

PLANNING STATEMENT

Hybrid Planning Application comprising: -

A Full Application for the Erection of 49 Dwellings and Associated Infrastructure, Landscaping and Open Space

And

An Outline Application for the Erection of 102 Dwellings Including Detail Relating to Access, Layout and Landscaping (Scale and Appearance as Reserved Matters)

at

Land North of Old Ashford Road and South of Ashford Road, Lenham, Kent

Lee Evans Planning Ref: P3460

December 2016



Hybrid Planning Application

at

Land North of Old Ashford Road and South of Ashford Road (A20), Lenham

<i>Client</i>	<i>Broad Oak Motor Group Limited, EuroCanterbury, Broad Oak Road, Canterbury, Kent, CT2 7QH</i>
<i>Determining Authority</i>	<i>Maidstone Borough Council</i>
<i>Prepared by</i>	<i>Lee Evans Planning</i>
<i>Author</i>	<i>Nathan Anthony</i>
<i>Date</i>	<i>December 2016</i>
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Lee Evans Planning

St John's Lane, Canterbury, Kent, CT1 2QQ

tel: 01227 784444 fax: 01227 819102

email: townplanning@lee-evans.co.uk web: www.lee-evans-planning.co.uk

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Planning Manager Kent Downs AONB

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1.0 INTRODUCTION

- 1.1 Lee Evans Partnership LLP has been commissioned by Broad Oak Motor Group Limited to prepare and submit a hybrid application for the erection of 151no. dwellings at land north of Old Ashford Road, Lenham.
- 1.2 This Planning Statement is to be read alongside the Design & Access Statement and the Statement of Community Involvement, which also accompany the application.
- 1.3 This statement outlines the policy background upon which an assessment should be based and considers the merits of the scheme against that background.
- 1.4 This Statement describes the background to the project hereby considered in **Section 2**.
- 1.5 **Section 3** considers the Development Plan and other relevant policy and guidance.
- 1.6 **Section 4** discusses the merits of the proposed scheme.

2.0 BACKGROUND

2.0.1 As early as 2011 the applicant has been instructing Lee Evans Planning to promote the site through the various development plan stages that Maidstone Borough Council have been through. At that time the Council were preparing a Core Strategy document and representations were submitted supporting the identification of Lenham as a Rural Service Centre. As the Core Strategy direction was phased out in favour of the 'new' Local Plan development plan document, Maidstone Borough Council identified a need for a greater number of housing allocation sites. They undertook 'Call for Sites' exercises through 2012 and 2013 and the application site was put forward; it was identified by the Council as a suitable allocation site and has been in subsequent draft Regulation Local Plans (see up to date allocation in Appendix 1).

2.0.2 The Soundness of the current version, Regulation 19, is currently being considered at Examination. The application site, identified as Site H1(42), has been the subject of discussions at that EIP. At the time of writing the Inspector has published his Interim Findings 22 December 2016, which are discussed in more detail later in this Statement. He concludes that;

The H1(42) Tanyard Farm allocation should also be retained in the Local Plan to support housing delivery before 2021.

2.0.3 The application site has been subject to assessments by Maidstone Borough Council, and less directly by independent experts including Aecom, during the drafting of the Local Plan in its various stages. These assessments included the Strategic Housing Land Availability Assessment 2014, the Strategic Housing and Economic Development Land Availability Assessment (SHEDLAA) 2016 and a number of Sustainability Appraisals.

2.0.4 During these various stages hundreds of potential sites have been subject to scrutiny and rigorously assessed against criteria agreed by Cabinet. External statutory consultees such as Kent County Council, the Environment Agency and the Kent Downs AONB Unit have also been party to the appraisal process and have helped inform the recommendations made by Borough Council officers. Each site that has been allocated in the draft document has also been subject to an independent Sustainability Appraisal, which will be discussed further in this Statement.

2.0.5 The proposals hereby submitted have been influenced by the appraisals and recommendations discussed above and are the culmination of input

from experts in several fields. The scheme has also been influenced by input from third parties including Maidstone Borough Council, local residents and the Kent Downs AONB Unit who have contributed their views, comments and recommendations. Pre-application consultation included a public consultation event and meetings with the Local Planning Authority (the feedback from which is attached at Appendix 2), and the AONB unit.

2.1 The Brief

2.1.1 The Brief identified the need to deliver a scheme that mirrored the local built context and could utilise the existing surrounding infrastructure. It also specifically referred to:

- Delivering a scheme that was of a density appropriate to the village setting;
- Respecting landscape features of local importance, namely the North Downs and Pilgrims Way/Byway across the site;
- Allowing opportunities for the local community to comment;
- Maintaining access to the adjacent community facilities; and
- Maintaining highway safety on Old Ashford Road.

2.1.2 The draft allocation in the Regulation 19 Local Plan has since repeated similar matters of particular interest in the development of a scheme for the application site. These are as follows:

Design and layout

1. The hedgerow and line of trees along the northern and southern boundaries of the site will be retained and substantially enhanced by new planting in order to protect the setting of the Kent Downs AONB, and to provide a suitable buffer between new housing and the A20 Ashford Road and Old Ashford Road.

2. The function of restricted byway KH433 is to be retained, and consideration given to the safety of future users and occupiers of the development.

3. The development proposals shall be designed to maintain existing vistas and views of the Lenham Cross from Old Ashford Road, through the site and along PROW KH433.

4. 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. Development proposals will be of a high standard of design and

sustainability reflecting the location of the site as part of the setting the Kent Downs AONB incorporating the use of vernacular materials.

5. 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.

Access

6. Access will be taken from Old Ashford Road only.

Noise

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

Highways and transportation

8. Extension of the 30 mph limit on the Old Ashford Road to the site and extension of the footway on the northern side of the road.

2.2 Application Format

2.2.1 The hybrid application will comprise both ‘detailed’ and ‘outline’ elements. The full ‘detailed’ element will cover the front (south) and

part of the western segment of the site, and also the open spaces through the centre of the site, herein referred to as Phase 1. The ‘outline’ application element of the scheme will relate to the remainder of the site, herein known as Phase 2. The split between the two ‘phases’ is shown on drawing 700:P09.

2.2.2 The outline phases will, therefore, need to be the subject of future detailed or ‘Reserved Matters’ applications although some details are provided for consideration at this time. The matters to be considered at this time are ‘access’, ‘layout’ and ‘landscaping’. In summary, the hybrid application incorporates the following:

Phase 1, (49 dwellings) – Detailed with all Matters to be considered as part of this submission; and

Phase 2, (102 dwellings) - Outline but with matters of ‘Layout’, ‘Access’ and ‘Landscaping’ to be considered as part of this submission

2.2.3 The matters of ‘external appearance’ and ‘scale’ in phase 2, will remain indicative at this time.

2.2.4 Supplementary surveys and reports necessary to support the planning application (beyond ‘Local Requirements’) have been considered in pre-

application discussions with Maidstone Borough Council planning officers. This includes the following (reviewed later in this statement):

- Topographical Survey;
- Arboricultural Survey;
- Transport Assessment;
- Noise Impact Assessment;
- Archaeological Desk Based Assessment;
- Preliminary Ecological Appraisal;
- Reptile Survey;
- Flood Risk Assessment
- Drainage Assessment and Strategy;
- Landscape Visual Impact Assessment;
- Landscape Strategy;
- Statement of Community Involvement;

2.2.5 A request for a Screening Opinion pursuant to section 5(2) of The Town and Country Planning (EIA) Regulations 2011 has been submitted on behalf of the applicant. This was considered under the Council reference 16/504855/ENVSCR and the decision was reached that an EIA for the proposals hereby considered was not required. The decision notice is attached at Appendix 3.

2.3 Planning History

2.3.1 There are several historic planning applications adjacent to the site. Of most relevance is the recently completed and occupied development known as Groom Square (on land formerly known as Northland). This is a scheme of 12no. dwellings with car parking and landscaping at the property previously known as Northland.

2.3.2 That application was considered under reference MA/12/1777 and was approved in 2013. The scheme comprised some age-restricted units (for occupation by persons of 55 years and over) and reduced parking was considered appropriate in association with those units.

2.3.3 A restriction was placed on those units in the conditions attached to the planning permission. Condition 15 read as below;

Units 4-12 (inclusive) of the residential development hereby permitted shall be occupied only by persons of 55yrs and over or persons who were living as part of a single household with such a person or persons who have since died;

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

road safety. This is in accordance with the National Planning Policy Framework.

- 2.3.4 As discussed in the Design & Access Statement that accompanies this application, the proposed development similarly includes a number of age-restricted dwellings and associated reduced parking.
- 2.3.5 Other relatively recent applications in the surrounding area include those related to the Community Centre and Medical Centre on Groom Way, the scheme for which went through a number of iterations. Applications include MA/02/0087, MA/01/1767 and MA/00/1917.
- 2.3.6 There are also historic applications for development at Ashmill Business Park, including the erection of industrial use buildings and extensions to existing units.

3.0 PLANNING POLICY

- 3.0.1 The Development Plan for Maidstone consists of **The Maidstone Borough Wide Local Plan 2000** (saved policies) and supporting local plan documents. Of interest to this application are the **Affordable Housing** and **Open Space DPD's**. Maidstone Borough Council is also in the process of producing a new **Maidstone Borough Local Plan (Regulation 19)**. This is currently being considered at the Local Plan Examination in Public and is thus at an advanced stage so the policies therein are afforded significant weight.
- 3.0.2 Maidstone Borough Council has also produced supplementary guidance and advice notes. Of interest to this application is the **Kent Downs AONB Management Plan 2014-2019**.
- 3.0.3 Other documents that have been considered during the design process include the **Kent Design Guide Review: Interim Guidance Note 3 - Residential Parking**, **The Kent Design Guide** and **Secured By Design**. These have been considered throughout the design process and have influenced the scheme as it is submitted.
- 3.0.4 Background papers to the Local Plan Examination process are also relevant to the consideration of this scheme in so much as they provide a review of housing demand and supply in the Borough and the Council's proposed response to housing need. They also include Council and independent assessments of the sustainability credentials of settlements and sites, and surveys of the Borough's landscape character and capacity.
- 3.0.5 **The Strategic Housing Market Assessment (SHMA) 2014**, the **Strategic Housing and Economic Development Land Availability Assessment (SHEDLAA) 2016**, **The Sustainability Appraisal 2016**, **The Landscape Capacity Study 2015** and **The Housing Topic Paper 2016** (and Update 1 September 2016), are all considered to be relevant to the application at hand.
- 3.0.6 The **National Planning Policy Framework (NPPF)** was published in 2014 and is considered a material consideration for development management purposes, overriding out of date development plan documents.

3.1 Maidstone Borough Wide Local Plan (saved policies)

3.1.1 The Proposals Map to the Local Plan shows the site to be located adjacent to the current settlement boundary and within a Special Landscape Area. An Area of Outstanding Natural Beauty is located to the north, on the opposite side of the A20 Ashford Road.

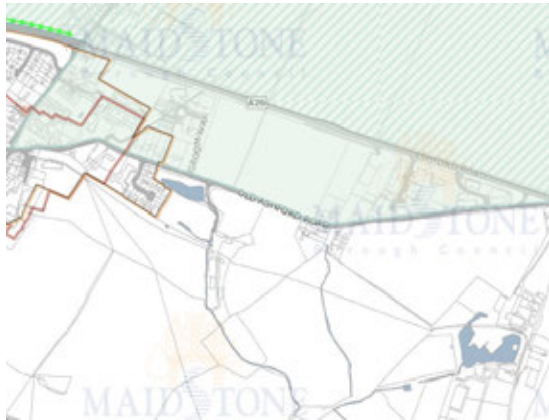


Fig. 1 Proposals Map to the Local Plan

3.1.2 **Policy ENV6** considers the need for appropriate landscaping;

IN APPROPRIATE CASES, THE BOROUGH COUNCIL WILL REQUIRE A LANDSCAPE SCHEME, INCLUDING SURFACING AND BOUNDARY

TREATMENTS, TO BE CARRIED OUT AS PART OF DEVELOPMENT PROPOSALS. WHERE REQUIRED, SUCH SCHEMES SHOULD:

- (1) INCORPORATE THE RETENTION OF EXISTING TREES, WOODLANDS, HEDGEROWS, NATURAL AND MAN-MADE FEATURES WHICH CONTRIBUTE TO THE LANDSCAPE CHARACTER OR QUALITY OF THE AREA; AND*
- (2) PROVIDE A SCHEME OF NEW PLANTING OF TREES, HEDGEROWS OR SHRUBS AS APPROPRIATE, USING NATIVE OR NEAR NATIVE TREE SPECIES, AND WHEREVER POSSIBLE NATIVE OR NEAR NATIVE SHRUB SPECIES.*

3.1.3 **Policy ENV28** discusses development in the countryside;

THE COUNTRYSIDE IS DEFINED AS ALL THOSE PARTS OF THE PLAN AREA NOT WITHIN THE DEVELOPMENT BOUNDARIES SHOWN ON THE PROPOSALS MAP.

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; OR*
- (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.*

PROPOSALS SHOULD INCLUDE MEASURES FOR HABITAT RESTORATION AND CREATION TO ENSURE THAT THERE IS NO NET LOSS OF WILDLIFE RESOURCES.

3.1.4 **Policy ENV33** considers protection within the AONB,

WITHIN THE KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY AS DEFINED ON THE PROPOSALS MAP, THE CONSERVATION OF THE NATURAL BEAUTY OF THE LANDSCAPE WILL BE GIVEN PRIORITY OVER OTHER PLANNING CONSIDERATIONS. WITHIN THIS AREA:

- (1) ANY DEVELOPMENT WHICH WOULD ADVERSELY AFFECT THE NATURAL BEAUTY OF THE LANDSCAPE WILL BE STRONGLY RESISTED; AND*
- (2) SMALL SCALE DEVELOPMENT REQUIRED TO MEET THE SOCIAL AND ECONOMIC NEEDS OF RURAL COMMUNITIES WILL BE PERMITTED PROVIDED THAT SUCH DEVELOPMENT IS CONSISTENT WITH THE PROTECTION OF THE NATURAL BEAUTY OF THE LANDSCAPE; AND*
- (3) MAJOR INDUSTRIAL OR COMMERCIAL DEVELOPMENT WILL BE STRONGLY RESISTED UNLESS THEY ARE PROVEN TO BE IN THE NATIONAL INTEREST INCAPABLE OF BEING LOCATED OUTSIDE THE AONB; AND*
- (4) WHERE DEVELOPMENT IS PERMITTED THE DESIGN, SITING AND MATERIALS OF NEW BUILDINGS SHOULD REFLECT THE TRADITIONAL CHARACTER OF BUILDINGS IN THE AREA, AND SHOULD CONSERVE THE NATURAL BEAUTY OF THE LANDSCAPE; AND*
- (5) ALL PROPOSALS WILL BE SUBJECT TO A VIGOROUS EXAMINATION OF THEIR ENVIRONMENTAL IMPLICATIONS. ALL PROPOSALS FOR LARGE SCALE DEVELOPMENTS LIKELY TO HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT WITHIN THE AONB SHOULD BE ACCOMPANIED BY AN ENVIRONMENTAL IMPACT ASSESSMENT.*

3.1.5 **Policy ENV34** considers land within the Special Landscape Area;

IN THE NORTH DOWNS, GREENSAND RIDGE, LOW WEALD AND HIGH WEALD SPECIAL LANDSCAPE AREAS, AS DEFINED ON THE PROPOSALS MAP, PARTICULAR ATTENTION WILL BE GIVEN TO THE PROTECTION AND CONSERVATION OF THE SCENIC QUALITY AND DISTINCTIVE CHARACTER OF THE AREA AND PRIORITY WILL BE GIVEN TO THE LANDSCAPE OVER OTHER PLANNING CONSIDERATIONS.

3.1.6 Parking standards are considered in **Policy T13**:

THE BOROUGH COUNCIL WILL ADOPT PARKING STANDARDS FOR ALL NEW DEVELOPMENT, GENERALLY TO ENSURE MINIMUM PROVISION.

ALL PROPOSED DEVELOPMENT SHOULD COMPLY WITH THESE STANDARDS. IN THE TOWN CENTRE (AS DEFINED ON THE TOWN CENTRE INSET PROPOSALS MAP) ONLY OPERATIONAL PARKING PROVISION WILL BE PERMITTED WITHIN SITES WHICH DO NOT HAVE DIRECT ACCESS TO THE TOWN CENTRE PERIPHERAL ROADS. THESE ROADS ARE DEFINED ON THE TOWN CENTRE INSET PROPOSALS MAP. OPERATIONAL PARKING WILL BE SET AT A MAXIMUM OF ONE THIRD OF FULL PROVISION.

THE BOROUGH COUNCIL MAY RELAX THESE PARKING STANDARDS IN ORDER TO:

(1) ASSIST THE RE-USE OF A BUILDING OF ARCHTECTURAL OR HISTORIC INTEREST;

OR

(2) ALLOW DEVELOPMENT WHICH WOULD PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF A CONSERVATION AREA; OR

(3) ASSIST THE USE OF AN UPPER FLOOR IN THE DESIGNATED RETAIL CENTRES.

3.1.7 Accessibility to local public transport options is discussed in **Policy T21**;

IN ORDER TO ENSURE THAT NEW DEVELOPMENT PROPOSED OUTSIDE THE APPROPRIATE DESIGNATED OR ALLOCATED AREAS, AS DEFINED ON THE PROPOSALS MAP, IS WELL RELATED TO THE EXISTING TRANSPORT NETWORK AND HAS OPPORTUNITIES TO AFFORD TRANSPORT CHOICES:

(1) DEVELOPMENT FALLING WITHIN USE CLASSES B1, B2 OR B8 WHICH IS LIKELY TO GENERATE SIGNIFICANT TRAFFIC, ESPECIALLY HEAVY GOODS VEHICLES, WILL BE PERMITTED ONLY WHERE IT IS ADJACENT TO RAILWAY LINES OR WELL RELATED TO THE PRIMARY OR SECONDARY ROAD NETWORKS AND HAS GOOD ACCESS TO EXISTING PUBLIC

TRANSPORT ACCESS POINTS, MAKES PROVISION FOR EASE OF ACCESS BY CYCLISTS AND IS WELL RELATED TO EXISTING DEVELOPMENT WHICH CAN BE REACHED ALONG SAFE FOOTPATHS THAT FOLLOW PEDESTRIANS' PREFERRED ROUTES;

(2) OTHER FORMS OF DEVELOPMENT - ESPECIALLY THOSE WHICH ARE LIKELY TO GENERATE A HIGH LEVEL OF VISITORS - SHOULD HAVE GOOD ACCESS TO EXISTING PUBLIC TRANSPORT ACCESS POINTS, MAKE PROVISION FOR EASE OF ACCESS BY CYCLISTS AND SHOULD BE WELL RELATED TO EXISTING DEVELOPMENT WHICH CAN BE REACHED ALONG SAFE FOOTPATHS THAT FOLLOW PEDESTRIANS' PREFERRED ROUTES.

THE ASSESSMENT OF WHETHER DEVELOPMENTS MEET THE CRITERIA OF THIS POLICY WILL BE DETERMINED BY A TRANSPORT IMPACT STUDY TO BE COMPLETED BY THE APPLICANT TO THE SATISFACTION OF THE HIGHWAY AUTHORITY AND THE BOROUGH COUNCIL. PUBLIC TRANSPORT ACCESS POINTS (PTAP) ARE DEFINED AS BUS STOPS OR PASSENGER RAIL STATIONS (OR THE EQUIVALENT FOR OTHER FORMS OF PUBLIC TRANSPORT) WHICH ARE SERVED BY A MINIMUM HOURLY JOURNEY TO AN EXISTING TOWN CENTRE OR LOCAL CENTRE BETWEEN THE HOURS OF 07.00 - 19.00 MONDAY TO SATURDAY. 'GOOD ACCESS' IS DEFINED AS BEING WITHIN 200 METRES WALKING DISTANCE, AS IT WOULD BE WALKED, OF A PTAP IN THE URBAN AREAS OR WITHIN 400 METRES OUTSIDE.

3.1.8 **Policy CF1** relates to the supply and demand for community facilities and the mechanisms under which new development can ensure that sufficient capacity in existing facilities is maintained;

RESIDENTIAL DEVELOPMENT WHICH WOULD GENERATE A NEED FOR NEW COMMUNITY FACILITIES OR FOR WHICH SPARE CAPACITY IN SUCH FACILITIES DOES NOT EXIST, WILL NOT BE PERMITTED UNLESS THE PROVISION OF NEW, EXTENDED OR IMPROVED FACILITIES (OR A CONTRIBUTION TOWARDS SUCH PROVISION) IS SECURED BY PLANNING CONDITIONS OR BY PLANNING OBLIGATIONS.

3.2 Maidstone Borough Local Plan (Regulation 19 Consultation)

3.2.1 The draft Proposals Map shows the site to be located within the settlement boundary of Lenham and to be a Housing Allocation. It does not fall within any special protected designations (Special Landscape Areas are not recognised in the draft Local Plan). An Area of Outstanding Natural Beauty is located to the north, on the opposite side of the A20 Ashford Road.

3.2.2 The map allocates the Economic Development Area to the east of the site, known as Ashill Business Park. It also highlights the Local Retail Centre at the heart of Lenham.

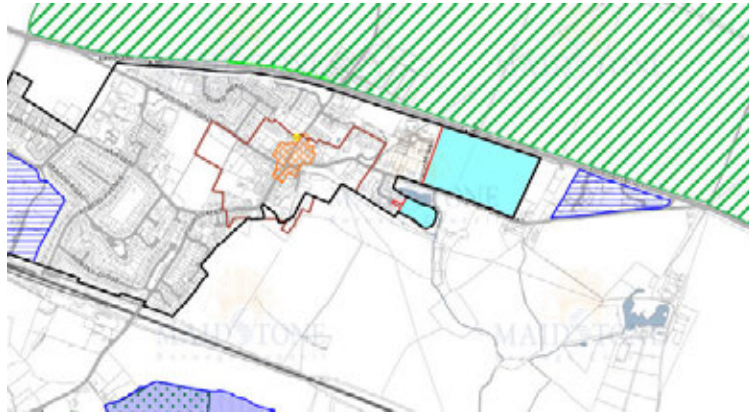


Fig. 2 Draft Proposals Map to the Local Plan

3.2.3 **Policy SS1** outlines the Council’s spatial strategy, including the amount of new development required to respond to current and future demand and those areas identified as capable of accommodating new development. This includes Lenham, which is listed as a Rural Service Centre; the secondary focus for housing development behind only Maidstone urban area.

