

<b>REFERENCE NO:</b> 21/504879/FULL		
<b>APPLICATION PROPOSAL:</b> Conversion of existing cottage together with erection of two storey rear/side extension to create 1(no) two bedroom dwelling and 1(no) three bedroom dwelling. Erection of 1(no) detached four bedroom dwelling. (Re-sub of 21/500798/FULL)		
<b>ADDRESS:</b> Loddington Lane Cottage 2 Loddington Lane Boughton Monchelsea, ME17 4AD		
<b>RECOMMENDATION:</b> GRANT PLANNING PERMISSION subject to planning conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> 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.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Boughton Monchelsea 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.		
<b>WARD:</b> Boughton Monchelsea & Chart Sutton	<b>PARISH COUNCIL:</b> Boughton Monchelsea	<b>APPLICANT:</b> Mr R. Brigden <b>AGENT:</b> Design & Build Services
<b>TARGET DECISION DATE:</b> 22/11/21		<b>PUBLICITY EXPIRY DATE:</b> 21/10/21

### RELEVANT PLANNING HISTORY

- 21/500798 – Conversion of cottage together with 2-storey rear/side extension to create 2 dwellings; and erection of 1 detached dwelling – Refused because:

*Submission failed to demonstrate protected species would not be adversely impacted upon as a result of development, contrary to DM1 & DM3 of Local Plan; Boughton Monchelsea NP; Para 99 of Govt. Circular (ODPM 06/2005); Natural England Standing Advice; and NPPF (2019).*

- 20/504019 – Pre-app: Extension/conversion of cottage to create 2 dwellings and erection of a pair of semi-detached dwellings – Officer considered it unlikely that proposal would be supported

- 19/503484 – Demolition of dwelling & erection of 4 houses – Refused for the following reasons:

*(1) The proposal would result in a substantial increase in built mass sited in an extremely prominent location fronting Loddington Lane significantly amplifying its visual impact. The development will therefore result in a highly visible further consolidation and extension of existing ad hoc development in the locality detrimental to the rural character of the area and landscape quality of the Greensand Ridge Landscape of Local Value contrary to the provisions of policies SP17 and DM30 of the Maidstone Borough Local Plan Adopted October 2017.*

*(2) The proposal by reason of its detailing, bulk, proportions, lack of articulation, unrelieved expanse of parking located in a prominent position in the street scene and loss of the frontage hedgerow is harmful to the rural character of the area while failing to take the opportunities available for improving the character and quality of the area and the way it functions in accordance with the provisions of paragraph 130 of the NPPF and policy DM30 of the Maidstone Borough Local Plan Adopted October 2017.*

*(3) The wildlife implications of demolition of the existing house and loss of the frontage hedgerow means the application should have been accompanied by a wildlife assessment. In the absence of such an assessment it has therefore not been demonstrated that the site is capable of being developed without adversely affecting protected species and their habitats. As such the proposal fails to satisfy the provisions of paragraphs 170 and 175 of the NPPF and policy DM3 of the Maidstone Borough Local Plan Adopted October 2017.*

## **MAIN REPORT**

### **1.0 SITE DESCRIPTION**

1.01 The application site fronts onto Loddington Lane and is some 20m to the south of the junction with Heath Road. To the immediate north of the site is a property known as Rose Cottage; to the east, the site is bounded by the road; and to the south and west is woodland. Linton Park, a Registered Park/Garden, is in proximity of the site. For the purposes of the Local Plan the proposal site is located within the designated countryside and the Greensand Ridge Landscape of Local Value. The proposal site is also within the Linton Conservation Area; an area of archaeological potential; a KCC Minerals Safeguarding Area; and is within Flood Zone 1.

### **2.0 PROPOSAL**

2.01 The description of the development is as follows: *Conversion of existing cottage together with erection of two storey rear/side extension to create 2(no) dwellings; and erection of 1(no) detached dwelling.* The proposal is effectively creating two additional dwellings.

