

REFERENCE NUMBER: 23/504867/FULL		
APPLICATION PROPOSAL: Erection of 1(no) 3-bedroom dwelling and 1(no) 4-bedroom dwelling, with associated access, parking and landscaping.		
ADDRESS: Land at Lewis Court, Green Lane, Boughton Monchelsea, Maidstone, Kent, ME17 4LF		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development 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: Boughton Monchelsea Parish Council have requested for application to be considered by Planning Committee if officers are minded to recommend approval. This request is made for the reasons outlined in the consultation section below.		
WARD: Boughton Monchelsea & Chart Sutton	PARISH COUNCIL: Boughton Monchelsea	APPLICANT: Mr J. Anscombe AGENT: DHA Planning Ltd
CASE OFFICER: Kate Altieri	VALIDATION DATE: 30/10/23	DECISION DUE DATE: 22/01/24
ADVERTISED AS A DEPARTURE: No		

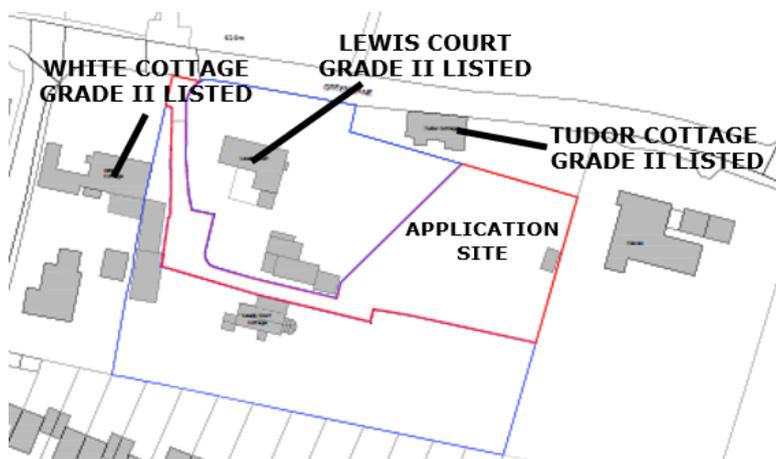
RELEVANT PLANNING HISTORY

- 20/506112 – Erection of dwelling (resub of 20/502940) – Recommended for approval but refused by Planning Committee (allowed at appeal – Ref: APP/U2235/W/21/3275996)
- 20/502940 - Erection of detached dwelling - Withdrawn
- 19/501210 – LBC for demolition of existing boundary piers and wall - Approved
- 19/501209 – Erection of boundary wall/railings and new gateway arrangement - Approved
- 19/501093 – Pre-app: Proposed detached dwelling
- 16/508513 – 2 dwellings – Recommended for approval but refused by Planning Committee (allowed at appeal with partial award of costs to appellant – Ref: APP/U2235/W/18/3197693)
- 16/502889 – Pre-app: Erection of 3 dwellings

MAIN REPORT

1.0 SITE DESCRIPTION

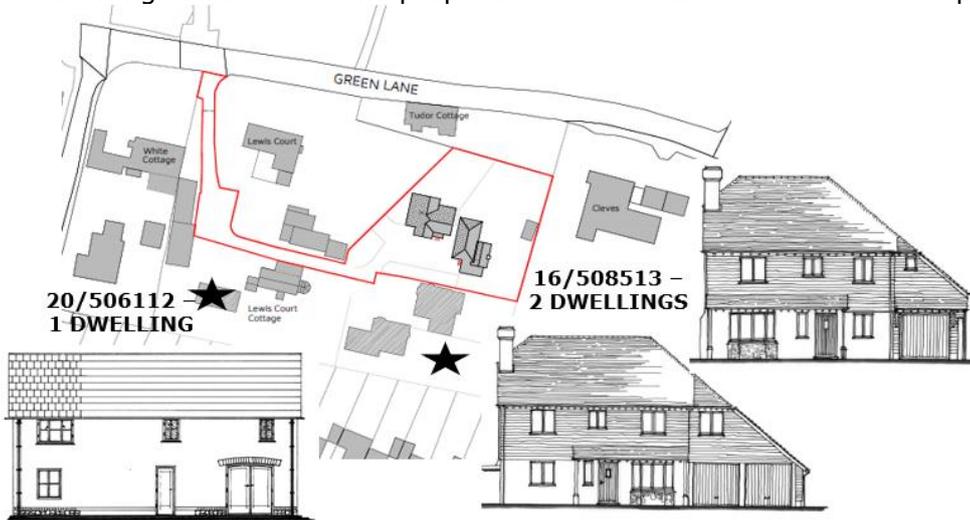
1.01 The application site relates to an area of land located to the east of Grade II listed Lewis Court, which is understood to date from the early sixteenth century and is a typical Wealden Hall House; Tudor Cottage, a Grade II listed property, is located to the north of the site; and to the far west of the site there is Grade II listed White Cottage (see plan below):



1.02 The site is relatively flat and enclosed by existing and well-established planting; the land is currently associated to Lewis Court; and the existing access to and from the site is from Green Lane, to the west of the application site. For the purposes of the adopted Local Plan, the proposal site is within the defined village boundary of Boughton Monchelsea. The site is also within an area of archaeological potential; Flood Zone 1; and within a KCC Minerals Safeguarding Area.

