

REFERENCE: 21/501554/FULL		
APPLICATION PROPOSAL: Demolition of existing dwelling and erection of 3(no) dwellings.		
ADDRESS: Woodside, Firs Lane, Hollingbourne, ME17 1XJ		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Hollingbourne Parish Council has requested application is considered by Planning Committee if officers are minded to approve application. This request is made for reasons outlined in consultation section below.		
WARD: North Downs	PARISH: Hollingbourne	APPLICANT: Mr Finch & Mrs Forbes AGENT Peter Court Associates
TARGET DECISION DATE: 27/09/21		PUBLICITY EXPIRY DATE: 25/08/21

RELEVANT PLANNING HISTORY

- 20/504458 – Pre-app: For 3 dwellings following review of 20/501373 response – Officer advised proposal was unlikely to be supported. Compared to what is now proposed, this scheme showed 3 larger properties (and a large detached garage for plot 1) in a more uniform layout, with more formal areas of hardstanding; and the application site extended further southwards.
- 20/501373 – Pre-app: Sought to discuss the previous reasons for refusal (as set out immediately below) and no new plans were submitted for consideration – Officer advised that subject to details there is potential scope for 3 new dwellings on site
- 19/505748 – Erection of dwelling with link extension to double garage and carport with studio/storage above and associated works – Refused
 - *Development would consolidate sporadic & urbanising development in rural landscape, causing unacceptable harm to character & appearance of area. This inappropriate development of garden land would represent poor design & would neither maintain nor enhance local distinctiveness of countryside & Len Valley Landscape of Local Value (LLV).*
 - *Development shows dwelling to be located in root protection areas (RPAs) of trees. This does not comply with BS5837:2012 in respect of paragraph 5.3: 'proximity of structures to trees', which only accepts need for construction within RPAs where there is overriding justification & no such justification has been demonstrated. Furthermore, in absence of relevant Tree Survey it has not been possible to establish quality & health of these trees. Proposal therefore fails to demonstrate trees will remain viable & their loss would be to detriment of character & appearance of countryside that falls in LLV.*
 - *Development by virtue of its layout is likely to result in future pressure for removal of trees in site, given proximity of proposed dwelling to trees & given extent of shading where future occupants may view trees as being overbearing & oppressive, perceiving trees would impact negatively upon their enjoyment of their property. This future pressure for removal & inappropriate pruning would reduce trees longevity and amenity value & potential loss of these trees would have detrimental impact upon local distinctiveness of the countryside hereabouts that falls in LLV.*
- 19/505743 – Demolition of house and outbuildings and erection of 2 houses and 2 garage buildings (introducing backland development) – Refused
 - *Development would consolidate sporadic & urbanising development in rural landscape, causing unacceptable harm to character & appearance of area. This inappropriate development of garden land would represent poor design & would neither maintain nor enhance local distinctiveness of countryside hereabouts that falls in LLV*
 - *Proposal shows rearmost dwelling to be located in RPA of tree. This does not comply with BS5837:2012 in respect of paragraph 5.3. Furthermore, in absence of relevant Tree Survey it has not been possible to establish quality & health of tree. Proposal therefore fails to demonstrate this tree will remain viable & its loss would be to detriment of character & appearance of countryside that falls in LLV.*

- 18/504652 - Pre-app: 4 dwellings – Officer advised proposal would adversely change character and appearance of site and rural setting of surrounding area, consolidating sporadic development and causing unacceptable environmental harm.

