lenham village (850m to the village centre). Save for its countryside location the site is not located within any landscape or ecological designations - although north east of the A20 sees the start of the Kent Downs Area of Outstanding Natural Beauty (approximately 50m from the application site) and the North Downs Special Landscape Area.

1.2 The site is approximately 3 hectares in size and lies south of the adjacent A20 Ashford Road and immediately west of Ham Lane. The site is currently a single field of pasture with no built development within it. Similarly, there are no trees or significant vegetation other than on the site boundaries. The northern boundary includes a variable hedgerow and the eastern a mixed thorn hedge. The site is set lower than the road verge in the north east corner.

1.3 To the north of the A20 are open fields which gradually rise to the North Downs and to the south there is a new gated housing development known as Westwood Grange. This new development of 19 dwellings extends only approximately one-third of the length of the southern boundary at the eastern end. The remainder of this length comprises a mix of field hedgerow and ash trees on the site boundary adjoining open fields to the south.

1.4 East of the application site, the other side of Ham Lane, is a wooded tree belt and then playing fields of the Swadelands school. To the west lies an arable field and beyond this Dickley Wood which is designated ancient woodland. Bus stops are available close to the site on either side of Ham Lane.

2.0 PROPOSAL

2.1 Planning permission is sought to develop the site for 82 residential units; of these, 40% would be affordable. The proposal would see the site developed at a density of approximately 27 dwellings per hectare.

2.2 The application has been accompanied by the following professional reports:

- Air Quality Assessment; Arboricultural Survey; Contaminated Land Phase 1 Desk Study; Design and Access Statement; Ecological Assessment; Flood Risk Assessment; Landscape Masterplan; Landscape and Visual Impact Assessment; Noise Report; Sustainability Statement; and Transport Statement.

2.3 The application proposes level 4 of the Code for Sustainable Homes. A dwelling mix is proposed which would deliver 49 private units and 33 affordable. Overall, the range of units proposed is as follows:

7 x 2 bed private	12 x 1 bed affordable
10 x 3 bed private	10 x 2 bed affordable
32 x 4 bed private	7 x 3 bed affordable
	4 x 4 bed affordable

2.4 The scheme comprises a mix ranging from 1 to 4 bedroom units in 2, 2.5 and 3 storey heights. Throughout the site detached, semi-detached, town houses and apartments will be offered. The layout shows dwellings fronting the A20, Ham Lane and the open fields to the south west.

2.5 It is proposed to retain the existing trees and hedgerows along the boundaries save for where the accesses are to be formed. The planting will be reinforced, particularly along the Ashford Road boundary – as required by the proposed draft allocation criteria. Additional planting will also be undertaken in an area of land to the north west of the site to provide an amenity woodland for residents both existing and those new to this site.

2.6 There is an existing field access off Ham Lane into the site, and this is to be retained as an emergency access. The main access will also be taken from Ham Lane and will comprise a new priority junction – details of this are included within the application documents.

2.7 There are two existing bus stops on Ham Lane and the layout has provided a pedestrian link in the corner of the site to access these. The 150 car park spaces have been provided through the provision of private driveways, parking courts and in the case of the 12 visitor spaces – on street.

2.8 The applicants undertook a public exhibition at Lenham Social Club on 8 May 2014 – full details of this can be found within the Planning Statement and associated appendices.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	3 hectares	same	
No. of Storeys		2, 2.5, 3	
No. of Residential Units		82	
No. of Affordable Units		33	
Parking spaces		150	

4.0 PLANNING CONSTRAINTS

None

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Development Plan: ENV6, ENV28, T13

Supplementary Planning Documents: Affordable Housing DPD (2006), Open Space DPD (2006)

Maidstone Borough Council Draft Local Plan: SS1, SP3, S5, H1,H2, DM1, DM2, DM3, DM6, DM10, DM11, DM12, DM13, DM23, DM24, DM30,ID1

6.0 LOCAL REPRESENTATIONS

In summary approximately 25 letters of objection have been received from nearby residents on the following grounds:

- The sewerage system is inadequate and will not cope with more dwellings;
- Local aquifer may become overloaded;
- Local highway network is at capacity, already dangerous at the junction with A20 and Ham Lane; the TA figures are not realistic;
- The combined impact of Marley and Lenham Storage already causes substantial congestion;
- The site is in a dangerous location on the brow of a hill and bend in the road;

- The development will destroy the identity of the village and diminish a semi-rural environment;
- Development should be concentrated around the town centre;
- Local amenities will not cope (schools, doctors etc)
- A greenfield site is unacceptable for development –should be on brownfield;
- Harmful to wildlife;
- Harmful to the character/setting of the North Downs AONB;
- Traffic noise and air pollution
- Loss of grade 2 agricultural land;
- Contrary to the Landscape Character Assessment Guidelines;
- Site clearly visible from Pilgrims Way and North Downs Scarp;
- Proposed gated community out of character;
- Erosion of green space between Harrietsham and Lenham;
- Insufficient parking on site; location too reliant on private transport;
- Incorrect information on frequency of rail service;
- Loss of trees.
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Non-planning issues:

- Loss of outlook; havoc from construction traffic; houses won't sell easily; vehicles already exceed the local speed limits.

CPRE Kent: raise objection to the application for the following reasons (in summary): urban sprawl; harmful to the setting of AONB; coalescence between Harrietsham and Lenham; land has a high economic value for agribusiness; site not within walking distance of village; new residents will be unsafe with Lenham Storage and associated lorries so close.

7.0 CONSULTATIONS

7.1 Councillor Sams has requested that the application be reported to Planning Committee for the following reasons:

“The application is a significant development with much interest within the community.

And has highways issues, traffic generation and highway safety near to busy lorry business, Lenham Storage and A20

Lies outside the village boundary

Adjacent to woodland recorded as biodiversity Action Plan habitat

Near to Ancient Woodlands

Close proximity to AONB

Present agricultural use

Overlooking and loss of privacy on neighbouring properties”

7.2 Lenham Parish Council: ‘LPC wish to see the application refused and reported to Planning Committee. The scale and location of the development will lead to traffic congestion as access is onto Ham Lane. This road is already an extremely busy main route into the village, particularly with the nearby Lenham Storage warehouse company and the

two schools. There are regular tail backs with traffic queuing to enter and exit Ham Lane onto the A20. The emerging Neighbourhood Plan and MBC Local Plan should be considered. Poor drainage is also a long running problem in this area, also the loss of good quality farm land is a concern to LPC.'

