

<b>REFERENCE NO - 20/503651/FULL</b>		
<b>APPLICATION PROPOSAL</b> Construction of 6no. one bedroom tourist lodges (Resubmission of 19/500305/FULL).		
<b>ADDRESS</b> River Wood, Chegworth Lane, Harrietsham, Kent		
<b>RECOMMENDATION</b> – GRANT PLANNING PERMISSION subject to planning conditions		
<p><b>SUMMARY OF REASONS FOR RECOMMENDATION</b></p> <p>The provision of tourist lodge accommodation within rural locations such as this accord with Government guidance in the NPPF and adopted Local Plan policies which are supportive of the principle of holiday/tourism related development in the rural areas of the borough.</p> <p>The proposed tourist lodge development is modest in scale, both in terms of the number and size of the units and the number of guests that could be accommodated on the site. The site is well screened from public views by existing trees, hedgerows and woodland and the new proposed planting proposed will provide further screening.</p> <p>The access arrangements to and from the site are suitable for the modest scale tourist lodge development proposed. The access arrangements within the site make provision for vehicle parking and for vehicles to turn and enter and leave the site in a forward gear.</p> <p>With the measures outlined in this report (including the use of a cesspit), the potential for adverse impact on wildlife habitats both on the application site and within the adjoining woodland and Local Wildlife Site from the proposal is negligible.</p> <p>The application provides an opportunity to improve the Local Wildlife Site by re-introducing coppicing back into the woodland that is owned by the applicant. With a proposed wildlife area at the eastern end of the application site, the proposal provides an opportunity to provide new wildlife habitat and increase species diversity.</p> <p>The application does not raise any overriding issues of conflict with the relevant Government guidance in the NPPF (2019) or the policies in the adopted Maidstone Borough Local Plan (2017).</p>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Harrietsham Parish Council wish to see the planning application refused and request the application be reported to committee if officers are minded to approve for the reasons set out in paragraph 5.01 of this report.		
<b>WARD</b> Harrietsham and Lenham	<b>PARISH/TOWN</b> Harrietsham	<b>COUNCIL</b> <b>APPLICANT</b> Mr J Dixon <b>AGENT</b> Martin Potts Associates
<b>TARGET DECISION DATE</b> 04/03/21 (extended target date)		<b>PUBLICITY EXPIRY DATE</b> 04/11/20

**Relevant planning history**

- 19/500305/FULL “Change of use of land for the erection of 6no. one-bedroom tourist lodges” refused planning permission (committee decision) on the 31 October 2019 for the following reasons:
  - 1) (character and appearance of the countryside) The proposed development, including security fencing, access and parking infrastructure, external lighting and other domestic accoutrements, would represent an incongruous form of development and cause harm to the character and appearance of the countryside and the Len Valley Landscape of Local Value contrary to policies SS1, SP17, DM30 and DM38 of the Maidstone Borough Local Plan 2017.

- 2) (biodiversity value of the area) The proposed development by virtue of the activity of visitors, noise and disturbance and external lighting would have a harmful impact upon the biodiversity value of the area, in particular the adjacent woodland and designated Local Wildlife Site contrary to policies DM3 and DM8 of the Maidstone Borough Local Plan 2017.
  - 3) (quality of accommodation and amenity for future occupiers) The proposed development by virtue of noise and disturbance and air quality issues would provide poor quality of accommodation and amenity for future occupiers contrary to policies DM1 and DM6 of the Maidstone Borough Local Plan 2017.
- An appeal against the refusal of permission was considered by a Planning Inspector appointed by the Secretary of State. The appeal was allowed, with this decision made on the basis that there was a lack of sufficient information to assess the potential impact on ecology (further details below). The summarised conclusions of the Inspector in a decision letter dated 12 June 2020 are set out below (appeal decision letter also included as an appendix). The conclusions of the appeal Inspector are material to the consideration of this subsequent planning application.

#### **Reason for refusal 1: Character and appearance of the countryside**

- *"...due to its secluded nature ..., it is not open to notable public views beyond more distant glimpses through woodland from a footpath. As such, the sensitivity of the site in wider landscape terms is relatively low...In visual impact terms, the proposed lodges and associated development would be relatively modest in scale"*(Paragraphs 4 and 5).
- *"...in light of the nature of the development and the site, it's lack of impact on the wider landscape, and the potential for visual screening, a refusal of permission on the basis of its impact on the character and appearance of the area and the wider landscape is not justified and the proposed development is not judged to be contrary to the requirements of Policy SP17 of the Local Plan"* (Paragraph 6).
- *"Due to the secluded nature and screening provided by existing features on and close to the site, the proposal would not have wider landscape implications for the AONB, including on its setting"* (Paragraph 7).
- Inspector's conclusion: impact on the character and appearance of the countryside not justified as grounds for refusal.

#### **Reason for refusal 2: Impact upon the biodiversity value of the area**

- *"The woodland adjoining the appeal site forms part of a locally designated wildlife site... Notwithstanding the appellant's assessment that the site itself offers negligible wildlife and wider biodiversity value, by virtue of its position in relation to the woodland and the nature of the activity proposed, there is a likelihood that the development would have wider impacts on biodiversity, in particular local wildlife. It is therefore important that the proposal is supported by adequate information to effectively evaluate the impacts and conclude on the likely affects"* (Paragraphs 9 and 10).
- *"...by virtue of its position in relation to the woodland and the nature of the activity proposed, there is a likelihood that the development would have wider impacts on biodiversity, in particular local wildlife. It is therefore important that the proposal is supported by adequate information to effectively evaluate the impacts and conclude on the likely affects"* (Paragraph 11).
- *"...the information provided does not demonstrate that the proposal would not have a harmful effect on biodiversity. Consequently, I find conflict with policies in the Local Plan, in particular Policies DM3 and DM8 which includes requirements to incorporate measures into new developments to avoid direct or indirect adverse effects on sites of importance for biodiversity and a presumption against external lighting proposals close to local wildlife sites"* (Paragraph 16).

- Inspector's conclusion: insufficient information available as part of the appeal submission to properly assess the impact on the biodiversity value of the area.

**Reason for refusal 3: Quality of accommodation and amenity for future occupiers**

- Whilst the Inspector noted "*The Council's concerns relating to the standard of accommodation that would be provided given the proximity of the proposed development to the motorway...*", the Inspector highlighted that "*...the proposed accommodation would be temporary*" (Paragraph 17).
- The Inspector concluded "*...the proposal would not have a harmful effect on future occupants of the proposed lodges in terms of noise disturbance and air quality. As such, I do not find conflict with policies in the Local Plan including DM1 and DM6 in relation to standards of accommodation and air quality*" (Paragraph 18).
- Inspector's conclusion: The reason for refusal on the grounds of air quality and noise and disturbance was unjustified due to the limited evidence available to support the Council's reason for refusal.

Fig 1: Application site context.