2.02 The proposal is for the conversion of the existing cottage into two dwellings, including a two storey side and rear extension; and for the erection of a single detached dwelling. The existing outbuilding on the site would also be demolished. The proposal would create a 2-bed; a 3-bed; and a 4-bed property; and parking provision (7 spaces) would be found to the rear of the site, by way of a driveway in between the new house and the extended and subdivided cottage.

2.03 The subdivided cottage would be rendered and the roof would be a natural grey slate roof. The new detached dwelling would be of red stock facing brick with tile hanging at first floor level, and this dwelling would also have a natural grey slate roof. The fenestration details for the housing would be an Alu-Clad finish.

2.04 Please note this proposal is the same as that proposed under 21/500798 that was refused only because the submission failed to demonstrate that protected species would not be adversely impacted upon as a result of development. Furthermore, the previous application (19/503484) was for the demolition of the existing dwelling and then for the erection of 4 houses in a terrace form, with car parking to the front of the building. This application would have resulted in a net gain of three houses, with the terrace largely filling the site; and the front hedge being removed.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

- Local Plan (2017): SS1, SP17, SP18, DM1, DM2, DM3, DM4, DM8, DM12, DM23, DM30, DM32
- Boughton Monchelsea Neighbourhood Plan (up to 2031): PWP1, PWP4, PWP7, PWP8, PWP10, PWP11, PWP12, PWP13, PWP14, RH1, RH6
- Landscape Character Assessment (2012 amended July 2013)
- Maidstone Landscape Capacity Study: Sensitivity Assessment (Jan 2015)
- Linton Conservation Area Appraisal (adopted March 2008)
- Linton Conservation Area Management Plan (2010)
- Boundary Alterations Report (dated 2016)
- National Planning Policy Framework (2021) & National Planning Practice Guidance
- Kent Minerals & Waste LP (2013-30) as amended by Early Partial Review (2020)
- Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System
- Natural England Standing Advice
- Regulation 19 Maidstone Local Plan

Local Plan

- 3.01 The submission is subject to the normal policy constraints to development in the countryside, as set out in the adopted Local Plan. Indeed, new development should not be permitted unless it accords with other policies in the Local Plan and it (inter alia): does not result in unacceptable harm to the character and appearance of the area; it respects the amenity local residents; it is acceptable in highway safety, heritage, and flood risk terms; and it protects and enhances any on-site biodiversity features where appropriate or provides sufficient mitigation measures. The distinctive landscape character of Landscapes of Local Value should also be conserved and enhanced.

Boughton Monchelsea Neighbourhood Plan (BMNP)

- 3.02 BMNP is a made Plan and it forms part of the Development Plan. Of particular relevance, PWP4 (provision for new housing) states (of most relevance):

*Positive and appropriate provision for new housing development for Boughton Monchelsea parish, and as required by the Maidstone Borough Local Plan, is made as follows:*

*B Development may be supported on other windfall sites and through conversions where:*

- (i) It is in line with policies RH1 and RH6 of this plan in particular, is small scale and of high quality and in keeping with its location*
- (ii) AND results in significant benefits to the parish in resolving community issues identified in the Plan such as specific identifiable housing needs OR*
- (iii) It constitutes enabling development contributing to the retention and sustainability of heritage and/or community assets OR*
- (iv) It is within the Boughton Village development boundary*

*C In other circumstances, and particularly where development would result in the coalescence of hamlets within the parish, development will not be supported.*

- 3.03 Policy RH1 (Location of new residential development) states (inter alia):

*Proposals for new residential development to the south of Heath Road (B2163) will not be supported unless they conform with national and local rural exception policies.*

- 3.04 Policy RH6 relates to the design of new housing development and it seeks such development to be of the highest quality, appropriate to the area; to reflect local characteristics in terms of topography, ridge heights, layout, plot size and materials; and to be no higher than surrounding dwellings. There are several other policies relevant to this proposal, including policies PWP2, HWB1 PWP8, PWP10. and PWP12.