7.3 Maidstone Borough Council Strategic Housing: raise no objection to the proposal, initially with comments requiring a change in the affordable mix and that the preferred tenure split be 60%/40% for affordable/shared ownership. Later comments confirm their concerns have been taken on board with regard to the mix and accept that the 55%/45% tenure split probably works best on the proposal.

7.4 MBC Heritage, Landscape and Design: No objections but state the following:

'There are no protected trees on this site but one individual Lime tree to the southeast of the site is protected by TPO No. 27 of 2002 and part of Dickley Wood, to the northwest of the site, is protected by TPO No. 1 of 1976. The western portion of this wood is also designated as ancient semi natural woodland.

The only arboricultural concerns are potential future pressure for removal issues relating to the group of mature Ash and Sycamore trees to the southeast corner of the site, which could be improved by an amended layout in the vicinity of the trees. The only conflict with root protection areas (RPAs) relates to T40, a Hawthorn, but it is not considered unreasonable.

If you are otherwise minded to grant consent for the scheme I would want to see pre commencement conditions requiring an Arboricultural Method Statement (AMS) in accordance with BS5837:2012, which includes construction activities within RPAs and a tree protection plan, together with standard landscape conditions.'

7.5 MKIP Environmental Health: no objections subject to conditions relating to contamination and noise, with informatives on other matters. Overall the EHO considers the site to be within walking distance of the village amenities and 10 minutes to the railway station. Questions were asked over air quality – more in relation to Harrietsham and suggestions made over car clubs.

7.6 MBC Parks and Open Space: raise no objections with the following comments 'For a development of this size we would expect a minimum onsite provision of open space of 0.86ha. The development is located within Harrietsham & Lenham Ward. The ward is generally underprovided for in terms of open space, most notably in Outdoor Sports Facilities, but also in terms of Areas of Equipped Play and Allotments. It is noted that the developer plans to provide an area of 0.40ha of onsite open space.

There is no set standard for minimum provision in terms of Natural and Semi Natural Open Space.

A development this size will have an impact on existing areas of formal open space in the local area where little or no onsite provision exists. Local Areas of Equipped Play and Outdoor Sports Facilities, for example.

With that in mind it is likely that we would request an off-site contribution to cover the shortfall in formal open space provision, and more specifically areas of Equipped Play, Outdoor Sports Facilities, Parks and Gardens, and Allotments. The combined shortfall per 1000 population in these areas is 3.96ha, which can be scaled down to 0.46ha based on 82 dwellings proposed.

The total combined requirement for open space provision for Harrietsham and Lenham (covering all types of open space) is 4.36ha per 1000 population. Based on MBC's request of £1575 per dwelling, the minimum requirement of 0.86ha onsite open space, each 0.01ha would equate to £18.31. Based on 0.46ha shortfall we therefore request £842.26 per dwelling (46 * 18.31).

We would therefore request £69065.32 as an offsite financial contribution

Any offsite contribution we would request to be used within a one mile radius of the development for the improvement, refurbishment and maintenance of existing areas of open space and equipped play, outdoor sports facilities and allotments.

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

7.7 KCC Highways and Transportation: raise no objection in principle subject to conditions to secure related improvements to the highway network local to the development.

7.8 Kent County Council seek contributions towards community and education infrastructure in the local area as follows:

- Primary Education: £2360.96 per applicable house and £590.24 per applicable flat towards the expansion of the local Primary School;
- Secondary Education: currently no requirement.
- Libraries: £144.66 per dwelling.
- Community Learning: £30.70 per dwelling.
- Youth Service: £8.49 per dwelling.
- Adult Social Care £63.56.

7.9 Southern Water: there is currently insufficient capacity in the network, however a condition is suggested to overcome this. See body of report for discussion.

7.10 UK Power Networks: No objections to the proposed works.

7.11 Kent Police: state that they have not received any communication from the applicant and that as such crime prevention has not been taken into account. They suggest a condition to submit a scheme to show design measures incorporated into the development.

7.12 NHS Property Services: In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development noted above is expected to result in a need to invest in a number of local surgery premises:

- Len Valley Surgery
- Glebe Medical Practice

The above surgeries are within a 4 mile radius of the development at Westwood Ham Lane. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

NHS Property Services Ltd will continue with NHS West Kent formulae for calculating s106 contributions for which have been used for some time and are calculated as fair and reasonable. NHS Property Services will not apply for contributions if the units are identified for affordable/social housing.

The application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person. When the unit sizes are not identified then an assumed occupancy of 2.34 persons will be used.

Predicted Occupancy rates

1 bed unit @ 1.4 persons

- 2 bed unit @ 2 persons
3 bed unit @ 2.8 persons
4 bed unit @ 3.5 persons
5 bed unit @ 4.8 persons

For this particular application the contribution has been calculated as such:

Predicted Occupancy rates	Total number in planning application	Total occupancy	Contribution sought (Occupancy x £360)
2	7	14	£5,040
2.8	10	28	£10,080
3.5	32	112	£40,320
			£55,440

NHS Property Services Ltd therefore seeks a healthcare contribution of £55,440, plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

7.13 Environment Agency: No objection subject to conditions.

7.14 Natural England: No comment, but advise the views of the AONB unit are sought.

7.15 KCC Ecology: raise no objections subject to conditions. They are satisfied with the information that has been provided. Conditions would secure a Precautionary Mitigation Strategy and Management and Monitoring Plan to be submitted.

7.16 MBC Spatial Policy: 'The site is allocated in the Reg. 18 consultation draft of the Maidstone Borough Local Plan 2014 under Policy H1(31) for a net yield of 80 dwellings.

I would draw your attention to the criteria set-out in the policy. The key issue for this site is the setting of the Kent Downs AONB that lies north of the A20 Ashford Road to the NE of the junction of Pilgrims Way and the A20, and further up the escarpment opposite the site. The site is visually prominent when viewed from the AONB (Pilgrims Way and the northern site boundary is the most sensitive).

In my view, the proposed layout currently falls somewhat short of providing an appropriate setting for the Kent Downs AONB particularly in its NE corner where development is particularly tight against the boundary and along the A20 frontage, although noting that the hedgerow has been retained as required by the policy. I would also question why the pumping station compound has been placed close to the A20 in a prominent part of the site'

Since the above comments were received, the following 3 additional criteria were proposed to the allocation:

The development proposals are designed to take into account the results of a landscape and visual impact assessment undertaken in accordance with the principles of current guidance that particularly addresses the impact of development on the character and setting of the Kent Downs AONB,

Development proposals shall incorporate substantial areas of internal landscaping within the site to provide an appropriate landscape framework for the site to protect the setting of the Kent Downs AONB, and

Development proposals will be of a high standard of design and sustainability reflecting the location of the site as part of the setting of the Kent Downs AONB incorporating the use of vernacular materials and demonstrating compliance with the requirements of policies DM2, DM3 and DM4.