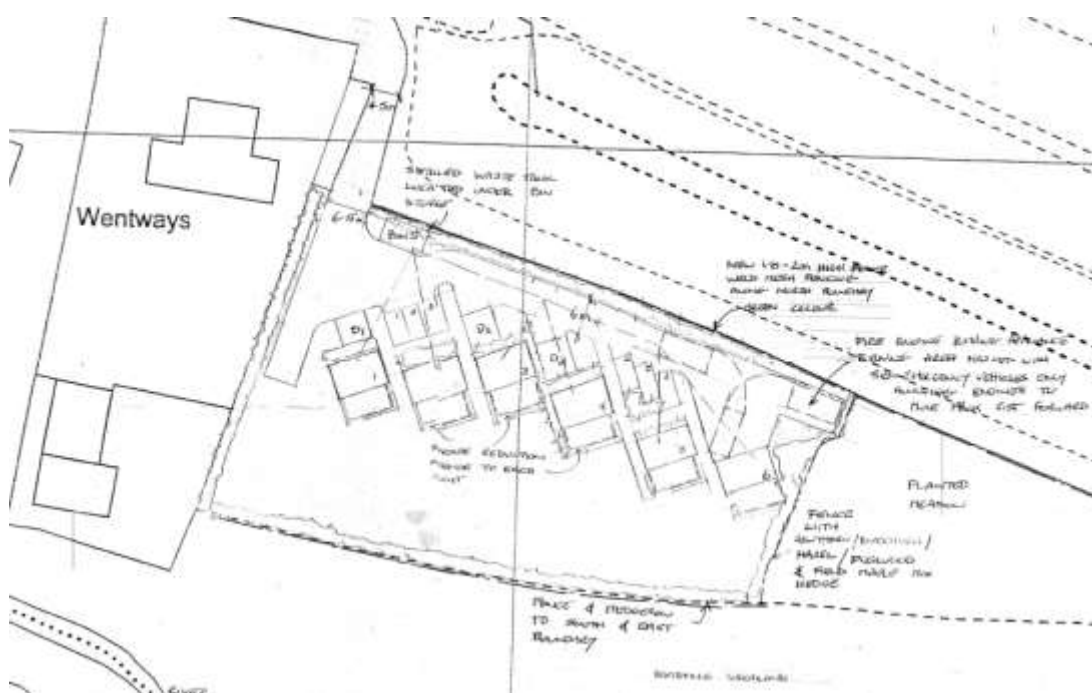
**MAIN REPORT**

**1. DESCRIPTION OF SITE**

- 1.01 The application site is located in the countryside between Harrietsham (Harrietsham Primary School 0.5 miles to the east) and Leeds Castle (0.9 miles to the west). The triangular parcel of land, assessed via Chegworth Lane, is in a secluded location at the end of a single track, unsurfaced lane.
- 1.02 The site is located adjacent to a cluster of existing residential dwellings that include the applicant's home (The Nursery). The property called 'Wentways' is located immediately to the west of the application site with The Nursery immediately beyond 'Wentways'.
- 1.03 The 30 metre wide, M20 motorway embankment which is heavily planted with dense trees and shrubs is located along the northern application site boundary. The railway line and the A20 (Ashford Road) are located further north beyond the elevated M20 carriageway.

- 1.04 The application site itself is currently open in character consisting of mown grassland, there are no trees on the site. An area of woodland and the River Len running generally parallel to the application site boundary (between 24-68 metres from the boundary) are located to the south and east of the application site.
- 1.05 Whilst outside the red line application boundary, a large part of the adjoining woodland is in the applicant's ownership (blue line on the submitted site location plan). The applicant has advised that this land purchased from the Leeds Castle Estate in 2017.
- 1.06 The site is within the Len Valley Landscape of Local Value as defined in the Maidstone Borough Local Plan (Adopted 2017). Whilst the open application site is located outside, the woodland area including the River Len is a Local Wildlife Site (River Len, Alder Carr to Fairbourne Mill Meadows, Harrietsham). The application site is within the KCC Minerals Safeguarding Area.
- 1.07 A listed building called Fir Cottage (Grade II) is located to the west of the site (94 metres) and there is a cluster of listed buildings to the south west of the site (224 metres all Grade II)).
- 1.08 The application site is within a ground source protection zone but not within an area at risk of flooding. There is a Public Right of Way located to the west of the site that runs between Fir Cottage and The Bungalow and then turns south, at the closest point the right of way is 45 metres from the site boundary.

Fig 2: Proposed site plan.



## **2. PROPOSAL**

- 2.01 The application proposes six one-bedroom detached single storey tourist lodges at the western end of the 0.85 hectare application site.
- 2.02 The existing vehicle access in the north-western corner of the site from the track off Chegworth Lane is continued into the site along the southern edge of the embankment to the M20 motorway. The six detached tourist lodges are sited, west to east along the new access within the application site.

- 2.03 The insulated timber weatherboard clad one bedroom lodges have a 8 metre by 5 metre footprint, including a covered veranda to the southern side. The buildings incorporate a shallow pitched felt roof with an overall height of approximately 4 metres above ground level.
- 2.04 A total of nine parking spaces are proposed within the site for the six one-bedroom tourist lodges, with three of these parking spaces designed to accommodate those with disabilities. A vehicle turning facility is proposed at the eastern end of the accessway within the site.
- 2.05 The eastern part of the application site which is separated from the lodges by the new fence and hedge is to remain undeveloped as a new wildlife area. The submitted plans show the provision of new hedgerow planting and fencing to the northern boundary (railway embankment), to the eastern boundary (new wildlife area) and to the southern boundary (woodland and Local Wildlife Site) of the western section of the site where the proposed tourist lodges are located.
- 2.06 After the previous refused planning application (19/500305/FULL) and the appeal the following changes have been made to the proposal:
- The weld mesh fence and native hedge that was previously proposed at the foot of the motorway embankment to the north of the site has been extended. A weld mesh fence and native hedge are now additionally proposed to the east and southern site boundaries that will separate the site from the adjacent wildlife site.
  - Method of dealing with foul water has been revised. Foul water is now collected in a sealed cesspit and taken off site for disposal.
  - Vehicle tracking information has been submitted that shows access arrangements. After assessment by KCC Highways these details are satisfactory.
  - The resubmitted application is supported by a Preliminary Ecological Assessment (as opposed to the less detailed Walk Over Ecology Survey that was previously considered by members and the appeal Inspector).
  - Details of proposed lighting have been provided.
  - The application includes a noise impact assessment and air quality assessment. These assessments which have been considered by the environmental health team and found to be acceptable.

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

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017: Policies SS1, SP17, SP21, DM1, DM3, DM4, DM6, DM8, DM23, DM30, DM37, DM38  
KCC Minerals Plan  
Maidstone Landscape Character Assessment  
Kent and Medway Structure Plan 2006 Supplementary Planning Guidance (SPG4):  
Vehicle Parking Standards.

### **4. LOCAL REPRESENTATIONS**

#### **Local Residents:**

- 4.01 Three representations received from local residents and one on behalf of a local resident have been received raising the following (summarised) issues:

#### Noise and air quality

- The location is not considered an ideal holiday destination.
- Road and railway noise will negatively impact on the users of the cabins.
- Hundreds of local residents and the local MPs have asked for an assessment to be made of noise levels on the M20 between junctions 8 and 9.
- It is essential for a noise assessment and air quality assessment to be conducted in relation to the current planning application.