Council's Landscape Character Assessment and Capacity Study

- 3.05 The Maidstone Landscape Character Assessment (2012 amended 2013) identifies the application site as falling within the Boughton Monchelsea to Chart Sutton Plateau (Area 29). The landscape guideline for this area is to 'IMPROVE'. The Council's Landscape Capacity Study: Sensitivity Assessment (Jan 2015) states that the Boughton Monchelsea to Chart Sutton Plateau has the overall landscape sensitivity as 'LOW'.

NPPF (July 2021)

- 3.06 The revised 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, with section 12 of the NPPF referring to 'achieving well-designed places'. Section 16 of the NPPF sets out what should be considered in terms of conserving and enhancing the historic environment.

5yr housing land supply

- 3.07 The Council is in a position where it can demonstrate a 5.6yrs worth of housing land supply (1<sup>st</sup> April 2021).

Regulation 19 Local Plan

- 3.08 Following recent approval by members, the Council's Reg 19 Local Plan is out to public consultation. This document is a material planning consideration, however at this time individual policies are not apportioned much weight. At the end of the consultation period, the weight to be attached to individual policies will be adjusted upwards or downwards depending on whether objections have been received. The current programme involves submission to the Planning Inspectorate in Spring 2022.

#### **4.0 LOCAL REPRESENTATIONS**

- 4.01 2 representations received raising concerns over: Impact on Linton Conservation Area; Boughton Monchelsea NP sets out there should be no development south of Heath Rd apart from exceptional circumstances; visual amenity impact; residential amenity; proposal is no in accordance with the Development Plan; highway safety; impact upon ecology; no local need for additional housing; and site is in AONB.

#### **5.0 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)

- 5.01 **Boughton Monchelsea Parish Council:** Wish to see application refused and reported to Planning Committee if officers are minded to recommend approval. Their comments are summarised below:

- *Proposal is contrary to policy RH1 of Neighbourhood Plan (NP).*
- *Backbone of NP is that, apart from exceptional circumstances, there should be no development to south of Heath Rd.*
- *Proposal would result in substantial increase in built mass sited in extremely prominent location fronting Loddington Lane.*
- *Development would further consolidate and extend ad hoc development in locality, detrimental to rural character of area and landscape quality of Greensand Ridge Landscape of Local Value.*
- *Proposal is immediately adjacent to Priority Local Landscape (policy PWP2 of NP). This policy states distinctive character of Priority Local Landscape will be conserved and enhanced and proposal is contrary to this.*
- *Proposal is adjacent to Linton Conservation Area (CA). Conservation Officer commented previously there was insufficient illustration proposal would be a positive contribution to CA - We share these concerns and feel proposal would make negative contribution to area.*
- *Have serious concerns at proximity of proposal to Heath Rd junction, particularly as Loddington Lane is narrow with no footpaths.*
- *We would like to know why our comments on previous application were dismissed.*

- 5.02 **Biodiversity Officer:** Raised no objection.

- 5.03 **Conservation Officer:** Raised no objection on heritage grounds under 21/500798.

- 5.04 **Historic England:** Do not wish to offer any comments.

- 5.05 **KCC Archaeological Officer:** Raises no objection.

- 5.06 **KCC Minerals Safeguarding Team:** No representations received but they did confirm under 21/500798 that they have no minerals or waste safeguarding comments to make and no further details are required in this respect.

- 5.07 **Environmental Protection Team:** Raised no objection under 19/503484 in terms of noise; air quality; radon; and land contamination.

## 6.0 APPRAISAL

### Main issues

6.01 The key issues for consideration relate to:

- Location
- Biodiversity implications
- Visual/heritage impacts
- Residential amenity
- Highway safety
- Other planning considerations

6.02 The details of the submission will now be considered.

### Location

6.03 The proposal site is in the countryside for the purposes of the Local Plan. The principal focus for residential development in the borough is the urban area, then Rural Service Centres and then larger villages. In other locations protection should be given to the rural character of the borough. In general terms, proposal sites beyond development boundaries are likely to be 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 Development Plan and the NPPF.