MAIN REPORT

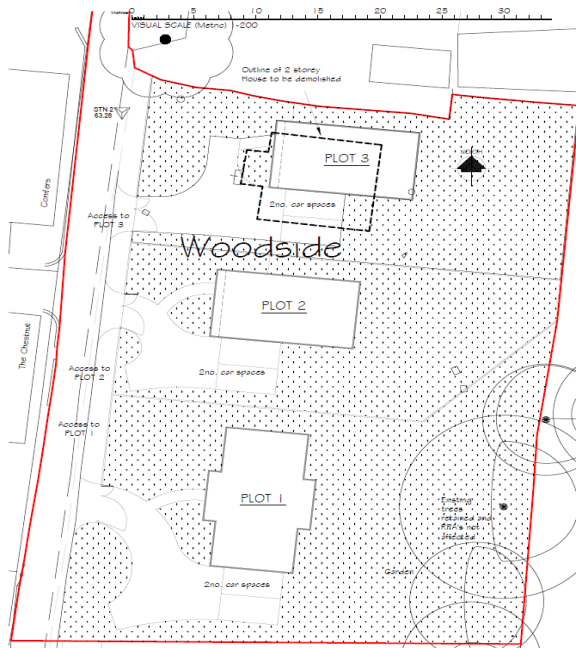
1.0 SITE DESCRIPTION

- 1.1 The proposal site (0.24ha in area) is currently occupied by a detached dwelling known as 'Woodside'. The site is on the eastern side of Firs Lane, some 100m to the south of the junction with the A20; and the access road is a no-through road. The residential properties within the vicinity of the site are of differing scale, age and design; and 'Mantels Farmhouse' to the south of the site is a Grade II listed building. For the purposes of the Local Plan the proposal site is within the countryside that falls within the Len Valley Landscape of Local Value. The site also falls within a KCC Minerals Safeguarding Area and within Flood Zone 1. The majority of the application site falls within Hollingbourne Parish, with a very small section at the south-western corner of the application appearing to fall within Thurnham Parish.

2.0 PROPOSAL

- 2.1 This proposal is for the demolition of the existing dwelling and for the erection of three detached (3-bed) dwellings. Each plot would have its own vehicle access and onsite parking provision; the two northern-most properties would be of similar scale and design but in a staggered position to each other; and the larger property to the south of the site would provide a balcony to the rear of the building.
- 2.2 The new houses for plots 2 and 3 (northern-most plots) would stand some 7m in height, with plot 3 in a similar location to the existing house; and plot 1 (to the south), would stand some 7.7m in height. For reference, the existing dwelling stands some 7m in height with a catslide roof element and living accommodation in the roof. In terms of external materials, the proposal would make use of slate roof tiles; horizontal weatherboarding; facing brickwork and aluminium windows. The application includes a Landscape Strategy and the key points from this are that a native mixed boundary hedging and trees would be planted; a number of trees in the southern part of the site would be retained; and a significant number of native trees will be planted to the south of plot 1 (within other land owned by the applicants).
- 2.3 Please note that this scheme has been amended during the life of this application, with the main changes including: The removal of a detached double garage for plot 1; the re-siting of the house for plot 1 further north within the site; the reconfiguration of vehicle accesses and parking spaces; the reduction in the plot size for plot 1; and the Landscape Strategy now including a new 'woodland' area to the south of plot 1.

2.4 For reference, the plan below shows the proposed layout for this planning application.



2.5 For comparison, the plan below shows the three plots refused under 19/505743 and 19/505748 (see planning history).



3.0 POLICY AND OTHER CONSIDERATIONS

- Local Plan (2017): SS1, SP17, DM1, DM2, DM3, DM6, DM8, DM23, DM30, DM32
- National Planning Policy Framework (2021)
- National Planning Practice Guidance
- Landscape Character Assessment (2012 amended 2013)
- Landscape Capacity Study: Sensitivity Assessment (Jan 2015)
- Para 99 of Govt Circular (ODPM 06/2005) & Natural England Standing Advice
- Kent Minerals & Waste LP (2013-30) (amended by Early Partial Review 2020)
- Regulation 18(b): Preferred Approaches Consultation (Dec 2020)

4.0 BACKGROUND INFORMATION

- 4.1 The Forestry Commission (FC) has confirmed an area in the application site is subject to a Restocking Notice (see below) that was served on 19th of November 2019:



- 4.2 It is understood that Restocking Notices are served under the Forestry Act 1967, when the FC believes that the trees have been felled illegally by someone with an interest in the land. The Restocking Notice places a duty on that individual to restock the land with trees; and the person upon whom this Restocking Notice was served had until the 30th of June 2021 to comply with this notice. Failure to comply with a Restocking Notice may result in the FC serving an Enforcement Notice to compel the landowner to undertake the restocking. Failure to comply with the Enforcement Notice may constitute an offence under section 24(4) of the Forestry Act 1967.
- 4.3 The FC, after taking their own legal advice, have clarified that granting planning permission for the same area as a Restocking or Enforcement Notice does not remove the duties contained within that Notice (i.e. while planning permission may make the development of the site lawful, it does not make non-compliance with the FC Notice lawful). At this time, it is understood that the applicant has submitted an appeal against the Restocking Notice, but at present the FC state that the Notice still stands.
- 4.4 The FC has reviewed the most up to date plans and comment that the proposal still encroaches on the area which is required to be restocked by their Restocking Notice. The FC also comment:

It is noted an area of woodland planting has been added to south of plot, outside the red line, and that it references the FC has recommended the planting. It needs to be clarified FC has not been consulted or asked for advice about this planting in this location, and it should also not be considered as the restocking required to comply with Restocking Notice.