*(Officer comment: a noise assessment and air quality assessment have been carried out in support of this application. These assessments have been considered acceptable by the Council's Environmental Health Officer).*

Wildlife impact – access to the local wildlife site

- The Planning Inspector advised that the earlier proposal was not supported by adequate information on ecology and this has not been addressed in relation to the revised application and there is an onus on the applicant to provide this.
- The proposal is considered contrary to policies DM3 and DM8.
- It is accepted that the site itself may have limited value, but it joins highly valuable biodiverse habitat.
- There are no detailed assessments relating to any of the protected species in the adjacent wildlife site and therefore the impact of this development remains unknown.
- KCC Ecology have given some degree of support for the application based on enhancements the site owner will make yet does so on the basis that no visitors to the site will be able to enter the adjacent woodland. It is not clear to me how this will be prevented.
- The design and access statement and the ecological assessment contradict each other in relation to the access to the local wildlife site.
- It has been stated that the River Len is not fishable in these stretches, as it is too narrow.

*(Officer comment: The resubmitted application is supported by a Preliminary Ecological Assessment (as opposed to the less detailed Walk Over Ecology Survey that was previously considered members and the appeal Inspector). The applicant has confirmed that access will be restricted from the site by a metal fence and native hedge around the site of the lodges, and the submitted documents are now consistent on this point).*

Wildlife impact – sewage

- The 'sewage proposals' for the tourist accommodation including the discharge will have a harm impact on the River Len, on water quality, on fish, mammals and birds on the pond in Chegworth and on the Leeds Castle moat.
- (Officer comment: The submitted proposal has been revised and now includes a sealed cesspit which will be emptied by a specialist contractor with no foul water discharge from the proposed use)*

Wildlife impact – lighting

- The Planning Inspector advised that there is a presumption against external lighting proposals close to local wildlife sites.
- Policy DM8 of the Local Plan states that lighting proposals that are near enough to significantly affect wildlife sites will only be permitted in exceptional circumstances.
- The minor adjustments briefly referred to in the ecological appraisal are insufficient to overcome the Planning Inspector's findings, therefore this application still conflicts with Policy DM8 of the Local Plan.

*(Officer comment: The proposed lighting is not near enough to significantly affect the wildlife site and the lodges will be behind a native hedge (with measures in place to screen whilst the hedge is growing. The submitted proposal now includes details of proposed lighting that have been considered by KCC Ecology with no objection raised. A planning condition is also recommended in relation to securing suitable lighting on the site.*

Wildlife impact – general

- The applicant's previous actions demonstrate a poor approach to wildlife and the environment.
- The biodiversity enhancements proposed by the applicant are considered inadequate.

*(Officer comment: The proposed biodiversity enhancements have been considered by KCC Ecology and found to be adequate).*

**Aquatic Consultancy Service - Freshwater ecology and fisheries management (instructed by a nearby resident)**

- Preliminary Ecological Survey did not undertake a survey of species located on or near the site relying on a desk study of the species found in the area.
  - The River Len in this area is unsuitable for large numbers of anglers. I note there is a pond in the area of the woods and must assume this is being developed for the recreational fishing.
  - The proposed septic tank has no mechanism for phosphate removal and this will cause eutrophication in the aquatic environment, causing degradation of the water quality and frequently leading to Cyanobacterial (blue green algae) blooms, which are extremely toxic to mammals, including humans.
  - There is potential for harm to the fish and other aquatic wildlife from ammoniacal contamination from the septic tank discharge.
  - There is concern arising from the biological oxygen demand (BOD) and the suspended solids (s.s.) being discharged from the Klargester treatment unit.
  - The Klargester treatment unit has no means of stripping the water of either prescription or recreational drugs.
- (Officer comment: the revised proposal does not include a septic tank or Klargester treatment unit that is referred to in these comments. Sewage will be stored in a sealed cesspit for collection by specialist contractors)*

4.02 The above matters raised by neighbours are discussed in the detailed assessment below.

**5. CONSULTATIONS**

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

**Harrietsham Parish Council**

- 5.01 Objection and wish to see the planning application refused for the following reasons:
- Important biodiversity issues have been overlooked or ignored and the submission does not demonstrate that there would not be any harmful effect on the biodiversity of the adjacent woodland.
  - It is considered that development will have an adverse impact on kingfishers and protected species recorded in the wildlife site including dormice and bats.
  - The application fails to provide the biodiversity information that the appeal inspector said was missing with no surveys completed with the onus on the applicant to provide this evidence.
  - The proposal conflicts with DM3 and DM8 of the local plan.
  - The adjacent wildlife site covering 17 acres is at risk as the applicant intends to provide recreational (for hunting, fishing and cycling) access to this area and there is a duty to protect this area.
  - It is considered that the suggested biodiversity enhancements are not adequate, and the enhancements agreed with KCC were not supported by the appeal inspector.
  - The application omits the fact that the outfall point is in the middle of the local wildlife site, not outside it.
  - The sewage outfall point directly opposite a neighbouring property would discharge 10 times the recommended maximum levels of ammonia into the river.
  - The application acknowledges the eutrophication risk to the River Len & Biological Oxygen Demand, without realising these levels are highly toxic to fish and all aquatic life around the river. Additionally, this risk extends to the Leeds Castle moat.
  - The appeal inspector notes that there is a presumption against external lighting proposals close to local wildlife sites in conflict with Policy DM8.
- (Officer comment: Following the comments from the appeal inspector a number of changes have been made to the proposal (listed at para 2.06 of this report)*

*including measures to restrict access to the adjacent wildlife site, the removal of onsite sewage treatment, the removal of the outfall pipe from the proposal and further details of lighting).*

### **Kent Wildlife Trust**

5.02 Objection to the application on the following grounds:

- The previous grounds for refusal have not been addressed.
- The proposal will lead to unacceptable visitor disturbance to the adjacent Local Wildlife with a measurable net loss of biodiversity in contravention of NPPF paragraphs 170 and 175.
- The sewage treatment arrangements will have an unacceptable detrimental impact on the water quality in the River Len and adjacent Local Wildlife Site
- The proposed mitigation measures will only maintain existing habitats and will not provide any net biodiversity gain.

*(Officer comment: The submitted proposal has been revised and now includes a sealed cesspit which will be emptied by a specialist contractor with no foul water discharge from the accommodation. The measures to provide a net biodiversity gain are outlined in this report).*

### **Campaign to Protect Rural England (CPRE)**

5.03 Objection to the application on the following grounds:

- The submitted ecology survey does not overcome the Inspectors reason for refusal, particularly in relation to foul water disposal and as a result the proposal is contrary to NPPF paragraph 175.
- With the separation distance the proposal will cause light disturbance to the edge of the Local Wildlife Site.
- The noise and air quality effects must be considered. We would strongly suggest that measurements are arranged to be taken for both issues.