6.04 However, there are bus stops on Heath Road within 70m of the application site that run in and out of Maidstone; and the northern side of Heath Road does have a pavement. Furthermore, a shop/post office in Church Street is some 800m to the north-east of the site; a petrol station with convenience store is some 500m to the west of the site; and Coxheath district centre is some 2.2km to the west of the site. It is also noted that under a previous application on this site (19/503484), where the development would have resulted in three additional houses on the site (not two dwellings like this current proposal), the delegated report states:

*Regarding whether the development, on its own, can be considered to be isolated, given its close proximity to Rose Cottage to the north and the ribbon of housing on the opposite side of Heath Road this is not considered to be the case. However, the wider question is whether the development would consolidate and enlarge an existing isolated area of housing occupying an unsustainable location in siting terms. Given the proximity of the site to Heath Road with its bus services and short distance from allocated housing sites abutting Boughton Monchelsea where siting sustainability would have been a key consideration, it is not considered it can be reasonably argued that the site occupies an unsustainable location.*

6.05 Local Plan policy and the aims of the revised NPPF have not significantly changed in terms of sustainability and location since this decision was made, and there is considered to be no reasonable defence to now deviate from this view. Policy HWB1 of the Boughton Monchelsea Neighbourhood Plan also seeks new development to be located so as to be accessible by public transport if possible, which this site is. In addition, the proposal reflects the aims of the NPPF to avoid isolated dwellings in the countryside; the proposal would involve the subdivision of an existing dwelling (in accordance with paragraph of 80 of the NPPF); and it appears that the existing property was at one time two dwellings. On this basis, it is considered that two additional houses here are not in such an unsustainable location to warrant objection.

Biodiversity implications

6.06 Paragraph 99 of the ODPM Circular 06/2005 states: "*it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision*".

6.07 As set out above, the previous planning application (21/500798) was refused because it failed to demonstrate that the proposal would be acceptable in terms of safeguarding protected species. This submission is now accompanied by a Reptile and Bat Survey and a Method Statement of Reptile Mitigation Works. The Biodiversity Officer has reviewed the application and in short has advised that sufficient ecological information has been provided subject to recommended conditions. The Biodiversity Officer commented as follows (as summarised):

*Protected Species: No bats were recorded either during the bat scoping surveys or dusk emergence survey. There is therefore a low risk to bats from proposed works. A low population of grass snake was recorded in site and therefore appropriate avoidance and mitigation measures are required. For the above reasons a condition for a Precautionary Biodiversity Method Statement is recommended.*

*Lighting and Bats: Bats were recorded foraging and commuting through application site during emergence survey. Larger slower flying bat species are sensitive to light pollution which can act as a barrier to their movement. Application site is immediately adjacent to extensive area of deciduous woodland and open farmland with hedgerows all of which provide potentially important foraging and commuting habitat. For the above reasons a condition for a Lighting Design is recommended.*

6.08 These conditions are considered to be reasonable, in order to safeguard protected species and they shall be duly imposed. The condition relating to the Precautionary Biodiversity Method Statement is a pre-commencement condition and the agent has agreed to its imposition.

6.09 In addition to this, 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.*

6.10 Furthermore, Local Plan policy DM1 and NP policy PWP12 seek to enhance on-site biodiversity. With all of this considered, a suitable condition will also be imposed requesting details of biodiversity enhancements on the site (to also demonstrate a net biodiversity gain), including details of enhancements through integrated methods into the fabric and design of the buildings; and the provision of a reptile hibernacula on the site.

Visual impact

6.11 The Planning (Listed Buildings and Conservations Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. Local Plan policy SP18 requires (inter-alia), that the characteristics of heritage assets are protected and design is sensitive to heritage assets and their settings. Policy DM4 requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.

6.12 The NPPF (paragraphs 197 & 199) state that when determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

6.13 Furthermore, Local Plan policies seeks to achieve high quality design in all development in the countryside, and it emphasises the need for type, siting, materials, design, scale, and level of activity, to maintain and possibly enhance local distinctiveness including landscape features.