- 4.5 The Council's Landscape Officer has commented as follows:

In my view, if we grant consent it is likely to inhibit FC's ability to enforce Restocking Notice which has now expired. Consequently, I am not able to support the application and the proposed landscaping is no substitution for the Restocking Notice. Taking the above into consideration, in order to make this site more arboriculturally acceptable an application for just 2 new dwellings in plots 2 & 3 would leave area/land in plot 1 available for applicant to comply with FC Notice.

- 4.6 Then after reviewing the amended plans, the Landscape Officer commented:

I note amended plans now show reduction in build area for plot 1 which is welcomed, although as FC state, plot 1 still covers a large proportion of the planting area in FC's restocking notice. Therefore, based on revised documents and latest comments from FC, I do not believe the amendments are sufficient to satisfy my previous concerns, and so from an arboricultural perspective, I am still not able to support application. Aside from this, I would ensure that the tree protection measures and landscaping proposals are subject to conditions.

- 4.7 To fully understand the background of the proposal site, it was thought necessary to set this issue out, along with the views of the FC and the Council's Landscape Officer. However, Restocking Notices are served under the Forestry Act 1967, and this is a matter between the applicant and the FC. It is also noted that the planning application includes a Landscape Strategy that will be discussed further on in the report.

5.0 REPRESENTATIONS

- 5.1 **Local Residents:** 13 representations received from local residents raising the following (summarised) issues:

- Over development of site/landscape impact upon countryside and Landscape of Local Value
- Poor design/appearance
- Impact upon residential amenity, including loss of privacy, outlook and light
- Would set precedent for further development
- Highway safety/traffic generation
- Not sustainable location
- Impact/loss of trees in line with Forestry Commission comments
- Submitted plans do not accurately show neighbouring properties/developments

6.0 CONSULTATION RESPONSES

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

- 6.1 **Hollingbourne Parish Council:** Wish to see application refused and reported to Planning Committee if minded to recommend approval for the following reasons:

Due to size of properties, neighbouring properties will be adversely affected by loss of view, as well as being overlooked by the new properties. In addition, Parish Council does not feel that the size of the properties will be in keeping with the area.

- 6.2 **KCC Highways:** Development does not meet criteria to warrant their involvement.
- 6.3 **Landscape Officer:** See Section 4.0 of this committee report.
- 6.4 **Forestry Commission:** See Section 4.0 of this committee report.
- 6.5 **Biodiversity Officer:** Raises no objection and requires no further info at this stage.
- 6.6 **Environmental Protection Team:** Raised no objections under 19/505748 & 19/505743 in terms of: noise; amenity; air quality; contamination; lighting; odour; sewage & private water supplies.
- 6.7 **KCC Minerals Safeguarding:** Raises no objection.
- 6.8 **Natural England:** Has no comment to make on this application.

7.0 APPRAISAL

The report will now go through the following matters:

- Sustainability in terms of location;
- Visual impact;
- Other arboricultural considerations;
- Residential amenity;
- Highway safety;
- Biodiversity implications; and then
- Other considerations.

Main issues

Local Plan

- 7.1 The proposal is subject to the normal constraints of development in the countryside. Indeed, new development should not be permitted unless it accords with other policies in the Local Plan and (inter alia): does not result in unacceptable harm to the character and appearance of the area; respects the amenity local residents; is acceptable in highway safety and heritage terms; protects and enhances any on-site biodiversity features where appropriate, or provides sufficient mitigation measures; and is acceptable in flood risk terms. The local distinctiveness of Landscapes of Local Value should also be maintained, or where possible, enhanced.
- 7.2 For clarification, Local Plan policies DM5 (development on brownfield land) and DM11 (residential garden land), specifically exclude garden land in countryside locations.