1. *Between 2011 and 2031 provision is made through the granting of planning permissions and the allocation of sites for:*

i. 18,560 new dwellings;

- ii. 187 Gypsy and Traveller pitches and 11 Travelling Showpeople plots;*
- iii. 39,830m² floorspace for office use;*
- iv. 20,290m² floorspace for industrial use;*
- v. 49,911m² floorspace for warehousing use;*
- vi. 98,000m² floorspace for medical use;*
- vii. 6,100m² floorspace for retail use (convenience goods); and*
- viii. 23,700m² floorspace for retail use (comparison goods).*

2. *New land allocations that contribute towards meeting the above provisions are identified on the policies map.*

3. *An expanded Maidstone urban area will be the principal focus for development in the borough. Best use will be made of available sites within the urban area. Regeneration is prioritised within the town centre, which will continue to be the primary retail and office location in the borough. Strategic locations to the north west and south east of the urban area provide for substantial residential development and junction 7 of the M20 motorway is identified as a strategic location for additional business provision in association with a new medical campus.*

4. *A prestigious business park at Junction 8 of the M20 that is well connected to the motorway network will provide for a range of job needs up to 2031, and will help to diversify the range of sites available to*

new and expanding businesses in the borough to help accommodate future demand.

5. Harrietsham, Headcorn, Lenham, Marden and Staplehurst rural service centres will be the secondary focus for housing development with the emphasis on maintaining and enhancing their role and the provision of services to meet the needs of the local community. Suitably scaled employment opportunities will also be permitted.

6. The larger villages of Boughton Monchelsea, Coxheath, Eyhorne Street (Hollingbourne), Sutton Valence and Yalding will be locations for limited housing development consistent with the scale and role of the villages.

7. Broad locations for significant housing growth likely to come forward in the later phases of the plan period are identified at Invicta Park Barracks, in the town centre and at Lenham.

8. Suitably scaled employment opportunities will be permitted at appropriate locations to support the rural economy (in accordance with policy DM41).

9. In other locations, protection will be given to the rural character of the borough avoiding coalescence between settlements, including

Maidstone and surrounding villages, and Maidstone and the Medway Gap/Medway Towns conurbation.

10. The green and blue network of multi-functional open spaces, rivers and water courses will generally be maintained and enhanced where appropriate; and the Kent Downs Area of Outstanding Natural Beauty and its setting, the setting of the High Weald Area of Outstanding Natural Beauty, and landscapes of local value will be conserved and maintained.

11. Supporting infrastructure will be brought forward in a timely way to provide for the needs arising from development.

3.2.4 **Policy SP5** outlines the role of the Rural Service Centres, including Lenham;

Within the designated rural service centres of Harrietsham, Headcorn, Lenham, Marden and Staplehurst, as shown on the policies map, the council will:

1. Focus new housing and employment development within the settlements when it is:

- i. An allocated site in the local plan;*
- ii. Minor development such as infilling; or*

iii. The redevelopment of previously developed land that is of a scale appropriate to the size of the village.

2. Retain and improve existing employment sites and encourage new employment opportunities provided the site is in an appropriate location for, and suited to, the use; and

3. Resist the loss of local shops, community facilities and green spaces, whilst supporting new retail development, community services and green spaces to meet local need.

3.2.5 The housing delivery targets for Lenham are outlined in **Policy SP8**. The policy also makes specific reference to the application site (H1 (42)), and the role that it plays in contributing towards circa 165 new dwellings.

Outside the Maidstone urban area, rural service centres are the second most sustainable settlements in the hierarchy to accommodate growth. At the rural service centre of Lenham, as shown on the policies map, key services will be retained and supported.

1. In addition to minor development and redevelopment of appropriate sites in accordance with policy SP5, approximately 165 new dwellings will be delivered on two allocated sites (policies H1(42) to H1(43)).

2. Two pitches are allocated for Gypsy and Traveller accommodation in accordance with policy GT1(8).

3. Three existing sites are designated as Economic Development Areas in order to maintain employment opportunities in the locality (policy DM21).

4. Key infrastructure requirements for Lenham include:

i. Improvements to highway and transport infrastructure including junction improvements, a variety of measures to improve sustainable transport infrastructure, and improvements to pedestrian access in accordance with individual site criteria set out in policies H1(42) to H1(43).

ii. Provision of a one form entry expansion at either Lenham or Harrietsham primary schools.

5. The loss of local shops, community facilities and green spaces will be resisted, and new retail development, community services and open space will be supported to meet local needs in accordance with policy SP5(3).

6. Lenham is also identified as a broad location for growth for the delivery of approximately 1,500 dwellings in the latter period of the plan,

in accordance with policy H2(3). Master planning 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.

- 3.2.6 It should be noted that the LPA proposed minor changes to this policy at the EIP. This included the addition of the following sentence at the end of the Policy;

Housing sites should avoid major development in the Kent Downs AONB; significant adverse impact on its setting and coalescence with neighbouring Harrietsham.

- 3.2.7 **Policy SP17** (including proposed amendments at the EIP), considers the protection of the countryside and AONB. It should be noted that under this emerging Local Plan, the application site would not be located in the countryside so that element of the policy would not be applicable in that respect; it would only be relevant where it applies to the AONB.

The countryside is defined as all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policies map.

1. Provided proposals do not harm the character and appearance of an area, the following types of development will be permitted in the countryside:

i. Small-scale economic development, including development related to tourism and open-air recreation, through:

- a. The re-use or extension of existing buildings;*
- b. The expansion of existing businesses; or*
- c. Farm diversification schemes;*

d. Development within designated Economic Development Areas located within the countryside.

ii. Small-scale residential development necessary to:

- a. Meet a proven essential need for a rural worker to live permanently at or near their place of work;*
- b. Meet a proven need for Gypsy and Traveller accommodation;*
- or*
- c. Meet local housing needs; and*

iii. Development demonstrated to be necessary for agriculture or forestry.

2. Proposals will be supported which facilitate the efficient use of the borough's significant agricultural land and soil resource provided any adverse impacts on the appearance and character of the landscape can be appropriately mitigated;

3. The landscape and scenic beauty of the Kent Downs Area of Outstanding Natural Beauty will be conserved and enhanced;

4 Proposals should not have a significant adverse impact on the setting of the Kent Downs Area of Outstanding Natural Beauty and the High Weald Area of Outstanding Natural Beauty;

5 The extent and openness of the Metropolitan Green Belt will be rigorously protected;

6. The distinctive landscape character of the Greensand Ridge, Medway Valley, Len Valley, Loose Valley, and Low Weald as defined on the policies map, will be conserved, maintained—and enhanced where appropriate as landscapes of local value;

7. Development in the countryside will retain ~~the setting of and separation of individual settlements; and~~

~~9. Natural and historic assets, including characteristic landscape features, wildlife and water resources, will be protected from damage with any unavoidable impacts mitigated.~~

Account should be taken of the Kent Downs Area of Outstanding Natural Beauty Management Plan and the Maidstone Borough Landscape Character Guidelines supplementary planning document.

3.2.8 **Policy H1** describes the criteria to which proposed new development at housing allocation sites must accord;

1. The sites allocated under policies H1(1) to H1(68) and policies RMX1(2) to RMX1(4) will deliver a total of approximately 8,707 homes to contribute towards meeting the borough's housing need. These sites will deliver a range of developments of varying sizes, types and net densities according to the site conditions set out in the detailed site allocation policies. In addition to site specific requirements, all sites should meet the following criteria.

i. Development proposals will be subject to the results and recommendations of a phase one ecological survey as determined by the council.

ii. Appropriate surface water and robust flood mitigation measures will be implemented where the site coincides with identified flood zones 2 and 3 and shall be subject to a flood risk assessment, including sites in Flood Zone 1 greater than 1ha in area, and shall incorporate sustainable drainage systems.

iii. Provision of publicly accessible open space should be made in accordance with policy DM22.

iv. Provision of affordable housing and a suitable mix of dwelling sizes should be made in accordance with policies DM11 and DM13.

v. An individual transport assessment for development proposals that reach the required threshold will be required to demonstrate how proposed mitigation measures address the cumulative impacts of all sites taken together. The transport assessment will be submitted to and be approved by the Borough Council in consultation with Kent County Council as the highway authority and Highways England.

2. Contributions towards provision of community and strategic infrastructure requirements, as set out in spatial policies SP1 to SP16 will be collected through the Community Infrastructure Levy unless specifically stated within individual site allocation policies. Site specific infrastructure requirements are identified within individual site policies and will be delivered using planning obligations under section 106. Further detail on individual infrastructure schemes is set out within the Infrastructure Delivery Plan.

3.2.9 **Policy H1(42)** allocates the application site for housing development. It also outlines the form of development that should be considered and

identifies key matters requiring attention in any forthcoming planning application.

Tanyard Farm, Old Ashford Road, Lenham

Tanyard Farm, as shown on the policies map, is allocated for development of approximately 155 dwellings at an average density of 30 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.

Design and layout

1. The hedgerow and line of trees along the northern and southern boundaries of the site will be retained and substantially enhanced by new planting in order to protect the setting of the Kent Downs AONB, and to provide a suitable buffer between new housing and the A20 Ashford Road and Old Ashford Road.

2. The function of restricted byway KH433 is to be retained, and consideration given to the safety of future users and occupiers of the development.

3. The development proposals shall be designed to maintain existing vistas and views of the Lenham Cross from Old Ashford Road, through the site and along PROW KH433.

4. *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. Development proposals will be of a high standard of design and sustainability reflecting the location of the site as part of the setting the Kent Downs AONB incorporating the use of vernacular materials.*

5. *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.*

Access

6. *Access will be taken from Old Ashford Road only.*

Noise

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

Highways and transportation

8. *Extension of the 30 mph limit on the Old Ashford Road to the site and extension of the footway on the northern side of the road.*

3.2.10 **Policy DM1** discusses ‘principles of good design’;

Proposals which would create high quality design and meet the following criteria will be permitted:

i. Create designs and layouts that are accessible to all, and maintain and maximise opportunities for permeability and linkages to the surrounding area and local services;

ii. Respond positively to and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage - incorporating a high quality, modern design approach and making use of vernacular materials where appropriate;

iii. Create high quality public realm and, where opportunities permit, provide improvements, particularly in town centre locations;

iv. Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties;

- v. *Respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worthy of retention within the site. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation along the site frontage should be used as positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area;*
- vi. *Provide a high quality design which responds to areas of heritage, townscape and landscape value or uplifts an area of poor environmental quality;*
- vii. *Orientate development, where possible, in such a way as to maximise the opportunity for sustainable elements to be incorporated and to reduce the reliance upon less sustainable energy sources;*
- viii. *Protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide sufficient mitigation measures;*
- ix. *Safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access;*
- x. *Create a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour;*
- xi. *Avoid inappropriate new development within areas at risk from flooding, or mitigate any potential impacts of new development within*

- such areas whereby mitigation measures are integral to the design of buildings;*
- xii. *Incorporate measures for the adequate storage of waste, including provision for increasing recyclable waste;*
- xiii. *Provide adequate vehicular and cycle parking to meet adopted council standards; and*
- xiv. *Be flexible towards future adaptation in response to changing life needs.*

Account should be taken of Conservation Area Appraisals and Management Plans, Character Area Assessments, the Maidstone Borough Landscape Character Guidelines SPD, the Kent Design Guide and the Kent Downs Area of Natural Beauty Management Plan.

3.2.11 Policy DM2 outlines sustainable design requirements;

- 1. New dwellings, where technically feasible and viable, should meet the Building Regulations optional requirement for tighter water efficiency.*
- 2. Non-residential development, where technically feasible and viable, should meet BREEAM Very Good including addressing maximum water efficiencies under the mandatory water credits.*

3. In order to maximise carbon efficiency, all homes will be required to meet the strengthened on-site energy performance standards of Building Regulations.

4. Proposals for new non-domestic buildings should achieve BREEAM Very Good for energy credits where technically and financially viable.

5. Should BREEAM be replaced, or any national standards increased, then this requirement will also be replaced by any tighter standard appropriate to the borough.

3.2.12 Protection of the historic and natural landscape commensurate to its value is considered in **Policy DM3**;

1. To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the historic and natural environment, where appropriate, by incorporating measures to:

i. Protect positive historic and landscape character, heritage assets and their settings, areas of Ancient Woodland, veteran trees, trees with significant amenity value, important hedgerows, features of biological or geological interest, and the existing public rights of way network from inappropriate development and ensure that these assets do not suffer any adverse impacts as a result of development;

ii. Avoid damage to and inappropriate development considered likely to have significant adverse effects on:

a. Cultural heritage assets protected by international, national or local designation and other non-designated heritage assets recognised for their archaeological, architectural or historic significance, or their settings;

b. Internationally, nationally and locally designated sites of importance for biodiversity; and

c. Local Biodiversity Action Plan priority habitats.

iii. Control pollution to protect ground and surface waters where necessary and mitigate against the deterioration of water bodies and adverse impacts on Groundwater Source Protection Zones, and/or incorporate measures to improve the ecological status of water bodies as appropriate;

iv. Enhance, extend and connect designated sites of importance for biodiversity, priority habitats and fragmented Ancient Woodland; support opportunities for the creation of new Biodiversity Action Plan priority habitats; create, enhance, restore and connect other habitats, including links to habitats outside Maidstone Borough, where opportunities arise;

v. Provide for the long term maintenance and management of all heritage and natural assets, including landscape character, associated with the development;

vi. Mitigate for and adapt to the effects of climate change; and
vii. Positively contribute to the improvement of accessibility of natural green space within walking distance of housing, employment, health and education facilities and to the creation of a wider network of new links between green and blue spaces including links to the Public Rights of Way network.

2. Protect and enhance the character, distinctiveness, diversity and quality of Maidstone's landscape and townscape by the careful, sensitive management and design of development.

3. Where appropriate, development proposals will be expected to appraise the value of the borough's historic and natural environment through the provision of the following:

i. An ecological evaluation of development sites and any additional land put forward for mitigation purposes to take full account of the biodiversity present, including the potential for the retention and provision of native plant species;

ii. Heritage and arboricultural assessments to take full account of any past or present heritage and natural assets connected with the development and associated sites; and

iii. A landscape and visual impact assessment to take full account of the significance of, and potential effects of change on, the landscape as an environmental resource together with views and visual amenity.

4. Publicly accessible open space should be designed as part of the overall green and blue infrastructure and layout of a site, taking advantage of the potential for multiple benefits including enhanced play, wildlife, sustainable urban drainage, tree planting and landscape provision. The form and function of green infrastructure will reflect a site's characteristics, nature, location and existing or future deficits.

5. Development proposals will not be permitted where they lead to adverse impacts on natural and heritage assets for which mitigation measures or, as a last resort, compensation appropriate to the scale and nature of the impacts cannot be achieved.

Account should be taken of the Landscape Character Guidelines SPD, the Green and Blue Infrastructure Strategy and the Kent Downs AONB Management Plan.

3.2.13 The need to consider a mixture of house size, types and tenures is detailed in **Policy DM11**;

Maidstone Borough Council will seek to ensure the delivery of sustainable mixed communities across new housing developments and within existing housing areas throughout the borough.

1. In considering proposals for new housing development, the council will seek a sustainable range of house sizes, types and tenures (including plots for custom and self-build) that reflect the needs of those living in Maidstone Borough now and in years to come.

2. Accommodation profiles detailed in the Strategic Housing Market Assessment 2015 (or any future updates) will be used to help inform developers to determine which house sizes should be delivered in urban and rural areas to meet the objectively assessed needs of the area. In relation to affordable housing, the council will expect the submission of details of how this information has been used to justify the proposed mix.

3. Where affordable housing is to be provided, developers should also take into consideration the needs of households on the council's housing register and discuss affordable housing requirements with the council's housing team at the pre-submission stage of the planning process.

4. Large development schemes will be expected to demonstrate that consideration has been given to custom and self-build plots as part of housing mix.

5. The council will work with partners to facilitate the provision of specialist and supported housing for elderly, disabled and vulnerable people.

6. Gypsy, Traveller and Travelling Showpeople accommodation requirements will form part of the borough need for housing.

An affordable and local needs housing supplementary planning document will be produced to expand on how the proposals in this policy will be implemented.

3.2.14 Appropriate densities of new development are considered in **Policy DM12;**

All new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated.

Subject to this overriding consideration:

1. At sites within and close to the town centre new residential development will be expected to achieve net densities of between 45 and 170 dwellings per hectare.

2. At sites adjacent to the urban area new residential development will be expected to achieve a net density of 35 dwellings per hectare.

3. At sites within or adjacent to the rural service centres and larger villages as defined under policies SP5-10 and SP11-16 respectively new residential development will be expected to achieve a net density of 30 dwellings per hectare.

In other settlements not listed above new residential development will be expected to achieve a net density of 30 dwellings per hectare. Development proposals that fail to make efficient use of land for housing, having regard to the character and location of the area, will be refused permission.

3.2.15 Affordable housing provision on new residential developments is specified in **Policy DM13**;

On housing sites or mixed use development sites of five residential units or more, the council will require the delivery of affordable housing.

1. The target rates for affordable housing provision within the following geographical areas, as defined on the policies map, are:

- i. Maidstone urban area 30%, with the exception of policy H1(11) Springfield, Royal Engineers Road 20%; and
- ii. Countryside, rural service centres and larger villages 40%.

2. Affordable housing provision should be appropriately integrated within the site. In exceptional circumstances, and where proven to be necessary, off-site provision will be sought in the following order of preference:

- i. An identified off-site scheme;
- ii. The purchase of dwellings off-site; or
- iii. A financial contribution towards off-site affordable housing.

3. The indicative targets for tenure are:

- i. 70% affordable rented housing, social rented housing or a mixture of the two; and
- ii. 30% intermediate affordable housing (shared ownership and/or intermediate rent).

Developers are required to enter into negotiations with the council's Housing department, in consultation with registered providers, at the earliest stage of the application process to determine an appropriate tenure split, taking account of the evidence available at that time.

4. The council will seek provision of 20% affordable housing for schemes that provide for retirement housing and/or extra care homes.

5. The council has set a zero affordable housing rate for fully serviced residential care homes and nursing homes.

6. *Where it can be demonstrated that the affordable housing targets cannot be achieved due to economic viability, the tenure and mix of affordable housing should be examined prior to any variation in the proportion of affordable housing.*

The affordable and local needs housing supplementary planning document will contain further detail on how the policy will be implemented.

3.2.16 **Policy DM22** states the requirement for public open space and provides quantity standards. It also discusses the circumstances under which financial contributions in lieu of provision on site is acceptable.

3.2.17 **Policy DM23** considers the impact that new residential development will have on existing community facilities. It highlights the need for planning applications to make provision for demand resulting from the proposed development.

3.2.18 The requirement to consider sustainable transport options is outlined in **Policy DM24**.

3.2.19 Parking standards for new development are noted in **Policy DM27**.

3.2.20 Demands upon existing infrastructure resulting from new development is discussed in **Policy ID1**;

1. Where development creates a requirement for new or improved infrastructure beyond existing provision, developers will be expected to provide or contribute towards the additional requirement being provided to an agreed delivery programme. In certain circumstances where proven necessary, the council may require that infrastructure is delivered ahead of the development being occupied.

2. Detailed specifications of the site specific contributions required are included in the site allocation policies. Development proposals should seek to make provision for all the land required to accommodate any additional infrastructure arising from that development. Dedicated Planning Agreements (S.106 of the Town and Country Planning Act,1990) will be used to provide the range of site specific facilities which will normally be provided on-site but may where appropriate be provided in an off-site location or via an in-lieu financial contribution. In some cases, separate agreements with utility providers may be required.

3. Where developers consider that providing or contributing towards the infrastructure requirement would have serious implications for the

viability of a development, the council will require an "open book" approach and, where necessary, will operate the policy flexibly.

4. Where there are competing demands for contributions towards the delivery of infrastructure, secured through section 106 legal agreements, the council will prioritise these demands in the manner listed below:

Infrastructure priorities for residential development:

- i. Affordable housing*
- ii. Transport*
- iii. Open space*
- iv. Public realm*
- v. Health*
- vi. Education*
- vii. Social services*
- viii. Utilities*
- ix. Libraries*
- x. Emergency Services*
- xi. Flood defences*

Infrastructure priorities for business and retail development:

- xii. Transport*
- xiii. Public realm*
- xiv. Open space*

xv. Education

xvi. Utilities

xvii. Flood defences

This list serves as a guide to the council's prioritisation process, although it is recognised that each site and development proposal will bring with it its own issues that could mean an alternate prioritisation is used.

5. The Community Infrastructure Levy will be used to secure contributions to help fund the strategic infrastructure needed to support the sustainable growth proposed in Maidstone Borough set out in the Infrastructure Delivery Plan. Once the levy is set, it will be applied to all development that meets the qualifying criteria. A framework for decision making on the allocation of CIL receipts will be developed alongside the CIL Charging Schedule.

3.3 National Planning Policy Framework

3.3.1 In its opening pages the National Planning Policy Framework considers the meaning and role of sustainable development and how planning can help to achieve it. Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development

means growth. This includes housing a rising population which is living longer and wants to make new choices.

3.3.2 **Paragraphs 6 and 7** advise that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three dimensions to sustainable development. The planning system therefore needs to perform a number of roles:

- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation;
- a social role - supporting strong, vibrant and healthy communities and by creating a high quality built environment; and
- an environmental role - contributing to protecting and enhancing the natural, built and historic environment.

3.3.3 **Paragraph 9** of the NPPF considers the need to protect and improve the quality of the built, natural and historic environment. One aspect of this aim is to widen the choice of quality homes.

3.3.4 **Paragraph 10** refers to the need to take account of local circumstances and pursue schemes that respond to the opportunities provided by those circumstances to achieve sustainable development.

3.3.5 **Paragraph 14** sets out the presumption in favour of sustainable development, which serves as the focal theme running through the Framework.

3.3.6 **Paragraph 17** sets out the 12 Core Planning Principles which should underpin both Plan-making and decision-taking. Those relevant to the submission include the fact that ‘planning should ...’:

- *proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;*

- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*
- *take account of the different roles and character of different areas, promoting the vitality of our main urban areas;*
- *contribute to conserving and enhancing the natural environment and reducing pollution; and*
- *actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*

3.3.7 The need to produce Transport Assessments in conjunction with large scale proposals and also to consider sustainable transport options is detailed in **paragraph 32**.

3.3.8 **Paragraph 39** states that local planning authorities should take account of the surrounding transport context when applying local parking standards to proposals.

3.3.9 **Paragraph 47** discusses the requirement upon local planning authorities to increase the supply of housing through meeting their objectively assessed market and affordable needs and identifying deliverable sites that can accommodate that need over the course of the local plan period.

3.3.10 The status of policies relating to the supply of housing is considered in **paragraph 49**;

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

3.3.11 A key component of sustainable development is good design, as discussed in **paragraphs 56 to 59**. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

3.3.12 **Paragraph 60** advises that planning policies and decisions should not attempt to impose architectural styles or particular tastes nor stifle innovation, originality or initiative although it is proper to seek to promote or reinforce local distinctiveness.