*(Officer comment: The proposal now includes a sealed cesspit. The applicant has provided details of lighting that have been assessed by KCC Ecology. The applicant has provided an air quality assessment and a noise impact assessment).*

### **Natural England**

5.04 No comments to make on the application.

### **KCC Ecological Advice Service**

5.05 No objection subject to conditions on the implementation of a sensitive lighting design, biodiversity method statement, ecological enhancement strategy, and ecological management plan with the following comments.

- The footprint of the proposed development site is regularly mown/grazed grassland and therefore there is limited potential for protected/notable species to be permanently present within that area.
- The proposed development site is directly adjacent to the River Len Alder Carr, Harrietsham Local Wildlife Site and the submitted Preliminary Ecological Appraisal (PEA) has assessed the proposed development has the potential to impact the LWS due to the following:
  - Appropriate measures can be implemented to avoid or acceptably minimise impact in relation to *dust contamination during development and light disturbance*.
  - The recommendations from the Bat Conservation Trust and the Institution of Lighting Professionals, titled 'Guidance Note 8 Bats and Artificial Lighting', should be considered, when designing any lighting scheme for the proposed development. We advise that lighting is kept to a minimum and the adjacent LWS is not directly illuminated. We advise that these details are secured as a condition of any granted planning application.
  - *It is noted that* various measures are proposed to protect the adjacent Local Wildlife Site (LWS) from recreational disturbance during the operational stage of the development. These include the planting of hedgerows and installation of hedgerows as to prevent public access into the LWS. We accept that these measures



will be achievable, however, recommend that the finer details (including type, location, species used etc.) are secured as a condition of any granted planning application.

**Environment Agency**

- 5.06 No objection subject to a planning condition relating to dealing with any contamination that may be found during the construction phase and an informative on surface water drainage.

**KCC Lead Local Flood Authority**

- 5.07 No objection – the development proposal is below the threshold where the LLFA would get involved and the development is considered low risk.

**Environmental Health Officer**

- 5.08 No objection, subject to planning conditions to deal with any contamination that is encountered in the ground during construction works and on external lighting (to avoid harm to the wildlife site).

- 5.09 After consideration of the site context, the submitted air quality assessment and noise impact assessment, the submitted planning application is considered acceptable in relation to air quality and noise impact on the basis that the proposal provides holiday accommodation.

**KCC Highways**

- 5.10 No objection raised subject to conditions relating to the submission of a construction management plan, provision of measures to prevent the discharge of surface water onto the highway prior to commencement of work on site and for the duration of construction and the use of a bound surface for the first 5 metres of the access from the edge of the highway.

**Highways England**

- 5.11 No objection raised subject to a condition requiring the metal fence shown on the plans to be in place prior to first occupation of the proposed buildings and retained thereafter.

**Kent Fire and Rescue**

- 5.12 No objection off-site access requirements of the Fire and Rescue Service have been met.

- 5.13 On-site access is a requirement of the Building Regulations 2010 Volume 1 and 2 and must be complied with to the satisfaction of the Building Control Authority who will consult with the Fire and Rescue Service once a building Regulations Application has been submitted.

**Network Rail**

- 5.14 No objection.

**6. APPRAISAL**

**Main Issues**

- 6.01 The key issues for consideration relate to:
- Provision of tourist lodges in the countryside,
  - Visual impact,
  - Ecology and biodiversity,
  - Residential amenity,
  - Access, parking and traffic,
  - Heritage

**Provision of tourist lodges in the countryside**

- 6.02 Government guidance in the National Planning Policy Framework (NPPF 2019) states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
- 6.03 The NPPF advises that planning policies should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 6.04 The NPPF advises that planning decisions should recognise that sites to meet local business needs in rural areas may have to be adjacent to, or beyond existing settlements, and in locations that are not well served by public transport. The NPPF states that in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads.
- 6.05 Policy SP21 of the adopted Maidstone Borough Local Plan is supportive of proposals for the expansion of existing economic development premises in the countryside, including tourism related development, provided the scale and impact of the development is appropriate for its countryside location.
- 6.06 Local Plan policy DM37 sets out circumstances where planning permission will be granted for the sustainable growth and expansion of rural businesses in the rural area. These circumstances include where new buildings are an appropriate scale for the location and can be satisfactorily integrated into the local landscape. A proposal should not result in unacceptable traffic levels on nearby roads. New development should not result in an unacceptable loss in the amenity of the area, particularly with regard to the impact on nearby properties and the appearance of the development from public roads.
- 6.07 There is no adopted policy that directly relates to the type of tourist accommodation that is proposed as part of this application, however the requirements set out in policy DM38 (holiday caravans and/or holiday tents) are considered relevant.
- 6.08 Local Plan policy DM38 states that proposals for the stationing of holiday caravans and/or holiday tents outside of the defined settlement boundaries will be permitted in certain circumstances. These include where the proposal would not result in an unacceptable loss of local amenity, particularly with regards to the impact on nearby properties and the appearance of the development from public roads.
- 6.09 Policy DM38 requires a site to be unobtrusively located and well screened by existing or proposed vegetation and landscaped with indigenous species. The policy states that a holiday occupancy condition will be attached to any permission, preventing use as permanent accommodation.
- 6.10 As noted by the appeal Inspector the current application site is in a secluded location. The site is accessed by way of a single track access and is well screened by existing vegetation. The site is outside a defined settlement boundary, but to the west of the Harrietsham village settlement. Harrietsham is a designated rural service centre in the adopted Local Plan (just below Maidstone Urban Area in the sustainability hierarchy). Harrietsham village provides a range of key services and with good public transport connections to Maidstone and other retail centres.
- 6.11 In summary, holiday/tourism related development in the rural areas of the borough is generally supported by both national and local planning policy subject to a number of other criteria that are considered below.

Fig 3: Internal view within the application site looking east, with M20 embankment on the left hand side.



**Visual impact**

- 6.12 Local Plan policy SP17 seeks to prevent harm to the character and appearance of the countryside and states that the distinctive landscape character of the Len Valley will be conserved and enhanced as a landscape of local value.
- 6.13 The application site is located at the end of a single track lane that forms a dogleg at the end of Chegworth Lane. It appears that the single track lane, which is owned by Highways England, was historically part of the A20 before the M20 was built.
- 6.14 The densely landscaped embankment on the southern side of the M20 motorway rises to the north of the open grassed application site. There is an area of woodland to the south and to the east of the red line application site boundary, with this woodland mostly in the applicant's ownership. Trees and a hedgerow are along the boundary with the neighbouring residential property of 'Wentways' to the west of the application site.
- 6.15 There is a Public Right of Way located to the west of the application site. This Public Right of Way runs between Fir Cottage and 'The Bungalow' and then turns south. At the closest point, the Public Right of Way is 45 metres from the application site boundary. With intervening buildings, trees and boundary treatment the proposed tourist lodges will not adversely impact the views from the Public Right of Way.
- 6.16 As detailed above with the narrow access at the end of a single track lane, the woodland, other hedgerows on the boundary and landscaped embankment, the application site is enclosed and secluded. This situation is acknowledged within the landscape character assessment which advises that "*Views are generally restricted by intervening vegetation throughout this landscape...*" (Para 49.7).