6.14 Please note here that the Linton Conservation Area boundary was extended on 21<sup>st</sup> May 2019 and the proposal site does now fall within Linton Conservation Area. The relevant Conservation Area Appraisal and the Management Plan have not been updated to reflect the new boundary, but the Conservation Area boundary plan has been updated and there is an available document produced by Drury McPherson Partnership for the Council entitled: *Linton Conservation Area Proposed Boundary Alteration* (Oct 2016) that is of relevance for this application. It states the following:

*4.1.51 Buildings on Heath Road and at northern end of Loddington Lane (Stone Cottage, Wickham Cottages, Rose Cottage, Loddington Lane Cottages) have an historic relationship with Linton Park Estate, in that they were owned by with it. These cottages are architecturally unremarkable, they are outside the designed landscape and they make no contribute to its setting. There is little about these buildings to distinguish them from such buildings anywhere else. They do not, therefore, contribute to what is significant about Linton Park.*

*Assessment of Buildings: Linton Park*

*4.1.53 In line with the categories established by MBC, the buildings within the Linton Park Character area are assessed as follows:*

- Loddington Lane Cottages, Loddington Lane (unlisted): Neutral*
- Rose Cottage, Loddington Lane (unlisted): Neutral*

*Neutral = Buildings which do not harm character of area, but whose retention is not necessary.*

6.15 It should also be noted here that the cottage on the application site and Rose Cottage are not listed as non-designated heritage assets within Boughton Monchelsea's Neighbourhood Plan (NP).

6.16 On review of the same proposal when submitted under 21/500798, the Council's Conservation Officer considered that the proposal would have a neutral impact on the conservation area, but that with the use of appropriate external materials and fenestration details, a high quality scheme could be achieved that could have a positive impact upon the conservation area. The views of the Conservation Officer are agreed with, and a suitable condition is recommended for the submission of external materials (including window frames) to safeguard a high quality scheme. Furthermore, other appropriate conditions are recommended to ensure appropriate boundary treatments, hardsurfacing and landscaping. This will include the retention and strengthening of the front boundary hedge and for additional (appropriate) planting to the front of the existing building, in accordance with Local Plan policies and NP policy PWP11.

- 6.17 It is established that the Conservation Officer has raised no objection to the proposal in heritage terms. To elaborate further, the height of the new dwelling would not be taller than Loddington Lane Cottages; its width when seen from the front would be no wider than either of the adjacent buildings; there would be a sense of space maintained around the new property; the newly created plots would not harmfully alter the prevailing character and pattern of residential development in the area; the development would largely retain the undeveloped character of the frontage, with the opportunity for new planting; the new dwelling would not project beyond the front building line of either adjacent building; and the use of high quality materials would be safeguarded by condition. With this all considered, the new dwelling would not appear dominant or incongruous from any public vantage point, given its scale, design, siting and given the existing surrounding development and landscaping.
- 6.18 In terms of the proposed subdivision and extension of the existing cottage, the alterations are considered to retain the relatively modest and simple design of the property; the ridge height of the extension is set lower than the main building; the frontage would remain largely unaffected; the choice of external materials is appropriate with the existing property; and the volume increase of the building would be less than 50%. It is therefore considered that the proposal would not overwhelm or destroy the original form of the existing building, but rather sympathetically relate to it; and the alterations would not appear dominant or incongruous from any public vantage point, given their scale and siting and given the existing surrounding development and landscaping.
- 6.19 In arboricultural terms, there are no trees on the site; and in the proximity of the rear extension to the existing cottage there appears to be no trees that would be automatically protected because of being within a conservation area. The proposed parking area to the rear of the site would be in the proximity of the woodland to the west of the site, with trees that do appear to be large enough to be automatically protected by virtue of being within a conservation area. With this considered, a condition is recommended requesting details of how the parking area would be laid within the root protection areas of the woodland trees, with no-dig construction the likely solution.
- 6.20 With regards to Boughton Monchelsea's NP, the proposal site is adjacent to (but not within) its proposed Priority Local Landscape, and so the submission would not have an adverse impact upon the distinctive character of this landscape (NP policy PWP2). Furthermore, the proposal would not interfere with key views identified in the NP; and given its scale, location, and nature, it would not coalesce existing settlements and it would not adversely impact on long views in and out of the parish, in accordance with NP policy PWP14. Furthermore, whilst the proposal site is to the south of Heath Road, the development involves infilling within an existing residential curtilage and is considered to accord with the relevant countryside protection and heritage policies of the Development Plan and the aims of the Council's Landscape Character Assessment and the revised NPPF.
- 6.21 It is therefore considered that the proposal would not harmfully consolidate sporadic and urbanising development in the countryside, it would not cause harm to the significance of the conservation area, and it would not have an adverse impact upon the character and appearance of the countryside hereabouts that falls within the Greensand Ridge Landscape of Local Value. The proposal is in accordance with the relevant policies of the Local Plan; NP policy RH6; the Council's Landscape Character Assessment; and the aims of the NPPF.