3.3.13 **Paragraph 73** highlights the important role that open space plays in communities.

3.3.14 **Paragraph 75** considers the importance of public rights of way and access.

Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

3.3.15 The protection that is to be afforded to the natural and local environment is discussed in **paragraph 109**;

The planning system should contribute to and enhance the natural and local environment by:

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *recognising the wider benefits of ecosystem services;*
- *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

- *preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and*

- *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

3.3.16 **Paragraph 115** refers to the need to protect the landscape and scenic beauty of the AONB;

Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

3.3.17 **Paragraph 123** considers the potential impact of noise disturbance, though it is recognised that this is a matter that is relative to the existing context, and that areas of tranquillity will warrant appropriate attention;

Planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*

3.3.18 **Paragraph 125** is similar to the above, but relates to the potential for light pollution, and the need to respect landscapes through the use of good design;

By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

3.3.19 **Paragraphs 186 to 207** provide guidance in relation to ‘decision-taking’. Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. Planning Authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

3.3.20 The Emerging Local Plan has now been submitted to the Planning Inspectorate for consideration. **Paragraph 216** of the NPPF confirms that weight should be afforded to the content of emerging plans relative to their stage of preparation;

From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging*

plan to the policies in the Framework, the greater the weight that may be given).

4.0 PLANNING MERITS

4.0.1 The application hereby submitted seeks permission for the erection of 151 dwellings with associated infrastructure, landscaping and open space at land north of Old Ashford Road and south of A20 Ashford Road, Lenham.

4.0.2 The proposed development constitutes low density development, comparable to the village context to the west. An efficient use of the site has been sought whilst also ensuring that residential amenity is maintained, the surrounding countryside and AONB are respected (and any harm mitigated), and all proposed properties benefit from suitable amenity and open space.

4.0.3 As has been noted, pre-application advice was sought and the scheme has been designed with a view to addressing the feedback that was provided. In summary, the feedback stated that the application site was in a sustainable location, and would thus be supported by the presumption in favour of sustainable development outlined in the NPPF. At the time of writing the Council could not demonstrate a five year housing land supply. This is no longer the case, however, the proposed

development is included within that supply and makes a valuable contribution, without which the supply could be at risk.

4.0.4 Matters relating to layout, visual impact, ecology and affordable housing and open space were also raised and these are considered in detail below.

4.0.5 The following key issues are considered as relevant to the merits of the scheme:

- The principle of development of the site;
- The Setting of the Area of Outstanding Natural Beauty;
- Landscape and Special Landscape Area;
- Design and Layout;
- Affordable Housing;
- Highways and Parking;
- Noise;
- Ecology
- Sustainability, Sustainable Design and Energy Efficiency;
- Flooding and Drainage;
- Archaeology;
- Developer Obligations

4.1 Principle of Development

4.1.1 The principle of development of the application site can be broken down into four key issues;

- Current planning status of the site;
- Implications of NPPF policy and weight to be afforded to emerging policies;
- The site's contribution to the 5 year housing land supply;
- Rural Service Centres and sustainability credentials of the site

Current planning status of the site

4.1.2 In planning terms, the application site is considered to be 'greenfield' land. It is located outside of, but adjacent to, the Lenham village boundary. In this case the principle of development of the site falls to be considered primarily against Policy ENV28 of the extant Local Plan. That policy states that permission will not be given for development in the countryside where it would harm the character and appearance of the area or the amenities of nearby occupiers. Furthermore, development will be confined to;

- That which is reasonably necessary for the purposes of agriculture and forestry; or
- The winning of materials;
- Open air recreation development and ancillary buildings providing operational uses only; or
- The provision of public or institutional uses for which a rural location is justified; or
- Such other exceptions as indicated by policies elsewhere in this plan

4.1.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the development plan for the area unless material considerations indicate otherwise. The proposed development would constitute a departure from Policy ENV28 (being located in the countryside and failing to conform to any of the exception forms of development), unless any material considerations indicate otherwise.

4.1.4 It is submitted that material considerations exist in the form of the emerging Local Plan and the requirement upon the Local Authority to demonstrate a five year housing land supply, as outlined in the NPPF.

Implications of NPPF policy and weight to be afforded to emerging policies

4.1.5 Planning Practice Guidance states at 21b-010-20140306 that;

The National Planning Policy Framework represents up-to-date Government planning policy and must be taken into account where it is relevant to a planning application or appeal. If decision takers choose not to follow the National Planning Policy Framework, clear and convincing reasons for doing so are needed.

4.1.6 The NPPF states at paragraph 216 that policies in emerging plans can be given weight in planning application decisions from the day they are published, and should be afforded weight relative to their stage of development;

the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)

4.1.7 The emerging Maidstone Borough Local Plan is at an advanced stage in the Examination in Public (EIP) process and thus it is submitted holds significant weight in the consideration of this application. As such

policies from that Plan that are relevant to the application hereby considered should be applied alongside extant policies. Similarly, the background documents to the emerging Local Plan and EIP should be considered as the most up to date evidence base for the Borough.

4.1.8 The emerging Local Plan departs from the extant Local Plan in two key respects when considered in the context of the development hereby proposed; these are the identified settlement boundaries on the Proposals Map and the sites allocated for housing in the Plan.

4.1.9 Firstly, as discussed in the Policy section above, the application site is allocated for housing in the Regulation 19 Plan under Policy H1(42). Furthermore, it is noted that the Inspector to the EIP has supported this allocation in his Interim Findings report of 22 December 2016;

The H1(42) Tanyard Farm allocation should also be retained in the Local Plan to support housing delivery before 2021.

4.1.10 It is thus submitted that the policy should be afforded significant weight given this advanced stage of its development (support from the Inspector), in line with the provisions of paragraph 216 of the NPPF.

4.1.11 The Proposals Map to the emerging Local Plan adjusts some of the settlement boundaries shown on the extant Proposals Map. One such adjustment is at the east edge of Lenham, where the application site is now included within the settlement confines. This removes it from the definition of 'countryside' and as such it falls to be considered under policies relating to development within Rural Service Centres.

4.1.12 Emerging Policy SS1 lists those settlements to be considered as Rural Service Centres, and confirms the Councils position on their role; that they will be the focus of new housing development, second in the Borough only to the Maidstone urban area;

Harrietsham, Headcorn, Lenham, Marden and Staplehurst rural service centres will be the secondary focus for housing development with the emphasis on maintaining and enhancing their role and the provision of services to meet the needs of the local community. Suitably scaled employment opportunities will also be permitted.

4.1.13 Policy SP5 reaffirms the above, stating that new housing and employment will be focused within the settlement, including at allocated sites. Policy SP8 continues along this theme, providing the housing target figures for Lenham (in response to the Borough's Objectively Assessed Housing Need (OAN)), and citing the villages

significant sustainability credentials ("*second most sustainable settlements in the hierarchy*"), as key to its ability to accommodate growth. This approach accords with principles established in the NPPF, chief amongst which is the presumption in favour of sustainable development and the need to identify suitable land to respond to the housing need in the LPA area, as discussed in paragraph 49;

Housing applications should be considered in the context of the presumption in favour of sustainable development.

4.1.14 These principles can be seen to support both the allocation, and the principle of this planning application, equally. The NPPF advises that when planning for development the focus should be on sustainable locations such as existing service centres (in this case the Maidstone urban area and the Rural Service Centres), and land that is within or adjacent to existing settlements. The application site falls within this category.

4.1.15 It is acknowledged that the Regulation 19 Local Plan is yet to be ratified through the EIP process. However, it is at an advanced stage, having been subject to years of development and numerous consultation exercises, and has also been approved at Cabinet for adoption subject to the EIP. The content of the Plan also provides a clear indication of the

direction of the Council in relation to housing need and delivery and those settlements most appropriate to accommodate higher levels of growth.

4.1.16 This application is not the appropriate platform upon which to assess the Council's OAN figures in detail, suffice to say that there is a need for land for housing in the Borough; there was no dispute of this basic fact at the EIP. As such there is a need for the identification of new housing sites via site allocation policies. On this basis it is submitted that the extant Local Plan is out of date in respect of its approach to housing delivery. Many of the allocated housing sites in the Plan have been developed during the life time of the plan and more general policies relating to housing only allow for minor infilling within historic settlement boundaries. In this format the Plan would fail to deliver even a small proportion of the housing figures required to respond to need.

4.1.17 Given the above it is submitted that the emerging Local Plan, specifically its approach to the delivery of housing, takes precedent. Accepting this point, it is considered that the new settlement boundary and policies relating to new housing in Lenham, and the application site, should be given weight above and beyond the equivalent policies in the extant Local Plan in any assessment. Those emerging policies support the principle of development of the site for housing.

The site's contribution to the five year housing land supply

4.1.18 Notwithstanding the above, it is necessary to consider the Council's objectively assessed housing need and five year housing land supply, and the contribution that the proposed development makes to achieving the identified requirements.

4.4.19 The latest information on housing demand and land supply in the Borough is considered in the September 2016 Housing Topic Paper. This is produced as an update to illustrate that the Council has a robust housing land supply over the next five and twenty year periods. It confirms that the application site, and the predicted housing delivery therein, are included in the supply. Table 6.4 of the document, copied below, shows that the application site is expected to contribute 55no. dwellings to the five year supply (2016-2021), and 100 no. dwellings to the following five year period 2021-2026.

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Site location - Local Plan allocations	16/21	21/26	26/31	Status	Feed back
H1 (27) Land Rear Of Police Headquarters, Sutton Road, Maidstone	22	90		S106	Yes
H1 (28) Land To Rear Of Kent Police Training School Of, St Saviours Road, Maidstone, ME15 9DW	10	72		S106	Yes
H1 (29) Land At, New Line Learning, Boughton Lane, Maidstone	130	50		Pending	Yes
H1 (30) West of Eclipse, Old Sittingbourne Road, Maidstone	35			No App	Yes
H1 (31) Bearsted Station Goods Yard, Bearsted		20		No App	No
H1 (32) Land To The South Of, Cross Keys, Bearsted	0			Granted	Yes
H1 (34) Mayfield Nursery, Ashford Road, Hammetsham, ME17 1BN	49			S106	Yes
H1 (38) Land East Of Thatch Barn Road And South Of, Lenham Road, Headcorn	0			Granted	Yes
H1 (39) Land North Of, Grigg Lane, Headcorn	0			Granted	Yes
H1 (39) South of Grigg Lane, Headcorn		55		No App	No
H1 (40) Knaves Acre, Headcorn	5			No App	No
H1 (42) Tanyard Farm, Old Ashford Road, Lenham	55	100		No App	Yes
H1 (43) Land East Of Glebe Gardens, Old Ashford Road, Lenham	0			Granted	Yes
H1 (48) Land south of the Parsonage, Goudhurst Road, Marden	25	25		No App	Yes
H1 (49) Hen And Duckhurst Farm, Marden Road, Staplehurst, TN12 0PD	164	86		S106	Yes
H1 (50) (Fishers Farm) Land North Of, Headcorn Road, Staplehurst, TN12 0DT	225	175		Pending	Yes
H1 (51) Land to the North of Henhurst Farm, Staplehurst	60	0		No App	Yes
H1 (52) Land West Of 73 Haste Hill Road, Boughton Monchelsea Kent, ME17 4LN	11			S106	Yes
H1 (53) Land at Boughton Lane, Boughton Monchelsea and Loose	75			No App	Yes
H1 (54) Boughton Mount, Boughton Lane, Boughton Monchelsea		25		No App	Yes
H1 (55) Land At Church Street And Heath Road, Boughton Monchelsea	40			Pending	Yes

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Site location - Local Plan allocations	16/21	21/26	26/31	Status	Feed back
H1 (56) Lyewood Farm, Green Lane, Boughton Monchelsea		25		No App	No
H1 (57) Land South Of Sunny Brae, Hubbards Lane, Boughton Monchelsea, ME17 4JF	0			Granted	Yes
H1 (58) Uden Farm, Stockett Lane, East Parfeigh, ME15 0QD	0			Granted	Yes
H1 (60) Forstal Lane, Coxheath	90	105		No App	Yes
H1 (61) Land North Of, Heath Road, Coxheath, ME17 4TB	55			S106	Yes
H1 (63) East of Eyhome Street, Eyhome Street, Hollingbourne	10			No App	Yes
H1 (65) Land adjacent to the Windmill, Eyhome Street, Hollingbourne	15			No App	Yes
H1 (67) Vicarage Road, Yalding	65			No App	Yes
H1 (68) Benlotts Farm, Claygate Road, Yalding, ME18 6BB	25			S106	Yes
RMX1 (2) Maidstone East and Maidstone Sorting Office, Sandling Road, Maidstone		210		No App	No
RMX1 (4) Former Syngenta Works, Hamstead Lane, Yalding		200		No App	Yes
Staplehurst Neighbourhood Plan allocation Land at Lodge Road, Staplehurst	90			No App	Yes
Total Dwellings	2465	2718	310		

Table 6.4 List of Local Plan allocations phased by 5-year periods

4.1.20 The applicant and Rogate Homes confirm that the intended phasing programme, subject to obtaining planning permission by the Spring of 2017, is closely in line with this table in the Housing Topic Paper.

4.1.21 As outlined, the scheme proposes 151no. dwellings, to allow for generous landscaping and in order to reflect the density context of the area. It is expected that the detailed element of the application, for 49no. dwellings will be completed by the end of 2021.

4.1.22 The outline element of the application, accounting for the remaining 102no. dwellings, is expected to be completed by 2026 at the latest but may come forward over the five year period 2016-2021, an example of which is shown in figure 3. There has been significant developer interest in this portion of the site, which will be made available for offers if planning permission is obtained. It is possible that a slightly higher completion rate will be sought at that stage, more in keeping with the anticipated delivery figure identified in the site allocation policy.

<u>Phasing of Development at Tanyard Farm, Old Ashford Road, Lenham</u> <u>(Local Plan allocation H1(42))</u>							
Year	2016	2017	2018	2019	2020	2021	Totals
Detailed Element of Scheme	0	0	15	15	15	4	49
Potential Delivery - Rest of Site	0	0	30	30	30	12	102
Phasing is based upon the assumption that PP will be granted in the Spring of 2017							

Fig.3 Anticipated Housing Delivery Phasing (only indicative for Outline element of scheme)

4.1.23 It is submitted that the site and proposed development make a notable contribution to the overall housing land supply and the five and ten year housing delivery targets for the Borough.

4.1.24 Paragraph 47 of the NPPF states that Council's should *identify...a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5%*. Paragraph 14 of the NPPF states that *Local Plans should meet objectively assessed needs with sufficient flexibility to adapt to rapid change, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*. Without this provision there is a threat to the Borough's ability to respond to the objectively assessed housing need and the requirement for a 5 year housing land supply (including a 5% buffer), which would conflict with NPPF policy. The inclusion of the application site contributes to that flexibility and the buffer sought under NPPF policy.

4.1.25 It is submitted that the contribution that the proposed development would make, and the threat to the supply of housing land that could result if it were not brought forward, are strong material considerations in support of the application.

4.1.26 In the event that the five year supply failed, paragraph 49 of the NPPF would apply; *Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*. As such applications such as that under consideration would fall to be

considered in the context of the presumption in favour of sustainable development.

4.1.27 The application site has been allocated for housing in the emerging Local Plan largely on the basis of its strong sustainability credentials.

Rural Service Centres and sustainability credentials of the site

4.1.28 The development of this site for housing is considered to be a most appropriate form of development when considered in the context of the need for housing and the sequential approach to land identification across not only the Borough but also Lenham itself. It is situated within the draft settlement boundary (or adjacent to it in its extant form) and would represent a logical and efficient use of land, infilling between existing substantial built form to the east (Ashmill Business Park) and west (Lenham village). In combination with the sustainable location and attributes of the site (to be discussed in detail below), it is submitted that there are no sequentially preferable sites that are available and deliverable and have not themselves been draft allocated.

4.1.29 As discussed, the site is located at Lenham, which is identified as a Rural Service Centre (RSC) in the draft Plan. Rural Service Centres are identified as the second tier of appropriate areas for new development,

behind only Maidstone urban area. RSC's have been identified as such due to their role as the most sustainable settlements (outside of Maidstone) in the Maidstone settlement hierarchy. Settlements such as Lenham have been categorized as RSC's due to their accessibility, potential for growth and role as service centres for surrounding areas. The draft Local Plan states that *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.*

4.1.30 Lenham benefits from large employment and business sites (including Ashmill Business Park next door to the site), primary and secondary schools, a range of local shops, eateries, a doctors surgery and village hall (to the immediate west of the site), places of worship, pubs and playing pitches, as well as other services and facilities. As a side note, some commenters at the EIP commented that a proportion of employees at the large local employment sites, namely Lenham Storage and Marley Plumbing and Drainage, commute in from surrounding areas rather than emanating from Lenham village. However, the fact remains that the opportunity is there for local residents if they so wished to seek employment at these sites; they are not precluded from employment by virtue of living in the village. Thus there remains the opportunity for a highly sustainable live-work balance.

4.1.31 Lenham also benefits from strong transport links including Lenham train station, which is served by hourly trains to inter alia Ashford, Maidstone and London Victoria on weekdays, bus stops on Old Ashford Road and a continuous footway on the northern side of Old Ashford Road connecting into the village centre. The application site is connected to the village centre and the services and facilities mentioned above by means of the surrounding pedestrian network, which includes a footpath along the length of Old Ashford Road. The proposed development will introduce a new footpath along the boundary of Old Ashford Road and the site and will connect to this existing network.

4.1.32 In this context it is submitted that the proposed development is sustainable in location terms when considered against the provisions of the NPPF and the emerging Local Plan. This was explored by Maidstone Borough Council through the site assessments undertaken at various stages during the preparation and drafting of the emerging Local Plan, notably during the SHEDLAA and Sustainability Appraisal processes in 2016 (see extracts in Appendix 4 and 5). The former commented as follows;

Development here would constitute a logical extension to the village. The site is immediately adjacent to the existing built up area of the

village and is particularly well located relative to the community centre, medical centre and village square.

4.1.33 The supporting text to draft Policy SP8 states at paragraph 5.51,

Lenham has the key services and community facilities expected of a rural service centre. The village performs the best in terms of education facilities, with a primary school and nursery school located on the same site, and is the only village to have a secondary school within the village boundary. Transport links to Maidstone and other retail and employment centres by bus and rail are good.

4.1.34 Paragraph 7 of the NPPF refers to three further dimensions to sustainable development; economic, social and environmental. It is submitted that the proposed scheme responds positively to each of these.

Economic Role

4.1.35 The proposed development will introduce a large number of new residents to the local area, who will in turn benefit local service and retail related businesses, boosting the immediate local level economy.

Service providers such as the local bus and train providers will also benefit.

4.1.36 The additional households will also make tax contributions, which in turn will be put towards local projects and services.

4.1.37 It is likely that a planning permission would result in some financial contributions towards local infrastructure, including inter alia education, open space, play space and healthcare. It is acknowledged that these contributions are made to render the proposed development acceptable in planning terms and are a response to the potential impacts of development. However, the funding provided will be more focused in response to direct needs on the ground and thus will directly benefit the existing community.

4.1.38 The construction of the proposed scheme would result in a significant, albeit short-term, employment and economic boost. Local businesses will have the opportunity to be involved in this process.

Social Role

4.1.39 As discussed, the development if implemented, will make a valuable contribution to the Borough's housing need. The scheme offers a wide

choice of house types and sizes, ranging from 2 to 4 bedrooms, which will cater for the majority of the market. As discussed, there is also a number of age restricted dwellings that will specifically cater for older residents and especially those looking to down-size; a part of the market often overlooked.

4.1.40 A number of affordable houses are also included in the scheme, providing for those parts of the community that otherwise struggle to own or part-own a property. This is a fundamental aspect of social sustainability.

4.1.41 The site is ideally located adjacent to the existing Lenham Community Centre and Medical Centre. The additional residents resulting from the new scheme would significantly contribute to the long-term viability of this community service and those new residents would benefit from immediate access for medical needs.

Environmental Role

4.1.42 The site is currently used for agricultural purposes, as it has been for many years. There is little evidence of any other uses prior to this. The land is currently leased to a farmer but it is understood that it presents difficulties in terms of day to day operations; it is a small area relative to

today's farming practices, which on a commercial basis at least, is an industry dominated by large farms working large continuous expanses of fields. The land is surrounded by residential/commercial premises and roads to the north and south, one of which is a busy, high-speed route. This makes this small parcel difficult to access. These factors make the site less viable than the surrounding fields and not particularly attractive to farmers.

4.1.43 Due to the agricultural use of the site, it offers relatively little opportunity for plant or habitat development. Arboricultural and ecology reports have been commissioned by the applicant, and accompany this application. They are both explored in more detail further on in this Statement but both confirm that the proposed development would have minimal impact upon existing ecology and trees, subject to some minor mitigation measures. As such, it is submitted that the development of the site is sequentially preferable to other 'true' greenfield sites. Furthermore, the scheme hereby considered would introduce additional planting and a significant number of new trees, which could encourage ecology into the area above and beyond current levels. Tree planting on site is a fundamental aspect of the landscaping scheme; they will be encouraged to develop and will be protected against removal by future residents. This will lead to a quantitative and

qualitative enhancement to the ecological and landscape credentials of the site.

4.1.44 Similarly, the proposed development presents little to no threat to heritage assets or historically significant sites.

4.1.45 A Noise Assessment Report is also submitted with the application and the conclusions drawn in that are considered in more detail later in this document. It is considered that the existing ambient noise levels in the area, which are dominated by road noise generated on the adjacent A20, will not be exceeded by the proposed development.

4.1.46 The site has been the subject of a Flood Risk Assessment, produced by Monson and dated 9 December 2015. This confirms that the site is located in Flood Zone 1; those areas least at risk of flooding. There are no risks from fluvial or coastal flooding and mitigation is proposed in the event of surface water flooding. The proposed drainage strategy and SUDS system will improve upon the existing scenario, bringing about an environmental enhancement.

4.1.47 As has been discussed, the application site does not fall within any areas of special protection in the emerging Local Plan Proposals Map. However, to the north of the site, on the opposite side of the A20, is

located the North Downs AONB. The protection that is afforded to this area has been the subject of extensive discussion with the AONB Unit and also during the public consultation exercise. As will be discussed below, significant work has been undertaken by La Dell Wood to consider the potential impacts upon views to and from the AONB and a robust mitigation strategy has been produced to respond to those impacts.

4.1.48 In summary it is submitted that significant material considerations exist in support of the proposed scheme and in combination with the advanced stage of the draft Local Plan, which supports the development of the site, these outweigh extant policy such as ENV28.

4.1.49 It is noted that the acute housing shortage nationally has been cited in several Inspector's decisions relating to large housing proposals. That is not to say that any and all schemes for housing should be approved but that a sequential approach to the use of the most sustainable greenfield sites should be adopted (it has been shown that brownfield sites alone cannot accommodate the housing need). It is illustrated in this Statement, and in the emerging Local Plan and background documents, that the use of this site for housing would constitute a highly sustainable form of development.