- 6.17 There is a duty under section 85(1) of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The Kent Downs Area of Outstanding Natural Beauty (AONB) is 0.4 miles to the north east of the application site and to the north of the motorway embankment.
- 6.18 The application site is in a sheltered location and is screened by existing features on and close to the site, with the application proposal providing additional screening with the proposed hedging. In this context the proposal would not have wider landscape implications for the AONB, including on its setting.
- 6.19 In the consideration of the appeal made against the earlier decision to refuse permission the Inspector concluded that *"...due to its secluded nature..., it is not open to notable public views beyond more distant glimpses through woodland from a footpath. As such, the sensitivity of the site in wider landscape terms is relatively low...In visual impact terms, the proposed lodges and associated development would be relatively modest in scale"* (Paragraphs 4 and 5) and that *"Due to the secluded nature and screening provided by existing features on and close to the site, the proposal would not have wider landscape implications for the AONB, including on its setting"* (Paragraph 7).
- 6.20 The Inspector found that *"...in light of the nature of the development and the site, it's lack of impact on the wider landscape, and the potential for visual screening, a refusal of permission on the basis of its impact on the character and appearance of the area and the wider landscape is not justified and the proposed development is not judged to be contrary to the requirements of Policy SP17 of the Local Plan"*. (Paragraph 6).
- 6.21 In summary, it is concluded that the proposal is acceptable in relation to visual landscape harm. This conclusion is reached due to the modest scale of the proposal, the enclosed nature of the site which is well screened in views from the surrounding area by existing trees, hedgerows and woodland. The proposed additional hedgerow to the north, south and east of the lodges will provide further screening with the proposal found to be in accordance with policy SP17.

#### **Ecology and biodiversity**

- 6.22 The area of woodland to the south of the application site is a designated 'Local Wildlife Site'. This linear shaped Local Wildlife Site follows the River Len which runs east to west through the woodland roughly parallel with southern boundary of the application site. There is currently little to restrict access from the application site to the Local Wildlife Site with the boundary marked with sheep netting and a relatively low, barbed wire fence.
- 6.23 The main biodiversity and ecology issues for consideration in relation to the construction and future occupation of the proposed holiday accommodation are as follows:
- Potential impact regarding the loss of any habitat on the application site,
  - Potential impact on the adjacent local wildlife site.
  - Mitigation, enhancement and net biodiversity gain.
- 6.24 The three issues identified above as the main biodiversity and ecology issues are considered in detail below:
- a) Potential impact regarding the loss of any habitat on the application site
- 6.25 Policy DM3 of the Local Plan states *"...Where appropriate, development proposals will be expected to appraise the value of the borough's natural environment through the provision of 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”.*

- 6.26 The resubmitted planning application is supported by a Preliminary Ecological Assessment carried out by a qualified and experienced ecologist. This assessment submitted with the current application is more detailed than the Walk Over Ecology Survey that was submitted with the earlier planning application and subsequently considered by members and the appeal Inspector.
- 6.27 The Preliminary Ecological Assessment includes details of a habitat survey of the application site. This is in accordance with policy DM3 which advises that ‘where appropriate’, *“Development proposals will be expected to be supported by an initial survey of on-site assets”.*
- 6.28 The habitat survey of the application site found no evidence of protected species on the application site or habitat that would support protected species. The Preliminary Ecological Assessment has been considered by the Council’s specialist ecology consultee KCC Ecology. KCC Ecology consider that the extent of the Preliminary Ecological Assessment adequately assesses ecology matters.
- 6.29 In summary, the proposed tourist lodges are sited within an open field of regularly mown grassland. There is limited potential for protected or notable species to be present on the application site. This situation on the application site is confirmed in the submitted report from the qualified and experienced ecologist. The situation is confirmed in the consultation response from the Council’s specialist advisors, the KCC Ecology team, and by the appeal Inspector when considering the earlier proposal.
- b) Potential impact on the adjacent local wildlife site.
- 6.30 Policy DM3 of the Local Plan states that *“...developers will ensure that new development protects and enhances the natural environment by incorporating measures where appropriate to...avoid damage to and inappropriate development considered likely to have significant direct or indirect adverse effects on...locally designated sites of importance for biodiversity (and)...enhance...(and) extend...designated sites of importance for biodiversity”.*
- 6.31 The proposed development has the potential to have an impact on the adjacent wildlife site through i) the construction phase, ii) access by future occupiers of the holiday accommodation, iii) artificial lighting and (iv) wastewater. These areas are considered in turn below.
- i) The construction phase.
- 6.32 The applicant has confirmed that during construction works, the application site will be isolated from the local wildlife site by Heras fencing which will prevent any physical access. The applicant has confirmed that a dust minimisation system will be used to reduce the risk of dust being blown from the application site.
- 6.33 It is considered that any potential impact on the adjoining woodland and Local Wildlife Site from the construction phase, can be appropriately controlled and minimised through the use of a planning condition. A planning condition is recommended seeking the submission and approval of a construction management plan that includes details of measures to restrict access and dust minimisation measures.
- ii) Access by future occupiers of the holiday accommodation
- 6.34 In contrast to the earlier proposal considered by members and the appeal Inspector, measures are now provided to protect the adjacent Local Wildlife Site from recreational disturbance during the future occupation of the proposed lodges.

- 6.35 These measures, preventing public access into the Local Wildlife Site, involve the planting of native hedgerows to the north, east and south of the lodges with the hedgerows strengthened by fencing. It is proposed that the hedgerows planted with native broad-leaves species (Hawthorn, Blackthorn, Hazel, Dogwood, Field Maple and Hornbeam) will be grown to a height of 2 metres. An updated Design and Access Statement is now consistent with the ecological assessment in relation to these arrangements.
- 6.36 The measures have been considered by KCC Ecology and found to be acceptable. In line with the KCC Ecology comments and normal landscape practice a planning condition is recommended seeking further hedgerow details including planting densities.
- iii) Lighting
- 6.37 Policy DM 8 advises that external lighting will be permitted where it can be demonstrated that the minimum amount of lighting necessary to achieve its purpose is proposed. Lighting proposals that are within, or are near enough to significantly affect Local Wildlife Sites will only be permitted in exceptional circumstances.
- 6.38 Lighting can be detrimental to roosting, foraging and commuting bats. In this context the recommendations from the Bat Conservation Trust and the Institution of Lighting Professionals, titled *Guidance Note 8 Bats and Artificial Lighting*, need to be considered, when designing a lighting scheme for the proposed development.
- 6.39 The boundary of the Local Wildlife Site is located between 12 and 24 metres to the south of the proposed lodges and the applicant has confirmed that there will be no lighting on the intervening land. As set out later in this report, the boundary with the Local Wildlife Site will be marked with a native hedge and a fence that will provide screening of the Local Wildlife Site.
- 6.40 The submitted ecological assessment states that *"On the southern boundary of the development there will initially be a close bordered fence to reduce illumination of the woodland from the building. This will be retained until a hedgerow develops to the south..."*.
- 6.41 No lighting information was provided with the earlier planning application that was considered by members and the appeal inspector. The ecological assessment submitted with the current application now includes the following information on the proposed lighting:
- Light fittings will be set back into the middle of the rooms to the rear of the buildings, avoiding fittings adjacent to windows.
  - Lighting installed within the parking areas (located to the north of the lodges) will be on timers/sensors to minimise the lighting within the development site and will consist of Zone E27 bollards fitted with 12 W LED lights. These should have a warm white spectrum (ideally <2700Kelvin).
  - The verandas of the lodges will be illuminated with Halbury E27 lanterns fitted with LED lights. These should have a warm white spectrum (ideally <2700Kelvin). These are fitted with movement sensors and timers set to illuminate paths for a maximum of 5 minutes after use.
- 6.42 In assessing the proposal against Policy DM8, the minimum amount of lighting that is necessary to meet safety and security requirements has been proposed. With the separation of the lodges from the Local Wildlife Site, and the design of the lighting scheme, the proposed lighting is not close enough to significantly affect the Local Wildlife Site in line with policy DM8. In line with the recommendation from KCC Ecology a planning condition is recommended seeking further details of all lighting

to ensure that the lighting meets Bat Conservation Trust and the Institution of Lighting Professionals guidelines for this type of location.