Residential amenity

- 6.22 Suitable boundary treatment along the northern boundary of the site would safeguard the privacy of both Rose Cottage and the new detached dwelling at ground floor level. A condition will be imposed to ensure that the first floor openings on the northern elevation of the new dwelling are obscure glazed and fixed shut (except for a fanlight), to further safeguard the privacy of the occupants of Rose Cottage.
- 6.23 The new detached dwelling would be some 4m away from the northern boundary of the site; at its closest to Rose Cottage it would be some 5m, and then 8m towards the rear of this neighbour; it would not significantly project beyond the rear elevation of Rose Cottage; and the plot at Rose Cottage benefits from a relatively large garden that is removed from the proposed development. It is also noted that this neighbour's lounge, dining area and first floor bedroom, that have south facing openings, also benefit from other openings either to the western or northern elevations. It is therefore considered that the rooms with south facing openings would continue to receive adequate light; and whilst outlook from these openings would be altered, this is not considered to be an objectionable change. On this basis, it is considered that the proposal would not appear overbearing, or result in an unacceptable loss of light and outlook for the occupants of Rose Cottage, when trying to enjoy their property.
- 6.24 By its nature, new residential development is unlikely to result in unacceptable harm to existing neighbouring properties in terms of noise, odour, and lighting. Notwithstanding this, external lighting can also be restricted by way of condition. Whilst the new access is close to the new properties, this is not considered to be objectionable given the development would only create three dwellings and there is also an element of 'buyer beware'. Overall, the proposal would provide acceptable living conditions (both internally and externally) for future occupants of the three dwellings proposed, subject to conditions relating to boundary treatments and first floor side windows to being fixed shut and obscure glazed. The amenity of no other resident (when trying to enjoy their own property) would be adversely impacted upon as a result of this application.

Highway safety

- 6.25 Paragraph 111 of the revised 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*".
- 6.26 The proposal would provide onsite parking provision for 7 cars to the rear of the site, in accordance with the Local Plan's parking standards. Vehicles would be able to leave the site in a forward gear. The driveway into the site, although extended as a result of this application, is existing (with no recorded traffic incidents on [www.crashmap.co.uk](http://www.crashmap.co.uk)) and there has only been a 'slight' traffic incident recorded (in 2016) at the junction of Loddington Lane and Heath Road; and Loddington Lane is not a classified A or B road. Furthermore, the potential vehicle movements associated to what would effectively be two additional dwellings, is not considered to result in unacceptable harm to the local road network in terms of congestion and highway capacity. It is also noted that the previous development for a terrace of four houses on the site did not raise a highway safety objection from KCC. On this basis, it is considered that the proposal would not result in a 'severe' impact and with everything considered no objection is raised to the application on highway safety grounds.