4.1.50 It is acknowledged that the draft Neighbourhood Plan does not identify the application site as a preferred location for residential development. However, that document is yet to be examined or be subject to referendum. Furthermore, the allocated sites and settlement confines identified in the document are a significant departure from that shown in the emerging Local Plan, and are thus unlikely to be in 'general conformity with the strategic policies contained in the development plan', as required by the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990.

4.1.51 There has also been significant concern raised at the EIP to the draft Local Plan in relation to the two key sites that are identified for potential allocation in the Neighbourhood Plan in terms of their availability; it is understood that neither owner has confirmed an intention at this time to vacate the sites or make them available for development.

4.1.52 As such it is submitted that the provisions of the Neighbourhood Plan should not be afforded weight in the decision making process at this time and until it has been ratified.

4.2 The Setting of the Area of Outstanding Natural Beauty

4.2.1 It is important to note that the site is not located within the AONB, and is separated from it by the quite substantial barrier that is the A20. As such, the proposals are not contrary to Policy ENV33 of the saved Local Plan, which refers to the protection of land **within** the AONB, nor paragraph 116 of the NPPF, for the same reasons.

4.2.2 Adjacency to an AONB does not preclude development under the provision of any local or national guidance or policy. The NPPF does not refer to any specific protection of the setting of the AONB, nor does it raise any objection in principle to development within that setting.

4.2.3 Similarly, the Kent Downs AONB Management Plan 2014-2019 does not set out an objection in principle to development within the setting of the AONB.

4.2.4 Statute does require that regard be had to the purposes of the AONB. Paragraph 115 of the NPPF requires appropriate weight to be given to conserving landscape and scenic beauty in the AONB. Similarly, section 85 of the Countryside and Rights of Way Act 2000 requires LPA's to,

have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

4.2.5 Thus, the acceptability of development must be considered in light of the purpose of the AONB designation and the significance of the impact of the proposed development, as discussed in the Kent Downs AONB Management Plan;

The weight to be afforded to setting issues will depend on the significance of the impact. Matters such as the size of proposals, their distance, incompatibility with their surroundings, movement, reflectivity and colour are likely to affect impact. Where the qualities of the AONB which were instrumental in reasons for its designation are affected, then the impacts should be given considerable weight in decisions. This particularly applies to views to and from the scarp of the North Downs.

4.2.6 Nonetheless, there is a clear distinction between the assessment of development within the AONB and that within its setting. This is acknowledged in the AONB Management Plan, which states that,

Proposals which would affect the setting of the AONB are not subject to the same level of constraint as those which would affect the AONB itself.

4.2.7 The distinction between NPPF paragraphs 115 and 116 reflects the matters at hand, namely that large scale development within the AONB should be refused except in exceptional circumstances, whereas

development elsewhere must be considered against the capacity of the setting of the AONB to accommodate that development. This is mirrored in the proposed amendments to draft Local Plan Policy SP17;

3. The landscape and scenic beauty of the Kent Downs Area of Outstanding Natural Beauty will be conserved and enhanced;

4 Proposals should not have a significant adverse impact on the setting of the Kent Downs Area of Outstanding Natural Beauty and the High Weald Area of Outstanding Natural Beauty;

4.2.8 The Policy makes a specific reference to ‘significant adverse impact’ suggesting that lesser adverse impacts may be acceptable if they do not also conflict with other criteria in the policy. It is concluded that regard must be had to the purposes of the AONB designation to ensure that proposals conserve the character and setting of the Area.

4.2.9 The primary purpose of the AONB designation is to conserve and enhance natural beauty. It is the setting of this natural beauty that is being considered and as will be explored below, its conservation and enhancement can be achieved through careful layout, high quality design and appropriate mitigation.

4.2.10 The AONB Management Plan also refers to the virtues of mitigation, which if satisfactorily implemented, can render development appropriate;

The importance of the Kent Downs AONB setting has been recognised in the AONB Management Plan 2009-2014. This included policies to protect the AONB from inappropriate developments in its setting unless they could be satisfactorily mitigated.

4.2.11 This is reflected in emerging policy DM3, which refers to the use of mitigation, and its role in ensuring against adverse impacts on natural assets;

Development proposals will not be permitted where they lead to adverse impacts on natural and heritage assets for which mitigation measures or, as a last resort, compensation appropriate to the scale and nature of the impacts cannot be achieved.

4.2.12 Emerging policy H1(42), which allocates the site for housing development, makes specific reference to the relationship between the site and the AONB;

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.

4.2.13 Mitigation, in the form of a substantial planting strategy, has been proposed. This mitigation has been designed as an integral part of the proposed development, and not simply as a response to the scheme, or an afterthought. The scale of the proposed dwellings and the layout of the site have been specifically designed to work alongside the planting strategy to respond to the purpose of the AONB designation. This overall approach is a result of the findings of a detailed Landscape Visual Impact Assessment, which accompanies this planning application, and concludes that the scheme would not result in a ‘significant adverse impact’ and that appropriate mitigation could conserve and enhance the natural beauty of the AONB.

4.2.14 The scope of the LVIA has been determined by:

“For LVIA, scoping should be expected to consider the extent of the study area(s); sources of information; the possible effects that might occur; the main receptors to be considered; the extent and the

appropriate level of detail for the baseline studies; methods to be used in assessing significance; and the approach to assessment of cumulative landscape and visual effects”. (p.46)

4.2.15 The LVIA appraised several key viewpoints located around the site. These considered views to and from the AONB and were selected in agreement with Maidstone Borough Council and the Kent Downs AONB Unit. The location of views were considered by all to be those with most potential for impact upon views.

2.10 The scoping has been submitted to MBC the scope and location of viewpoints have been agreed with MBC planning officer Andrew Jolly and Katie Miller of the Kent Downs AONB Unit as required in the Guidelines.

The viewpoints were established from the desktop assessment of contour maps. Drawing no. 2378/16/B/1 shows the OS 1:10,000 contours with coloured infills to highlight the landform and level changes and woodlands have been highlighted. 2378/16/B/2 shows the viewpoints on a similar map without the colour infills but with Public Rights of Way indicated. The viewpoints are all accessible to the public from highways, other public rights of way and public open spaces. Their locations were selected to give the greatest possibility of views over the

site. These viewpoints were agreed with MBC during the scoping opinion of the first stage of the LVIA (paragraph 2.4).

4.2.16 In order to assess the likely impact of development, the assessment identified the baseline landscape; the existing scenario. It describes the surrounding area and also makes reference to the Maidstone Landscape Character Assessment, 2013 Character Area 17, East Lenham Vale;

The location of the site is shown on 2378/16/B/5. The desk study shows the site to be in the Maidstone Borough Landscape Character Area 17, East Lenham Vale (Annex 1).

3.7 The key features relevant to this site and the surrounding landscape are:

“This is a unified landscape where the consistently undulating topography, frequent woodland blocks and hedgerow enclosed fields provide a coherent pattern of elements. There are few visual detractors, and warehouses and a business park along the A20. Despite significant loss of historic hedgerow boundaries and shaws, a good hedgerow network and frequent woodland blocks remain.”. “Whilst some trees are over mature and there are some gaps in hedgerows, the overriding condition of the remaining hedgerows, woodland and the built environment is good.” The Summary of Actions includes the objectives to:

- *Conserve the undeveloped foreground and rural setting of the Kent Downs AONB.*
- *Conserve and enhance hedgerows and tree belts and restore hedgerow boundaries and field headlands where practicable.*
- *Restore historic hedgerow and shaw pattern where opportunities arise.*
- *Conserve the defined boundary between Lenham’s compact settlement and the surrounding rural area.*

4.2.17 The LVIA then assesses the landscape impacts and visual impacts of the proposed development and summarises these in tabular form (see below). As can be seen these range from ‘Adverse’ to ‘Moderate Adverse’ to ‘Neutral’. This acknowledges the sensitive location relative to the AONB and views to and from it. However, these assessments of impact from the viewpoints do not account for mitigation.

4.2.18 The assessment considers the likely landscape and visual impacts after the mitigation strategy has had 5-10 years of establishment and the results change to ‘Slight adverse’, ‘Neutral’ and ‘None’. It is submitted that the established planting combines with the two-storey maximum height of proposed buildings and the site layout to achieve a situation where the scheme would cause a barely perceptible deterioration ... in

the existing view, at worst, and no deterioration otherwise. At worst it would not result in a 'significant adverse impact' in respect of those criteria outlined in the Kent Downs AONB Management Plan; Matters such as the size of proposals, their distance, incompatibility with their surroundings, movement, reflectivity and colour are likely to affect impact.

- 4.2.19 This, it is submitted, illustrates that the setting of the AONB has capacity to accommodate the proposed development.

Viewpoint no.	Location	Description	Predicted Impact	Nature of Impact	Predicted Impact after 10 years	
1	530m north west of the site at 150m AOD.	The site is clearly visible between the trees and shrubs.	V	Adverse	Reversible	Slight adverse
			L	Adverse	Reversible	Slight adverse
2	570m north of the site at 145m.	The site is clearly visible between the trees and shrubs.	V	Adverse	Reversible	Slight adverse
			L	Adverse	Reversible	Slight adverse
3	470m north of the site at 140m.	The site is clearly visible between the trees and shrubs.	V	Adverse	Reversible	Slight adverse
			L	Adverse	Reversible	Slight adverse
4	500m north east of the site at 150m.	The site is clearly visible between the trees and shrubs.	V	Adverse	Reversible	Slight adverse
			L	Adverse	Reversible	Slight adverse
5	830m north east of the site at 170m.	The site is clearly visible between the trees and shrubs.	V	Adverse	Reversible	Slight adverse
			L	Adverse	Reversible	Slight adverse
6	830m north east of the site at 155m.	The site is clearly visible between the trees and shrubs.	V	Adverse	Reversible	Slight adverse
			L	Adverse	Reversible	Slight adverse
7	500m east of the site at 120m.	The site is mostly screened by the industrial units to the east of the site and the northern boundary is screened by the existing trees.	V	Neutral	None	None
			L	Neutral	None	None
8	360m south east of the site at 108m.	The site is not visible due to the accumulated density of the vegetation.	V	Neutral	None	None
			L	Neutral	None	None
9	60m south east of the site at 110m.	The site is clearly visible between the trees and shrubs.	V	Moderate adverse	Reversible	Slight adverse
			L	Moderate adverse	Reversible	Slight adverse
10	145m south of the site at 107m.	The site is partly visible and partly screened by trees.	V	Moderate adverse	Reversible	Slight adverse
			L	Moderate adverse	Reversible	Slight adverse
11	150m south of the site at 107m.	The site is visible through large gaps in the trees and hedges.	V	Moderate adverse	Reversible	Slight adverse
			L	Moderate adverse	Reversible	Slight adverse
12	View from near the south western boundary of the site at 110m.	The site is partly screened by the hedge on the eastern side of Groom Way. The frontage onto Old Ashford Road is mainly open.	V	Adverse	Reversible	Slight adverse
			L	Moderate adverse	Reversible	Slight adverse
13	View from near the north west corner of the site at 115m.	The hedge on the east side of Groom Way partly screens the site in winter.	V	Moderate adverse	Reversible	Neutral
			L	Neutral	Reversible	Neutral
14	Long Panorama of the southern boundary of the site at 110m.	The site is clearly visible. The North Downs and The Cross are on the skyline above the site.	V	Adverse	Reversible	Slight adverse
			L	Adverse	Reversible	Neutral
15	View from 30m north west of the site at 117m.	The trees are at the western end of the northern boundary and partly screen the site. The northern boundary to the east of the trees	V	Adverse	Reversible	Neutral
			L	Moderate adverse	Reversible	Neutral
16	View from Old Ashford Road on the southern boundary of the site looking north along the footpath to The Cross at 110m.	The site is clearly visible.	V	Adverse	Reversible	Slight adverse
			L	Adverse	Reversible	Neutral

V - Visual
L - Landscape

Predicted Impact:
Substantial adverse or beneficial Impact - where the scheme would cause a significant deterioration or improvement in the existing view;
Moderate adverse or beneficial Impact - where the scheme would cause a noticeable deterioration or improvement in the existing view;
Slight adverse or beneficial Impact - where the scheme would cause a barely perceptible deterioration or improvement in the existing view;
Neutral - No discernable deterioration or improvement in the existing view.

Nature of Impact:
Short Term; Long Term; Reversible; Irreversible; None

4.2.20 The LVIA states that the reinforcement of existing tree and shrub planting will *maintain the current qualities of the views from the North Downs*. It continues by stating that the proposed additional planting on the west/east axis through the development would integrate the scheme within the rural views, bringing it *entirely in character with the woodland, copses, trees and hedges in the landscape to the south of the site*;

8.1 The need for mitigation of the visual and landscape impacts of the proposed development in most views towards the site is shown in this assessment. The effectiveness of the screening by the existing trees and shrubs on the northern boundary is shown in the assessment. They largely screen the site and the western development in winter and the screening effect is fuller in summer. It is thus clear that a dense planting of locally native specimen trees and densely planted shrubs on the northern boundary will effectively screen the development and maintain the current qualities of the views from the North Downs.

8.2 Further tree and hedge planting on a west / east axis through the site and on the southern boundary will ensure full integration of the development in to the rural views from the North Downs. The proposals are shown on Landscape strategy drawing 2378/16/B/4.

These are supplemented by the detailed analysis of the proposed planting in relation to the development in the supporting details in 2378/16/B/6. The proposals are supported by the Visualisations for Views 1 and 2. These show that with trees planted some 4 to 6 metres tall there will be immediate visual and landscape benefits from the planting. Within ten years this will have almost entirely screened the development and this will increase in future years. The planting will be entirely in character with the woodland, copses, trees and hedges in the landscape to the south of the site.

8.3 These proposals will provide long term screening of the proposed development and its integration in to the landscape from key views from the AONB and other views over the site. The management of this planting will be on land in shared ownership and is all outside private gardens. This will secure its effective establishment and the long term management as a significant feature in the landscape.

4.2.21 It is submitted that the mature landscaping scheme, following 5-10 years of establishment, will serve to not only conserve, but also enhance the setting of the AONB. Currently the site reads as a worked piece of land, adjoining Lenham village and between built form to the east and west. The wider setting is a more 'natural' countryside including, as discussed, woodland and copses. The proposed planting screen will, in

time, largely screen the site with mature trees. It will also offer screening of the Groom Way development to the west and to a limited extent, the industrial units at Ashmill Business Park to the east, which are currently prominent in views from the Downs. The LVIA concludes thus;

The thorough analysis of the views from 16 carefully selected viewpoints shows that the site and the adjacent developments are visible from the North Downs. The existing trees, shrubs and hedges demonstrate their effectiveness in screening development from views from the North Downs and shorter views from other viewpoints. Based on this evidence, planting proposals have been carefully designed to screen significant views over the site and not to be in conflict with the residential amenities of the proposed dwellings. The proposed planting will provide some immediate screening of the development and will effectively screen it within ten years. There will also be increased screening of the Groom Way development and more limited screening of the adjacent industrial development to the east. While there will be short term visibility of the proposed development from surrounding views, in the medium to long term the impacts will be neutral and in the long term there will be landscape and visual enhancement of the views from the North Downs and the surrounding countryside.



View 1 - with proposed development and mitigation planting with 5-10 years establishment



View 1 - enlarged image of site area



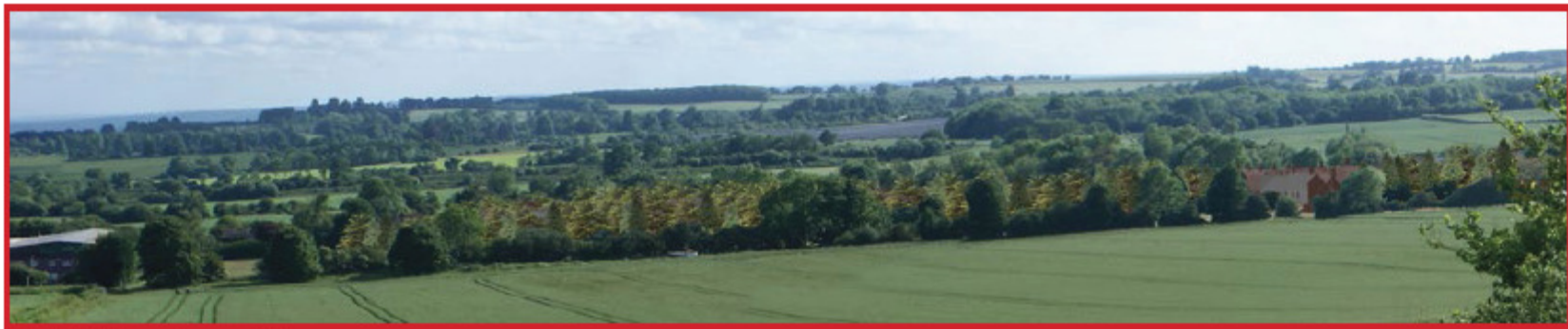
View 3 - Site with development and mitigation planting 10 years on



View 3 - enlarged image of site area



View 4 - with proposed development and mitigation planting with 5-10 years establishment



View 4 - Enlarged image of site area

4.2.22 As has been discussed, the AONB Unit has been approached for input and dialogue has been extensive. It is acknowledged that at last speaking there was an objection in principle to the proposed development. This is the subject of consideration for the LPA in light of the 'principle' appraisal earlier in this Statement.

4.2.23 However, it is noted that in terms of the mitigation proposals, the Unit commends the strategy that has been put forward (see Appendix 6).

We recognise that the proposal that has been put forward by Rogate seeks to address these issues and incorporates much in the way of mitigation to help ameliorate the impact on the AONB. The Kent Downs AONB Unit welcomes the proposed mitigation measures, in particular the incorporation of mature 4 to 6 metre high trees along the site's frontage with the A20, substantial tree planting throughout the site, including a wide band running east to west through the centre of the site, advanced planting of the structural landscaping along the site frontage, limiting the height of development to no greater than two stories and careful consideration of materials.

...We do however remain concerned that notwithstanding the best intentions of Rogate, the hybrid nature of the application provides insufficient clarity and certainty that the setting of the Kent Downs

AONB would be adequately protected in a subsequent detailed submission for the outline part of the site.

As discussed, in the event of a scheme on this site coming forward, the AONB Unit would like to see the following included in a S106 Agreement:

- *A financial contribution towards the upkeep of Public Rights of Way in proximity to the site. I will liaise with the PROW team to establish appropriate works and approximate costs.*
- *The structural tree planting throughout the site to be provided in areas outside of private ownership and that these are to be retained in perpetuity and maintained in accordance with a specified schedule to include replacement of any failures and specification of trees of a certain size.*
- *A commitment to the planting along the northern boundary of the site taking place in advance of development commencing.*

4.2.24 The concern raised regarding the 'hybrid nature of the application' and the resulting 'insufficient clarity and certainty' relates to the fact that subsequent reserved matters applications could potentially use that lack of certainty to dilute the mitigation strategy proposed, which the AONB Unit support. To address this concern, the 'Landscaping' across the

entire site has been included in the detailed considerations of the application and thus is not a matter for later approval. This provides the AONB Unit and the LPA with the assurance that the proposed detailed mitigation will be delivered under the proposed development.

4.2.25 The applicant has also acknowledged their acceptance of the conditions put forward by the Unit for inclusion in the S106, or as conditions on a planning permission if considered appropriate by the LPA.

4.2.26 Notwithstanding the above, it is considered that the site represents an appropriate and logical infill development adjacent to the settlement boundary in the extant Local Plan, and within the boundary as outlined by emerging Proposals Map. The site has no specific landscape features of note and does not in itself contribute to the landscape or scenic beauty setting of the AONB. As illustrated by the various 'Viewpoints' in the LVIA, the site is seen from the AONB in the context of the developed land to the east and west; Ashmill Business Park and Groom Way/the Community Centre respectively. Effectively it reads as an unremarkable piece of land in a gap between built form at the end of the village. As such, it is submitted that its development would not detract from the wider panoramas that are dominated by countryside, nor would it encroach on the important gaps between Lenham and neighbouring villages.

4.2.27 This assessment mirrors the conclusions drawn by the Inspector to an appeal for housing development at a site at the west edge of Lenham at Ham Lane, reference APP/U2235/W/15/3131945, which, it is submitted, is of a very similar nature and context to the application site hereby considered. The Inspector's report commented as follows;

39. The Council's witnesses accepted at the Inquiry that the site had no specific landscape features of particular significance. The site is a field forming part of pleasant countryside adjacent to the settlement. It contributes to a wider pattern of open countryside and of other development but, in itself, I find is physically unremarkable in terms of its landscape and visual qualities.

40. From key views to the north, the site forms part of a wider panorama including both open countryside and built forms such as Swadelands School and the residential developments in and around Ham Lane. In this wider context, I find the presence of houses would not appear as uncommon or incongruous features at the edge of the settlement.

41. I saw at my visit that the site and its surroundings would be visible adjacent to the settlement from various points along the PRW's to the north but the main views from within the AONB would, by virtue of their respective locations and accompanying distances, be limited and already

include built forms in and around Lenham and the A20. Such views would be experienced at relatively short intervals and, in themselves, I do not find they would be so intrusive as to be inconsistent with the wider existing panoramas in and around the site.

4.2.28 Whilst it is acknowledged that no two sites are exactly the same, and that proposals should be considered on their own merits, it is submitted that the assessment of context and appraisal of the quality of the site itself would be even more emphasised if applied to the application site. The conclusions within the above text are thus equal, or more pertinent, to the application site.

4.2.29 The application site has no specific landscape features of particular significance, and by virtue of its farmed state, has less to offer to the natural essence of the countryside than the field at Ham Lane. It is submitted that it also is physically unremarkable in terms of its landscape and visual qualities.

4.2.30 From key views from the north, it is submitted that the site forms part of a wider panorama that includes both open countryside and built form. The existing built context is located either side (west and east) of the application site and includes large commercial premises and residential and community buildings. The application site is thus

positioned between substantial built form and would not introduce a new extension into the countryside, when viewed from key views from the AONB. It is submitted that in this wider context the presence of houses would not appear as uncommon or incongruous features at the edge of the settlement. The LVIA states at 7.18,

It is thus clear that the visibility of the proposed development from the North Downs can be reduced in the short term by substantial tree and shrub planting on the northern boundary, supplements by tree and hedge planting through the site and on the southern boundary. In the medium to long term the proposed development and the existing western development will be screened and integrated in the characteristic, and valued, middle distance views from the North Downs.

4.2.31 Again, similarly to the assessment by the Inspector, the application site would be visible adjacent to Lenham from various viewpoints from the public realm but views from the AONB would include the surrounding built form and would be viewed at relatively short intervals. It is acknowledged that in the short term, following development, there will be a visual impact, as discussed in the LVIA, however, it is submitted that by virtue of the site location relative to existing development and its unremarkable nature, development would not be significantly intrusive as to be inconsistent with the wider existing panoramas.