2.0 BACKGROUND INFORMATION

2.01 The drawings below show the proposal in the context of other relevant planning history:



3.0 PROPOSED DEVELOPMENT

3.01 The application is described as: *Erection of 1(no) 3-bedroom dwelling and 1(no) 4-bedroom dwelling, with associated access, parking and landscaping.*

3.02 The submission provides the following details (in summary):

- Access to and from the site will be taken via the existing (unaltered) access.
- Plot 1 will have 2 independently accessible parking spaces; plot 2 will have a single car barn and an external parking space; and there is vehicle turning space within site.
- Both dwellings would stand less than 9m in height (similar to dwellings approved under 16/508513).
- Design of dwellings reflects design of 2 dwellings allowed at appeal (16/508513); and in terms of materials, both dwellings will have a ragstone plinth; white timber weatherboarding; white heritage style timber sash windows; and a mix of natural grey slate and clay roof tiles, reflecting local vernacular.



4.0 POLICY AND OTHER CONSIDERATIONS

- 2017 Local Plan: SS1, SP11, SP12, SP18, SP19, DM1, DM2, DM3, DM4, DM5, DM8, DM11, DM12, DM23
- Boughton Monchelsea Neighbourhood Plan (2021-2031)
- Landscape Character Assessment (2012 amended July 2013) & Capacity Study (2015)
- National Planning Policy Framework (Dec 2023) & National Planning Practice Guidance
- Kent Minerals & Waste LP (2013-30) as amended by Early Partial Review (2020)
- Para 99 of Govt Circular (ODPM 06/2005) Biodiversity & Geological Conservation
- Natural England Standing Advice
- BS5837:2012 'Trees in relation to construction - Recommendations'
- Regulation 22 Local Plan

Local Plan

4.01 Local Plan policy SP11 allows for new development within the Larger Village of Boughton Monchelsea when it is:

- An allocated site in the local plan;*
- Minor development such as infilling; or*
- Redevelopment of PDL that is of a size appropriate to the role, character and scale of the village.*

4.02 Local Plan policy SP12 states (of most relevance):

Outside Maidstone urban area and RSCs, which are most sustainable settlements in the hierarchy, third tier larger villages can accommodate limited growth.

(1) In addition to minor development and redevelopment of appropriate sites in accordance with policy SP11, approx. 118 new dwellings will be delivered on five allocated sites (policies H1(51) to H1(55)).

4.03 Policy DM11 also allows for the redevelopment of garden land in such a location, subject to certain criteria. Furthermore, Local Plan policies seek new development in such locations to be of a high quality design and (inter alia): Respond positively to, and where possible enhance, the local and natural character of the area; respect the amenity of local residents; be safe in highway safety and flood risk terms; protect and enhance any on-site biodiversity features where appropriate or provides sufficient mitigation measures; and be acceptable in heritage terms.

Regulation 22 Local Plan

4.04 The Council's Reg 22 Local Plan is a material planning consideration and at this time is apportioned moderate weight.

4.05 Within the emerging Plan, Boughton Monchelsea is considered to be a 'Smaller Village'. Here is a list of some of the emerging policies that are considered relevant for this proposal: LPRSS1 (Spatial Strategy); LPRSP8 (Smaller Villages); LPRSP9 (Countryside development); LPRSP10 & 10(A) (Housing mix); LPRSP12 (Sustainable transport); LPRSP14 (Environment); LPRSP14(A) (Natural environment); LPRSP14(B) (Historic environment); LPRSP15 (Design); LPRHOU5 (Density); LPRTRA2 (Transport impacts); LPRTRA4 (Parking); LPRENV1 (Historic environment); LPRQ&D1 (Sustainable design); LPRQ&D2 (Lighting); LPRQ&D6 (Technical standards); LPRQ&D7 (Private amenity space standards).

4.06 Perhaps of most relevance, emerging policy LPRSS1 states (in summary and as set out in Main Mods):

Maidstone Borough spatial strategy 2021-2038

(11) Smaller villages may have potential to accommodate limited growth which will contribute to ensuring local services are supported, and sustainable communities are maintained. This plan allows for limited growth in smaller villages, by designating these as 'broad locations'. This will enable local communities to facilitate development and influence its location and timescale for delivery through Neighbourhood Plans. Identified smaller village locations are Boughton Monchelsea.....et al.