Landscape Character Assessment

- 7.3 The Maidstone Landscape Character Assessment (LCA) identifies the application site as falling within Leeds Castle Parklands area (49); and then specifically the detailed landscape character area as Caring Pastures (49-1). The landscape guidelines for Leeds Castle Parklands are to 'conserve and restore', with Caring Pasturelands being to 'improve'. A summary of actions from the LCA are summarised as follows:
- Consider generic guidelines for Valleys
 - Create new functional integrity in which use of land is reflected in clear landscape features
 - Improve historic parkland features
 - Improve distinctive/characteristic elements: native woodland: strengthening AONB setting
 - Avoid urban fringe influences extending along A20
- 7.4 Within the Council's Landscape Capacity Study: Sensitivity Assessment (Jan 2015), the overall landscape sensitivity of Leeds Castle Parklands Landscape Character Area is *HIGH*.

National Planning Policy Framework (July 2021 revision)

- 7.5 The NPPF is clear that good design is a key aspect of sustainable development and that permission should be refused for development that is not well designed; and section 12 of the NPPF refers to achieving well-designed places. Paragraph 174 of the NPPF also states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside; and to achieve well-designed places the NPPF also makes it clear that (para 126):

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.

Sustainability in terms of location

- 7.6 The Local Plan identifies the focus for new residential development in the settlement hierarchy as firstly the urban area, then rural service centres (RSCs) and lastly the larger villages. The proposal site is in the countryside for the purposes of the Local Plan, some 1.4km to the east of the edge of the defined Maidstone urban area. In general terms, proposal sites beyond development boundaries are less sustainable as access to basic amenities/services, public transport links, and employment opportunities etc. tends to be poor, resulting in heavy reliance on the use of the private car for their day to day living, contrary to the aims of sustainable development as set out in the Local Plan and the NPPF.

- 7.7 However, a Planning Inspector for new residential development at Pine Cottage, Ashford Rd (planning ref: 15/504418/OUT) accepted that future occupants of the proposed dwelling would have an acceptable range of transport options rather than the private motor car, and so the development would not result in an unsustainable form of development in terms of reliance on the private motor vehicle. The reserved matters for this application were approved under 18/501617/REM, and a resubmitted residential development on this site (next to Pine Cottage) has also now been recently approved at planning Committee (21/500768).
- 7.8 The proposal site is in the locality of Pine Lodge, with Pine Lodge found some 300m to the east of the site (before a holiday caravan site). For reference, there are bus stops (for frequent services) in each direction within 230m of the junction of Firs Lane and the A20, with the east bound bus stop being within 130m. It is also worth noting that there is a footpath on the opposite side of the road that leads up to the eastbound bus stop, as well as leading all the way into Bearsted (westwards). With this all considered, the proposal site is not in such an unsustainable location as to warrant refusal of this application (that is for a net gain of two additional houses). It should also be noted that the two previously refused applications on this site (19/505743 and 19/505748) were not refused on sustainability grounds in terms of location.

Visual impact

- 7.9 Local Plan policies seek to achieve high quality design in all development in the countryside, and they emphasise the need for type, siting, materials, design, scale, and level of activity, to maintain and possibly enhance local distinctiveness including landscape features. Local Plan policy also requires that the impact of development on the appearance and character of the landscape is appropriately mitigated.
- 7.10 The northern end of the application site is currently occupied by a relatively modest detached dwelling known as Woodside. This property is part single storey and part 2-storey; and behind, is a large garden area with shed/workshop buildings and an attractive tree centrally located (that falls outside the application site). To the south of Woodside is associated garden and a number of trees, and the issues surrounding the felling of some trees here has been addressed above. The site boundaries are largely demarcated by planting and low-level timber post and rail fencing; and the site is open in feel, with views of the countryside to the east over the Len Valley Landscape of Local Value.
- 7.11 The proposal would see the demolition of the existing dwelling and in its place would be the erection of three detached dwellings. It is accepted that the proposal would see built form extend southwards, but this is not considered to be so out of character, given the number and location of existing properties on the western side of Firs Lane. Furthermore, it is noted that the new dwellings will have a direct relationship with the lane, and would not introduce backland development that would harmfully encroach eastwards into the countryside; the plot sizes of the surrounding properties vary and the sizes of the new plots are not considered to be so out of keeping with this; the proposed dwellings would not be isolated but will be read in the context of existing surrounding development; and the proposal will retain a large area of undeveloped land to the south of plot 1. It is also noted that the surrounding properties are of varying scale and it is considered that the proposed units would not appear out of keeping in this respect. On this basis, it is therefore considered that the proposal would not have an adverse impact upon the general pattern and grain of development within the immediate vicinity of the site.