Other considerations

- 6.27 The KCC Archaeological Officer confirms the site lies within an area of archaeological potential associated with Late Iron Age activity and with Post Medieval activity. On this basis, a pre-commencement condition is recommended for a watching brief to be undertaken. This condition is considered to be reasonable, to ensure that features of archaeological interest are properly examined and recorded, and the agent has agreed to its imposition.
- 6.28 In accordance with Local Plan policy, NP policy PWP8, and in the interests of sustainability and air quality, a suitable condition will be imposed for the provision of operational electric vehicle charging points for low-emission plug-in vehicles; and a suitable condition will also be imposed requesting details of renewable energies to be incorporated into the development, to ensure an energy efficient form of development. In the interests of amenity, a suitable condition will also be imposed to restrict any external lighting in accordance with Local Plan policy DM1 and NP policy PWP10.
- 6.29 The Environmental Protection Team raised no objection to residential development on the site under 19/503484, in terms of noise; air quality; radon; and land contamination, and requested no further details on these matters. There are no further material planning reasons to divert from these comments. There is sufficient room within the site for refuse storage and collection will be as it is now for the existing property and neighbours.
- 6.30 The site does fall within a KCC Minerals Safeguarding Area and the KCC Minerals Safeguarding Team has made no representations on this application. This said, KCC did confirm under 21/500798 that they have no minerals or waste safeguarding comments to make and that no further details were required in this respect.
- 6.31 Foul sewage will be disposed of by way of mains sewer; and the site is in Flood Zone 1 and there is no objection in terms of flood risk. No further information is required on these matters. It is not known how surface water will be dealt with and so a suitable condition will be imposed to secure these details, in accordance with NP policy PWP7.
- 6.32 The representations received from Boughton Monchelsea Parish Council and local residents have been considered in the assessment of this application. It should be noted here that the application site does not fall within an AONB
- 6.33 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 application would not undermine the objectives of this Duty. The proposed development is CIL liable. The Council has adopted a Community Infrastructure Levy and began charging on all CIL liable applications, approved on and from 1<sup>st</sup> October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and the relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

## **7.0 CONCLUSION**

- 7.01 Neighbourhood Plan policy RH1 states that new residential development to the south of Heath Road will not be supported unless it conforms with national and local rural exception policies. However, adopted Local Plan policy does not specifically exclude new housing in the countryside and for the reasons set out above it is considered that the proposal would not result in unacceptable harm to the character and appearance of the area; it is not in an unsustainable location; and it would accord with relevant policies in the Local Plan.

- 7.02 Furthermore, the Local Plan is considered to be up to date and the Council is in a position where it can demonstrate a 5.6yrs worth of housing land supply (1<sup>st</sup> April 2021), and it is considered that the provision of new housing on an appropriate windfall site like this should still be approved as there is an ongoing housing need in the borough to supply new housing. In regard to the recently revised NPPF, the proposal would also not create new isolated homes in the countryside, but instead subdivide an existing property and make efficient use of garden land. This high quality, small scale proposal (that would not result in the coalescence of hamlets), is considered to be in keeping with its location, and it is considered to be in accordance with all other relevant policies within the Boughton Monchelsea Neighbourhood Plan, as set out in the main body of the report.
- 7.03 With the above material planning considerations taken into account, it is considered that the proposal would be acceptable in planning terms and a recommendation of approval is therefore made on this basis.

## **8.0 RECOMMENDATION**

GRANT planning permission subject to the following conditions and subject to no new material considerations arising from the press notice:

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. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

3. No development shall take place (including any ground works, site or vegetation clearance), until a Precautionary Method Statement (PMS) for the demolition or modifications to the roof of any built structures and the removal of any surface vegetation have been submitted to and approved in writing by the local planning authority. The content of the PMS shall be based on the details outlined in Section 7 of the submitted Reptile and Bat Surveys (dated: July 2021) and shall include:

- a) Detailed working methods necessary to avoid the killing or injury of breeding birds, reptiles and bats;
- b) Extent and location of proposed avoidance and mitigation measures, shown on appropriate scale maps and plans;
- c) Timetable for implementation, demonstrating that avoidance and mitigation measures are aligned with the proposed phasing of construction and taking into consideration the active and the sensitive periods for these animal groups;
- d) Persons responsible for implementing the avoidance and mitigation measures, including times during site clearance/ construction when specialist ecologists need to be present on site to undertake / oversee works;
- e) Provision for reptile 'rescue' if animals are encountered.