4.07 Emerging policy LPRSP8 also states (in summary and as set out in Main Modifications):

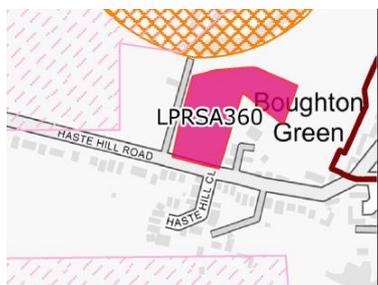
2. Smaller villages offer limited opportunity for new plan-led development which can support continued sustainability of settlement. This is expected to come forwards through site allocation LPRSA360 (approx. 30 dwellings) and as broad location development, in last 10ys of Plan period. Quantities envisaged are:

- 35 new units each at Chart Sutton, Laddingford, Kingswood, and Teston
- 25 new units each: Boxley, Detling, Grafty Green, Hunton, Platt's Heath, Stockbury & Ulcombe

3. Within Smaller Villages, small scale housing development in addition to quantities set out under criterion (2) will be acceptable where all of following apply:

- a) Scale of development is proportionate to size of settlement and type and level of local services available;*
- b) Development design takes account of landscape impact having regard to setting of settlement in countryside;*
- c) It can be linked to retention or expansion of specific infrastructure or service assets within settlement;*
- d) It has community support, either Neighbourhood Plan or other Parish endorsement e.g. Rural Exception Site;*
- e) Where suitable access can be provided.*

4.08 Please note that site allocation LPRSA360 referred to in emerging policy LPRSP8 is a site known as Campfield Farm in Boughton Monchelsea:



4.09 Emerging policy LPRSP9 also states (of most relevance and as set out in Main Modifications):

- (1) Development proposals in countryside will not be permitted unless they accord with other policies in this plan and they will not result in significant harm to the rural character and appearance of the area.*
- (7) Development in the countryside will retain the separation of individual settlements.*
- (8) Opportunities to improve walking and cycling connections will be supported.*

Weight given to adopted Local Plan and emerging Local Plan

4.10 As set out above, the proposal site is within the defined village boundary for Boughton Monchelsea and the principle for new housing in this location is acceptable under the current Local Plan.

4.11 Within the emerging Local Plan, the proposal site would be a 'Smaller Village' within the defined countryside, where there is the potential for limited growth; and where new residential development may be possible where it would not result in significant harm to the rural character and appearance of the area.

4.12 Paragraph 38(6) of the Planning and Compulsory Purchase Act 2004 states: *If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*

4.13 So whilst moderate weight is given to the emerging Local Plan, the 2017 adopted Local Plan remains primary and its policies have been given full weight.

Boughton Monchelsea Neighbourhood Plan (BMNP)

4.14 The adopted BMNP forms part of the Development Plan, and some policies relevant to this proposal include: PWP3 (Protection of NDHAs); PWP4 (Provision for new housing development); PWP6 (Sustainable connections); PWP8 (Renewable energy); PWP10 (Lighting); PWP11 (Planting native trees/hedgerows); PWP12 (Biodiversity); PWP13 (Transport/parking provision); RH1 (Location of new residential development); and RH6 (Design of new housing).

4.15 It is important to highlight policy PWP4 that states (inter alia):

Positive and appropriate provision for new housing development for Boughton Monchelsea parish, and as required by 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 & 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 retention & sustainability of heritage and/or community assets OR*
- (iv) It is within Boughton Village development boundary*

4.16 Policy RH1 also states (inter alia):

New residential development to north of Heath Rd will be supported where it is in Boughton village development boundary, retains dispersed character of existing hamlets in area and avoids visual or actual coalescence and subject to no significant adverse impact on landscape or infrastructure, including parking. Preference will be given to development on brownfield land, within settlement boundaries as set out in Maidstone's LP.

Applications for new development must demonstrate how they respond positively to established local character, including rural character and topography, and sit comfortably alongside existing development respecting privacy, wellbeing and quality of life of any existing residents. Supporting info shall include info on streetscene impact and relationship to wider context and topography where appropriate in order to properly assess impact.

Proposals for new residential development to south of Heath Rd will not be supported unless they conform with national and local rural exception policies.

4.17 The site is within the defined village boundary for the purposes of the adopted Local Plan; the site is not within the defined 'Priority Local Landscape' shown in the NBMNP; the development would not have an adverse impact on any 'Key View' shown in the NBMNP; and the site is to the north of Heath Road.

4.18 Please note here that the Planning Inspector considering the appeal under 20/506112 did have regard to the BMNP and stated the following (in summary) within the appeal decision (paragraph 17):

....I find there would be no harm to heritage significance of setting to any of nearby listed buildings or to non-designated heritage asset. Proposal would respect existing spatial relationships and character and appearance of area as whole. Accordingly, proposal would accord with DM1, DM4, DM11 and SP18 of Local Plan and BMNP policies PWP3, PWP4, RH1 and RH6 which, amongst other things, seek to ensure development responds positively to character of area and significance of heritage assets and their settings is conserved. In this respect proposal accords with NPPF paragraph 130 which, amongst other things, seeks to ensure development is sympathetic to local character and history, including surrounding built environment and landscape setting.