- 7.12 The three new dwellings would also sit comfortably within their own plot, and the lack of outbuildings and harsh urban boundary treatments together with the proposed landscaping and spacing of the new dwellings would retain an open feel to the development. Having the main parking spaces to the side of the buildings would also help retain the open feel of each property's frontage; and the irregular building line of the new dwellings is fitting for the site's rural location. To safeguard the future appearance of the development, appropriate conditions will be imposed for suitable landscaping and to restrict future development on the site.
- 7.13 Plots 2 and 3 are of a similar scale and design; the design of the buildings is appropriately simple, with well-proportioned fenestration detail and a mixed external materials palette providing articulation and visual interest; and their set back from the lane would further lessen their visual impact. Plot 1 is larger, but again it would be set back from the lane; and its traditional design and mixed materials palette are not objectionable. The variations between plot 1 and plots 2 and 3 would also provide further visual interest to the overall development; and it is noted that the existing surrounding properties are of differing scale, design and age and so the proposal would not appear incongruous in this respect. In addition, the new plots would not have excessive areas of hardstanding, and the retained/proposed landscaping would help to soften the development and allow it to positively integrate with its surroundings. To further safeguard the appearance of the development, a suitable materials condition will be imposed to ensure the use of high quality building materials and hardsurfacing.
- 7.14 This application is accompanied by a Landscape Appraisal that has assessed the visibility of the proposal within the site and its setting to the surrounding landscape. This appraisal demonstrates that the main public views of the proposal would be from Firs lane, at short-range; and it has been established that the proposal would not be visible from the junction of Firs lane and the A20. There would be potential views of the development from the public footpath (KH180) and Old Mill Lane that are some 700m and 750m respectively to the east of the application site. It is accepted that these public views would only be glimpses and that once the new landscaping is established (after 5-10yrs say) these glimpsed views would be further reduced. With this taken into account, it is considered that the proposal would not appear over dominant or visually harmful within the wider landscape that falls within the Len Valley Landscape of Local Value.
- 7.15 To add, the Landscape Appraisal has influenced the submitted Landscape Strategy in that it has taken the opportunity to enhance the proposed development in certain areas, in accordance with the Council's Landscape Character Assessment, as well as having a positive impact in terms of biodiversity.
- 7.16 On balance, it is therefore considered that the proposal (subject to relevant conditions) would not harmfully consolidate sporadic and urbanising development in the countryside and would not adversely change the character and appearance of the surrounding area. The proposal would maintain and enhance the local distinctiveness of the countryside hereabouts that falls within the Len Valley Landscape of Local Value, and is therefore considered to be in accordance with the relevant policies of the Local Plan; the aims of the revised NPPF; and the guidance within the Maidstone Landscape Character Assessment.

Other arboricultural considerations

- 7.17 The surrounding woodland is not Ancient Woodland; there are no protected trees on, or immediately adjacent to, the proposal site; the submitted Tree Survey has established the quality and health of the existing trees in and around the site; and as the proposed works would fall outside the root protection areas of those trees to be retained, in this respect the development would comply with BS5837:2012 in

respect of paragraph 5.3: '*proximity of structures to trees*'. The Tree Survey also identifies six Grade U and C trees to be removed as a result of the development; as well as two Sweet chestnuts that are to be coppiced so that they can be retained (where the new woodland planting will go). The Tree Survey also states that the requirements of the Arboricultural Impact Statement, the Arboricultural Method Statement and the Tree Protection Plan are fulfilled in the preparation of the proposals. Furthermore, the submission has demonstrated that the proposal is unlikely to result in future pressure for the removal of retained trees in and around the site, given the separation distances of the new dwellings from these trees and the relatively large garden areas that would not be harmfully overshadowed (as demonstrated by submitted Tree Shading plans).