iv) Wastewater

- 6.43 Policy DM3 of the Local Plan states "...developers will ensure that new development protects and enhances the natural environment by incorporating measures where appropriate to...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". The proposed development site is within source protection zone 3 and as a result controlled waters are particularly sensitive in this location.
- 6.44 The original proposal included an onsite sewage treatment plant that would have discharged treated wastewater into the River Len, with an outfall pipe running through the Local Wildlife Site.
- 6.45 The proposal has been revised with the removal of the onsite sewage treatment plant and the outfall pipe. The foul water generated by the development will now flow into a sealed cesspit with collection by a specialist contractor.
- 6.46 These revised arrangements do not involve any works taking place in the Local Wildlife Site. With the sealed nature of this system it is not considered that there is any potential harm to the Groundwater Source Protection Zone. A planning condition is recommended to ensure that this system is provided.
- d) Mitigation, enhancement and net biodiversity gain
- 6.47 The proposed tourist lodges are sited within an open field of regularly mown grassland. There is limited potential for protected or notable species to be present on the application site. This situation on the application site is confirmed firstly in the submitted report from the qualified and experienced ecologist, secondly in the consultation response from the Council's specialist advisors, the KCC Ecology team, and lastly by the appeal Inspector.
- 6.48 Paragraph 170 of the NPPF states "Planning...decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity...".
- 6.49 The submitted application includes a significant length of new native hedgerow to the north, south and east of the proposed lodges. An area of land at the eastern end of the application site (currently mown grassland) and behind the new eastern hedgerow, will be set aside to provide ecology benefits.
- 6.50 As set out in the ecology assessment, other ecology enhancements proposed include the installation of ten Schwegler bird nest boxes and eight Schwegler bat boxes on the site. The submitted drawings show a gap at the bottom of the proposed fencing to allow the passage of wildlife.
- 6.51 As set out earlier in this report and in line with the advice from KCC Ecology, with the outlined measures in place the submitted proposal will have a negligible impact on the adjacent Local Wildlife Site. Whilst the impact has been found to be negligible, paragraph 175 of the NPPF advises that "*...opportunities to incorporate biodiversity improvements in and around developments should be encouraged*".
- 6.52 The submitted ecology assessment sets out that woodland management will be carried out with alder carr coppiced on a 10-year rotation to produce a more species-rich ground-flora. In order to ensure that these ecological enhancements

are secured long term, a condition is recommended seeking the submission of an ecological management plan.

- 6.53 In summary, the changes from the previous proposal considered by members and the appeal Inspector in relation to ecology are as follows:
- The weld mesh fence and native hedge that was previously proposed at the foot of the motorway embankment to the north of the site has been extended with a weld mesh fence and native hedge now proposed to the east and southern site boundaries that separate the site from the adjacent wildlife site .
  - Method of dealing with foul water has been revised with foul water now be collected in a sealed cesspit and taken off site for disposal.
  - The resubmitted application is supported by a Preliminary Ecological Assessment (as opposed to the less detailed Walk Over Ecology Survey that was considered by the appeal Inspector).
  - Details of proposed lighting have been provided.
- 6.54 The proposal has been designed to separate the proposed lodges from the Local Wildlife Site to avoid any direct impact from the application site. The proposal now includes details of lighting that has been designed to minimise any impact on wildlife on the adjacent site. The proposal includes biodiversity mitigation and enhancements that include both a net biodiversity gain on the application site and benefits to the Local Wildlife Site.

#### **Residential amenity**

- 6.55 The potential impact of the proposal on the amenities of neighbouring occupiers and the standard of the proposed accommodation are considered below.

#### **Potential impact on existing neighbours**

- 6.56 Policy DM1 of the adopted Local Plan advises that proposals will be permitted where they "respect the amenities of occupiers of neighbouring properties...by ensuring that development is exposed to, 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.
- 6.57 The proposed tourist lodges are adjoined to the west by the residential property called Wentways. The applicant occupies the property called 'The Bungalow' in Chegworth Lane which is immediately to the west of Wentways. Chegworth Lane from which the site is accessed runs past other neighbouring residential properties further to the west.
- 6.58 The application site is relatively well screened from the neighbouring residential property called Wentways by existing trees and hedgerow to the boundary. Further boundary hedgerow planting is indicated as part of the current application.
- 6.59 The proposal has been found to be acceptable in relation to residential amenity including in terms of noise and disturbance. The proposal is of modest scale in terms of the use and the buildings (six huts for a maximum of 12 people), the buildings are separate and screened from the neighbouring residential property and with existing and proposed trees and hedgerow planting.

#### **Standard of the proposed accommodation**

- 6.60 The proposed tourist accommodation is located adjacent to existing houses and within an enclosed site at the bottom of the motorway embankment. The grounds for the refusal of the earlier planning application stated "*proposed development by virtue of noise and disturbance and air quality issues would provide poor quality of accommodation and amenity for future occupiers contrary to policies DM1 and DM6 of the Maidstone Borough Local Plan 2017*".