7.17 Kent Wildlife Trust: raise objection on ecological grounds. They are disappointed that more survey work has not been undertaken. KWT question parts of the ecological survey and the lack of survey work relating to the presence of dormice. They also consider that more surveys should be undertaken with regard to bat, breeding bird, invertebrate and plant species. They mention the need for mitigation proposals to be revisited, a site management plan and focus to be directed on the north west corner of the site which connects to ancient woodland.

7.18 KCC Heritage: raise no objection but require further information or a condition to be applied to any consent. They state 'The site of the application lies within an area of archaeological potential associated with some possible cropmarks and prehistoric activity. There may be settlement or burial remains here and there is some evidence for possible barrows to the south west. Early Bronze Age remains have been located in the Swadelands School site to the east and similar remains could extend into the application site.'

Ideally they would have preferred an Archaeological and Historic Landscape Deskbased Assessment to have been submitted, but in the absence of this they propose a planning condition to secure a timetable of field evaluation works and any resulting safeguarding measures.

7.19 Kent Downs AONB raise objection as follows 'Westwood, Ham Lane lies within the setting of the Kent Downs AONB, which immediately adjoins the site to the north east. It is positioned on the western side of Lenham, immediately to the south of the A20 at the foot of the North Downs, in the Hollingbourne Vale Landscape Character Area. The site is prominent in views from the AONB and from the North Downs Way, the popular long distance footpath which runs along the foot of the Downs to the north of the site.

The Downs around Lenham provide one of the most impressive sections of the North Downs scarp. The Maidstone Landscape Character Assessment (2012) identifies the area as having a very high degree of sensitivity and a strong sense of place. As a result it recommends the conservation of the undeveloped foreground and rural setting of the Kent Downs AONB, resisting further agricultural intensification, maintaining the separation between Lenham and Harrietsham and resisting any further development along the A20 corridor. Similarly, the KCC Landscape Character Assessment of 2004, which underpins the AONB Management Plan advises that the open nature and wide views which characterise the Hollingbourne Vale LCA means that this stretch of landscape is particularly sensitive to development.

The sensitivity of the landscape in which this application site lies, its prominent location within the setting of the AONB, and the elevated and long distance nature of the views of it from the AONB shaped our comments on the proposed allocation of this site in the Maidstone Draft Local Plan Regulation 18 Consultation in May of this year. We advised that, if the site were to be allocated, mitigation measures should include more than boundary treatments, which would not screen the development from the Kent Downs AONB. We recommended that any development here should be required to incorporate increased green infrastructure within the site to ensure tree cover between built development, non-reflective roofing, careful attention to materials and colours, and that the height of dwellings and lighting should be controlled. In addition, we requested that developer contributions for the maintenance of boundaries and PRoW in the adjacent AONB be a subject of any grant of consent here.

The proposals as set out in application MA/14/502973/FUL fail to incorporate such measures and therefore we must object to this application. The proposed development comprises a

range of 82 detached, semi-detached and terraced houses, including 18 apartments which are contained in a three storey building at the north east corner of the site where it adjoins the AONB and where the taller buildings are grouped. Design is of a standard form with no innovation in terms of green roofs, built form or materials to minimise its appearance when viewed from long distance and in particular its visual impact on the AONB. In terms of layout, the density of the proposed development is highest at the north eastern corner where the site abuts the boundary of the AONB. There is little or no apparent attempt to mitigate the height or density of development. No detailed proposals for lighting have been included in the application. As previously advised, in order to maintain dark night skies, an element of tranquillity identified in the Kent Downs Management Plan policies and supported by the NPPF external lighting should be heat or motion sensitive only and that additional street lighting is only included where strictly necessary and of low level in form and lumen intensity.

Landscaping proposals are limited on the whole to the retention of existing perimeter vegetation. In addition, the application documentation states that within the main part of the site there would be tree planting "where space permits", and planting of shrubs and hedges to enclose and delineate private space and front gardens. Species used for new planting would be native and locally appropriate around the site perimeter, to integrate with the surrounding landscape, but would also include some more ornamental species closer to the new dwellings to provide year round colour and seasonal interest.

Such an approach is seriously inadequate and unacceptable for such a prominent site in such a sensitive landscape. Seasonal interest can be achieved by the use of indigenous species, which of course in themselves provide a range of colours, and given the prominence of this site and the sensitivity of its setting with regard to the setting of the AONB we would require landscaping to be composed of native species and to comply with the Kent Downs Landscape Design Handbook. Furthermore, again as previously advised, we would wish to see development here incorporating Green Infrastructure throughout the site to provide for biodiversity. The site could lend itself for example to shaws of a mix of indigenous species.

Finally we disagree with the findings of the Landscape and Visual Impact Assessment which is submitted as part of the application. This assessment concludes that there would be elevated views of the new houses from the AONB including the North Downs Way and from the public footpaths on the North Downs Scarp but that as such views are across the A20, and already include the Westwood Grange development any impact on the AONB would be low. The A20 is merely a standard trunk road here and the Westwood Grange a small cul de sac of 19 dwellings. The presence of such existing features would not mitigate the harmful visual impact of the proposed 82 dwellings on elevated views from the Kent Downs, hence our initial requirement in our response to the Consultation on the Draft Local Plan that any development here should be required to incorporate increased green infrastructure within the site, to ensure tree cover between built development, non-reflective roofing, careful attention to materials and colours, and that the height of dwellings and lighting should be controlled.

Conclusion

As the Maidstone Draft Local Plan acknowledges (paragraph 5.68) the Kent Downs AONB is a visually prominent landscape that contributes significantly to the borough's high quality of life. It is an important amenity and recreation resource for both Maidstone residents and visitors and forms an attractive backdrop to settlements along the base of the Kent Downs scarp. It also contains a wide range of natural habitats and biodiversity. Designation as an AONB confers the highest level of landscape protection and one which the council has a statutory duty to conserve and enhance. The open countryside to the immediate south of the AONB in which this application site sits forms the setting for this designation.