Furthermore, as discussed, the maturing of the proposed mitigation planting will result in a ‘barely perceptible deterioration’ and will potentially enhance views by creating a more verdant appearance and by partially screening neighbouring existing built forms as well. The LVIA states at 7.4,

The visual impact of the completed development will be mitigated by the retained trees and mature shrubs, which will ensure that the site will not be entirely open. The proposed structural planting will ensure that the site can be appropriately screened so that there will be an immediate visual impact from the new trees, if they are planted 4 to 6 metres tall, as is proposed. In the areas of shared ownership, with the benefit of a long term management plan, these trees will develop in to significant screens and will be entirely appropriate to the local landscape. Accordingly the long term visual impact of development can be neutral or slightly beneficial in the landscape compared to the existing views.

4.2.32 In addition to the views that have been assessed in the LVIA, which were agreed with both MBC and the AONB Unit, it is also acknowledged that there are currently views from within the site of the North Downs. It was established during consultation that of particular interest to stakeholders was the view of the Cross on the Downs. This is visible from the byway that passes through the site and the importance of this

view was instrumental in shaping the design of the proposed development.

4.2.33 The retention of the byway, its proposed width and relationship to adjacent proposed dwellings, and the scale, height and orientation of those dwellings are all set in order to maintain views of the Cross whilst using the byway. It should be noted that views of the Cross from elsewhere within the site are currently precluded by virtue of the fact that it is private land. There is potential for glimpsed views throughout the site under the proposed scheme.



Fig.4 View along byway towards the North Downs from right (east) hand side

4.2.34 These sketches provide an illustration of the proposed built form within the context of views to the Cross.



Fig.5 View along byway towards the North Downs from left (west) hand side

4.2.35 Emerging Policy SP17 (the Publication (Regulation 19) Local Plan) states that, *Proposals should not have a significant adverse impact on the setting of the Kent Downs Area of Outstanding Natural Beauty*. The NPPF states at that paragraph 115 that *'Great weight should be given to conserving landscape and scenic beauty in...Areas of Outstanding Natural Beauty'* (note that the site is not *in* the AONB) and at paragraph 14 that *Local Plans should meet objectively assessed needs...unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*. It is submitted that for the reasons discussed above, the proposed development would not have a 'significant adverse impact on the setting of the AONB and would conserve (a 'barely

perceptible deterioration') landscape and scenic beauty. The allocation of the site and its implementation would also make a significant contribution to the housing need of the Borough without resulting in adverse impacts that would significantly and demonstrably outweigh those benefits.

4.2.36 The Kent Downs AONB Management Plan April 2014-2019 seeks, at Policy SD1, to conserve and enhance the natural beauty of the AONB. Policy SD3 opposes development that runs counter to this primary purpose. Policy SD8 looks to resist development that would *negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB unless they can be satisfactorily mitigated*. It is submitted that the above discussion illustrates that the scheme would provide successful mitigation in accordance with Policy SD8. Policy SD11 acknowledges that mitigation can be used where negative impacts could occur.

4.2.37 It is noted that the draft Lenham Neighbourhood Plan does not include the application site within its list of sites for housing development. However, this plan is yet to be examined or be subject to a referendum and the approach to allocations and the Lenham settlement confines are inconsistent with the emerging Local Plan. As such this aspect of the draft Neighbourhood Plan is not given any weight. Furthermore, the

proposals do not conflict with other policies within that document and it is submitted, comply with Policies LNP2 and LNP5, which require development to contribute to landscape and respect the setting of the AONB and natural quality of the parish.

4.2.38 In summary, it is possible that a short term adverse impact may result from the proposed development but this will reduce as mitigation planting develops and between 5-10 years from landscape implementation the harm will be mitigated to a barely perceptible impact (as referred to in the LVIA).

4.2.39 The landscaping will also serve to enhance views from the surrounding area, screening existing neighbouring built form, which presently appears incongruous to the AONB. The barely perceptible harm at that point would not significantly or demonstrably outweigh the significant benefit that the proposed housing would bring to the Borough's basic housing need. The scheme also responds to each criteria in draft Policy H1(42), (considered by the LPA to be the matters of key interest), and the application incorporates those measures outlined by the AONB Unit in their email of 13 September 2016 (see Appendix 6);

- *A financial contribution towards the upkeep of Public Rights of Way in proximity to the site. I will liaise with the PRoW team to establish appropriate works and approximate costs.*

- *The structural tree planting throughout the site to be provided in areas outside of private ownership and that these are to be retained in perpetuity and maintained in accordance with a specified schedule to include replacement of any failures and specification of trees of a certain size.*

- *A commitment to the planting along the northern boundary of the site taking place in advance of development commencing.*

4.2.40 At the time of writing the Inspector to the Local Plan Examination in Public has published his Interim Findings 22 December 2016. He comments on the merits of the site and its setting, and the potential for impact of development on the adjacent AONB. He concludes that development of the site for housing would not be unduly harmful to the AONB and could be mitigated, and that any harm would be outweighed by the benefits of early housing provision;

78. Landscape capacity assessments have recommended that sites around Lenham and especially to the east have a low capacity for housing development. However such an assessment by its nature can

only consider landscape character impacts within the identified areas and not the many other considerations that need to be weighed in the planning balance.

79. The Countryside and Rights of Way Act requires that due regard be had to the purposes of the AONB designation when considering development that may affect an AONB. That would include relevant development within the setting of the AONB as Lenham is. However it does not constitute an overriding duty to conserve or enhance all views to and from the AONB without regard to other considerations.

80. Evidence at the examination was that the main concern relates to views to and from the scarp and the Pilgrims Way long distance footpath which passes close to a memorial cross on the hillside. The outward views from here already include the built up area of Lenham, where not screened by trees, and especially the prominent industrial estate to the east of the village. There are also wide and distant views beyond the village as well as across the open foreground within the AONB which would be retained.

81. In that context the identified low landscape capacity east of Lenham means that more housing development can be expected to result in some change to landscape character adjacent to the village and some

adverse effect on outward views from the AONB - albeit mitigated by the design and landscaping of the development. Some views towards the AONB and towards the memorial cross may also be affected. However views are already restricted in places by buildings and vegetation and important viewpoints can be protected in the design and layout of schemes. Neither does the ability to see development from within the AONB necessarily harm the purposes of the AONB.

84. Whilst the H1(42) site would be visible from the AONB, just as the adjacent industrial estate is already visible, there is scope for mitigation in the design and landscaping of the development to soften the edge of the built development. The site is sufficiently distant from the Pilgrims Way and set at a lower level such that its impact on the wider available views would be limited. Views towards the AONB and the memorial cross would continue to be available from the right of way that leads through the site and development can be set back from this route to allow broader views. Whilst there would remain some residual effects on views to and from the AONB I consider that these would be outweighed by the benefits of early provision of needed market and affordable housing in a sustainable settlement.

4.3 Landscape and Special Landscape Area

- 4.3.1 It is submitted that much of the appraisal in the previous section also applies to the potential impact of the proposed development upon the surrounding countryside and the Special Landscape Area.
- 4.3.2 Policy ENV6 of the extant Local Plan requires that appropriate landscaping be incorporated in development proposals. As discussed, an extensive landscaping strategy has been produced, which illustrates how landscaping is an integral element of the proposals. The scheme includes *new planting of trees, hedgerows or shrubs as appropriate, using native or near native tree species, and wherever possible native or near native shrub species.*
- 4.3.3 Policies ENV28 of the Local Plan and DM3 of the emerging Local Plan, and paragraph 109 of the NPPF all refer to protection of the countryside and natural landscapes. It is submitted that by virtue of the design of the proposed development, including the layout and scale of units, and the mitigation landscaping strategy put forward, the scheme will not harm the character and appearance of the location. As discussed, the site is considered to be physically unremarkable in terms of its landscape and visual qualities and sits within a wider landscape context,

which effectively encloses the site with built form to the east and west and roads to the north and south.

- 4.3.4 The proposed landscaping scheme will incorporate semi mature planting in key positions and will be managed so that it can mature as intended, to provide an effective screen where required. It will be protected via commitments in the Section 106 Agreement. Once established following 5-10 years of growth, it will serve to protect and possibly *enhance the character, distinctiveness, diversity and quality of (the) landscape* as referred to in emerging Policy DM3. The new tree scape will be more in keeping with the wider woodland views than the existing site and would likely screen some of the neighbouring built form. As the LVIA states,

The proposed structural planting will ensure that the site can be appropriately screened so that there will be an immediate visual impact from the new trees, if they are planted 4 to 6 metres tall, as is proposed. In the areas of shared ownership, with the benefit of a long term management plan, these trees will develop in to significant screens and will be entirely appropriate to the local landscape. Accordingly the long term the visual impact of development can be neutral or slightly beneficial in the landscape compared to the existing views.

4.3.5 Policy ENV34 refers to Special Landscape Areas, and the need for particular attention to be given to the protection and conservation of scenic quality and distinctive character in such areas. Again, for the above reasons and those discussed in relation to the AONB, it is submitted that the proposals would successfully mitigate against harm to the surrounding area and thus would not conflict with the policy. It is also noted that the SLA designation is not being carried forward through the emerging Local Plan. This indicates that the Local Planning Authority no longer considers the designation relevant and/or that it is redundant in lieu of other protective designations and NPPF policy.

4.4 Design and Layout

- 4.4.1 The landscaping scheme and its value in mitigating against harm to the surrounding area have been considered in detail above. The layout of the site was influenced by several factors including the landscaping strategy. Other factors include the desire to retain and enhance the existing byway, respect amenity of neighbouring properties and employ established principles of good urban design. To this end The Kent Design Guide and Secured By Design were consulted during design. It is submitted that the result is a successful layout and design that responds positively to relevant development plan and national policy and guidance.
- 4.4.2 The extant Local Plan has few, if any, policies that relate to design and thus these matters fall to be considered against the NPPF and emerging Policy.
- 4.4.3 Emerging Policy H1(42) relates specifically to the application site and its potential for development. As has been discussed, much of its content relates to the protection of the AONB and surrounding area. The landscaping layout incorporates landscaping to the perimeters of the site. This will create a screen and barrier to and from the A20, which will also protect the future residents along that northern section of the site.

Along the southern boundary it will create a pleasant frontage along Old Ashford Road. This will not be a substantial screen such as that along the A20 boundary; the intention is to address the street and create a welcoming environment that simultaneously assimilates the development in a manner which reflects and respects the local and natural character of the area. The landscaping will serve to soften the appearance of the development and provide intermittent screening to the new properties behind. This is in accordance with criteria 1 of the policy;

The hedgerow and line of trees along the northern and southern boundaries of the site will be retained and substantially enhanced by new planting in order to protect the setting of the Kent Downs AONB, and to provide a suitable buffer between new housing and the A20 Ashford Road and Old Ashford Road.

- 4.4.4 The layout also successfully retains and increases the scale of the byway that traverses the site, as required under criteria 2;

The function of restricted byway KH433 is to be retained, and consideration given to the safety of future users and occupiers of the development.

4.4.5 The width of the byway has been designed in order to retain vistas of the Lenham Cross. Similarly, glimpses of the Cross will be possible between the detached properties fronting Old Ashford Road. Terraced or extended blocks of housing have been avoided along this frontage with this in mind. This responds to criteria 3;

The development proposals shall be designed to maintain existing vistas and views of the Lenham Cross from Old Ashford Road, through the site and along PROW KH433.

4.4.6 Criteria 4 requires that substantial areas of landscaping are provided within the site in order to create a landscape framework that protects the setting of the AONB. This has been considered above.

4.4.7 The criteria also refers to the need for high quality design standards in the development, incorporating *the use of vernacular materials*. It is submitted that the design of the proposed dwellings (in the detailed application section of the site) reflects successfully on the prevailing valued built context, including the use of vernacular materials, in the area. It will repeat the high quality achieved at the adjacent Groom Square development, which has been delivered by Rogate.

4.4.7 Criteria 5 relates to the need for an LVIA to assist with the delivery of a successful development that addresses the impact on the AONB. This has been discussed above.

4.4.8 The main access to the site will be off Old Ashford Road. No access will be provided off the A20. This responds to criteria 6 of Policy H1(42), which states,

Access will be taken from Old Ashford Road only.

4.4.9 Emerging Policy DM1 establishes the Council's 'principles of good design', which mirror principles established in paragraphs 56, 58 and 59 of the NPPF. Combined these provide a comprehensive scope of fundamental design and layout considerations.

Connections and Legibility

4.4.10 The proposed layout provides a number of connections to the surrounding pedestrian network, including improving footpath connections on Old Ashford Road and through to the adjacent Community Hall and Health Centre. A network of footpaths and the circulatory road system through the development ensure that

permeability and a clear movement framework are achieved. This approach responds positively to criteria 1 of Policy H1.

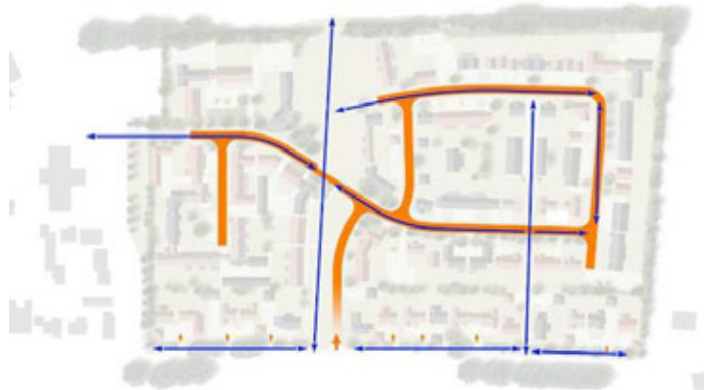


Fig.6 Site Connections and Routes - Pedestrian routes in blue and vehicle access routes in orange

Response to local character

4.4.11 Criteria 2 requires that new development *Respond positively to and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage - incorporating a high quality, modern design approach and making use of vernacular materials where appropriate.* These considerations are echoed in paragraph 58 of the

NPPF. The design of the proposed dwellings in the detailed scheme takes inspiration from the scale, height, materials, detailing, mass, bulk and articulation of surrounding residential built form. Vernacular materials are proposed and as previously noted, the quality of the finish is intended to match that at the adjacent Groom Square development.

4.4.12 It is anticipated that the outline element of the scheme will also deliver this character, appearance and quality of built form. The parameters set by this application will ensure that the scale and height of those dwellings will be appropriate to the site and setting, keeping to a maximum of two storey's and not exceeding the ridge and eave heights outlined. In any event, the Local Planning Authority will continue to have control over what is delivered on that portion of the site through the Reserved Matters applications.

Public realm and Safe Spaces

4.4.13 Policy DM1 and paragraphs 56 to 59 of the NPPF also consider the need to incorporate high quality public realm that also creates safe and accessible environments that deter crime and disorder and design out the fear of crime. The landscape strategy produced by LaDellWood proposes the integration of native species trees and shrubs with a high quality hard landscape to create an attractive public realm. The scale

and openness of the spaces will vary and will be informed by the role that they play, such as main spine road, byway, rear parking courts or secondary pedestrian link for example. The nature of the landscaping and degree of enclosure will also indicate where spaces fall in the hierarchy of public realm throughout the site. This will give them a sense of place and identify to the user where they are within the site, which in turn aids legibility.

- 4.4.14 Strategically placed feature landscaping will also create focal points and frame spaces alongside built form, thereby creating streetscapes. Again this will improve legibility and provide an attractive place to live and visit. The high quality hard landscaping scheme will include materials akin to the village setting and may include buff coloured block paving, bound gravel and only use tarmac in areas to be adopted. The relationship between hard and soft landscaping will be less formal than in urban city and town locations. This will contribute to the country village setting.

Planning for Crime Prevention

- 4.4.15 Crime prevention has been considered throughout the design process of this project to ensure that it becomes an integral and intuitive part of the design process.

Access and movement

- 4.4.16 A key objective within this design has been to ensure there are clearly defined routes through and around the site for pedestrians and vehicles with all routes having a purpose and a specific destination. All routes benefit from natural surveillance whilst not impairing the private spaces in the area.

Structure and vehicles

- 4.4.17 Vehicular parking is either within the associated building's curtilage where appropriate or located close to the buildings. In either case vehicles are located in a visible position with windows from habitable rooms overlooking the parking.
- 4.4.18 Buildings are designed to create natural surveillance of the surrounding areas whilst retaining a level of privacy between dwellings where necessary.

Surveillance

- 4.4.19 Main living spaces have more windows and openings which overlook the street and other public areas. Particular attention had been paid to the

location of windows and surveillance points over smaller quiet public routes. The open spaces reduce hiding spaces for criminals and the routes all have some surveillance from nearby buildings to limit the criminals' escape routes. All open spaces and routes to be well-lit in line with local street lighting guidelines and without heavily impacting on the level of light pollution.

Ownership

- 4.4.20 All spaces are well-defined for their use and ownership with clearly defined boundaries. Boundary conditions are to be carefully selected to create separation for privacy, or simple demarcation of a boundary whilst retaining some natural surveillance; creating safe and attractive places; this can include fences, walls, changes of paving or well-maintained landscaping.

Activity

- 4.4.22 The public areas are to be suitable for use by people of all ages and cultures so as to create a certain level of human activity that helps to reduce the risk of crime and helps to improve the safety in the area.

Management and maintenance

- 4.4.23 Places are designed to discourage present and future crime by creating a sense of ownership for people to encourage a culture of looking after the local area. Landscaping will be maintained to keep hedge height and tree canopies consistent and in line with the landscape strategy.

Neighbour Amenity

- 4.4.24 The need for new development to respect neighbour amenity has been considered in the scheme pursuant to criteria 4 of emerging Policy DM1. Noise and vehicular impacts are considered later in this document and it is submitted that by virtue of the residential use of the proposed scheme, and its scale, it will not present a risk to air pollution beyond existing ambient levels.
- 4.4.25 The layout of proposed properties relative to adjacent, existing properties is such that there is minimal risk in relation to concerns over overlooking and overbearing. Existing residences and uses to the west will be divided from the development by Groom Way and landscaped buffers. This in addition to the distances involved and orientation of properties will preclude visual intrusion or loss of light. The northern section of the east boundary of the site is separated from existing built

form by an open field and again the distances involved, and the orientation of proposed properties relative to the Ashmill commercial units beyond, will preclude potential overlooking or overbearing.

4.4.26 The southern section of the east boundary meets with Lanrig. A new tree and hedge buffer is proposed along the length of the east site boundary, which will serve as a natural screen between proposed and existing properties. The orientation of the nearest proposed dwelling mirrors that of Lanrig and results in a typical side by side property relationship, as is already the case between Lanrig and its eastern neighbour The Marvel. These combined factors will negate concerns regarding overlooking over primary habitable and amenity spaces and the distances between dwellings will avoid overbearing impacts.

4.4.27 Remaining criteria in the emerging policy and NPPF are considered in more detail in topic specific sections below, such as sustainable and energy efficient design and ecology and biodiversity protection and enhancement. Suffice to say it is considered that these criteria and complied with.

Density and mix of units

4.4.28 Emerging Policy DM12 states that new development should adopt a density that reflects upon the character of the area in which it is situated and delivers good design. Policy H1(42) refers specifically to the application site and states that it would be appropriate for a *development of approximately 155 dwellings at an average density of 30 dwellings per hectare*. The scheme hereby considered proposes 151 units, at a slightly reduced density of 29 dph, which, it is submitted, is in keeping with the prevailing residential built form in the area, and is commensurate to a village location. This is in line with local and national policies that require development to be appropriate to local context and character.

4.4.29 Emerging Policy DM11 seeks the delivery of sustainable mixed communities in new housing developments. The proposals intentionally comprise a wide mix of house and flat types and sizes. The provision of affordable and age-restricted units also responds to tenure variations. It is submitted that this responds in full to the policy.

4.4.30 In the absence of any further announcements from Government on Starter and Self-build Homes, there is no provision of such in the proposals at this time.

Green and open space

4.4.31 The Council's adopted Open Space DPD outlines the requirements for green space provision in new developments. Quantity requirements are also referenced in emerging Policy DM22. The policy also states;

2. A financial contribution in lieu of open space provision will be acceptable, provided:

- i. The proposed development site would be of insufficient size in itself to make the appropriate new provision; or*
- ii. The open space cannot be accommodated on-site due to site constraints, housing delivery expectations on allocated sites or location, and alternative appropriate off-site provision cannot be identified.*

4.4.32 The DPD responds similarly on this matter.



Fig.7 Green Spaces

4.4.33 Figure 7 highlights areas of open space and strategic landscaping. It does not include for private garden or amenity space, which as can be seen from the layout plans, accounts for a substantial portion of the application site. The proposed development provides approximately 0.67 hectares of publicly accessible open space. The 0.67 hectares includes only spaces that are of sufficient size to be useable as open space and does not include public areas of landscaping, which are in addition. That open space includes for an equipped play area.

4.4.34 It has been calculated¹ that the proposed development could have a population of up to a maximum of 727 residents. This accounts for every proposed residential unit accommodating its maximum potential occupancy level, which in itself is highly unlikely to occur. Nonetheless, it is necessarily used as a maximum figure for the purposes of calculating green space requirements.

4.4.35 It is submitted that generous private garden/amenity space is provided throughout the site for the respective proposed dwellings and flats. Gardens match and in many cases exceed the width of the house itself and are in most cases at least 10m in depth.

4.4.36 Furthermore, on the basis of a maximum population of 727 residents and a rate of 0.7 hectares per 1000 population of 'amenity greenspace', it is submitted that the 0.67 hectares proposed is in excess of the 0.51 required. The standard to be applied for space for the 'provision for children and young people' differs between the DPD and emerging policy. It is considered that the adopted DPD, as an up to date document, should take precedent at this time. This seeks 0.12 hectares per 1000 population in urban areas and 0.09 hectares in rural areas.

Both can be accommodated within the 0.67 hectares of open space, even accounting for the 0.51 hectares of 'amenity greenspace'.

4.4.37 It is acknowledged that there may be a requirement for other 'green spaces' and it is the intention to consider these at application stage, with a view to the potential for *A financial contribution in lieu of open space provision*, as is accepted by the DPD and policy.

¹ Using Table 1 of the Technical housing standards – nationally described space standard

4.5 Affordable Housing

4.5.1 The Council's Affordable Housing DPD and emerging Policy DM13 both stipulate that there will be a requirement for 40% affordable housing at proposed developments in the rural service centres. This has been the starting point for provision on the application site.