Council's Landscape Character Assessment & Capacity Study

4.19 The Landscape Character Assessment (LCA) identifies the site as falling within the Boughton Monchelsea to Chart Sutton Plateau LCA (Area 29); and the guidelines are to 'IMPROVE'.

4.20 The Council's Capacity Study for the LCA states: *Area is assessed as being of low overall landscape sensitivity and is therefore 'tolerant of change'. Housing development should be focussed within and immediately adjacent to existing settlements in keeping with existing.*

Other matters

4.21 The NPPF is clear that good design is a key aspect of sustainable development; and section 16 refers to conserving and enhancing the historic environment.

4.22 The Council's position is that it can demonstrate a supply of specific deliverable sites sufficient to more than 5yrs of housing and so the NPPF's tilted balance is not triggered.

5.0 LOCAL REPRESENTATIONS

5.01 **Local Residents:** 2 representations received raising concerns over: Impact upon character and appearance of area; impact on heritage assets; highway safety/parking; buildings are of poor design and it is overdevelopment of site; it is not in accordance with emerging Local Plan; and the Parish wish to see the application refused.

6.0 CONSULTATION RESPONSES

(Please note that summaries of consultation responses are set out below; and comments are discussed in more detail in the appraisal section where considered necessary)

6.01 **Boughton Monchelsea Parish Council:** Wish to see application refused and reported to Planning Committee if officers are minded to recommend approval. In summary, they comment:

When considered with 3 homes already consented on site, proposal represents over-intensive form of development that jars with spatial character of immediate area, contrary to LP policies DM1 & DM11 & NPPF. Since previously consented applications were decided at appeal, Boughton Monchelsea NP has come into effect and application fails to comply with NHP policies PWP3, PWP13 and RH1.

Proposal would have detrimental effect on setting of adjacent listed buildings and would alter context in which they have sat for hundreds of years. Existing listed buildings have great group value, reflecting significant period in Boughton Monchelsea's history. Proposed contemporary dwellings would be severely detrimental to this, creating cramped, overdeveloped site, especially when considered alongside 3 previously consented dwellings.

Only 1 parking space shown for plot 2 (4-bed) and 2 spaces for plot 1 (3-bed). This is completely inadequate and there would be total of 5 consented properties on site, all accessed via long, narrow, single track driveway. As such there would be risk of vehicles backing up on Green Lane during inevitable conflict of inward/outward traffic. Green Lane is narrow with no footpaths on this side of road and risk to drivers/pedestrians would be significant. Likely each of 5 dwellings would have more than 2 cars. Proposal would cause unacceptable overlooking of private amenity space of adjacent dwellings.

Clarification is required regarding refuse collection arrangements which will present additional safety risks on Green Lane. Road in front of Lewis Court was narrowed 2/3yrs ago as part of Lyewood Farm development, with signed priority system in place for drivers. Planning statement references Boughton Monchelsea being a larger village – this should have referred to emerging policy which defines Boughton Monchelsea as a smaller village.

6.02 **MBC Conservation Officer:** Raises no objection to application on heritage grounds (see main report):

6.03 **MBC Tree Officer:** Raise no objection on arboricultural grounds (see main report).

6.04 **KCC Biodiversity Officer:** Raises no objection to proposal (see main report).

6.05 **KCC Archaeological Officer:** Raises no objection to proposal (see main report).

6.06 **Environmental Protection Team:** Raises no objection to proposal (see main report).

6.07 **KCC Minerals Safeguarding Team:** Confirms they have no land-won minerals or waste management capacity safeguarding objections or comments to make regarding this matter.

APPRAISAL

7.0 Main issues

7.01 The key issues for consideration relate to:

- Impact upon character and appearance of area;
- Heritage implications;
- Residential amenity;
- Highway safety implications;
- Biodiversity implications;
- Arboricultural implications; and
- Other matters.