The site lies within the setting of the Kent Downs AONB and is prominent in views from the AONB and the North Downs Scarp. Policy SD8 of the AONB Management Plan (2014-2019) states that proposals which negatively impact on the distinctive landform, landscape

character, special characteristics and qualities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated. We consider, for the reasons set out above, that the proposed development would harm the setting of the AONB and have a detrimental impact on the visual identity of the Hollingbourne Vale Landscape Character Area. The application would therefore weaken the fundamental characteristics and qualities of natural beauty and landscape character and disregard the primary purpose of the AONB designation, namely the conservation and enhancement of its natural beauty. It would be contrary to Policies SD1, SD3, SD7, SD8, LLC1 and LLC2 of the AONB Management Plan 2014-2019.

The Kent Downs AONB Unit therefore objects to this application and continues to require the incorporation of mitigation measures as set out in our response to the Local Plan Regulation 18 Consultation earlier this year in any future development proposals of this site.

8.0 BACKGROUND PAPERS AND PLANS

Drawing number 3605/2.00 2B received 21st August 2014; drawing numbers 3605/2.10 N, 3605/2.15 D, 3605/2.16 B, 3605/2.17 C, 3605/2.18 C, 3605/2.19 A, 3605/2.20 B, 3605/2.21 A, 3605/2.22 C, 3605/2.23 B, 3605/2.24 C, 3605/2.25 C, 3605/2.26 B, 3605/2.27 C, 3605/2.28 C, 3605/2.29 D, 3605/2.30 D, 3605/2.31 D, 3605/2.32 and 3605/2.33 A received 17th December 2015; and drawing number 357-100 B received 8th January 2015.

Supported by Aspect Ecology Consultation Response dated November 2014, Aspect Ecology Ecological Assessment reference ECO3565.EcoAs.vf2 dated August 2014, Broadoak Report on Inspection of Trees reference J48.01 dated 14th January 2014, Design and Access Statement DHA Environment Landscape and Visual Assessment reference JE/9798 dated August 2014, DHA Environment Sustainability Statement reference DHA/DCH/9798 dated August 2014, DHA Planning Planning Statement reference JB/TG/LJ/9798 dated August 2014, DHA Transport Flood Risk Assessment reference CS/T0343 dated July 2014, DHA Transport Transport Statement reference SEH/T0343 dated August 2014, DHA Transport letter dated 6th January 2015, Draft Deed of Agreement reference SZC/JO45131.1334, Grant Acoustics Noise Assessment reference GA-2013-0062-R1-RevC dated 13th August 2013, REC Air Quality Assessment reference 33845R2 dated 12th August 2014 and Soils Ltd Phase I Desk Study reference 14039/DS dated August 2014.

9.0 APPRAISAL

9.1 The main issues for determination are considered to be as follows: Principle of the development; density; design and layout; impact on amenity of the surrounding area and AONB; highway and parking issues; sustainability; affordable housing and developer contributions.

9.1 Principle of Development

9.1.1 In policy terms the site is greenfield, lies outside the village envelope but until recently has been a proposed housing allocation in the Reg 18 Local Plan. The development constitutes a departure from the local plan. There are no landscape designations on the site, although as set out in the description the site is visible from the North Downs AONB. In terms of sustainability, whilst there may be other sites proposed by the Reg 18 Local Plan to the village centre, this site is still within walking distance to the local amenities; particularly Swadelands School. There is a bus stop outside the application site and the railway station is within both walking and cycling distance.

9.1.2 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 Wide Local Plan 2000, and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy states that:

“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

(1) that which is reasonably necessary for the purposes of agriculture and forestry; or (2) the winning of minerals;

(3) open air recreation and ancillary buildings providing operational uses only; or

(4) the provision of public or institutional uses for which a rural location is justified; or

(5) such other exceptions as indicated by policies elsewhere in this plan”

9.1.3 In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification the proposal is unacceptable.

9.1.4 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the NPPF 2012 and the Council’s position in respect of a five year housing land supply.

9.1.5 Paragraph 47 of the NPPF states that Council’s should;

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

9.1.6 Relevant to this, the NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has carried this out with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA (2014) confirms the objectively assessed housing need for the Borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum). Subsequent to this, the objectively assessed housing need was revised downwards to 18,600. This figure, which is based on central government population projections based on 2011 census data, was reported to, and accepted by, Cabinet on 10th September 2014.

9.1.7 In April 2013 when most recently calculated, the Council had a two year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings (at that time). Even when considered in light of the reduction in the assessed housing need and the housing permissions granted since that date, the Council remains in the position of being unable to demonstrate a 5 year housing land supply.

9.1.8 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is stated that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing

(such as ENV28 which seeks to restrict housing outside settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. This position has been reflected in recent appeal decisions issued since the publication of the NPPF. In this policy context, the presumption in favour of sustainable development identified in paragraph 14 of the NPPF means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

9.1.9 With regard to this case, the application site is located adjacent to the settlement boundary of Lenham which is identified as a Rural Service Centre (RSC) in the draft Local Plan under draft policy SP3, providing a range of key services including a primary and secondary school, range of local shops, eateries, doctors surgery, village hall to name but some of the amenities/facilities available.

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

9.1.11 In this context it is considered that the location of the site is sustainable in the terms of the NPPF and draft Local Plan.

9.1.12 In the Regulation 18 draft local plan, the application site is a housing allocation identified under policy H1(31), the policy states:

Planning permission will be granted if the following criteria are met:

Design and layout

1. *An undeveloped section of land will be retained along the western boundary of the site and where the land narrows, in order to protect the setting of the Kent Downs AONB.*
2. *The hedgerow along the northern boundary of the site will be enhanced in order to provide a suitable buffer between new housing and the A20 Ashford Road.*

Access

3. *Access will be taken from Ham Lane only.*

Noise

4. *Development will be subject to a noise survey to determine any necessary attenuation measures in relation to the A20 Ashford Road.*

Open space

5. *Provision of publicly accessible open space as proven necessary, and/or contributions.*

Community infrastructure

6. *Appropriate contributions towards community infrastructure will be provided, where proven necessary.*

Highways

7. *Appropriate contributions towards the provision of crossing facilities on Ham Lane within the vicinity of the site.*
8. *Improvements to pedestrian and cycle links to Lenham village centre.*

9.1.13 In the recent meeting of Cabinet held on 4 February 2015 it was resolved that this site be rejected and go back to Regulation 18 consultation for deletion. This decision was taken on the grounds that the allocation would have an unacceptably adverse impact on the AONB and on the character of the village because it is peripheral to the settlement and beyond the open space occupied by Swadelands School playing field. There is no formal minute at the present time of this resolution.

