

R1990

Supplementary Statement to Session 13A. Land adjacent to the Old Goods Yard, Lenham

Issue (i) -Whether the alternative site would be suitable, sustainable and deliverable.

Qn13.1 Does the site have any relevant planning history ?

Yes .An outline application for residential development (16/504691) was refused permission on 20th October 2016. The Council's reasons were (in summary) that it would seriously erode the openness of the countryside, resulting in severe harm; it would fail to conserve the natural beauty of the landscape; it was contrary to Policy ENV28, it conflicted with para.17 of the NPPF in that planning should recognise the intrinsic character and beauty of the countryside, the proposal failed to demonstrate it would not result in ecological harm and that there was no legal mechanism to mitigate harm and secure benefits.

Qn13.2 What is the site's policy status in the submitted Local Plan ?

It is outside the defined settlement boundary of Lenham, but not subject to any other policies.

Qn13.3 What is the site's policy status in any made or emerging neighbourhood plan

It forms part of a more extensive area of land, south of the railway line, which is identified for residential development in the Lenham Neighbourhood Plan.

Qn13.4 Is the site greenfield or previously developed (brownfield)land according to the definition in the glossary of the National Planning Policy Framework ?

It is greenfield land.

Qn13.5 What previous consideration by the Council has been given to the site's development (eg inclusion in a Strategic Housing and Economic Development Land Availability Assessment (SHEDLAA) and does the representor have any comments on its conclusions ?

The site was promoted in response to the Borough Council's Reg.18 consultation of October 2015.

The Council gave it the reference HO3-312 and provided the following assessment:

(i) it relates poorly to the existing pattern of built development of Lenham village; (ii) notwithstanding the fact that it adjoins a larger site granted permission on appeal in October 2015, there is a primary difference, namely that this site is a greenfield site; and (iii) this site is slightly more remote from existing village facilities than the adjoining land, coupled with the site relating poorly to the existing pattern of development in the village and that further encroachment into the countryside will occur. Overall, it is not suitable for development.

In answer to the question of whether development of the site would 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, the Council provided the following response.

“The assessment rated the site to have very high sensitivity. Officer comments state the site is detached from the existing development in Lenham due to the railway line . Development would therefore spread beyond the village boundary in a southerly direction with no clear visual link to the existing village pattern. There would be clear views of the site eroding the countryside when approaching from the south and also from the public rights of way to the east and across open fields.”

These arguments were made in respect of the adjoining site, which were rejected by the Inspector when she upheld the appeal (ref:3008336) and also awarded costs. Nevertheless, the Council is still doing its very utmost to prevent development here, despite the absence of landscape protection policies, together with the fact that its own consultants have identified this land south of the railway for development.

The site was the subject of a planning application, reference 16/504691. It was refused on 20th October 2016 on three grounds: (i) conflict with Policy ENV28 of the Adopted Local Plan, paragraph 15 of the NPPF and policies DM1 and DM24 of the submitted local plan; (ii) conflict with policy DM3 of the submitted local plan and (iii) failure to provide an appropriate legal mechanism to secure planning obligations.

That decision is to be appealed.

Qn13.6 What is the site area and has a site plan been submitted which identifies the site ?

The site has an area of 2.04ha.

A site plan is attached

Qn13.7 What type and amount of development could be expected and at what density.

The site plan is illustrative and shows a layout for 41 dwellings.

Qn13.8 When could development be delivered and at what rate ?

This site would comprise the second phase of development, following on from the permission for 65 units granted on appeal in 2015, on the adjoining site.

Discussions with a major house builder have indicated that both phase 1 (the 65 unit permission) and phase 2 (the 41 unit scheme) could be developed within 3-4 years.

Qn13.9 What evidence is there of the viability of the proposed development ?

The site is greenfield and in single ownership None of the consultants have identified problems that raise concerns about the site's viability.

Qn13.10 Has the site been the subject of sustainability appraisal and does the Representor have any comments on its conclusion ?

The URS Sustainability Appraisal of the Maidstone Local Plan March 2014 commented on the adjoining site that was subject of the successful appeal in 2015. It stated (in para. 12.11.7) that "The SA findings suggest that rejected site HO-11 performs comparably to the allocated sites."

Against this assessment, it is clear that the Council was unjustified in refusing permission on the (now permitted) site and the proposed Phase ii development.

Qn13.11 What constraints are there on the site's development and how could any adverse impacts be mitigated ?

Technical studies have addressed matters concerning infrastructure, and there were no reasons for refusal in these respects.

Work is on-going regarding ecological matters and the landowners' consultant is confident that the Council's concerns can be addressed before any appeal is held.