7.02 The details of the submission will now be considered.

Impact upon character and appearance of area

- 7.03 It is acknowledged that the proposal would see an increase in built form on the site. However, the resulting density would remain low; the proposed dwellings would positively reflect the scale and design of the two dwellings already approved on land to the south of the site (under 16/508513), that have previously been accepted by the Planning Inspectorate; the layout and footprint of the houses and the plot sizes would not appear incongruous within the surrounding context, where plots are varied in size and shape (including the 3 properties yet to be built); the development would leave ample space around the Grade II listed Lewis Court and it would not be objectionable in heritage impact terms (see below for detailed assessment); and any public view of the proposed houses would be limited and at short range, given their set back from the road and the existing buildings, planting, and boundary treatments that would provide screening. With this all considered, the view is taken that the proposal would be very much read in the context of surrounding development and so would not appear out of context with the predominant density, and the pattern and grain of development in the locality.
- 7.04 Furthermore, the dwellings would also benefit from acceptable sized private gardens with external access; the scheme allows for the retention and strengthening of planting along the outer boundaries of the site (that can be secured by condition), and this together with the centrally located dwellings, creates a sense of space within the development. On this basis, it is considered that the proposal would not represent an unacceptably cramped form of development.
- 7.05 In terms of the design and appearance of the new dwellings, the steeply pitched roofs, the catslide roof elements, timber bargeboards; and the external chimney features compliment the surrounding historic buildings; and the use of high quality materials including ragstone, timber weatherboarding and sash windows, multi-stock brick, and clay and/or natural slate roof tiles would ensure a high quality finish to the scheme. The use of a small materials palette that is appropriate to the area will also ensure a cohesive development; and the overall scale and design of the dwellings would also not unacceptably jar with the character and appearance of existing surrounding development. The external finishes for the buildings and hard boundary treatments can also be secured by way of appropriate condition; and permitted development rights will be removed to extend the properties and to erect hard boundary treatments, to further safeguard the character and appearance of the scheme.
- 7.06 On this basis, it is considered that this proposal would be of an acceptable scale and design; it would not result in significant harm to the character and appearance of the area; and it would not appear dominant nor visually harmful when viewed from any public vantage point. The proposal would therefore accord with Local Plan policies SP11, SP12, DM1 and DM11 and Boughton Monchelsea Neighbourhood Plan policies RH1, RH6 and PWP4.

Heritage implications

- 7.07 The Council's Conservation Officer raises no objection to the application on heritage grounds, and comment as follows (in summary):

Impact on significance: Main consideration is impact on setting of listed buildings. In this instance Lewis Court and Tudor Cottage are affected by proposal. Historic maps from C19 show what is now application site as woodland, more recently modern development has encroached on site from north east. Immediate setting of both buildings is garden, these areas make a positive contribution to significance of both buildings. To north east of site is mature planting and Lewis Court is also screened by mature planting.

Applicant proposes 2 dwellings with parking and landscaping to south east of Lewis Court and Tudor Cottage. It is important to note recent planning history. Most recent application was refused and allowed on appeal. 3 units in vicinity of site have previously been recommended by Officers and allowed at appeal. In terms of design and form, proposed dwellings are in Arts and Crafts style with traditional materials such as ragstone plinth, white weather boarded cladding, sash windows and grey slate tiles and is considered appropriate on heritage grounds. Dwellings are unlikely to dominate area and would be sited well away from listed buildings. Due to separation distance between application site and the listed buildings, existing mature planting and design of the proposed development, it would not result in substantial harm to setting of listed buildings in the area.

- 7.08 With the specialist Conservation Officer advice considered, it is agreed that the proposal would cause less than substantial harm to the significance of surrounding listed buildings. With reference to NPPF paragraph 208, this harm needs to be weighed up against the public benefits of the proposal. The proposal would provide windfall housing in a sustainable location; and there would be some economic

benefits in terms of job creation from construction and future occupants spending money in the local area. With this taken in to account, it is considered that the identified harm would be outweighed by the public benefits of the proposal, and in this respect no objection is raised to the proposal.

- 7.09 Subsequent to this, if it is the case that the outbuilding on the western boundary of the proposal site is a non-designated heritage asset, then it follows that the proposal would again cause less than substantial harm to this NDHA, and again this harm would be outweighed by the public benefits of the proposal (in accordance with NPPF paragraph 209).
- 7.10 The KCC Archaeological Officer raises no objection and confirms that the proposal site lies within the complex of Lewis Court, a 16th century farm and manorial site; and that remains associated with post medieval or earlier activity may survive on the site. On this basis, a pre-commencement condition has been recommended for archaeological field evaluation works; further archaeological investigation; and for a programme of post excavation assessment and publication. This is considered reasonable, to ensure features of archaeological interest are properly examined, recorded, reported and disseminated. The agent has also agreed to the imposition of the condition.
- 7.11 With everything taken into account, it is considered that the proposal would be in accordance with Local Plan policies SP18 and DM4; Boughton Monchelsea Neighbourhood Plan policy PWP3; and the aims of the NPPF.