- 6.61 Policy DM1 of the adopted Local Plan advises that proposals will be permitted where they "...provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise,...air pollution, activity or vehicular movements, overlooking or visual intrusion...".
- 6.62 Policy DM6 considers the impact of proposed development on the existing air quality in the vicinity of the application site (such as construction impacts, vehicle movements etc.) and not the standard of proposed accommodation in relation to air quality. The supporting text to policy DM6 (paragraph 6.45) does advise generally that "... planning can play an important role in improving air quality and reducing individuals' exposure to air pollutants".
- 6.63 After considering the Council's reason for refusal the appeal Inspector highlighted that "...*the proposed accommodation would be temporary*". The Inspector found that the Council's reason for refusal on the grounds of air quality and noise and disturbance were unjustified due to the limited detailed evidence available to support this reason for refusal. The Inspector concluded "...*the proposal would not have a harmful effect on future occupants of the proposed lodges in terms of noise disturbance and air quality. As such, I do not find conflict with policies in the Local Plan including DM1 and DM6 in relation to standards of accommodation and air quality*" (Paragraph 18 - my emphasis).
- 6.64 In response to the separate comments made by the appeal Inspector regarding a lack of information, the current planning application is now supported by an Air Quality Assessment and a Noise Impact Assessment.
- 6.65 The Air Quality Assessment assessed data from an existing permanent air quality monitoring station located alongside the M20. The Air Quality Assessment considered the potential impact of the proposed development on air quality from the construction phase through to occupation of the accommodation.
- 6.66 The assessment concluded that the impact of the development on air quality would be 'negligible'. The assessment advising that "...*there are no air quality reasons to prevent the local planning authority from granting detailed planning permission for the proposed development*". In line with the advice in the air quality assessment and from KCC Ecology, condition 5 at the end of this report requires the submission and approval of a construction management plan prior to work commencing.
- 6.67 The Noise Impact Assessment states "*Appropriate external and internal noise criteria have been considered to minimise adverse impacts on health and quality of life as a result of the new development. Appropriate mitigation measures have been outlined including double-glazing and mechanical ventilation*". The assessment concludes that subject to these matters being considered there are no valid noise related grounds, on which to refuse planning permission. The mitigation measures are sought through condition 12 at the end of this report.
- 6.68 The Air Quality Assessment and Noise Impact Assessment have been considered by the Council's Environmental Health officer who has found that both the assessments and their conclusions were valid in relation to noise and air quality.
- 6.69 In the absence of any information at that time to support a refusal, the appeal Inspector found that the "...*proposal would not have a harmful effect on future occupants of the proposed lodges in terms of noise disturbance and air quality*". The two submitted assessments that have now been submitted and the environmental health officer have come to the same conclusions as the appeal Inspector.

**Access, parking and traffic**

- 6.70 The application site is accessed from the northern end of Chegworth Lane by way of an existing, single track, access lane. This access track also serves the neighbouring residential property at Wentways which is located to the west of the application site.
- 6.71 The access arrangements within the site make provision for vehicles to turn and enter and leave the site in a forward gear. The vehicle tracking plots provided by the applicant demonstrate that there is suitable access and egress provided for service and if required emergency vehicles.
- 6.72 A total of nine off street car parking spaces are proposed within the site for the six one-bedroom tourist lodges, with three of these parking spaces designed to accommodate those occupants with disabilities. The proposal includes secure cycle parking space on the veranda of each of the six buildings. This cycle and car parking provision is in accordance with the standards in the Kent and Medway Structure Plan 2006 Supplementary Planning Guidance (SPG4): Vehicle Parking Standards.
- 6.73 It is considered that the trip generation resulting from the development can be adequately accommodated on the local road network without harm to highway safety.
- 6.74 The access arrangements for the site are considered acceptable with adequate off street parking. Consultation responses from KCC Highways and Kent Fire and Rescue do not raise any issue with the development including the access and parking arrangements.

**Heritage**

- 6.75 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. When making a decision concerning a listed building or its setting, the council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.76 Policy SP18 of the Local Plan relates to the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.77 Fir Cottage located to the west of the site (94 metres) is a listed building (Grade II). A cluster of listed buildings are also located to the south west of the application site (224 metres separation at the closest point – all Grade II). In an assessment consistent with other sites, due to intervening land and buildings it is not considered that the proposal will impact on the heritage interest or the setting of these listed buildings, including the traffic generated by the proposal.

**Other Matters**

- 6.78 The site is within the KCC Minerals Safeguarding Area. The application relates to a very modest area of land within a significantly extensive Safeguarding Area and the proposal is as a result considered acceptable in this respect.
- 6.79 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at

the time planning permission is granted or shortly after. An informative is recommended highlighting the CIL charge to the applicant.

## **7. PUBLIC SECTOR EQUALITY DUTY**

7.01 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

## **8. CONCLUSION**

8.01 Government guidance in the NPPF and adopted Local Plan policies are supportive of holiday/tourism related development in rural areas. In the case of the current proposals, the proposed tourist lodge development is modest in scale, both in terms of the number and size of the units and the number of guests that could be accommodated on the site.

8.02 The site is well screened from public views by existing trees, hedgerows and woodland and the new hedgerow planting proposed will further soften any visual impact. With an approved scheme of native species hedgerow planting secured by planning condition, the proposed tourist lodge development will not appear as visually intrusive in any views from public areas and will have an acceptable harmful impact on the visual amenities of the locality.

8.03 Given the modest scale of the tourist lodge use, the level of activity within the site and the additional comings and goings to and from the site via the northern end of Chegworth Lane and the existing accessway off the end of the lane are unlikely to be so significant as to result in unacceptable noise and disturbance to the neighbouring occupiers.

8.04 The proposal would not have a harmful effect on the character and appearance of the surrounding area, the wider landscape, or the settings of nearby Listed Buildings. The development is in accordance with adopted policies that aim to protect the landscape, the countryside, ecology and ensuring that development is of a good standard of design and fits within its surroundings.

8.05 The access arrangements to and from the site are considered suitable for the modest scale tourist lodge development proposed. The access arrangements within the site make provision for vehicle parking and for vehicles to turn and enter and leave the site in a forward gear.

8.06 The impact on habitats within the adjoining woodland and Local Wildlife Site are acceptable. The application provides an opportunity to improve the Local Wildlife Site by re-introducing coppicing back into the woodland and potentially increasing the species diversity within the site.

8.07 The application is in accordance with the relevant Government guidance in the NPPF (2019) or the policies in the adopted Maidstone Borough Local Plan (2017). The grant of planning permission is recommended subject to the conditions set out below.

## **9. RECOMMENDATION**

GRANT planning permission subject to the following conditions:

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission; Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:  
Site Location Plan  
930/1 Existing site layout plan  
930/2K Proposed site layout plan.  
P930/3A (For Illustrative Purposes Only Block Plan)  
P930/4 (Plan and Elevations)  
P930/SK1 Elevation of Fence (to north, east and south boundaries, green galvanised steel wire fence, 1.8 metre high with 150mm gap at ground level).  
Design and Access Statement (Revised February 2021)  
2562/19/B/1A Existing site plan and Walk Over Ecology survey.  
Preliminary Ecological appraisal (Revised 3 December 2020)  
Noise Impact Assessment (9 October 2020)  
Air Quality Assessment (October 2020)  
CTP Consulting Engineers 'Refuse Vehicle and Fire Appliance Tracking'  
Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers and the visual amenity of the area.
- 3) The external facing materials to be used in the construction of the tourist lodges hereby permitted shall be as shown on the approved plan (Drawing P930/4: Plan and elevations) and shall be maintained as such. Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity.
- 4) The six tourist lodges hereby permitted shall only be used for bona fide holiday accommodation purposes. The six tourist lodges hereby permitted shall only be occupied continuously by any persons for a period not in excess of 28 days and there shall be no return within a period of 3 months. Reason: To prevent permanent residential development in the open countryside in the interests of sustainable development.
- 5) No development shall commence (including site clearance) until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include a dust minimisation plan (with reference to paragraphs 9.3.2 to 9.3.6 of the submitted Air Quality Assessment), details of measures to prevent access to the adjacent woodland during the construction phase, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, provision of wheel washing facilities, any temporary traffic management / signage, provision of measures to prevent the offsite discharge of any surface water runoff. The development shall proceed in full compliance with the approved Construction Management Plan with all approved measures retained under all construction work is complete. Reason: In the interests of amenity, safe operation of the highway and wildlife protection.
- 6) No development shall commence (including site clearance) until a Biodiversity Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include detailed mitigation measures for protected species and how the development will mitigate against any impacts upon the adjacent Local Wildlife Site, together with a timetable for implementation. The development shall be carried out in accordance with the approved details. Reason: In the interests of biodiversity and ecology.
- 7) No development shall commence until details of how the development will enhance biodiversity has been submitted to and approved in writing by the Local Planning Authority. This will include clear ecological enhancement for breeding birds and bats and shall include provision of bat boxes, bird boxes and native planting. Details of any habitat creation will be detailed including hedgerow and wildflower planting.