Residential amenity

- 7.18 The proposed dwelling for plot 1 would be set back some 10m from the lane, with a property known as The Chestnuts some 15m away and Oakdene (to south-west) some 20m away; and the first floor front (west-facing) windows would serve an ensuite and void (non-habitable areas) and the kitchen, with the dining area behind. The new access for plot 1 would not be sited directly in front of any neighbouring property. Please note this assessment has considered the development permitted at Oakdene under 19/501704 (demolition of conservatory and garage; erection of single storey side/rear extensions; and replacement garage).
- 7.19 The proposed dwelling for plot 2 would be set back some 7m from the lane and sited more than 13m from any existing property; at first floor level, the new dwelling would look between The Chestnuts and Conifers; and its mass is not considered harmful. The new access for plot 2 would face The Chestnuts and its recently approved single storey side extension permitted under 20/504829 (Erection of side/rear single storey extensions; and reconfiguration of bungalow with new roof and ridge level), with the relevant windows facing the lane for The Chestnuts serving bedrooms. There is the potential for some nuisance to result from this relationship in terms of vehicle noise and headlights shining into the bedrooms for example. However, the typical level of coming and going of vehicles from one dwelling is not considered to be so significant as to cause significant concern, and headlights will only be necessary for certain times of the day, further lessening any potential harm. On this basis, no objection is raised to the proposal on this issue.
- 7.20 Proposed plot 3 is effectively replacing Woodside and would be located in a similar position, albeit set further back from Firs Lane and sited closer to the northern boundary of the site. For reference, the new dwelling at plot 3 would be set back some 16m from Conifers to the west; it would be set away more than 35m from the property known as The Firs (to the north); it would be more than 40m from Pinehurst (also to the north of the site); it would be offset from The Chestnuts (to the south-west); it would remain some 30m away from Downs View (to north-east). The scale and massing of plot 3's dwelling is also not excessively greater than the existing property at Woodside; and the relationship between the first floor front windows of this dwelling and Conifers is not considered unacceptable. There is already an existing vehicle access for Woodside in the proximity of Conifers, and the modest shift of this access southwards for plot 3 is not considered to result in further significant adverse harm to the occupants of this property, when compared to the current situation. It is noted that Conifers has recently been granted permission for the demolition of the existing conservatory and for the erection of a single storey side and rear extension (under ref: 20/504974). The east facing window permitted under 20/504974, that fronts onto the lane, serves a shower room (a non-habitable room). The first floor side windows to plots 2 and 3 (serving ensuites/bathrooms/landings) would also be conditioned to be obscure glazed and fixed shut.

7.21 Suitable boundary treatments would safeguard neighbour privacy at ground floor level; and the proposal would not have an unacceptable impact upon the levels of privacy neighbouring properties currently have when using their gardens. With everything taken into account, it is therefore considered that the proposal would not appear overbearing, or result in an unacceptable loss of privacy, outlook, or light to any existing neighbour when trying to enjoy their property (both internally and externally). It is also considered that the proposal would not result in unacceptable harm to the amenity of any neighbour in terms of general noise, disturbance and odour; and future occupants of the proposal would also benefit from acceptable living conditions (both internally and externally).

Highway safety

7.22 Paragraph 111 of the NPPF states: *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

7.23 The proposal would use an existing access road from the A20 that already serves a number of properties (including Woodside itself); there is good visibility when joining onto A20; it is evident from www.crashmap.co.uk that there have been no reported traffic incidents at the junction of A20 and Firs Lane in the last 10yrs; each new dwelling would have its own vehicle access and private driveway, with adequate parking and turning facilities on site; and it should be highlighted again that the proposal would only provide a net gain of two dwellings. It should also be noted that under both previous planning applications on the site (19/505743 and 19/505748), the Highways Authority had raised no objection. As such and with everything considered, this proposal is not objectionable in highway safety terms.

7.24 In terms of the Local Plan review, policy SP5(A) of the *Regulation 18(b): Preferred Approaches Consultation document (Dec 2020)* refers to development in the Leeds-Langley Corridor and the proposal site is within the safeguarding area of this. However, the Council's Planning Policy Team has confirmed that this document does not carry material weight for decision making purposes at this stage.

Biodiversity implications

7.25 On review of the ecological information submitted as part of this application, the Biodiversity Officer is satisfied that sufficient information has been provided to determine the application and so no further information is required at this stage. Specifically, the Biodiversity Officer is satisfied with the results of the bat emergence surveys, which found no evidence of roosting bats, and they have commented as follows:

Bats and Lighting

To mitigate against potential adverse effects on bats we suggest that the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for bats is submitted to the local planning authority, as recommended in the ecology report, and secured via an attached condition with any planning permission.