Residential amenity

- 7.12 Given the proposal's layout, scale and the separation distances involved, the new dwellings would not have an unacceptable impact upon any neighbour when trying to enjoy their own property (both internally and externally), in terms of light, outlook and being overbearing. This assessment includes those properties yet to be built to the immediate south of the application site. The general comings and goings associated to two new dwellings is also unlikely to have an adverse impact upon the amenity of any neighbour when they are trying to enjoy their own property, in terms of general noise and disturbance. Acceptable levels of privacy at ground floor level can be secured through the use of appropriate boundary treatments.
- 7.13 Except for the north-facing window on plot 2 that serves an ensuite (that is to be obscure glazed), the only other first floor windows that face north would be a bedroom window on plot 1 and a bedroom window on plot 2. Plot 1's bedroom window would be more than 14m from the boundary shared with Tudor Cottage, with Plot 2's bedroom window being more than 21m from this shared boundary; they would both not directly face onto any first floor bedroom window of Tudor Cottage; and existing mature boundary planting would continue to provide some screening, along with the existing close boarded fencing. Furthermore, the proposal would not result in unacceptable overlooking of the garden area for Tudor Cottage. With this all considered, the proposal would not have an unacceptable impact upon the privacy of this neighbour (both internally and externally).
- 7.14 Given the separation distances between the proposed dwellings and the adjacent neighbour known as 'Cleves' together with the orientation of the proposal and the existing mature boundary planting, it is considered that the proposal would not have an unacceptable impact upon the privacy of this neighbour (including their garden area that is immediate to the house).

With the new dwellings being more than 29m away from Lewis Court, with this existing property retaining a good sized garden, it is considered that the privacy of those occupying Lewis Court would not be adversely impacted upon; and no other property (including those yet to be built), would be harmfully impacted upon in terms of privacy.

- 7.15 With regards to the new dwelling to the immediate south of the site, it has no first floor openings serving habitable rooms in its northern flank that would be impacted upon. On balance, it is also considered that the first floor bedroom window on plot 2 that faces southwards would not result in an unacceptable loss of privacy to the garden of this neighbour, when considering the separation distance, the use of appropriate hard boundary treatments, and the existing landscaping that is to be retained. There is also an element of buyer beware here, as the properties are yet to be built.

- 7.16 To safeguard the privacy of future occupants on the site, conditions will be imposed to ensure all first floor bathroom/ensuite windows are obscure glazed and fixed shut, along with the secondary bedroom window to the main bedroom for plot 1 that overlooks the garden are of plot 2. In all other respects, future occupants of the site would benefit from acceptable living conditions, both internally and externally.
- 7.17 On this basis the proposal is not objectionable in residential amenity terms, in accordance with Local Plan policy DM1.

Highway safety implications

- 7.18 Paragraph 115 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.*
- 7.19 From the site entrance, there is quick access to pavements that lead both into the village centre (westwards), with its basic facilities, bus stops, and beyond towards a number of schools; and eastwards, along Green Lane close to the junction with Gandy's Lane and Old Tree Lane (and bus stops).
- 7.20 The stretch of road where the site access is, has a 30mph speed limit; there are existing traffic controls in place along Green Lane; and there is reasonable visibility from the site access in both directions. There have also been no recorded traffic accidents at or near the site's access over the last 10yrs (www.crashmap.co.uk). With this considered, the use of the existing access for two additional dwellings is not considered to be a harmful intensification of this access in highway safety terms.
- 7.21 The parking provision accords with Local Plan policy, with the shown car barn considered to be good design; and vehicles are able to turn and leave the site in a forward gear. In terms of refuse collection, the agent has confirmed that this will be the same for the new dwellings already approved in the proximity of the proposal site, where future occupants will take bins to a collection point near the entrance for roadside collection; and the plans also show a day to day storage area for bins close to the dwellings. This arrangement is not considered to be objectionable. A condition will also be imposed to secure appropriate bicycle storage for each plot.
- 7.22 With everything considered, the development would not have a severe impact on the road network and would not be unacceptable impact in highway safety terms, in accordance with Local Plan policy DM1; Boughton Monchelsea Neighbourhood Plan policy PWP13; and NPPF paragraph 115.

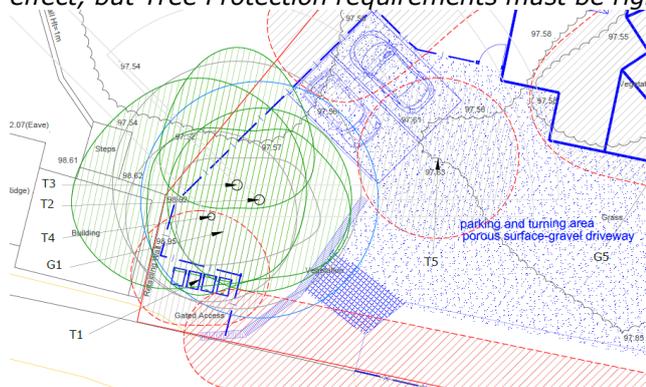
Biodiversity implications

- 7.23 The submission is accompanied by a Preliminary Ecological Appraisal and Reptile Survey Report. The KCC Biodiversity Officer has reviewed the submission and has advised that sufficient ecological information has been provided. Furthermore, KCC refer to section 40 of the Natural Environment & Rural Communities Act (2006) and the NPPF, where it is set out that biodiversity should be maintained and enhanced through planning system. Further to this, one of the principles of the NPPF (para 186) is that: 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. On this basis, KCC have advised conditions for ecological mitigation and enhancements. Conditions like these (including a landscaping condition), are considered reasonable in order to safeguard protected species/habitats and biodiversity enhancements. At this time, it is not a legislative requirement to demonstrate Biodiversity Net Gain.
- 7.24 On the basis of the specialist advice, it is accepted that the submission has demonstrated that protected species would not be adversely impacted upon as a result of the proposed development, subject to the imposition of relevant conditions. The proposal would therefore be in accordance with Local Plan policies DM1 and DM3 in ecological terms.