4.5.2 A Viability Report dated 20 January 2017 has been submitted with this application, produced by Tim Mitford-Slade of Strutt & Parker LLP. This considers a number of scenarios ranging through affordable housing delivery at 40%, 35%, 30% and finally 30% with starter and age restricted homes. The report concludes that only at the point at which 30% affordable provision is proposed, including the starter and age restricted homes element, does the scheme reach a viable level. That provision provides a profit on GDV of 19.73%. The report concludes;

*Having run a policy compliant appraisal for the Property in line with on-site affordable housing provision of 40% a profit margin of **10.48%** is significantly below an acceptable return of 20%, even allowing for a slightly reduced margin on a blended rate for the lower risk affordable housing. Reducing the affordable to 35% only marginally improves this position, to 13.19%. An approach with 'traditional' affordable homes at 30% in line with emerging policy only yields a return of 15.76% and is*

*also unviable. As such, a final appraisal has been run with on-site affordable housing provision at 30% but this time including starter and age restricted homes which returns a **19.73%** profit on GDV. Only at this juncture does the scheme become remotely viable and therefore deliverable from a viability perspective.*

4.5.3 It is on this basis that the proposed scheme has been developed, offering 30% affordable units across the whole site. The Council provided pre-application advice that commented on the percentage and split of affordable units that would be expected. This was as follows;

Affordable Rented (60%)

1-beds (35%), 2-beds (30%), 3-beds (25%), 4-beds (10%)

Shared Ownership (40%)

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

4.5.4 However, as discussed, in order to render the scheme viable this range of units has been altered to incorporate Starter and Age Restricted (AR) Homes. The mix considered in the Viability Report offers a profit on GDV of 19.73%, which, it is submitted, is a minimum expected of a development of this scale and risk to a developer. A reduction in the number of Starter/AR Homes relative to Social Rented and Shared

Ownership would impact upon this profit. It is considered that any reduction to the minimum 19.73% profit would render the scheme unviable. At the same time, it is accepted that an increase in the ratio of Starter/AR Homes to Social Rented and Shared Ownership could increase profit levels above the typical 20% expected profit return. Consequently, it is submitted that the ratio of Starter/AR Homes to Social Rented to Shared Ownership is appropriate.

- 4.5.5 Policy AH1 of the Affordable Housing DPD makes provision for reduced affordable provision where viability of the scheme is at threat. It states at criterion A;

THE COUNCIL WILL SEEK TO NEGOTIATE THAT A MINIMUM OF 40% OF THE TOTAL NUMBER OF DWELLINGS TO BE PROVIDED SHALL BE AFFORDABLE HOUSING TO MEET THE IDENTIFIED HOUSING NEED, UNLESS THE COUNCIL IS SATISFIED OF THE EXCEPTIONAL CIRCUMSTANCES THAT DEMONSTRATE THAT ONLY A LESSER PROPORTION CAN BE PROVIDED. THE COUNCIL MAY SEEK TO NEGOTIATE AN AFFORDABLE HOUSING PROVISION OF MORE THAN 40% ON ALLOCATED GREENFIELD SITES.

- 4.5.6 It is submitted that the viability case submitted illustrates that a reduction to the 40% target is necessary to allow the development to come forward, in line with the above policy.

- 4.5.7 The applicant welcomes discussion with the Council to agree a mechanism to secure the affordable housing delivery, as discussed in criterion C of the DPD policy.

SUITABLE CONTROLS, INCLUDING LEGAL AGREEMENTS AND PLANNING CONDITIONS, WILL BE USED TO SECURE AFFORDABLE HOUSING THROUGH A REGISTERED SOCIAL LANDLORD OR OTHER APPROPRIATE HOUSING PROVIDERS TO ENSURE THAT THE DWELLINGS REMAIN GENUINELY AVAILABLE TO MEET THE NEEDS OF THOSE WHO ARE UNABLE TO AFFORD A PROPERTY ON THE OPEN MARKET.

4.6 Highways and Parking

4.6.1 A Transport Assessment to accompany the planning application has been produced by Monson, dated 14 December 2016. The TA looks in detail at *issues relating to trips generated by the proposed use as well as the proposed arrangements for accessing the site, and any effect this may have on the local highway network*. It also highlights and reviews the matters of primary interest;

It is considered that the key issues that need to be addressed are:-

- *Additional peak hourly flows and how they affect the local highway network;*
- *Sustainability of the site.*

4.6.2 During the SHEDLAA process the Council have considered the access and transport implications of potential housing sites. Of the application site, it stated as follows;

Site located adjacent to existing residential properties in Lenham.

Potential for access from Old Ashford Road and/or the A20 Ashford Road, although KCC's preference would be for the principal vehicular

access to be taken from Old Ashford Road to limit direct access to the strategic road network.

The site is considered suitable for the uses proposed. It enjoys good access to the A20 via Old Ashford Road, which has a good crash record and a continuous footway link to Lenham village centre on its southern side.

Consideration should be given to extending the footway on the northern side of Old Ashford Road and the 30mph speed limit to the site access.

All of the village services within Lenham are within walking and/or cycling distance of the site, including the railway station, which is served by hourly train services to Ashford, Bearsted, Maidstone, Bromley and London Victoria on weekdays.

The bus stops on Old Ashford Road are served by Bus Route 10, which provides an hourly service to Ashford, Charing, Harrietsham, Bearsted and Maidstone on weekdays.

There is an existing footway along the southern side of Old Ashford Road into Lenham village.

4.6.3 It is submitted that this provides a sound, albeit basic assessment of the transport and sustainability credentials of the application site, which the TA goes on to elaborate upon and reinforce. The proposed development incorporates the transport connections and improvements that are suggested in the SHEDLAA assessment, such as access off Old Ashford Road only and the extension of the footway on the north side of the road to the point of the site access. It also responds to the emerging site specific policy, H1(42), which requires at criterion 8;

Extension of the 30 mph limit on the Old Ashford Road to the site and extension of the footway on the northern side of the road.

4.6.4 The report utilises data from an MBC commissioned assessments of the potential traffic impact that would result from a number of housing sites in and around Lenham, including the application site. Key highway junctions were modelled for 2015 and 2031 and Transport Assessments considered estimated traffic generation, distribution and impact. The Monson report was able to conclude as below;

Trip Assignment

In preparing the Technical Note the consultants pulled together a range of available information which included the data for traffic surveys

carried out specifically for the purpose of the assessment. Using this data and considering key destinations and trip attractors the proposed trips from all the developments were assigned to the network, the assignment being agreed with MBC.

The site under construction at Groom Way and this site lie to the north of Old Ashford Road. The Glebe Gardens site and part of the "Broad Location" lie opposite to the south of Old Ashford Road. For all of these site the same distributions arrows were used at the access points those being west to south 30%, west to ahead/north 52.5% and east to north 17.5%.

It is inevitable that some additional traffic will go to/from the village centre but realistically, this will only be if they are accessing the village centre and its various facilities or if they are heading south towards Headcorn/Sutton Valence. Otherwise there will be little point going through the village centre as the junction with the A20 to the east offers easy access to that road and on towards both Maidstone and Ashford.

Trip Generation and Impact

It can be seen from the assessment that the peak hour trips generated by the proposed development will be substantial in number although 1

per minute is not excessive in traffic terms. The impact of this and various other possible developments in Lenham, has been modelled for current and future scenarios to 2031 and it has been concluded that the local highway network, in particular its key junctions, will still operate within capacity in the future design scenario with all the developments in place.

- 4.6.5 The report also reflects upon the transport and highway improvements that would result from the proposed development and the sustainability credentials of the site in terms of transport and connectivity;

The proposal will include for a new access which will be built to current standards in terms of its construction, alignment and visibility splays. It will be able to accommodate the additional trips anticipated having more than enough capacity. Extension of the 30mph limit to at least the new access will also be pursued.

The proposed development site lies in a reasonably sustainable location with opportunities for access/egress by a variety of sustainable transport modes, as in accordance with the aims and objectives of local and national policy.

- 4.6.6 In addition to the above, it is submitted that the site is well located for pedestrian connectivity and provides for those that wish to cycle. It is within walking distance of many of the villages services and facilities, including the adjacent community and health centre on Groom Way and the bus stops on Old Ashford Road.

There are several facilities and amenities accessible by foot and/or cycle from the site with Lenham Primary School and Swadelands School (secondary) located to the west of the village center and the Parish Church of St Mary is easily accessible. There is also a medical center and community hall adjacent to the site and the village center has a good variety of shops, pubs and food outlets.

The proposed development includes for the provision of secure and covered cycle parking spaces available to each dwelling in line with current standards and the railway station has facilities for secure and covered parking of commuter bikes.

- 4.6.7 Given all of the above matters, it is submitted that the proposed development complies with Policies T3 and T21 of the Local Plan, DM1 and DM24 of the emerging Local Plan and paragraphs 31 and 32 of the NPPF.

Parking Provision

- 4.6.8 Policy T13 of the Local Plan and emerging Policies DM1 (criterion 13) and DM27 of the emerging Local Plan refer to the need for adequate parking provision to meet minimum parking standards. The standards set in Appendix B of the emerging Plan match those from the Kent Design Guide Review: Interim Guidance Note 3 – Residential Parking, which is cited in Appendix 7 of this Statement.
- 4.6.9 Parking provision across the outline element of the scheme ('phase 2'), will comply with relevant standards for village locations in the Guidance. These have been applied as follows:
- 1 and 2 bed flats – 1no. space per unit²
 - 2 bed houses – 1.5no. spaces per unit (3no. spaces shared per pair)
 - 3 and 4 bed houses – 2no. allocated spaces per unit
- 4.6.10 Visitor parking spaces are also provided, and marked as such, throughout the phase. 21no. spaces have been provided, in line with the 0.2 spaces per unit required under the Guidance. These take the form of marked spaces in rear parking courts and marked on-street spaces.
- 4.6.11 The parking provision across the detailed element of the scheme ('Phase 1'), is also partly in line with the standards set by Policy.
- 4.6.12 Each unit along the frontage (south boundary) of the site will comprise a stand-alone or integral double carport, with the exception of units 8, 10 and 11, which will have single carports. There will also be sufficient room within the shared parking courts associated with these properties for additional informal parking. This has been designed to ensure that all units benefit from a minimum of 2no. independently accessible parking spaces, in line with the standards for 4-bed dwellings in village areas set in the Interim Guidance Note 3 – Residential Parking. If required, all units can also accommodate 1no. visitor vehicle on the premises.
- 4.6.13 The remaining units will comprise parking provision in line with the standards in places, whilst those age-restricted units will intentionally comprise reduced parking. It is noted that this approach was accepted for the similarly age-restricted units at the recently completed Groom Square development adjacent to the application site and it is submitted that this approach will be appropriate again in this context, subject to all spaces being allocated.
- 4.6.14 This section of 'Phase 1' will also incorporate 3no. visitor spaces. Again, this is a reduced provision against the Interim Guidance in light of the

² Interim Guidance Note 3 states "Allocation of one space per unit possible"

age-restricted nature of the units. It also takes account of the number of flats in this part of the development, on which the Interim Guidance states at 'Note 5' in relation to visitor parking, that is *May be reduced where main provision is not allocated. **Not always needed for flats.***

4.6.15 Provision for secure and covered bicycle storage will be made at each unit. This will be in the form of storage internally or sheds/enclosures on the property in the case of dwellings or in the grounds of the flat complex in the case of flats.

4.6.16 It is submitted that the above site wide parking strategy is appropriate to the context and takes *into account the type, size and mix of dwellings* and secures *an efficient and attractive layout of development* whilst taking account of the sustainable location, which will encourage means of transport other than the car. As such the proposed development responds to those policies referred to above from the extant and emerging Local Plans and principles of sustainable development from the NPPF.

4.7 Noise

4.7.1 Local and National policy seeks to protect harm to residential amenity and health as a result of noise pollution. This applies to both existing and proposed residences.

4.7.2 Emerging Policy H1(42) makes specific reference to this point at criterion 7 where it states;

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

4.7.3 A Noise Impact Assessment, dated January 2016, has been produced by MRL Acoustics and is submitted in conjunction with the planning application. The report outlines the survey that was undertaken. The survey identified the ambient noise climate against which to assess the noise impact resulting from and impacting upon the proposed development.

A noise level survey at the development site was carried out over a full 24-hour period from 11.00am on Thursday 7th January until 11.30am on Friday 8th January 2016 in order to establish the general ambient noise climate of the area during the typical weekday period.

The measurements were taken approximately at the position of the proposed elevations of the new dwellings that are the nearest to the A20 Ashford Road in order to represent the facades that are the most likely to be affected by noise from road traffic. The noise measurements consisted of consecutive 30-minute samples of noise over a continuous 24- hour period.

4.7.4 The Assessment then considers acoustic design goals set out in British Standard 8233:2014 and compares those to the noise levels measured during the survey. It concludes that guidance levels would be exceeded at both day and night internally (if windows are open) and externally. It thus recommends mitigation measures.

Daytime Period: Living Rooms, Dining Rooms & Bedrooms

For all living room, dining room and bedroom windows on the building elevations facing north, east and west, (i.e. those with a line of sight of the A20 Ashford Road), standard thermal double glazing of minimum construction 4mm glass – nominal 16mm air gap – 4mm glass will be adequate to achieve the adopted internal noise limits.

It will be important to ensure that all glazing is well sealed when closed so there are no air gaps present.

Standard window frame trickle-vents should not be used in these windows.

The window construction outlined above should provide approximately 32 dB(A) attenuation in levels of external noise when closed.

Night-time Period: Bedrooms

For all bedroom windows on the building elevations facing north, east and west, (i.e. those with a line of sight of the A20 Ashford Road), standard thermal double glazing of minimum construction 4mm glass – nominal 16mm air gap – 4mm glass will be adequate to achieve the adopted internal noise limits.

It will be important to ensure that all glazing is well sealed when closed so there are no air gaps present.

Standard window frame trickle-vents should not be used in these windows.

The window construction outlined above should provide approximately 32 dB(A) attenuation in levels of external noise when closed.

In terms of L_{Amax} noise levels at night, with the 32 dB R_w sound reduction performance of the proposed glazing, the average measured night-time L_{Amax} level of 75 dB(A) should be adequately attenuated to below 45 dB L_{Amax} and therefore the external noise climate in terms of maximum noise levels will be within acceptable limits with the bedroom windows closed.

- 4.7.5 The above internal noise mitigation measures will be applied to any north, east and west facing elevations on all proposed units. In place of open windows ‘acoustically treated alternative methods of ventilation’ are proposed.

Since opening the windows would reduce the sound insulation of the building envelope, it is considered that an acoustically treated alternative method of ventilation should be provided for all affected living rooms, dining rooms and bedrooms. This approach, which is recommended in BS 8233:2014, would provide the new residents with the option of ventilating rooms whilst maintaining the sound insulation of the building envelope.

- 4.7.6 The report provides external mitigation that would reduce the external noise levels to within acceptable levels set out in BS8233.

The measured 'free-field' outdoor daytime noise level at the development site was 63 dB LAeq. This level of noise is 8 dB above the upper external daytime noise limit of 55 dB LAeq outlined in BS 8233 and the WHO Guidelines.

We would therefore recommend that for any proposed rear gardens, acoustic screening in the form of minimum 1.8m high good quality close-boarded timber fencing is provided at any rear garden perimeters. The screens should be constructed from solid material with a minimum mass per unit area of at least 15 kg/m².

It is considered that the provision of the appropriate perimeter screening outlined above should provide a general level of noise attenuation of approximately 8 dB(A). This should ensure a resultant noise level in any rear garden areas of around 55 dB LAeq which is at the upper external daytime noise criteria set out in BS 8233 and the WHO Guidelines and is therefore within acceptable limits.

4.7.7 Provided that the recommended mitigation measures outlined in the Noise Impact Assessment are employed, it is submitted that the scheme will accord with British Standards and will avoid unacceptable harm to existing and proposed dwellings in line with NPPF paragraphs 109 and

123 or emerging Local Plan Policy H1(42). The highest ambient noise levels in the immediate area are produced by the A20 and thus it is considered that the new development would not impact upon existing residents above and beyond noise levels already experienced.

4.7.8 It is acknowledged that some disturbance may result during construction but it is expected that the LPA will include a standard condition on any forthcoming planning permission relating to acceptable times of said construction.

4.8 Ecology

4.8.1 Paragraph 109 of the NPPF considers matters of biodiversity and the need to minimise detrimental impacts upon it. This is echoed in emerging Local Plan policy DM3 (see below) and Local Plan policy ENV22.

minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

4.8.2 In order to respond to this requirement a Preliminary Ecological Survey was produced by KB Ecology, and is submitted with the application. The survey considered a wide scope of potential species including Reptiles, Badgers and Bats. It concluded that the site was unlikely to support the majority of these but that there was potential for the presence of slow worms and common lizards, hedgehogs and birds. It made recommendations for the protection of these and further survey work in relation to Reptiles. The recommendations in that report in regard to the protection of species will be employed pre and post construction.

4.8.3 As recommended, a Reptile Survey has been produced, again by KB Ecology. This concluded that a low population of common lizard was present in the grass verge along the A20. In response to this, the following recommendation was made;

The grass verge along the A20 should mainly remain unimpacted by the works. It may however be necessary to undertake some habitat manipulation (i.e. cutting of vegetation near works area) ahead of works to ensure no animals are injured.

4.8.4 It is noted that the A20 verge is not within the application site boundary and thus the applicant has no control over this area. However, the necessary mitigation within the application site can be carried out and if the Council deem it necessary, discussion with the highway authority can occur to ensure that no animals are injured during works.

4.9 Sustainability, Sustainable Design and Energy Efficiency

4.9.1 The overarching sustainability credentials of the site and the form of development have been considered above, as summarised in paragraph 4.1.26.

The development of this site for housing is considered to be a most appropriate form of development when considered in the context of the need for housing and the sequential approach to land identification across not only the Borough but also Lenham itself. It is situated within the draft settlement boundary (or adjacent to it in its extant form) and would represent a logical and efficient use of land, infilling between existing substantial built form to the east (Ashmill Business Park) and west (Lenham village). In combination with the sustainable location and attributes of the site (to be discussed in detail below), it is submitted that there are no sequentially preferable sites that are available and deliverable and have not themselves been draft allocated.

4.9.2 The site's sustainable location is highlighted in the Council's SHEDLAA assessment, which states;

Site located adjacent to existing residential properties in Lenham.

- *Potential for access from Old Ashford Road and/or the A20 Ashford Road, although KCC's preference would be for the principal vehicular access to be taken from Old Ashford Road to limit direct access to the strategic road network.*
- *The site has been promoted for Housing and B1a uses.*
- *The site is considered suitable for the uses proposed. It enjoys good access to the A20 via Old Ashford Road, which has a good crash record and a continuous footway link to Lenham village centre on its southern side. Consideration should be given to extending the footway on the northern side of Old Ashford Road and the 30mph speed limit to the site access.*
- *All of the village services within Lenham are within walking and/or cycling distance of the site, including the railway station, which is served by hourly train services to Ashford, Bearsted, Maidstone, Bromley and London Victoria on weekdays.*
- *The bus stops on Old Ashford Road are served by Bus Route 10, which provides an hourly service to Ashford, Charing, Harrietsham, Bearsted and Maidstone on weekdays.*

There is an existing footway along the southern side of Old Ashford Road into Lenham village.

4.9.3 Lenham itself is considered a highly sustainable settlement, and has long been considered a Rural Service Centre due to its plethora of services and facilities.

4.9.4 Section 4.1 of this statement also considered the three dimensions of sustainable development (outlined in paragraph 7 of the NPPF) and the positive way in which this scheme responds to them.

4.9.5 The development would also constitute sustainable development as discussed in the National Planning Policy Framework, paragraph 55,

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

4.9.6 The NPPF and emerging policy also require assessment of the approach to energy efficiency and climate change of proposed development during development control decision making. Draft policy DM2 mirrors the government's current position on energy efficiency and sustainable design in regards to homes. The Written Ministerial Statement of March 2015 outlined the application of streamlined technical housing

standards for plan making and decision-taking. As a result, extant policies that make reference to the Code for Sustainable Homes are considered out of date. A nationally described internal space standard was also introduced.

4.9.7 The proposed development accords with these standards by ensuring that all dwellings target, as a minimum, Part L of the Building Regulations and Part G of those Regulations for water consumption. All dwellings will also meet or exceed the minimum internal space standards. It is submitted that this responds to the provisions of emerging policy and the NPPF, including paragraph 93.

4.9.8 Furthermore, the development will comprise covered, secure cycle storage, thus encouraging means of transport other than the car, and space for external refuse storage at each unit.

4.9.9 As is discussed below, sustainable urban drainage systems are also proposed, responding to concerns of flood risk.

4.9.10 Draft Policy DM1 states at criterion 7 that schemes should;

vii. Orientate development, where possible, in such a way as to maximise the opportunity for sustainable elements to be incorporated and to reduce the reliance upon less sustainable energy sources;

4.9.11 An original theme during the design of the site layout was to respond to the path of the sun throughout the day. The intention was to maximise sun and day light into the internal sections of the buildings and also provide opportunities for sustainable elements such as passive solar systems and the use of photovoltaic panels. As such as many of the dwellings as is achievable are orientated with the width of the house along the east-west axis so that rooms and large expanses of roof face the sun for most of the day.

4.10 Flooding and Drainage

4.10.1 The extant Local Plan is silent on matters of flooding and drainage but emerging Policy DM1 states as follows (reflecting paragraphs 100 and 103 of the NPPF);

xi. Avoid inappropriate new development within areas at risk from flooding, or mitigate any potential impacts of new development within such areas whereby mitigation measures are integral to the design of buildings;

4.10.2 In response to this, a Flood Risk Assessment and a Drainage Strategy & Sustainable Drainage Management and Maintenance Plan have been commissioned. These accompany the planning application.

4.10.3 The Flood Risk Assessment confirms that the site is located in Flood Zone 1; those areas least at risk of flooding, and that there are no risks from fluvial or coastal flooding.

4.10.4 In terms of surface water flood risks, the assessment reviewed potential sources and dismissed these in turn;

There were no flood risks identified in relation to surface water flooding in either receiving or generating surface water flows at this proposed development.

There are no surface water sewers in the vicinity of the proposed site.

There are no foul water sewers in the vicinity of the proposed site.

There is no flood risk to this site in relation to reservoirs.

Strategic Flood Risk Assessment for Maidstone recognizes groundwater as a potential source of flooding on Ashford Road, which can be checked against Surface Water Management Plan Map – Appendix D, however, Maidstone Stage 1 Surface Water Management Plan for Rural Mid doesn't hold any flood records on Ashford Road in the vicinity of proposed development.

4.10.5 Notwithstanding the above, the report makes recommendations for mitigation to protect against surface water flooding and concludes as follows;

To protect against surface water flooding, all finished floor levels shall be minimum 150mm above external ground levels.

There are no residual flood risks to the development following the implementation of the flood risk management measures.

On the basis of the findings of this report, it is recommended that no objections should be raised to the development proposals on the grounds of flood risk.