9.1.14 Notwithstanding the resolution from Cabinet, the Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on volume development in the countryside do not currently apply due to the age of the Local Plan policies. The NPPF advises that when planning for development the focus should be on existing service centres and on land within or adjoining existing settlements. It is my view that the development of this site is in accordance with the objectives of the NPPF. The site would contribute towards the provision of the housing supply shortfall; this is a strong material consideration in favour of the development. As such I consider the principle of development in this location is acceptable.

9.2 Landscaping/Visual Impact/AONB Setting

9.2.1 A great deal of concern has been expressed regarding the impact of this development on the setting of the North Downs AONB. As part of the submission a Landscape Visual Impact Assessment was included, together with a Landscape Management Plan. The applicant undertook pre-application discussion with Officer's and as part of the process worked to develop a scheme which took into account the setting of the site and gave particular attention to strong boundary treatment.

9.2.2 It is proposed to retain the existing mature hedges along the A20, southern boundary and Ham Lane (taking into account access points). Additional planting and gap plugging will be undertaken to enhance the setting of the scheme and also to promote ecological corridors. Shrub and tree planting will take place within the site. A swale will be located in the southern part of the site to assist with drainage.

9.2.3 It is of course inevitable that development on Greenfield sites will result in a visual change to the environment and the challenge is to ensure that change will not result in demonstrable harm. This site is prominent when viewed from the North Downs/Pilgrims Way and therefore great effort has been put into the design of the scheme, its bulk and mass, materials and overall impact whether short, mid or long range.

9.2.4 When viewed from the north this is against the backdrop of the village and includes the existing smaller scale housing development previously mentioned and the Lenham Storage site which whilst different in nature still provides built development visible from the AONB. The foreground to the proposal is the A20 which is a clear mark in the landscape and provides a clear demarcation from the foot of the North Downs.

9.2.5 The applicant has submitted a Landscape Visual Impact Assessment (LIVA) to 'consider the character and quality of the landscape of and around the site, and the likely landscape and visual impacts of the development.' The report sets out the methodology which follows the procedures set out in the 'Guidelines for Landscape and Visual Impact Assessment'.

I acknowledge the desire to protect the settlements of Harrietsham and Lenham merging and the reluctance to develop along the A20 corridor. However, with the woodland to the west of the site together with open fields that would remain between the settlements I am satisfied that separation would still be retained. The local authority has a statutory duty to protect AONB's and through the consideration of this application I consider that due regard has been given to its proximity to the application site. It is, I feel, a matter of opinion, as to whether the 3 storey element of the scheme is appropriate/appropriately located within the

layout. The Design and Access Statement states that the location of this apartment block in this corner is to provide a significant feature along the A20. However, the Landscape Character Assessment suggests that development should be restricted along this corridor due to the impact on the AONB. It is my view that regardless of the positioning of this element within the layout, the development as a whole will impact on the landscape and it is more an issue of whether the overall impact is acceptable when viewed in the context of not achieving a 5 year supply. The impact of this will be considered further in the section below.

9.2.6 With regard to the impact on the AONB, it is accepted by the LIVA that there will be adverse visual impacts arising from the development. It will be visible from the PRoW to the north of the site. However, as stated above it is not possible to develop a greenfield site on the fringe of a village without impact; indeed therefore it is inevitable that there will be some in principle harm to the landscape protection policies. All this has been considered and weighed against the need to deliver a 5 year housing supply; the conclusion is that the development would not be so harmful and with time would assimilate into the character of the area.

9.3 Density, Design and Layout

9.3.1 Consideration now turns to the layout and design of the development.

9.3.2 The submitted layout has been described in section 2 of this report. In terms of the acceptability of the layout, this has been the subject of discussion between the applicant's and case officers in order to achieve the most effective outcome. The application has been amended since pre-application discussion and again since the application has been submitted. Details of external materials have been provided as follows:

- *Facing bricks*; Harvest Buff, Maple Red and Sunset Red;
- *Roof tiles*; Cemex Grampion or Marley Modern tile – variety of colours;
- *Render* – Polar white

The Design and Access Statement considers existing styles of development in Lenham and materials used. It is stated that 'the development has been bespoke designed to fit into its surroundings through the use of vernacular materials and styles including hanging tiles and weatherboarding.' Materials will be subject to a condition requiring detailed samples to be submitted, however in principle I consider the proposals acceptable subject to finalisation of colour finishes.

9.3.3 Concern has been expressed that the part of the site closest to the AONB contains the 3 storey apartment block. This is true and as stated earlier there is a discussion to be had over whether this is the most appropriate siting. The purpose of locating the apartments in this corner is as a feature; rather than try to hide the development, the applicant has tried to address the prominent setting of the site. The initial submission saw a scheme which appeared far more intrusive and less sympathetic to this edge of village location. The proposed block incorporates a roof line which is clearly defined and well articulated through a mix of fully hipped and barn hip roof sections; on both key road facing elevations there are sections of gable protrusions which disguise and break up the mass of the building. Clearly the boundary landscaping scheme will reduce the impact further and therefore the full 3 storeys will not be seen from ground level upwards. When viewed from the North Downs the building will be set behind the A20 and then the landscape buffer. The building addresses the landscape and should not turn its back on it. A variety of materials is proposed which provides for a good overall finish to the appearance of the building. It is also worth noting that the applicant has taken on board officer comments with regard to the design of this building and the 'turret feature' has been removed.

9.3.4 Throughout the site dwellings generally front the internal roads and turn corners where appropriate. There is good connectivity within the site and demarcation in roof surfaces to break up hardstanding and act as natural traffic calming. The main entry into the site shows a tree lined avenue approach with accesses to on plot parking. The density of the proposal is in line with the Regulation 18 criteria (notwithstanding the recent Cabinet decision). Again, attention has been given to integrate the line of detached dwellings along the western boundary of the site by tree lining the western side of 'road 7' this, in my view, enhances the street scene

9.4 Residential Amenity

9.4.1 Objections have been received from residents regarding a loss of privacy and light. A row of proposed detached properties back on to the existing dwellings in Westwood Close at a distance of between 21 to 28m at first floor level. The new dwellings would lie directly north of the existing and therefore in terms of sunlight will not impact on the existing dwellings. Protection is afforded from the respective gardens in terms of privacy – as stated above, and both existing and proposed landscaping will assist. The proposed dwellings in this location are two storeys in height with no rooms in the roof; the site level in this location is not dissimilar to the levels within Westwood Close. I consider the proposal accords with the aspirations of Kent Design and will not have a detrimental impact on residential amenity.