Arboricultural implications

7.25 The submission is accompanied by an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan document. The Council's Tree Officer has reviewed the submission and have raised no objection to the proposal in arboricultural terms; and in summary they have commented as follows:

It is noted all proposed tree removals are Cat C or Cat U trees - trees of low grade or poor quality. Justification for removal of these trees in submission is reasonable; and no Cat B trees, that would often make grade for TPO, are proposed to be removed to facilitate development. Use of engineered surface for bin store is welcomed and will reduce potential for compaction in area. Minor RPA encroachment for T2 and T3 are likely to have limited effect, but Tree Protection requirements must be rigidly adhered to prevent encroachment of works area:



Conclusion: From tree related viewpoint, proposal appears to have minimal impact on trees in development area. Provided recommendations in Method Statement are carried out, there is likely to be little negative effect on retained trees and this should be conditioned to any consent that is granted.

7.26 To safeguard the longevity of existing trees to be retained and subsequently to safeguard the character and appearance of the development, a condition will be duly imposed to ensure the development is carried out in accordance with the submitted Arboricultural Impact Assessment, Method Statement and Tree Protection Plan document.

Other matters

7.27 The Environmental Protection Team have raised an objection to proposal in terms of: Noise, air quality, contaminated land, radon; and they have not recommended any conditions. External lighting will be controlled in the interests of visual and residential amenity. In accordance with Local Plan policy and in the interests of sustainability and air quality, a suitable condition will be imposed to secure renewable energies are incorporated into the scheme. The KCC Minerals Safeguarding Team confirm they have no land-won minerals or waste management capacity safeguarding objections or comments to make regarding this matter. There are no flood risk objections to the proposal; and the development will utilise a soakaway for surface water drainage and foul sewage will be disposed of via mains sewer. These arrangements are not objectionable and no further details are required in these respects.

7.28 The issues raised by Boughton Monchelsea Parish Council and local residents have been considered in the assessment of this application.

7.29 Due regard has also 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 development would not undermine the objectives of the Duty. The 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. The proposal is not EIA development.

8.0 CONCLUSION

- 8.01 At this time, the 2017 adopted Local Plan remains primary and its policies have been given full weight in the assessment of this application. On this basis, the principle for new housing in this location is acceptable and for the reasons set out above, the proposal would accord with all relevant Local Plan policies. In particular, the proposal would accord with policy DM11, in that it would not result in significant harm to the character and appearance of the area; there are no residential amenity objections; the site's access is acceptable in highway safety terms; and there would be no significant increase in noise or disturbance from traffic gaining access to the development.
- 8.02 The proposal will also accord with the Boughton Monchelsea Neighbourhood Plan. For example, the proposal is a positive and appropriate provision of windfall housing within the village boundary of Boughton Monchelsea for the purposes of the adopted Local Plan, in accordance with policy PWP4; the proposal is located to the north of Heath Road and would not have a significant adverse impact upon landscape or infrastructure, in accordance with policy RH1; and in accordance with policy RH6, the proposal would be acceptable in terms of its design. The proposal would also accord with policies PWP3 and PWP13, amongst other policies.
- 8.03 For the reasons set out, the proposal is therefore acceptable with regard to the relevant provisions of the Development Plan, the aims of the NPPF, and all other material considerations such as are relevant. A recommendation of approval is made on this basis.

- 9.0 RECOMMENDATION - GRANT PLANNING PERMISSION subject to following conditions** with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following approved plans/documents: DHA-16666-01A; 02A; 10; 11A; 12; 13; 14; 15; and 16; and Arboricultural Impact Assessment, Method Statement and Tree Protection Plan document, including drawing references: PJC/6063/22/A; PJC/6063/22/B; and PJC/6063/22/C (by PJC, dated: 21st Aug 2023); Preliminary Ecological Appraisal (by PJC, ref: 4882E/22/01, dated 1st Nov 2022); and Reptile Survey Report (by PJC, ref: 4953E/22/01, dated: 1st Nov 2022).

Reason: To clarify which plans have been approved and in the interests of proper planning.

3. Prior to the commencement of development the applicant, or their agents or successors in title, will secure:
- (i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - (ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority; and
 - (iii) programme of post excavation assessment and publication.

Reason: To ensure features of archaeological interest are properly examined, recorded, reported and disseminated.