7.26 Furthermore, under section 40 of the Natural Environment and Rural Communities Act (2006), and the NPPF, biodiversity must be maintained and enhanced through the planning system. Indeed, paragraph 174 of the NPPF states:

*Planning decisions should contribute to & enhance natural & local environment by (inter alia):
d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*

7.27 And paragraph 180 of the NPPF states:

*When determining applications, LPA's should apply the following principles (inter alia):
d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

7.28 With this considered, a suitable condition is recommended to request details of biodiversity enhancements on the site (to also demonstrate a net biodiversity gain). This shall include details of enhancements through integrated methods into the fabric and appearance of the building (such as swift bricks, bat tubes, and bee bricks); the recommendations as set out in section 4.4.2 of the submitted Preliminary Ecological Appraisal (Corylus Ecology August 2019); and details of a native species-only landscaping plan. The recommended breeding bird informative is also duly added.

Other considerations

7.29 The Environmental Protection Team has raised no previous objection to similar development on the site in terms of noise, air quality and land contamination. The recommended condition relating to hours of construction work is not considered necessary in this instance to make the proposed development acceptable. The proposal site is within Flood Zone 1 and there is no objection in terms of flood risk; surface water will be disposed of via soakaway and foul sewage disposed of via mains sewer, and no objection is raised on these matters and no further details are required. There is sufficient room for refuse storage.

7.30 In accordance with Local Plan policy and in the interests of sustainability and air quality, a suitable condition would be imposed for the provision of operational electric vehicle charging points for low-emission plug-in vehicles, if the application were to be approved. Suitable conditions will also be imposed requesting details of any external lighting, in the interests of amenity; and for the use of renewable energy to be incorporated into the development, to ensure an energy efficient form of development.

7.31 Given the scale and nature of the proposal, and its separation distance between Mantels Farmhouse, it is considered that the proposal would not cause harm to the significance or setting of this Grade II listed building. The site is within a minerals safeguarding area, however, KCC confirm that they raise no objection on mineral safeguarding grounds in this instance.

7.32 The representations received from Hollingbourne Parish Council and local residents have been considered in the assessment of this application. It should be noted here that each application must be considered on its own merits under current policy/guidance; and the 'loss of a view' is not a material planning consideration. Furthermore, it is set out in the initial notification letter and in the 'Have Your Say' document on the Council's website, that any comments received in relation to a planning application will not be individually acknowledged, due to the large number of responses received and that it is not possible to respond personally to any matters/questions raised, but will be considered as part of the application assessment.

7.33 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010, and it is considered that the proposal would not undermine the objectives of this Duty. The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy in October 2017 and began charging on all CIL liable applications approved on and from 1st 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 if planning permission is granted or shortly after.

8.0 CONCLUSION

8.1 Whilst the Council is in a position where it can demonstrate a 6.1yrs worth of housing land supply (1st April 2020), this does not mean that appropriate windfall sites should not be approved. For the reasons outlined above, the proposal is considered to be acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval is therefore made on this basis.

9.0 RECOMMENDATION: GRANT planning permission subject to 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. Prior to commencement of the development above damp-proof course level, written details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and approved in writing by the local planning authority, and shall include:

- a) weatherboarding;
- b) natural slate and/or plain clay roof tiles; and
- c) Facing brick.

The development shall be constructed using the approved materials and maintained as such thereafter.

Reason: To safeguard the character and appearance of the countryside that falls within the Len Valley Landscape of Local Value.

3. Prior to commencement of the development above damp-proof course level, details of all fencing, walling and other hard boundary treatments shall be submitted to and approved in writing by the local planning authority, incorporating details to allow for the passage of wildlife. The development shall be carried out in accordance with the approved details before the first occupation of the buildings and maintained as such thereafter. The approved hard boundary treatments associated with the individual dwellings shall be carried out in accordance with the approved details before the first occupation of the relevant individual dwelling.

Reason: To safeguard the character and appearance of the countryside that falls within the Len Valley Landscape of Local Value; to safeguard the enjoyment of their properties by existing and prospective occupiers; and in the interests of protecting wildlife.