9.5 Highways

9.5.1 Concern has been raised with regard to the impact on the existing road network. Existing residents are concerned that the proposal will increase the risks on the public highway. Accompanying the application was a full Transport Assessment. Detailed comments from Kent Highways have been provided, many of which are incorporated in this section

9.5.2 The KCC Highways Officer explains the proposal as follows 'The site is located on the western side of Ham Lane and a new priority junction is proposed to serve the site with an additional emergency access. The main access is located some 75m south of the A20 junction and the access road is 5.5m wide with footways each side, reducing to 4.8m within the site. Tracking diagrams have been provided which indicate that a refuse vehicle and pantechnicon are able to manoeuvre and turn satisfactorily within the site, assuming no on street parking takes place.' Clarification was sought and obtained with regard to the service arrangements as to the carry distances for refuse collection – this is considered to be acceptable by the highways officer.

9.5.3 The new site access is located within a derestricted speed limit and it is proposed to extend the 30mph speed limit past the site access as part of the proposal. It is recommended by the Highways Officer that the 30mph limit is extended to the junction with the A20. This would need to be subject to a Traffic Regulation Order (this would need to be undertaken at no cost to KCC). The Officer notes that the existing hedge fronting Ham Lane is to be retained and is concerned that this may become overgrown, reducing visibility from the site access and leading to a safety problem and a maintenance liability. It is requested that this should be removed close to the junction of the site access.

9.5.4 Residents have questioned the accuracy of the TA which accompanies the application. TRICs has been used to estimate the traffic generated by the development and this indicates that there is likely to be 12 arrivals and 29 departures during the AM peak and 31 arrivals and 17 departures during the PM peak. A capacity assessment of the junction of the site access with Ham Lane has been modelled using PICADY. Growth factors have been applied to surveyed traffic flow data to calculate 2019 traffic flows. The results indicate that

the junction would operate without any significant queuing or delays with the 2019 traffic flows with the addition of the development traffic.

9.5.5 Residents are concerned over the safety of providing additional dwellings that would use this access onto the A20. The crash data indicates that there has been 1 injury crash within the study area in the 3 year period to 30 September 2013. This occurred at the junction of the A20/Ham Lane and involved slight injury. Kent Highways are satisfied with the information available and design of the scheme that the proposal is acceptable in highway safety terms.

9.5.6 The junction of the A20/Ham Lane has a ghosted right turn lane and the A20 is subject to the national speed limit. Ham Lane provides access to Lenham Storage which has frequent HGV movements turning right onto Ham Lane from the A20. The highway officer sought additional information relating to capacity checks to ensure the existing right turn lane is adequate to accommodate the additional traffic. Kent Highways are satisfied that the proposals under this scheme are sufficient.

9.5.7 Concerns initially raised with by Kent Highways have been overcome through discussions/amended details.

9.5.8 Bus boarders are required at the bus stops and a shelter on the southbound stop.

9.5.9 The highway officer has also requested that the speed limit of the A20 be reduced to 50mph where adjacent to the village, between the site itself west of the junction of the A20 with Ham Lane and the unmanned pedestrian crossing to the east of Ham Lane, and the junction of the A20 with Hubbards Hill to the east of the main body of the village. This is considered reasonable and necessary to enable safe pedestrian crossing of the A20 for residents to provide access to the AONB and eastbound bus stops to the north of the highway.

9.5.10 Turning to the internal layout of the site, since the amended layout has been submitted there is no objection to the siting and size of the parking bays, nor to the overall number of parking spaces provided. In terms of connectivity footways from the development site will link to the existing footways on the eastern side of Ham Lane with dropped kerb crossings.

9.6 Ecology

9.6.1 A phase 1 ecological statement has been submitted. This reveals that there are limited opportunities for bats, dormice, reptiles and common birds. The existing hedgerows are of low to moderate ecological value. Planning guidance states that in addition to mitigation, development should seek to enhance ecological interests. The application promotes ecological enhancement through the provision of the wooded area and community orchard. Other ecological enhancements proposed are as follows:

- Erection of bat and bird boxes on retained trees of the appropriate size;
- Cut-outs at ground level in the garden fences of the new residential houses, so as to ensure Hedgehog is able to move freely between gardens;
- Care over placing of lighting to ensure none are placed near the entrance/exit points of potential roost/nest sites; low spill lights where possible;
- Western end of the site to contain a small dedicated orchard and wildlife pond sown with a wildflower grassland mix; the orchard would contain suitable native fruit and nut yielding species to create the required habitat structure;
- New hedgerow planting with gaps in existing on-site hedgerows infilled with native species;

- Wildflower grasslands sown in areas of green open space.

9.6.2 There is just one area of disagreement between the applicant and the KCC ecologist and this relates to the need for a separate site specific management plan. Aspect Ecology (for the applicant) do not consider such a plan necessary but the KCC ecologist clearly states that 'as the site has connectivity (via hedgerows) to the ancient woodland and that a community orchard is proposed together with a woodland area it is important to have a specific site management plan for the proposed development – it should also include details of who will be implementing the management during the life time of the development'. The ecological surveys have highlighted that there is potential for breeding birds to be present within the site boundaries – but producing a specific management plan will help ensure the habitat created on site is managed appropriately to retain the breeding bird interest. In line with the comments from the KCC ecologist a condition is proposed to secure the submission of a management plan. Conditions requiring an updated badger survey and the submission of details of external lighting, which should be designed to have minimal impact upon foraging bats and avoid spillage to trees with bat roosting potential.

9.7 Other Matters

9.7.1 Southern water have stated in their comments that there is currently insufficient capacity in the sewer network to accommodate the proposed development. The planning agent has confirmed that discussions are being undertaken directly between Jones Homes and Southern Water and that a solution is available which would enable the capacity of the network to be increased. I am advised as follows 'following a Level 2 enquiry by Jones Homes, Southern Water has identified two principle options for increasing foul water drainage provision to the Ham Lane site. Such options include improvements to existing sewers by increasing the diameter of two local sewers in order to provide sufficient capacity to service the development. Alternatively, it may be possible to provide new pipes to discharge to an identified point on the network where capacity is already available. These options are being considered further, but it demonstrates that solutions are available to ensure that there is sufficient capacity in the foul drainage network. A condition is proposed which would ensure the necessary upgrade/improvements are undertaken.

9.7.2 What is important is that there is a solution and that in terms of concerns raised by residents over surface water and foul drainage, neither the Environment Agency (who raise no objection) nor Southern Water have raised issues which would prevent the development going ahead.