The development shall be carried out in accordance with the approved details.

Reason: The details are required prior to the commencement of the development to avoid adverse impacts to legally protected species during site clearance and construction and, in accordance with the requirements of the NPPF, to minimise impacts on biodiversity.

4. 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 and hardsurfacing hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be constructed using the approved materials and maintained as such thereafter.

Reason: To ensure a high quality appearance to the development; and to conserve and enhance the significance and setting of Linton Conservation Area.

5. Prior to commencement of the development above damp-proof course level, details of new external joinery, in the form of large scale drawings, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: To ensure the appearance and the character of the building are maintained.

6. 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 with the details incorporating gaps at ground level 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 shall be maintained as such thereafter.

Reason: To ensure a high quality appearance to the development; to conserve and enhance the significance and setting of Linton Conservation Area; and in the interests of residential amenity and biodiversity.

7. Prior to the commencement of development above damp-proof course level on any individual property, details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the local planning authority. The site falls within Landscape Area Boughton Monchelsea to Chart Sutton Plateau (Area 29) and the landscaping scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment (2012) and shall include:

- (i) Details of new planting (including location, planting species and size);
- (ii) Retention and strengthening (with native species) of existing hedgerow on front (eastern) boundary; and
- (iii) New 100% mixed native planting to front of existing building.

Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted. The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details.

Reason: To ensure a high quality appearance to the development and to conserve and enhance the significance and setting of Linton Conservation Area.

8. The approved landscaping associated with the individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared or street 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 ensure a high quality appearance to the development and to conserve and enhance the significance and setting of Linton Conservation Area.

9. Prior to the commencement of any works associated to the parking area to the rear of the site, as shown on the submitted plans, details of how this parking area is to be laid within the root protection areas of the adjacent woodland trees (i.e. no-dig construction), shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and shall be maintained as such thereafter.

Reason: To safeguard the longevity of the woodland trees.

10. Prior to commencement of the development above damp-proof course level, details of ecological enhancements shall be submitted to and approved in writing by the local planning authority. These details shall include the following:

- (i) details of integrated methods into the design and fabric of all three dwellings hereby approved, to include swift bricks, bat tubes and bee bricks; and
- (ii) the provision of a reptile hibernacula on the site.

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.

11. Prior to the first occupation of any dwelling hereby approved, details of surface water disposal shall be submitted to and agreed in writing with the local planning authority. The agreed scheme shall be implemented in accordance with the approved plans prior to first occupation of the development hereby permitted and maintained as such thereafter.

Reason: To ensure that adequate drainage is provided for the development.

12. Prior to the first occupation of the development hereby approved, details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development 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 development and maintained as such thereafter.

Reason: To ensure an energy efficient form of development.

13. 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 CO<sub>2</sub> emissions through use of low emissions vehicles.

14. Before the detached dwelling hereby approved is occupied, its first floor openings in the northern flank; and the first floor bedroom window in its southern flank shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: In the interests of residential amenity.

15. No external lighting, whether temporary or permanent, shall be placed or erected within the 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 2011 (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. The submitted details shall also seek to avoid impacts to the local bat population, based on the measures outlined in the recommendations of the submitted Reptile and Bat Surveys and the guidance contained in Guidance Note 08/18 Bats and Artificial Lighting in the UK (Bat Conservation Trust and the Institute of Lighting Professionals). 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 interest of protecting bats.

16. The vehicle parking spaces, as shown on the submitted plans, shall be provided prior to occupation of the development hereby approved and shall be permanently retained for parking thereafter and not used for any other purpose.

Reason: In the interest of highway safety and parking provision.

17. The development hereby permitted shall be carried out in accordance with the following approved plan references: 584/01 A; 02 A; 03 A; and 04 B.

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 25<sup>th</sup> October 2017 and began charging on all CIL liable applications approved on and from 1<sup>st</sup> 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 applicant to ensure, before development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by Highway Authority.