The approved details will be implemented prior to first occupation of the approved tourist lodges and thereafter retained. Reason: In the interests of biodiversity and ecology.

- 8) No development shall commence until, an ecological management plan has been submitted to and approved in writing by the Local Planning Authority in relation to the area at the eastern end of the site. The management shall include a description and evaluation of the features to be managed: ecological trends and constraints on site that might influence management; aims and objectives of management; appropriate management options for achieving aims and objectives; prescriptions for management actions, together with a plan of management compartments; and the preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period. Reason: In the interests of biodiversity and ecology.
- 9) Prior to the first occupation of the tourist lodges hereby approved a management plan shall be submitted to and approved in writing by the Local Planning Authority, with the management plan including full contact details (name, address, phone number and email) of a named person responsible for the administration of the booking for the approved accommodation, with the local planning authority informed of any change to these details for the lifetime of the development. A written record of all lettings shall be kept and maintained by the named person responsible for the administration of bookings, with the written record made available for inspection by the Local Planning Authority at their reasonable request. Reason: To prevent permanent residential development in the open countryside in the interests of sustainable development. Reason: To prevent permanent residential development in the open countryside in the interests of sustainable development.
- 10) The site shall be laid out in accordance with the approved layout plan (930/2K Proposed site layout plan) with the provision of not more than six tourist lodges. Notwithstanding the provisions of the Town and Country Planning (General Permitted development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification), no further development, other than that shown on the approved plan shall take place within the site. Reason: In the interests of the amenities of the occupiers of neighbouring residential properties, visual amenity and the character and appearance of the open countryside location.
- 11) Prior to the installation of any lighting on the site (whether temporary or permanent), a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall:
  - Identify those areas/features on site that are particularly sensitive for bats and the adjacent Local Wildlife Site and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
  - Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. Reason: In order to safeguard the night-time rural environment, the ecological interests of the locality, and residential and local amenity.
- 12) Prior to first occupation of the tourist lodges hereby permitted, measures to reduce potential noise nuisance for future occupiers shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The measures shall include mechanical ventilation in

- accordance with the submitted noise impact assessment, with the measures retained for the lifetime of the development. Reason: In the interests of amenity.
- 13) Prior to first occupation of the tourist lodges hereby permitted, details of the surfacing materials to be used in the construction of all new hardsurfacing within the site, including the access areas and parking spaces shall have been submitted to and approved in writing by the Local Planning Authority. The new hardsurfacing shall comprise permeable material and the use of a bound surface for the first 5 metres of the access from the site entrance. The new hardsurfacing shall be carried out in accordance with the approved details before the first occupation of the tourist lodges. Reason: In the interests of the visual amenities of the area and to minimise surface water runoff.
  - 14) Prior to first occupation of the tourist lodges hereby permitted, the new access within the site, vehicle turning areas and parking spaces shown on the approved plan (Drawing 930/2K Proposed site layout plan) shall be provided and maintained available for use for access, vehicle turning and parking purposes by users of the six tourist lodges hereby permitted. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification), shall be carried out within the new accessway, vehicle turning and/or parking areas or in such position as to preclude vehicular access to them. Reason: Development without adequate access, vehicle turning facilities and/or parking provision is likely to lead to vehicle movements and parking inconvenient to neighbouring residents and other road users and in the interests of local amenity and road safety.
  - 15) Prior to first occupation of the tourist lodges hereby permitted, 3 electric vehicle charging points shall be provided on the site and made available for the occupants of the proposed accommodation. The electric vehicle charging points shall be retained for the lifetime of the development. Reason: In the interests of sustainability and air quality.
  - 16) Prior to first occupation of the tourist lodges hereby permitted foul and surface water drainage for the site and measures for the future servicing and maintenance of this drainage shall be in place (including the sealed cesspit shown on drawing 930/2K Proposed site layout plan) that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the approved measures maintained thereafter. Reason: To ensure that adequate drainage is provided for the development and reduce the potential for flooding, protect the water environment and prevent contamination of the land.
  - 17) Prior to first occupation of the tourist lodges hereby permitted boundary treatments shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the local planning authority with the details including a 1.8 to 2.0m high fence on the boundary between the site and the M20 and gaps at ground level to allow the passage of wildlife and the metal fencing to the north, south and eastern site boundaries with the boundary treatments maintained thereafter. Reason: To ensure a satisfactory appearance to the development, in the interests of wildlife and to ensure that the M20 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.
  - 18) Prior to first occupation of the tourist lodges hereby permitted a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The detailed landscaping scheme which is in accordance with the Council's Landscape Character Guidelines shall include native species planting including details of species, plant sizes and proposed numbers and densities, with details of the new hedgerow planting as shown on the approved plan (Drawing No

930/2K: Proposed site layout plan). The detailed landscaping scheme shall include a plan for the long term maintenance of the landscaping scheme shall also be included in the details submitted. Reason: In the interests of biodiversity, landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 19) All planting, seeding and turfing specified in the approved detailed landscaping scheme shall be fully in place by the end of the first planting season following first occupation of the approved tourist lodges. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of the lodges, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation. Reason: In the interests of biodiversity, landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 20) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. . The remediation scheme shall be implemented as approved. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework (NPPF). Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of; a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site. c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included. Reason To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

#### **INFORMATIVES**

- 1) The applicant is advised that the proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
- 2) The applicant is advised to liaise with Highways England with regards to establishing the precise location of the site boundary. The fence must be erected such that its construction and maintenance can be achieved without recourse to requiring access to or from Highways England land. [planningse@highwaysengland.co.uk](mailto:planningse@highwaysengland.co.uk)
- 3) The applicant is advised of their responsibility to ensure that before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
- 4) The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is

- therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- 5) The applicant is advised that across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
  - 6) The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
  - 7) The applicant is advised that only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system.
  - 8) The applicant is advised that the application site is in a radon affected area with a 3-5% probability of elevated radon concentrations. If the probability of exceeding the action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE 1999, 2001, AND 2007). If the probability rises to 10% or more, provision for further preventative measures are required in new houses. Test(s) for the presence of radon gas are recommended to be carried out. Further information can be obtained from Public Health England.
  - 9) The applicant is advised that as the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

Case Officer: Tony Ryan