9.7.3 The application does include a Flood Risk Assessment and the Environment Agency accept the findings of the report. This is not an area prone to flooding and subject to a pre-commencement condition requiring the submission of a sustainable surface water drainage system there is no objection on flooding grounds. The layout does indicate areas safeguarded to provide swales within the scheme – namely within the wooded amenity land and adjacent to 'road 5' within the scheme.

9.7.4 The land is not known to be contaminated, however its former agricultural use may mean that contaminants are present. A condition will ensure further information/investigation is undertaken as necessary.

9.7.5 The loss of grade 2 agricultural land is noted. The Council's agricultural advisor has comments that the grade of land is not definitive as the area is generally washed over with belts of between grade 1 to 3b land. However, it is clear that there is insufficient brownfield land to meet the Borough's housing need and the fact that the Council does not have a five year land supply means that some development greenfield sites, and best and most versatile land is inevitable.

9.7.6 The proposed development is described as achieving level 4 of the Code for Sustainable Homes, and as such is compliant with the emerging local plan policy. A condition is recommended to safeguard this to be achieved.

9.7.7 The proposed Lenham neighbourhood plan is at the very early stages. It is not far enough progressed to be of significance to the determination of this application.

9.7.8 In terms of air quality and noise reports have been submitted which assess the likely impact on the area. Conditions will ensure recommendations are taken on board.

9.8 Section 106 Requirements

9.8.1 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets the following requirements:-

It is:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

9.8.2 The applicants have in their submission stated that they will provide 40% affordable housing within the development. This is in accordance with the Council's adopted DPD and accords with the requirement through the National Planning Policy Framework for authorities to provide affordable housing. I consider that the provision of affordable housing is necessary to make the development acceptable, and is related and reasonable in scale. I therefore consider that this element of the proposal is acceptable in accordance with the regulations.

9.8.3 The County have requested that £2360.96 for each 'applicable' house and £590.24 for each 'applicable' flat be provided towards primary school education. This contribution would go towards meeting the additional strain placed upon the school facilities within the locality, and is considered to be a reasonable sum, related to the scale of the development.

9.8.4 A financial contribution £144.66 per household towards the provision of new bookstock within the existing library in Maidstone has also been requested. Again, a significant level of justification has been submitted by the County for this provision, which would be brought about by the additional demand placed upon the facilities by the new development. I consider that the contribution would be necessary to make the development acceptable, and that it would be of a scale related to the development. I therefore consider that this would be in accordance with the regulations.

9.8.5 A financial contribution £30.70 per householder towards community learning within the locality of the application site. Suitable justification has been submitted with regards to the proposal, and is considered to meet the test as set out above.

9.8.6 A financial contribution of £63.56 per applicable dwelling is sought for Adult Social Care and £8.49 per applicable dwelling for Youth Service, I consider the request appropriate to the proposal.

9.8.7 Maidstone Borough Council Parks and Open Space were consulted and requested that a contribution of £842.26 per dwelling, totalling £69065.32 be provided to enhance the existing facilities within the area, to address the additional strain placed upon them by this development. They have identified in their comments where the contribution would likely be spent. The contributions sought are in accordance with the Council's Open Space DPD. I consider that this request is reasonable, and is directly related to the development. I also consider it necessary to make the development acceptable.

9.8.8 The NHS request a contribution of £55,440, towards the upgrading of existing medical facilities. I consider the request appropriate to the proposal.

9.8.9 The applicant has agreed to make all the above contributions as requested to date.

10.0 CONCLUSION

10.1 The site is greenfield and outside the village confines. The development has taken into account the context in which it sits and it is considered that the scheme will not cause demonstrable harm to the visual amenity of the area.

10.2 Given the shortfall in the 5 year housing supply, I consider this an appropriate use of the site which will assist in relieving the pressure on less suitable sites.

10.3 The proximity of the site to the village amenities and services is considered sustainable.

10.4 The proposal in terms of layout, design and density is considered an appropriate use of the site, which does not unacceptably compromise the existing grain of development in the locality. The scheme is considered to be of good design.

10.5 The proposed boundary buffer and landscape treatment is considered appropriate to help mitigate the visual impact of the development on the North Downs AONB.

10.6 The proposed highway works are considered appropriate in order to ensure the safe functioning of the site and minimal impact on highway safety.

11.0 RECOMMENDATION

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

- The provision of 40% affordable housing; and
- A contribution of £2360.96 per applicable house and £590.24 per applicable flat towards the expansion of Lenham Primary School; and
- A contribution of £144.66 per dwelling towards library services; and
- A contribution of £30.70 per dwelling towards Community Learning; and
- A contribution of £8.49 per dwelling towards Youth Service; and
- A contribution of £63.56 towards Adult Social Care; and
- A contribution of £55,440 to the NHS for the upgrade/refurbishment/modernisation of the Len Valley Surgery and/or Glebe Medical Practice.
- A contribution of £842.26 per dwelling (totalling £69065.32) to enhance existing open space/facilities in the area.

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

CONDITIONS to include

(1) The development hereby permitted shall be begun before the expiration of 12 months from the date of this permission;

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

(2) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby

permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

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

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

(4) 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 (General Permitted Development) Order 1995 (as amended by 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

(5) The approved details of the access submitted as shown on drawing number 3605/2.10N received 17th December 2014 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.

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

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

(7) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site; the provision of the wildflower meadow areas; community orchard; street planting and private garden planting.

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

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

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development.

(8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with

others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

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

(9) The development shall not commence until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) including details of any tree works that would be necessary to implement the proposal, which shall include details of all trees to be retained and the proposed measures of protection, undertaken in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction – Recommendations" has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include full details of areas of hard surfacing within the root protection areas of retained trees which should be of permeable, no dig construction and full details of foundation design for all buildings within root protection zones, where the AMS identifies that specialist foundations are required. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development.

(10) The development shall not commence until details of any external lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. 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 in order to minimise any impact upon ecology and particularly bats. The development shall be carried out in accordance with the approved details and maintained thereafter;

Reason: To prevent light pollution in the interests of the character, amenity and biodiversity of the area.

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

Reason; No such details have been submitted and in the interest of amenity.

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

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

(ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

(13) The development hereby permitted shall be carried out in strict accordance with the recommendations of the Grant Acoustics Noise Assessment ref. GA-2013-0062-R1-RevC received 21 August 2014;

Reason: In the interests of residential amenity.

(14) The development permitted by this planning permission shall not commence until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved by the Local Planning Authority. The drainage strategy should demonstrate that the surface water run-off generated up to an including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on or off site.