4. In accordance with the submitted Landscape Strategy and prior to the commencement of development above damp-proof course level on any individual property, details of a scheme of hard and soft landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and longterm management, which shall be for a minimum of 10 years, shall be submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment (2012) and shall include:

- a) Details of a planting schedule (including location, planting species and size) for the application site and other land owned (as outlined in blue on drawing reference: 2168/51 Rev A);
- b) New 100% mixed native boundary hedging and new native boundary and woodland tree planting, at a minimum of Standard size, as shown on submitted drawing reference: 0340/20/B/20C; and
- c) Details of hardsurfacing materials.

Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted. The implementation and longterm management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas (including land within the blue outline as shown on drawing reference: 2168/51 Rev A), other than the garden areas for the three new plots. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the countryside that falls within the Len Valley Landscape of Local Value and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development; and to safeguard the longevity of existing and proposed trees.

5. The approved landscaping associated with the individual dwellings hereby approved shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. Any trees or plants, which, within a period of 10 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: To safeguard the character and appearance of the countryside that falls within the Len Valley Landscape of Local Value; and to safeguard the longevity of existing and proposed trees.

6. The development hereby approved shall be carried out in accordance with the tree protection details, as set out in the submitted Tree Survey Report (Issue 4 July 2021).

Reason: In the interests of protecting the longevity of existing trees.

7. Prior to the commencement of the development above damp-proof course level, details of ecological enhancements integrated into the design and fabric of all three dwellings hereby approved, to include swift bricks, bat tiles/tubes and bee bricks; and other ecological enhancements as set out in 4.4.2 of the submitted Preliminary Ecological Appraisal (Corylus Ecology August 2019), shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the relevant dwelling and all features shall be maintained as such thereafter.

Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

8. No external lighting, whether temporary or permanent, shall be placed or erected within the application site unless details are submitted to and approved in writing by the local planning authority. Any details to be submitted shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. Any details to be submitted shall also follow the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and

Artificial Lighting' and demonstrate that areas to be lit will not disturb bat activity. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of amenity and in the interests of protected species.

9. Plots 2 and 3, as shown on the approved plans, shall not be occupied until the first floor side windows of the relevant property are obscure glazed and incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level, and these windows shall be subsequently be maintained as such thereafter.

Reason: To safeguard the enjoyment of their properties by existing and prospective occupiers.

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

11. Each property shall have a minimum of one operational electric vehicle charging point for low-emission plug-in vehicles prior to its occupation. The electric vehicle charging points shall be maintained as such thereafter.

Reason: To promote reduction of CO₂ emissions through use of low emissions vehicles.

12. The vehicle parking spaces, as shown on the submitted plans, shall be provided prior to occupation of the relevant dwelling they are associated with and then permanently retained for parking thereafter.

Reason: In the interest of visual amenity and parking provision.

13. Prior to commencement of the development above damp-proof course level, details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the relevant dwelling and maintained as such thereafter.

Reason: To ensure an energy efficient form of development.

14. Notwithstanding the details approved pursuant to condition 3 of this permission and notwithstanding the provisions of the Town and Country Planning General Permitted

Development (Amendment) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development within Schedule 2, Part 1 Classes A, AA, B, D, and E, and Schedule 2, Part 2, Class A to that Order shall be carried out.

Reason: To safeguard the character and appearance of the countryside that falls within the Len Valley Landscape of Local Value; and to safeguard the enjoyment of their properties by existing and prospective occupiers.

15. The other land outside the application site (as outlined in blue on drawing reference: 2168/51 Rev A), shall not be used as garden land for any of the three dwellings hereby approved.

Reason: To safeguard the character and appearance of the countryside that falls within the Len Valley Landscape of Local Value; and to safeguard the longevity existing and proposed trees.

16. The development hereby permitted shall be carried out in accordance with the following approved plans/documents: 2168/51 Rev A; 52 Rev A; 53; and 54 Rev A; 0340/20/B/20C (Landscape Strategy); Tree Survey Report (July 2021) including drawings: 2590/2020/B/1 and B/2C; Bat Emergence Survey Report (Corylus: 19100); Preliminary Ecological Appraisal (Corylus: 19100).

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES

1. The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st 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. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. 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.
3. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.
4. The applicant is advised that the tree works proposed in the submitted Woodland Management Plan' are likely to require a felling licence from the Forestry Commission, including any trees within the red line boundary whose removal is not immediately required for the purposes of constructing the buildings.