4.10.6 The report also considers off-site impacts and comments as below;

There are no foreseen impacts to neighbouring properties or the surrounding area in relation to flood risk as a result of the proposed development.

Details of the proposed surface water management can be seen in more detail in the site specific Drainage Strategy & SUDS Management and Maintenance Plan.

4.10.7 The Drainage Strategy identifies existing drainage systems and networks and makes assumptions (to be followed up on) with regards capacity. It also considers the sites geology and develops a strategy for surface and foul water disposal on that basis.

4.10.8 The resulting strategy employs SUDS and is considered by Monson to be sufficient for the anticipated outflows from the site, both surface water and foul water. The report states as follows;

The soakaway will be designed to accommodate for a 1 in 100 year + 30% annual probability storm event, allowing for climate change. The soakaway at this site will be a crated system wrapped in a geotextile membrane. The soakaway will also be located $\geq 5m$ from any building or structure in as recommended in BRE Digest 365 as cited in the Approved Document H of the Building Regulations 2010. For the critical storm the soakaways have been checked that they will half-empty within 24 hours as recommended in BRE Digest 365.

A capacity check will be undertaken for the site, although based on existing networks and population, it is not deemed at this stage to be a problem for foul sewer capacity.

The foul water drainage may be split into private and adoptable, the adoptable part of the system can be offered under a Section 104 Agreement to the Southern Water and the private part of the system will be managed by the residents and appointed Management Company.

To ensure that sewage flooding does not occur at, or upstream of the pumping station during plant or power failure, additional storage will be provided in accordance with the Southern Water requirements.

- 4.10.9 It is submitted that the above approach not only responds to the provisions of the NPPF and emerging policy by avoiding new development in areas at risk from flooding and mitigating against potential impacts, but also improves upon the existing drainage scenario by introducing traditional drainage and SUDS with sufficient capacity.

4.11 Archaeology

4.11.1 As discussed in the Design & Access Statement accompanying this application, a desk based assessment has been carried out by Canterbury Archaeological Trust. That identified some potential for archaeological remains on the site, *with extension of the Romano-British activity observed immediately to the west most likely to be encountered.*

4.11.2 The assessment concluded thus;

Archaeological evaluation of the site is recommended prior to the commencement of any groundworks, in order to assess the nature and extent of any archaeological remains present within the site.

Should archaeological remains be encountered then further mitigation may be required, either in the form of preservation in situ or preservation by record depending upon the depth and extent of the proposed groundworks.

4.11.3 It is submitted that an appropriate route would be to attach a condition on the basis of the above to any forthcoming planning permission. This would ensure that archaeological interests are protected. As such there

is no reason on an archaeological basis to refuse the application hereby considered.

4.12 Developer Obligations

4.12.1 As discussed in the Design & Access Statement that accompanies this planning application, the applicant acknowledges that there may be a requirement for contributions to be made in line with Section 122 of the Community Infrastructure Levy Regulations 2010, subject to the relevant tests;

122.—(1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.

(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation 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.

4.12.2 It is the intention to enter discussions regarding the level and scope of contributions at the application stage given the Council legal team's preference to consider these matters at that time.

4.12.3 In the absence of a Community Infrastructure Levy for the Borough, it is anticipated that a Section 106 agreement will be required to formalise

the commitment to contributions. A Section 278 agreement is proposed for the anticipated highway work; landscaping to the highway verge and the extension of the 30mph speed limit on Old Ashford Road.

4.12.4 Again, in the absence of an adopted CIL, any obligations sought towards local infrastructure will necessarily be subject to pooling restrictions outlined in Section 123 of the Regulations. This places a limit on the ability of LPA's to pool more than five S106 contributions towards a single project or infrastructure item (with the exception of affordable housing and 'directly related' contributions).

7 . Detailed site allocation policies for housing

Policy H1(42) Tanyard Farm, Old Ashford Road, Lenham

Policy H1 (42)

Tanyard Farm, Old Ashford Road, Lenham

Tanyard Farm, as shown on the policies map, is allocated for development of approximately 155 dwellings at an average density of 30 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.

Design and layout

1. The hedgerow and line of trees along the northern and southern boundaries of the site will be retained and substantially enhanced by new planting in order to protect the setting of the Kent Downs AONB, and to provide a suitable buffer between new housing and the A20 Ashford Road and Old Ashford Road.
2. The function of restricted byway KH433 is to be retained, and consideration given to the safety of future users and occupiers of the development.
3. The development proposals shall be designed to maintain existing vistas and views of the Lenham Cross from Old Ashford Road, through the site and along PROW KH433.
4. 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. Development proposals will be of a high standard of design and sustainability reflecting the location of the site as part of the setting the Kent Downs AONB incorporating the use of vernacular materials.
5. 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.

Access

6. Access will be taken from Old Ashford Road only.

Noise

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

Highways and transportation

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7 . Detailed site allocation policies for housing

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8. Extension of the 30 mph limit on the Old Ashford Road to the site and extension of the footway on the northern side of the road.

Policy H1(43) Glebe Gardens, Lenham

Policy H1 (43)

Glebe Gardens, Lenham

Glebe Gardens, as shown on the policies map, is allocated for development of approximately 10 dwellings at an average density of 23 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.

Design and layout

1. The line of trees along the southern and eastern boundaries of the site will be enhanced in order to protect the setting of the Grade II listed Tanyard Farmhouse.
2. The pond in the north of the site will be enhanced as part of the development of the site.
3. Development will be subject to the results of an archaeological pre-determination assessment.

Access

4. Access will be taken from Glebe Gardens only.

Highways and transportation

5. Improvements to footpath KH399 that runs adjacent to the southern boundary of the site, connecting St Mary's Church to Tanyard Farm.

Policy H1(44) Howland Road, Marden

Policy H1 (44)

Howland Road, Marden

Howland Road, as shown on the policies map, is allocated for development of approximately 44 dwellings at an average density of 18 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.

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Appendix F . Site allocation plans



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Maldstone Borough Council | Maldstone Borough Local Plan - Publication (Regulation 19) February 2016
(Web Version)

Appendix 2

Maidstone Borough Council

Nathan Anthony
Lee Evans Planning
St Johns Lane
Canterbury
CT1 2QQ

Alison Broom
Chief Executive
Maidstone House
King Street
Maidstone
ME15 6JQ
T 01622 602000
E Minicom 01622 602224
W www.maidstone.gov.uk

Date: 14 April 2015
My ref: 14/506274/PAMEET
Your ref: LTR/P03460/2/NA

14 MAY 2015

Dear Mr Anthony,

SITE: Tanyard Farm, Old Ashford Road, Lenham, Kent, ME17 2DH
PROPOSAL: Pre-app - Residential Development of 155 dwellings

Thank you for your enquiry dated 5/12/2014 seeking planning advice for the aforementioned development proposal. Thank you also for your payment. Following our meeting on 06/02/2015 I would make the following comments regarding the pre-application proposal.

Site

The proposal site is located outside the defined settlement boundary of Lenham as shown on the Maidstone Borough-Wide Local Plan 2000, although it is located on the eastern edge of extended village boundary, between the doctors and community centre site and a triangular shaped employment site which is designated an economic development site in the local Plan under policy ED2 (xxvii). The site is also sandwiched between the A20 (Ashford Road) and the Old Ashford Road. The site is designated a Special Landscape Area (ENV24) as is the north of the site on the other side of the A20. The countryside opposite the site forms the lower section of the North Downs and is also designated as the Kent Downs Area of Outstanding Natural Beauty. The area to the north and south of the site mainly constitutes open countryside.

Background information

The application site has been included within the Maidstone Borough Local Plan Regulation 18 Consultation 2014 document under Site reference H1 (29) and has been recommended for future residential development for an approximate yield of 155 units subject to certain criteria, including;

1. The hedgerow and line of trees along the northern and southern boundaries of the site will be enhanced in order to protect the setting of the Kent Downs AONB, and to provide a suitable buffer between new housing and the A20 Ashford Road and Old Ashford Road.
2. The function of restricted byway KH433 is to be retained, and consideration given to the safety of future users and occupiers of the development.
3. Access will be taken from Old Ashford Road only.
4. Development will be subject to the results of a phase one ecological survey.

5. Development will be subject to a noise survey to determine any necessary attenuation measures in relation to the A20 Ashford Road.
6. Provision of publicly accessible open space as proven necessary, and/or contributions.
7. Appropriate contributions towards community infrastructure will be provided, where proven necessary.
8. Contributions will be sought towards extending the 30mph speed limit to the site access.

The Site Allocations have recently been reviewed by Scrutiny Committee followed by Cabinet where the subject site received support and has been recommended for inclusion in the Local Plan, subject to the following amendments / inclusions;

1. Views to be provided through the site from the south towards the North Downs, with particular reference made to a view of the chalk cross located on the Downs.

Proposal

Outline permission for 155 residential units with layout and access considered at this stage and all other matters reserved for future consideration. The pre-application documents also included a draft layout plan which we discussed during our meeting which I will also provide comments on. Four new access points are proposed off the Old Ashford Road with a fifth access proposed off Groom Way.

Considerations

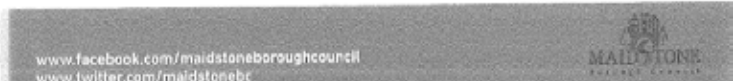
As stated above the proposal site is located within the draft Local Plan however this document can only be afforded limited weight at present as it remains in the early stages of adoption. Notwithstanding the limited weight afforded to the draft Plan it is worth noting that this document does advise that outside of the town centre and urban area, rural service centres (RSC) are considered the most sustainable settlements in Maidstone's settlement hierarchy and the primary aim is to direct development towards rural settlements that can best act as service centres for their local population and surrounding rural communities. Lenham is classified as a RSC in the draft Plan and states as follows:

'Lenham has the key services and community facilities expected of a rural service centre. The village performs the best in terms of education facilities, with a primary school and nursery school located on the same site, and as the only village to have a secondary school within the village boundary. Transport links to Maidstone and other retail and employment centres by bus and rail are good. There is a local aspiration for housing development in the village to sustain the thriving village centre and local businesses in general. The need for housing is centred on young people to ensure long term sustainability'.

As the draft Local Plan is in the early stages of adoption the proposal would currently remain to be assessed under the Local Plan 2000 and the National Planning Policy Framework.

As I am sure you are aware Maidstone Borough Council is currently failing to meet the requirements of the Framework in respect of housing land supply. This is not disputed, however, it is still necessary to determine whether the proposal represents sustainable development in accordance with the NPPF.

The site is defined as being within the open countryside under Policy ENV28 of the Maidstone Borough Wide Local Plan 2000. Policy ENV28 seeks to prevent development which would harm the character and appearance of the area or the amenities of surrounding occupiers, and confines development to certain listed exceptions. The proposal in this case is not within one of the Policy exceptions. The proposal is therefore contrary to the provisions of Policy ENV28. However, as the Council is currently unable to demonstrate a five year supply of



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housing, in accordance with Paragraph 49 of the NPPF, Policy ENV28 is out of date, insofar as it applies to the supply of housing.

In such circumstances, the proposal fails to be considered under Paragraph 14 of the Framework which at its heart is a presumption in favour of sustainable development.

In terms of the sustainability the site is deemed to be located in a relatively sustainable location on the edge of the existing village in proximity (walking distance) to the local schools, shops, doctor's surgery, community centre and train station. In addition there is a regular bus service from the village and the A20 going into Maidstone and Ashford centres. The site is therefore considered to represent a sustainable location in accordance with the NPPF and the future occupants of the site would likely enhance and maintain the vitality of the village.

Clearly, the Local Planning Authority will have to come to a view at the time of any submission by balancing all considerations, however, you will be expected to make a robust case for development to come forward in advance of the new Local Plan.

Layout

You have provided an indicative layout plan which has been reviewed by the Kent Design Panel and we discussed various aspects of the proposed layout during our meeting. Generally the proposed layout was deemed to be acceptable and on the right track.

The application site is a rectangular parcel of land of some 5.2ha and a fairly uniform street pattern is considered acceptable in this location and would complement the shape of the plot, even though the site is located within the open countryside. A strong landscaping scheme would assist in reducing the urban character of the layout.

We discussed the potential of relocating the open space proposed in the western section of the site closer toward the western edge / proposed entrance of the site to compliment the existing landscaping in the immediate area along Groom Way. On initial review the levels of open space appear acceptable however you are advised to review the Open Space DPD (2006). The larger section of open space in the eastern section of the site would form a good central space at the apex of the main access to the site. The inclusion of street tree planting along this access road would enhance the approach into the site. This central open space could be improved by fronting the buildings located to the east onto this area which would also improve the natural surveillance of this area. A focal building (subject to an acceptable height, form and design) would work well on the northern edge of the open space due to the prominent location and views through the site.

During our meeting we also discussed locating appropriate building forms / designs on the edge of the site and adjacent to the new pedestrian and vehicular access routes. This could be achieved by utilising double frontage design and reducing the scale of the roofs at these locations, for instance utilising simple hipped roofs.

The layout as presented has been divided into two sections by virtue of the existing PROW which dissect the site from north to south. The PROW should be preserved therefore the initial proposals are supported in this regard and show the PROW would be enhanced by a new planting corridor along the edge. During our meeting however we did discuss the potential for allowing vehicle access across the PROW to reduce the number of dead-end roads and increase the permeability of the site. If this option is selected the road material across the PROW would be crucial to creating a safe and usable shared space for pedestrians and vehicles and a road safety audit would be required. Traffic calming measures could also be introduced within this section of the site. Any dead-end roads should be softened with

robust landscaping. Measures would need to be introduced on the PROW to ensure vehicle access is restricted to the proposed crossing points only and the landscaping along the edge of the footpath would need to be included in the landscape management plan. Early discussions with KCC PROW are advised to address ownership and the future management of the sections of the PROW affected by the development.

In design terms the three secondary accesses proposed from the Old Ashford Road are considered acceptable as they would enable a layout which would achieve a strong frontage where the houses address the Old Ashford Road. One negative point to this type of layout is the level of hardsurfacing which would be required. As discussed during our meeting the landscaping scheme along this frontage would be important to soften the appearance of the hard surfacing. We also discussed providing individual or shared access for the properties fronting Old Ashford Road and while this approach may be acceptable from a design perspective I would advise you seek further advice from KCC Highways before this option is progressed any further. The access off Groom Way is acceptable in design terms and I would recommend consulting with KCC Highways as regard to highways safety and capacity assessments.

Visual Impact

Development of the site would undoubtedly have a visual impact upon the immediate area and views of the site would be afforded from the Pilgrims PROW located on the North Downs. It is advisable that the scale of buildings reflects that of neighbouring properties located to the east and west of the site. As discussed during our meeting building heights should be no more than 2.5 storeys.

I appreciate that the proposal is for outline only with layout and access to be considered, and more information would be required to fully appreciate the full visual impact of the proposal including the heights, scale, appearance and detailing, in particular rooflines, fenestration patterns and choice of materials and the level of hardstanding and soft landscaping proposed.

Ecology

A Phase 1 Habitat Survey of the site will need to be undertaken and if this reveals the need for further survey work this must be provided with any application. Proposals should look to incorporate biodiversity in and around the development and provide enhancements in accordance with the NPPF. The draft Site Allocation details for this site also require that substantial additional landscaping should be provided on the north and east boundary of the site. Further details will be provided in the Landscape section of this letter.

Other matters

The Councils Affordable Housing DPD (2006) requires a 40% provision with the affordable rent/shared equity split 60/40. You are advised that it would be likely that there would be a 30% provision in line with emerging policy. I appreciate the emerging policy is based on a recent viability study commissioned by the council in 2013 taking into account other policy requirements, however this is generalised (not site specific), and in view of the current Development Plan position, you would need to demonstrate that 40% is not achievable (and what level is achievable) for this development through a full viability appraisal or an appraisal that has close regard to the Viability Report 2013 by Brett for this specific site.

As regard to the affordable housing mix the council housing department are currently working on the following percentages for affordable housing units for sites that are able to provide a range of unit sizes:

Affordable Rented Units (60%)
1-Beds (35%), 2-Beds (30%), 3-Beds (25%), 4-Beds (10%)

Shared Ownership Units (40%)
1-Beds (20%), 2-Beds (50%), 3-Beds (30%)

Further information can be obtained from the council's housing department.

An open space contribution would be required in accordance with the Council's Open Space DPD (2006). Page 11 of the DPD sets out the level of open space required.

You are advised to liaise with Kent County Council regarding community and highways contributions and the NHS with respect to health care. You should establish such contributions prior to any submission and ideally provide a draft bilateral agreement with any application.

Reports for Application

Along with the standard validation requirements, reports expected to be submitted with any application should include:

Planning Statement; Design and Access Statement; Transport Statement; Phase 1 Habitat Survey & any further recommended surveys / mitigation; Flood Risk Survey & Sustainable Drainage Strategy; Noise Assessment; CHS Assessment; Affordable Housing Statement; Statement of Community Involvement; Draft S106 Agreement.

I strongly advise you to liaise with the local community including Ward Members and Parish Council in advance of any application.

Summary

The application site has been agreed at Cabinet as having the potential to accommodate 155 units as set out in policy H1 (29) and will proceed to Regulation 19 Stage of the draft Local Plan process. The principle of residential development on this site is therefore accepted subject to a high standard of design and criteria as set out above including the criteria set out in emerging policy H1 (29).

The advice given above does not indicate any formal decision by the Council as Local Planning Authority. Any views or opinions are given in good faith and to the best of ability, without prejudice to the formal consideration of any planning application. The final decision on any application that you may make can only be taken after the Council has consulted local people, statutory consultees and any other interested parties. The final decision on an application will then be made by senior officers or by the Council's Planning Committee and will be based on all of the information available at that time.

The advice will be carefully considered in reaching a decision or recommendation on any resulting application; subject to the proviso that circumstances and information may change or come to light that could alter that position. It should be noted that the weight given to pre-application advice notes will decline over time.

Yours sincerely



for Head of Planning and Development

Case Officer: Andrew Jolly
t 01622 602149

Appendix 3

Lee Evans Planning
St John's Lane
Canterbury
Kent
CT1 2QQ



8 August 2016

PLANNING DECISION NOTICE

APPLICANT:	Lee Evans Planning
DEVELOPMENT TYPE:	N/A
APPLICATION REFERENCE:	16504855/ENVSCR
PROPOSAL:	EIA Screening Opinion for the erection of 155no. Dwellings with associated garages, parking, access, open space and landscaping at land north of Old Ashford Road, Lenham
ADDRESS:	Land North Of Old Ashford Road Lenham Kent

The Council hereby adopts the opinion that an Environmental Impact Assessment for the above proposal is NOT REQUIRED for the proposed development.

Yours faithfully

R. J. Jarman

Rob Jarman
Head of Planning Services
Maidstone Borough Council

MKPS – Working in Partnership with Maidstone Borough Council
Please Note: All planning related correspondence for MBC should be sent to:
Mid Kent Planning Support, Maidstone House, King Street, Maidstone ME15 6JQ
Tel: 01022 602730 email: planningssupport@midkent.gov.uk
Access planning services online at: www.maidstone.gov.uk or submit an application via
www.planningportal.gov.uk

Appendix 4

SHEDLAA Appendix B: Employment and mixed use site assessments

1. SITE INFORMATION	
Reference Number	MX-11
Site name/address	Tanyard Farm, Old Ashford Road, Lenham
Landowner	Client – John Bailey
Agent	Nathan Anthony, Lee Evans Planning
Greenfield/PDL	Greenfield
Proposed uses (sqm)	100% Housing: 160 – 170 dwellings (based on 30dph) Housing and offices: split to be agreed. The site could accommodate up to up to 17,000sqm of office floorspace. Submission states that there is also some potential for community uses in conjunction with housing and/or offices.
Site area (ha)	5.2
Is the site urban, adjacent to urban, rural settlement or rural	Rural adjacent to RSC - Site is beyond, and does not adjoin the Lenham village boundary defined in the Maidstone Borough wide Local Plan.
Site origin (e.g. Call for Sites)	Call for Sites
2. SITE ASSESSMENT/SUITABILITY	
Site description (including topography and surrounding land uses)	The site comprises an open rectangular agricultural field. The site lies between the A20 to the north and Old Ashford Road to the south. To the west is the development comprising Lenham Community Centre and Medical Centre which is accessed by Groom Way which runs parallel to the site's western boundary. To the east are 2 residential properties fronting Old Ashford Road with a field to the rear. Further beyond this to the east are the industrial buildings of the Ashill Business Park. Along the northern boundary is a narrow tree and shrub belt which separates the site from the A20 beyond. To the south the site is bounded by a low hedge which is interrupted at the point where a permissive path bisects the site in a north/south direction. Beyond the site the path crosses the A20 and extends northwards up the slope of the Kent Downs. There is a hedge along the eastern boundary of the site and a hedge/fence boundary along the west. The site falls slightly from north to south.
Current use	Agricultural land.
Adjacent uses	Small scale residential immediately to the east, and beyond that Ashill Business Park, and a mix of residential and community uses to the west. To the south of Old Ashford Road are open agricultural fields and a woodland area to the east of Tanyard Farm. North of A20 are further agricultural fields on the southern slopes of the Kent Downs AONB.
Planning and other designations (e.g. AONB, MGB)	The site falls within the Special Landscape Area identified in the current Maidstone borough wide Local Plan.
Planning history	Planning history on the Eastern extremity of the site/adjacent site: 02/0067 - Part of Community Centre, Land off Old Ashford Road, LENHAM - Erection of doctor's surgery, detached bin store, 12 car parking spaces and means of access to Old Ashford Road was granted on 13/3/2002.