4. In accordance with the submitted details and Prior to the 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 approved shall be submitted to and approved in writing by the local planning authority. These details shall be:

- (i) Ragstone plinth to plot 1;
- (ii) White timber weatherboarding for both dwellings;
- (iii) Multi-stock brick for both dwellings; and
- (iv) Roof finishes of either natural grey slate and/or plain clay roof tiles.

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

Reason: To ensure a high quality appearance to the development that is in the proximity of listed buildings.

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

- (i) New external fenestration joinery in the form of large-scale drawings, to be white heritage style timber sash windows and the proposed conservation rooflight (which shall be flush fitting); and
- (ii) New external joinery of the bargeboards for both dwellings.

The development shall be carried out in accordance with approved details and shall be maintained as such thereafter.

Reason: To ensure a high quality appearance to development that is in the proximity of listed buildings.

6. In accordance with the submitted plans and prior to the commencement of the development above damp-proof course level, 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:

- (i) A planting schedule (including location, planting species, amounts and sizes) for application site;
- (ii) Retention of existing trees (as shown on submitted drawing refs: DHA/16666/10 and PJC/6063/22/B in submitted Arboricultural Report);
- (iii) New 100% mixed native hedgerows along western boundary of site and along garden divide between plots 1 and 2;
- (iv) Details of wildflower seed mix for meadow grassland (as shown on submitted drawing ref: DHA/16666/10); and
- (v) Parking and turning areas to be of porous surface gravel.

Only non-plastic plant guards shall be used 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. 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 development and surrounding area.

7. 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, until a period of 10 years from the completion of the development has passed die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of same size and species.

Reason: To safeguard the character and appearance of the development and surrounding area.

8. 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; and these shall be:
- (i) Details of integrated enhancements into the design and fabric of each dwelling hereby approved, to include bat brick(s) and/or bat tube(s), bird bricks and bee bricks;
 - (ii) Details of dead wood habitat piles; and
 - (iii) Details of how small mammals will be able to safely pass through application site.

The development shall be implemented in accordance with the approved details prior to the first occupation of any dwelling and all features shall be maintained as such thereafter.

Reason: In the interests of biodiversity enhancement.

9. From the commencement of development hereby approved (including site clearance), all mitigation for protected/notable species and habitats shall be carried out in accordance with the details contained within Section 5 of the submitted Preliminary Ecological Appraisal (By PJC, dated: 1st Nov 2022); and Section 4 of the submitted Reptile Survey Report (By PJC, dated: 1st Nov 2022).

Reason: In the interests of safeguarding protected/notable species and habitats.

10. Prior to the 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 each dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed and operational prior to the first occupation of the relevant dwelling and shall be maintained as such thereafter.

Reason: To ensure an energy efficient form of development.

11. Prior to the occupation of the relevant dwelling, all of its first floor windows serving an ensuite and/or bathroom shall be obscure glazed and be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level. All of the obscure glazed windows shall be to not less than the equivalent of Pilkington Glass Privacy Level 3 and this shall be maintained as such thereafter.

Reason: In the interests of residential amenity.

12. Prior to the occupation of the dwelling on plot 1, the secondary window of the main bedroom (facing eastwards), shall be obscure glazed and be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level. The obscure glazed window shall be to not less than the equivalent of Pilkington Glass Privacy Level 3 and this shall be maintained as such thereafter.

Reason: In the interests of residential amenity.

13. Prior to the first occupation of any dwelling hereby approved the hard boundary treatments, as shown on the submitted drawings, shall be entirely in place shall be maintained as such thereafter.

Reason: To ensure a high quality appearance to the development that is in the proximity of listed buildings; and in the interests of residential amenity.

14. The development hereby approved shall be carried out in strict accordance with the submitted Arboricultural Impact Assessment, Method Statement and Tree Protection Plan document, including drawing references: PJC/6063/22/A; PJC/6063/22/B; and PJC/6063/22/C (by PJC, dated: 21st Aug 2023).

Reason: To safeguard the longevity of existing trees to be retained and subsequently to safeguard the character and appearance of the development.

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 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 show a lighting design strategy that accords with the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night' document. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of visual and residential amenity and to safeguard protected species.

16. The approved details of the parking (including car ports/barns) and turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

17. No dwelling hereby approved shall be occupied until secure and useable bicycle storage has been provided on the site; and this bicycle storage shall be maintained as such thereafter.

Reason: In the interests of sustainable development.

18. The refuse storage, as shown on the submitted plans, shall be in place prior to the first occupation of any dwelling hereby approved and it shall be maintained as such thereafter.

Reason: To provide adequate refuse storage arrangements.

19. Notwithstanding what has been approved on the submitted plans 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, B, C and D; and Schedule 2, Part 2, Class A, shall be carried out.

Reason: To ensure a high quality appearance to the development that is in the proximity of listed buildings.

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.

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.