The drainage details submitted to the Local Planning Authority shall:

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

Specify a timetable for implementation; and

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

The scheme shall be implemented in accordance with the approved details prior to first occupation of the development, and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

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

(15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A,B, C, D,E and F 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 prospective occupiers and surrounding neighbours.

(16) Prior to the commencement of any development, details shall be submitted to, and agreed in writing by, the Local Planning Authority showing the existing and proposed site levels and the finished floor levels of the buildings hereby permitted. The development shall be carried out in strict accordance with the details agreed;

Reason: In the interest of residential and visual amenity.

(17) No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

i) Details of roof overhangs and eaves.

ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).

iii) Details of the junction of the timber boarding and the brickwork

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

18) The development shall not commence until details of foul drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained thereafter in accordance with the approved details;

Reason: To prevent pollution of the environment and protect controlled waters.

(19) The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the

site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and maintained thereafter.

Reason: To ensure a high quality external appearance to the development and in the interests of ecology and biodiversity.

(20) The development shall be undertaken in strict accordance with the recommendations of the Aspect Ecology Ecological Assessment reference ECO3565.EcoAs.vf2 dated August 2014, subject to the details submitted and approved in respect of condition 20 below;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

(20) The development shall not commence until details of a site specific precautionary mitigation strategy for breeding birds, dormice and reptiles and an updated badger survey) undertaken by an appropriately qualified party have been submitted to and approved by the Local Planning Authority. The approved details, including any necessary mitigation, shall be implemented in full prior to commencement of the development unless with the agreement in writing of the Local Planning Authority;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

(21) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed by an appropriately qualified party to enable an appropriate remediation plan to be developed. Works shall not recommence until a remediation scheme undertaken by an appropriately qualified party has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed in full;.

Reason: to prevent pollution of the environment.

(22) The development hereby permitted shall not be occupied until the following details shall be submitted to and approved in writing by the Local Planning Authority:

a) A closure report which shall include 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; and
- 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;

OR

b) If no contamination has been discovered during the build, evidence provided by an appropriately qualified party demonstrating that no contamination was discovered;

Reason: to prevent pollution of the environment.

(23) No part of the development hereby permitted shall be occupied until the following works have been constructed and completed:

- i) A new priority junction and an emergency access to the site from Ham Lane; and
- ii) The extension of the existing 30mph speed limit on Ham Lane to its junction with the A20; and
- iii) The introduction of a 50mph speed limit on the A20 between the west boundary of the proposal site and Hubbards Hill including gateway features; and

iv) Bus boarders to the two bus stops on Ham Lane closest to the site, and a bus shelter to the southbound bus stop;

Reason: In the interests of highway and pedestrian safety and sustainability.

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

Drawing number 3605/2.00 2B received 21st August 2014; drawing numbers 3605/2.10 N, 3605/2.15 D, 3605/2.16 B, 3605/2.17 C, 3605/2.18 C, 3605/2.19 A, 3605/2.20 B, 3605/2.21 A, 3605/2.22 C, 3605/2.23 B, 3605/2.24 C, 3605/2.25 C, 3605/2.26 B, 3605/2.27 C, 3605/2.28 C, 3605/2.29 D, 3605/2.30 D, 3605/2.31 D, 3605/2.32 and 3605/2.33 A received 17th December 2015; and drawing number 357-100 B received 8th January 2015, as supported by Aspect Ecology Consultation Response dated November 2014, Aspect Ecology Ecological Assessment reference ECO3565.EcoAs.vf2 dated August 2014, Broadoak Report on Inspection of Trees reference J48.01 dated 14th January 2014, Design and Access Statement DHA Environment Landscape and Visual Assessment reference JE/9798 dated August 2014, DHA Environment Sustainability Statement reference DHA/DCH/9798 dated August 2014, DHA Planning Planning Statement reference JB/TG/LJ/9798 dated August 2014, DHA Transport Flood Risk Assessment reference CS/T0343 dated July 2014, DHA Transport Transport Statement reference SEH/T0343 dated August 2014, DHA Transport letter dated 6th January 2015, Draft Deed of Agreement reference SZC/JO45131.1334, Grant Acoustics Noise Assessment reference GA-2013-0062-R1-RevC dated 13th August 2013, REC Air Quality Assessment reference 33845R2 dated 12th August 2014 and Soils Ltd Phase I Desk Study reference 14039/DS dated August 2014.

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

INFORMATIVES

1. As the development involves demolition and / or construction, the applicant should pay due regard to the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

2. The use of DEFRA Emissions Factor Toolkit and the latest DEFRA IGCB Air Quality Damage Costs for nitrogen dioxide and particulates (www.gov.uk/air-quality-economic-analysis) is recommended in order to quantify pollutant emissions costs from the vehicular traffic generated by the development to justify expenditure on mitigation, including RTP and Building Design.

3. Residential Travel Pack (RTP)

A Welcome Pack available to all new residents online and as a booklet, containing information and incentives to encourage the use of sustainable transport modes from new occupiers, including:

1. Maps showing the site in relation to walking, local buses, cycle routes, cycle stands, the nearest bus stops, and rail stations
2. Approximate time it takes to walk or cycle to various local facilities (e.g. train station)
3. Site specific public transport information including up to date public transport timetables
4. Links to relevant local websites with travel information such as public transport operator information, cycling organisations and the Council
5. Information on public transport season tickets and offers
6. Free tasters tickets for local buses and/or vouchers for bike maintenance/parts at local shops
7. Information on specific incentives including "Walk to Work" or "Cycle to Work" initiatives

8. Details of local 'Car Share' and 'Car Club' schemes, including links to County & District Councils sponsored schemes.
9. Information on the health, financial and environmental benefits of sustainable travel.
4. The applicant should be aware that the site is in a radon affected area with a 3-5% probability of elevated radon concentrations. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE 1999, 2001, AND 2007). If the probability rises to 10% or more, provision for further preventative measures are required in new houses. Test(s) for the presence of radon gas are recommended to be carried out. Further information can be obtained from Public Health England.

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

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

5. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

6. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW ([Tel:0330 303 0119](tel:03303030119)) or www.southernwater.co.uk

7. The Traffic Regulation Order(s) associated with changes to the speed limits shall be prepared and funded at the applicant's cost.

8. The lighting scheme provided in accordance with condition 10 should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers.

Bats and Lighting in the UK

Summary of requirements

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

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

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

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

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

High

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

Mercury lamps (MBF) emit a high UV component.

Tungsten Halogen, if unfiltered, emit a high UV component

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

Variable

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

Street lighting

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

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

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

Security and domestic external lighting

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

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

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

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

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

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

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

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