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SHEDLAA Appendix B: Employment and mixed use site assessments

	<p>01/1767 - Part Of Community Centre, Land Off Old Ashford Road, LENHAM - Erection of a two storey building to be used as a doctors surgery, together with the provision of 14 car parking spaces was withdrawn.</p> <p>00/1969 - Land r/o Northland, Old Ashford Road, LENHAM - Erection of community centre with parking and access onto Old Ashford Road was granted on 01/06/2001.</p> <p>00/1917 - Land r/o Northland, Old Ashford Road, LENHAM - Erection of 10No. dwellinghouses with parking, and access onto Ashford Road was granted on 1/06/2001.</p> <p>An application at Northland, immediately to the west of Groom Way, outside the defined village boundary, was approved for 12 dwellings at planning committee in January 2013 subject to the completion of a s106 agreement.</p>
Has site previously been considered in Local Plan Inquiry, if so, record Inspectors recommendation	<p>Yes - H2 - Housing Land Allocations: Land at Rear of Old Ashford Road, Lenham</p> <p>Issues: (a) Whether in principle Lenham is a location for new housing which would accord with the aims of sustainable development and of reducing the need to travel set out in PPG13. (b) Whether housing on this site would harm the character and appearance of the area; and if so (c) whether the need to meet the Structure Plan housing requirements or other benefits claimed for the development override any harm which might be identified.</p> <p>Recommendation: 4.470 Do not modify the Plan in response to this objection.</p>
Landscape/townscape impact – including reference to Landscape Character Assessment 2012 (inc. long distance views); cumulative landscape impact; existing screening	<p>Impact on AONB: – Boundary to north of A20. Would object to anything more than agricultural. Northern edge to A20 very sensitive.</p> <p>The site lies at the foot of the slope of the Kent Downs AONB. Although divided from the AONB by the A20, the site appears as a continuation of the AONB landscape in views from the Old Ashford Road from the south. The site would be seen in views from the North Downs Way (KH219) which runs along the Downs in an elevated position above the site and from KH389 which diagonally crosses the Downs slope above the site. Development would appear as a significant linear expansion of the village from these viewpoints. Immediate views of the site are gained from the restricted byway (KH388) which crosses the site and, from this same path, from the Downs.</p> <p>From A20 heading west there glimpsed views of the site itself and across the site towards the community centre complex and nearby residential properties which themselves currently constitute a definite edge to the village. Heading east along the A20 there are views across the site with the industrial buildings of the business park in the near distance which curtails further distant views. A grouping of mature trees in the grounds of the properties Lanrig and The Marvel and along the western</p>

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SHEDLAA Appendix B: Employment and mixed use site assessments

	<p>boundary of the business park also act to limit more extensive views beyond.</p> <p>Approaching from the east along Old Ashford Road, in addition to the views towards the AONB, there are views across the site towards the residential and community development in the vicinity of Groom Way. From the east the entrance to the village is marked by this line of development and also, to a lesser extent, by the woodland on the south of the road which is matched with a line of trees on the opposite, northern side of the road. These trees act as somewhat of a gateway to the village.</p> <p>The site is located within the East Lenham Vale area of the Landscape Character Assessment 2012. Key characteristics of this area include:</p> <ul style="list-style-type: none"> • Landscape to north of A20 is situated within the Kent Downs AONB • Series of springs and drains run south towards the Great Stour • Medium to large sized fields of arable and pasture • Field boundaries and roads run against and along the contours • Isolated farmsteads • Railway line cuts through landscape with arched brick underpasses <p>The condition assessment is <i>Good</i> and the sensitivity assessment <i>High</i>.</p> <p>The Guidelines for this area are to <i>Conserve</i>.</p>
Ecological impacts (inc. SSSI and local wildlife sites within or adjacent to site)	<p>Two arable fields which are surrounded by hedgerows. Reduced potential to contain protected/notable species - however as there is a pond within 20m there is a need to consider the impact any developments will have on GCN.</p> <p>Ecology Constraint Level 4 - minimal potential for ecological impacts - No obvious habitats or features on or near site with potential for protected/notable species.</p>
Trees (inc. TPO, ancient woodland within and adjacent to site)	<p>If development were to proceed, consideration should be given to the preservation of the trees fronting Old Ashford Road and to those along A20 which provide some visual screening of the site.</p>
Agricultural land quality	<p>The site is Grade 2 agricultural land.</p>
Heritage Impacts (Listed building, conservation area)	<p>Tanyard Farmhouse which faces the site on the south of Old Ashford Road, and set back some way from it, is Grade II listed.</p>
Archaeology (SAM etc.)	<p>The site contains several metal findspots and is adjacent to prehistoric and Romano-British activity sites located at the Lenham Community Centre complex. Scale 3 - Significant archaeology could be dealt with through suitable conditions on a planning approval.</p>
PROW (within or near site)	<p>KH433 (restricted byway) crosses the site.</p>

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	<p>North Downs Way (KH219) which runs along the Downs in an elevated position above the site.</p> <p>KH389 (footpath) which diagonally crosses the Downs slope above the site.</p> <p>KH399 (footpath) runs parallel and to the south of Old Ashford Road through the Tanyard farm complex.</p>
Access/highways	<p>Site located adjacent to existing residential properties in Lenham.</p> <ul style="list-style-type: none"> • Site access • Impact on wider highway network • Access to strategic/main highway network • Availability of public transport, cycling, walking <p>Site located adjacent to existing residential properties in Lenham.</p> <ul style="list-style-type: none"> • Potential for access from Old Ashford Road and/or the A20 Ashford Road, although KCC's preference would be for the principal vehicular access to be taken from Old Ashford Road to limit direct access to the strategic road network. • The site has been promoted for Housing and B1a uses. • The site is considered suitable for the uses proposed. It enjoys good access to the A20 via Old Ashford Road, which has a good crash record and a continuous footway link to Lenham village centre on its southern side. Consideration should be given to extending the footway on the northern side of Old Ashford Road and the 30mph speed limit to the site access. • All of the village services within Lenham are within walking and/or cycling distance of the site, including the railway station, which is served by hourly train services to Ashford, Bearsted, Maidstone, Bromley and London Victoria on weekdays. • The bus stops on Old Ashford Road are served by Bus Route 10, which provides an hourly service to Ashford, Charing, Harrietsham, Bearsted and Maidstone on weekdays. <p>There is an existing footway along the southern side of Old Ashford Road into Lenham village.</p>
Impacts on residential amenity (including access to open space) or other incompatible uses	<p>Housing only: there are residential properties nearby at Groom Way, and 2 properties fronting Old Ashford Road to the east of the site. If development were to proceed, it should be planned to avoid the close overlooking of these properties.</p> <p>Housing and offices: issues are as above. Offices (B1) is a use which would be compatible with adjacent housing in terms of amenity impacts.</p>
Availability of Utilities infrastructure - e.g. (water/gas/electricity)	<p>The site is close to existing development in Lenham. There is no evidence that connection to services would be a constraint on development.</p>
Access to labour supply and distances to services for workforce such as shops/bus stops (include GP/schools if proposal is for mixed use residential)	<p>The site is within walking distance (approximately 0.35km) of Lenham Square which provides a range of shops and facilities. Lenham itself benefits from a primary and secondary school as well as the medical centre and community centre (next to the site) and railway station (connections to Ashford and London).</p>
Air quality/noise	<p>Not in AQMA or hotspot.</p>
Land contamination	<p>None known</p>

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Flood Risk (zone/drainage)	Surface runoff from all sites should be managed using sustainable drainage techniques, with discharge restricted to no more than runoff from the existing site following the critical rainfall events for a range of return periods, up to an including the 100yr event. An allowance for climate change should also be included the drainage design.
Will the sequential test apply to the proposed use?	The sequential test applies to offices. The NPPF indicates it should not be applied in the case of small scale rural offices (paragraph 25).
Suitability conclusion	<p>Site is exposed to short range views from A20, Old Ashford Road and the restricted byway which crosses the site and to longer distance views from the North Downs Way and other footpaths which cross the Downs.</p> <p>The site in its undeveloped form provides part of the setting of the North Downs, appreciable from a number of public vantage points outlined above. The relationship to the AONB is particularly apparent because of the open, expansive character of the site and the clear views across the gradually rising ground towards the scarp slope of the AONB. The careful siting and landscaping of development would be required to mitigate impacts on the setting of the AONB.</p> <p>Development here would constitute a logical extension to the village. The site is immediately adjacent to the existing built up area of the village and is particularly well located relative to the community centre, medical centre and village square.</p> <p>It is considered that this site is suitable for residential development. An element of small scale commercial development (offices, small scale workshops) would also be appropriate as part of a mixed use residential scheme.</p>

3. AVAILABILITY	
Is the whole site (including access) available for the proposed use: e.g. <ul style="list-style-type: none"> No existing uses Willing landowner Willing developer Existing tenancy or lease agreement 	The landowner is promoting the site for development. The submission states there has been previous developer interest in the site.
Availability conclusion	The site is available.

4. ACHIEVABILITY	
Identification of any abnormal costs or other constraints to development which would prevent or delay this site being delivered	None identified
Market attractiveness (of proposed uses, site and location)	The site is in an edge of village location close to the A20. There is nearby commercial development at Ashill Business Park, indicating that there could be market interest in this

	location for small scale employment uses in association with housing.
Achievability conclusion	Development is considered achievable.

Timing (following assessment – when could the site be delivered?)	
now – 2016	x
2017 – 2021	
2022 – 2026	
2027- 2031	

5. CONCLUSIONS
This site is considered appropriate for residential development and could also deliver some small scale office/workshop floorspace as part of a mixed use scheme if appropriate. The site could deliver up to 155 new homes (at a development density of 30dph).
ACCEPT
Approximate Yield: 155 dwellings

Appendix 5

1. Site Information		
Number (linked to GIS database)	HO3-188	
Site name/address	Land parcel A at Tanyard Farm, Old Ashford Road, Lenham	
Site area (ha)	5.22ha	
Approximate yield	156	
Proposed no. of pitches	N/A	
Site description	<p>The site comprises a rectangular agricultural field. The site lies between the A20 to the north and Old Ashford Road to the south. To the west is the development comprising Lenham Community Centre and Medical Centre which is accessed by Groom Way which runs parallel to the site's western boundary. To the east are 2 residential properties fronting Old Ashford Road with a field to the rear. Further beyond this to the east are the industrial buildings of the Ashill Business Park.</p> <p>Along the northern boundary is a narrow tree and shrub belt which separates the site from the A20 beyond. To the south the site is bounded by a low hedge which is interrupted at the point where a permissive path bisects the site in a north/south direction. Beyond the site the path crosses the A20 and extends northwards up the slope of the Kent Downs. There is a hedge along the eastern boundary of the site and a hedge/fence boundary along the west.</p>	
Current use	Agricultural land	
Adjacent uses	Small scale residential immediately to the east, and beyond that Ashill Business Park, and a mix of residential and community uses to the west. To the south of Old Ashford Road are open agricultural fields and a woodland area to the east of Tanyard Farm. North of A20 are further agricultural fields on the southern slopes of the Kent Downs AONB.	
2. Sustainability Appraisal		
SA Topic: Community wellbeing		
Accessibility to existing centres and services:		
Appraisal Question	Criteria	Answer/Evidence
How far is the site from the Maidstone Urban Area or a Rural Service Centre?	<p>R = Not adjacent to the Maidstone Urban Area, or a rural service centre and would not be more accessible to services even if other sites were allocated</p> <p>A = Adjacent to the Maidstone Urban Area or a rural service centre, or could be more accessible to services if other sites allocated as well</p> <p>G = Within the Maidstone Urban Area or a rural service centre</p>	A = Adjacent to the Maidstone Urban Area or a rural service centre, or could be more accessible to services if other sites allocated as well
How far is the site from the nearest medical hub or GP service?	<p>R = >600m</p> <p>A = 400m – 800m</p> <p>G = <400m</p>	G = The site is 49m from the nearest medical hub/GP.

How far is the site from the nearest secondary school?	R = >3900m A = 1600-3900m G = <1600m;	G = The site is 943m from the nearest secondary school.
How far is the site from the nearest primary school?	R = >1200m A = 800-1200m G = <800m;	G = The site is 756m from the nearest primary school.
How far is the site from the nearest post office?	R = >800m A = 400m – 800m G = <400m	G = The site is 391m from the nearest post office.
Accessibility to outdoor facilities and greenspace:		
Appraisal Question	Criteria	Answer/Evidence
How far is the site from the nearest outdoor sports facilities (i.e. playing pitch, tennis courts)?	A = >1.2km G = <1.2km	G = The site is 581m from the nearest sports facility.
How far is the site from the nearest children's play space?	A = >300m from 'neighbourhood' children's play space G = <300m	A = The site is 696m from the nearest play space.
How far is site from the nearest area of publicly accessible greenspace (>2ha in size)?	A = >300m (ANGST) G = <300m	A = The site is 464m from the nearest greenspace.
SA Topic: Economy		
Appraisal Question	Criteria	Answer/Evidence
How accessible is the site to local employment provision (i.e. employment sites or the nearest local service centre?)	R = >2400m A = 1600-2400m G = <1600m	G = The site is 100m from the nearest employment site. G = The site is 323m from a service centre.
Will allocation of the site result in loss of employment land/space?	R = Allocation will lead to significant loss of employment land/space A = Allocation will lead to some loss of employment land/space G = Allocation will not lead to the loss of employment	G = Allocation will not lead to the loss of employment land/space.

	land/space	
Will allocation of the site result in employment-generating development in or close to (~2400m) deprived areas?	<p>A = Not within or close to the 40% most deprived Super Output Areas within the country, according to the Index of Multiple Deprivation, 2010.</p> <p>G = Within or close to the 40% most deprived Super Output Areas within the country.</p>	N/A
SA Topic: Transport and Accessibility		
Appraisal Question	Criteria	Answer/Evidence
How far is the site from the nearest bus stop?	<p>R = >800m</p> <p>A = 400 - 800m</p> <p>G = <400m</p>	A = The site is 693m from the nearest bus stop.
How far is the site from the nearest train station?	<p>R = >800m</p> <p>A = 400 - 800m</p> <p>G = <400m</p>	R = The site is 1127m from the nearest train station.
How far is the site from the nearest cycle route?	<p>R = >800m</p> <p>A = 400 - 800m</p> <p>G = <400m</p>	R = The site is 944m from the nearest cycle route.
SA Topic: Air quality and causes of climate change		
Appraisal Question	Criteria	Answer/Evidence
Are there potential noise problems with the site – either for future occupiers or for adjacent/hearby occupiers arising from allocation of the site?	<p>A = Potential adverse impact</p> <p>G = Unlikely adverse impact</p> <p>N = No information available at this stage</p>	G = Unlikely adverse impact.
Is the site within or near to an AQMA?	<p>R = Within or adjacent to an AQMA</p> <p>A = <1km of an AQMA</p> <p>G = >1km of an AQMA</p>	G = >10km of an AQMA
SA Topic: Water resources and quality		
Not addressed by the Pro Forma. Development management policies will address this issue.		
SA Topic: Land use, landscape and the historic environment		

Land Use:		
Appraisal Question	Criteria	Answer/Evidence
Will allocation of the site lead to loss of the best and most versatile agricultural land?	A = Includes Grade 1, 2 or 3 agricultural land G = Does not include 1, 2 or 3 agricultural land	A = Includes Grade 1, 2 or 3 agricultural land.
Will allocation of the site make use of previously developed land?	R = Does not include previously developed land A = Partially within previously developed land G = Entirely within previously developed land	R = Does not include previously developed land.
Landscape, townscape and the historic environment:		
SA Objective 7: To create and sustain vibrant, attractive and clean communities SA Objective 14: To protect, enhance and make accessible for enjoyment, the Borough's countryside, open space and historic environment		
Appraisal Question	Criteria	Answer/Evidence
Is the allocation of the site likely to impact upon a Scheduled Ancient Monument (SAM)?	A = On a SAM OR Allocation will lead to development adjacent to a SAM with the potential for negative impacts G = Not on or adjacent to a SAM and is unlikely to have an adverse impact on a nearby SAM.	G = Not on or adjacent to a SAM and is unlikely to have an adverse impact on a nearby SAM.
Is the allocation of the site likely to impact upon a listed building?	A = Contains or is adjacent to a listed building and there is the potential for negative impacts. G = Not on or adjacent to a listed building and is unlikely to have an impact on a nearby listed building.	G = Not on or adjacent to a listed building and is unlikely to have an impact on a nearby listed building.
Is the allocation of the site likely to impact upon a Conservation Area?	A = Within or adjacent to a Conservation Area and there is the potential for negative impacts. G = Not within or adjacent to a Conservation Area and is unlikely to have an impact on a nearby listed building.	A = Within or adjacent to a Conservation Area and there is the potential for negative impacts. This issue would need to be investigated in more detail through the pre-application and planning application processes, if the site was considered suitable and allocated for development in the Local Plan
Does the site lie within an area with significant archaeological features/finds or where potential exists for archaeological features to be discovered in the future?	A = Within an area where significant archaeological features are present, or it is predicted that such features could be found in the future. G = Not within an area where significant archaeological features have been found, or are likely to be found in the future.	G = Not within an area where significant archaeological features have been found, or are likely to be found in the future.

	N = No information available at this stage	
Is the site located within or in proximity to and/or likely to impact on the Kent Downs AONB?	A = In close proximity to the Kent Downs AONB and/or there is the potential for negative impacts. G = Not in close proximity to the Kent Downs AONB and/or negative impacts on the AONB are unlikely.	A = In close proximity to the Kent Downs AONB and/or there is the potential for negative impacts.
Is the site in the Green Belt? If so, is the allocation of the site likely to cause harm to the objectives of the Green Belt designation?	A = Within or adjacent to the Green Belt and development could potentially cause harm to the purposes of the Green Belt designation and/or its openness G = Not within or adjacent to the Green Belt	G = Not within or adjacent to the Green Belt.
Would development of the site lead to any potential adverse impacts on local landscape character for which mitigation measures appropriate to the scale and nature of the impacts is unlikely to be achieved?	R = Likely adverse impact (taking into account scale, condition and sensitivity issues), which is unlikely to be appropriately mitigated A = Likely adverse impact (taking into account scale, condition and sensitivity issues), which is likely to be appropriately mitigated G = Opportunity to enhance landscape character or there is unlikely to be an adverse impact	A = The site forms part of the setting to the landscape of the Kent Downs AONB. The Landscape Character Assessment (2012) assessed the area/site as having moderate condition and very high sensitivity.
SA Topic: Flood Risk		
Appraisal Question	Criteria	Answer/Evidence
Is allocation of the site within a flood zone?	R = Flood risk zone 3b A = Flood risk zone 2 or 3a G = Flood risk zone 1	G = Flood risk zone 1.
Is the proposed use of the site appropriate in terms of guidance set out in the 'Technical Guidance to the NPPF' relating to flood risk? See table 3 (page 8) of the technical guidance.	R = Development should not be permitted A = Exception test is required G = Development is appropriate	G = Development is appropriate.
SA Topic: Biodiversity and Green Infrastructure		
Appraisal Question	Criteria	Answer/Evidence
Is the allocation of the site likely to impact upon an Ancient Woodland (AW) or Ancient Semi-Natural Woodland (ASNW)?	R = Includes AW/ASNW A = <400m from an AW/ASNW	G = The site is 796m an AW/ASNW.

	G = >400m	
Is the allocation of the site likely to impact upon a Site of Special Scientific Interest (SSSI)?	A = Potential impacts identified by County Council Ecologist G = No likely impacts identified at this stage	G = No likely impacts identified at this stage.
Is the allocation of the site likely to impact upon a Local Wildlife Site (LWS) or Local Nature Reserve (LNR)?	A = Potential impacts identified by County Council Ecologist G = No likely impacts identified at this stage	G = No likely impacts identified at this stage.

Appendix 6

From: Katie Miller [mailto:Katie.Miller@kentdowns.org.uk]
Sent: 13 September 2016 17:22
To: John Showler; Lydia@ladellwood.co.uk
Subject: RE: Site at Old Ashford Road, Lenham (Scanned by ADM Mail Safe)

Dear John and Lydia

Many thanks for your continued involvement of the Kent Downs AONB Unit on the proposal at Old Ashford Road, Lenham and for sending me the LVA for the site.

As you are aware the AONB Unit has consistently objected to the development of this site, as it is considered that development here would have an adverse impact on the setting of the Kent Downs AONB, due to the scale of development, the site's proximity to the AONB boundary and visibility of the site from the AONB, including the North Downs Way national trail.

We recognise that the proposal that has been put forward by Rogate seeks to address these issues and incorporates much in the way of mitigation to help ameliorate the impact on the AONB. The Kent Downs AONB Unit welcomes the proposed mitigation measures, in particular the incorporation of mature 4 to 6 metre high trees along the site's frontage with the A20, substantial tree planting throughout the site, including a wide band running east to west through the centre of the site, advanced planting of the structural landscaping along the site frontage, limiting the height of development to no greater than two stories and careful consideration of materials.

You also undertook to liaise with the adjacent landowner to establish whether it would be feasible to provide additional planting to help mitigate the impacts of the adjacent employment units to the east of the site in views from the Kent Downs AONB.

We do however remain concerned that notwithstanding the best intentions of Rogate, the hybrid nature of the application provides insufficient clarity and certainty that the setting of the Kent Downs AONB would be adequately protected in a subsequent detailed submission for the outline part of the site.

As discussed, in the event of a scheme on this site coming forward, the AONB Unit would like to see the following included in a S106 Agreement:

- A financial contribution towards the upkeep of Public Rights of Way in proximity to the site. I will liaise with the PRoW team to establish appropriate works and approximate costs.
- The structural tree planting throughout the site to be provided in areas outside of private ownership and that these are to be retained in perpetuity and maintained in accordance with a specified schedule to include replacement of any failures and specification of trees of a certain size.
- A commitment to the planting along the northern boundary of the site taking place in advance of development commencing.

I hope this accurately reflects our discussions.

Kind regards

Katie

Katie Miller
Planning Manager

Kent Downs AONB
West Barn, Penstock Hall Farm
Canterbury Road
East Brabourne
Ashford
TN25 5LL

Tel: 01303 015170

www.kentdowns.org.uk

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www.kentdowns.org.uk/announcements/kent-downs-aonb-newsletter

Appendix 7

LOCATION	CITY/TOWN CENTRE	EDGE OF CENTRE	SUBURBAN	SUBURBAN EDGE/VILLAGE/RURAL
ON-STREET CONTROLS	On-street controls preventing all (or all long stay) parking	On-street controls, residents' scheme and/or existing saturation (Note 3)	No, or very limited, on-street controls	No on-street controls, but possibly a tight street layout
NATURE OF GUIDANCE	MAXIMUM (Note 1)	MAXIMUM	MINIMUM (Note 6)	MINIMUM (Note 6)
1 & 2 BED FLATS	1 space per unit	1 space per unit	1 space per unit	1 space per unit
FORM	Controlled (Note 2)	Not allocated	Not allocated	Not allocated
1 & 2 BED HOUSES	1 space per unit	1 space per unit	1 space per unit	1.5 spaces per unit
FORM	Controlled (Note 2)	Allocation possible	Allocation possible	Allocation of one space per unit possible
3 BED HOUSES	1 space per unit	1 space per unit	1.5 spaces per unit	2 independently accessible spaces per unit
FORM	Controlled (Note 2)	Allocation possible	Allocation of one space per unit possible	Allocation of one or both spaces possible
4+ BED HOUSES	1 space per unit	1.5 spaces per unit	2 independently accessible spaces per unit	2 independently accessible spaces per unit
FORM	Controlled (Note 2)	Allocation of one space per unit possible	Allocation of both spaces possible (Note 7)	Allocation of both spaces possible (Note 7)
ARE GARAGES ACCEPTABLE? (Note 4)	Yes, but with areas of communal space for washing etc.	Yes, but not as a significant proportion of overall provision	Additional to amount given above only	Additional to amount given above only
ADDITIONAL VISITOR PARKING (Note 5)	Public car parks	Communal areas, 0.2 per unit maximum	On-street areas, 0.2 per unit	On-street areas, 0.2 per unit