

Application Number	14/01116/AS
Location	Pluckley Brickworks, Station Road, Pluckley, Kent
Grid Reference	91862/43408
Parish Council	Pluckley
Ward	Weald Central
Application Description	Proposed development of 25 dwellings and new access
Applicant	Crabtree & Crabtree (Pluckley) Limited, c/o BDB Design LLP, Church Barn, Milton Manor Farm, Ashford Road, Canterbury, Kent, CT4 7PP
Agent	Mr M Drury, BDB Design LLP, Church Barn, Milton Manor Farm, Ashford Road, Canterbury, Kent, CT4 7PP
Site Area	8.2ha

(a) 33/3+, 6S, 29R	(b) R	(c) KH&T - + EH(EP) - + HM - + KCC - + NHS - Cult - + SWS - + EA - X PO (Drainage) - + WKPS - S KWT - R CPRE - S
(a) 33/2+, 11R	(b) R	(c) KH&T - + KCC - + EA - X PO (Drainage) - + SWS - + WKPS - R NE - + Cult - +

(a) 33/1+, 2S, 6R	(b) -	(c) KH&T - + KCC - + EA - + NE - + EH - + PO (Drainage) - + SWS - + WKPS - R
(a) 33/7R 1+	(b) S	(c) EA - + EH(EP) - + NE - + Cult - R PO (Drainage) - + SWS - + KWT - +

Introduction

1. This application is being reported to the Planning Committee because it is a major application for residential development, which falls to be determined by this Committee under the scheme of delegation.

Site and Surroundings

2. The application site comprises an 8.2ha area of land that forms part of the former Pluckley Brickworks site and therefore constitutes previously developed land. The site operated as a brickworks since the 1870s until the late 1990s and KCC remain of the view that this continues to be its lawful use. During the 1960-1980 period, most of the clay-quarried areas were backfilled with household refuse and inert materials – this was then capped with clay with topsoil on top and laid to pasture. Gas venting of this waste across the area continues, but is now almost exhausted. The whole site falls within a landfill zone and contaminated land associated with the former manufacture of clay bricks and tiles.
3. The site fronts onto and is accessed from Station Road and lies 2km to the south of the village of Pluckley, but is located on the edge of Pluckley Station. The land immediately north of the application site up to Chambers Green Road falls within the applicant's ownership but does not form part of the application site. The existing access to the site joins Station Road adjacent to the bungalow Oakdene and Station Garage (a car repairs, sales and servicing garage) and is treelined (covered by a Tree Preservation Order).
4. The central part of the site (approximately 3ha) contains a number of large portal framed buildings in a poor state of repair, along with substantial areas

of hardstanding, aprons, broken brick and rubble and scattered equipment and plant. This area is bound to the north by a substantial lake enclosed by vegetation, with a wooded area beyond. Between the former brickworks buildings and the railway line to the south is a belt of trees extending the whole length of the site. To the west is a former landfill site. Between the former brickwork buildings and Station Road to the east is an area of rough grassland containing a number of oak trees. There is a substantial tree belt and a number of ponds along the Station Road boundary (these fall within the Pluckley Station Conservation Area but are outside the application site and land within the applicant's ownership). There are no public rights of way that run through or immediately adjacent to the site.

5. The site is located within the Dering Wooded Farmlands Low Weald Landscape Character Area, in which the key characteristics are strong tree cover, scattered isolated oak trees, a railway line cutting through the landscape, ragstone buildings and round topped 'Dering' windows and evidence of mineral extraction and former landfill. Specific reference is made to parked vehicles around Pluckley Station detracting from the strength of its character. The condition of the Landscape Character is good and its sensitivity moderation and the guidelines for the area are to conserve and reinforce the landscape.

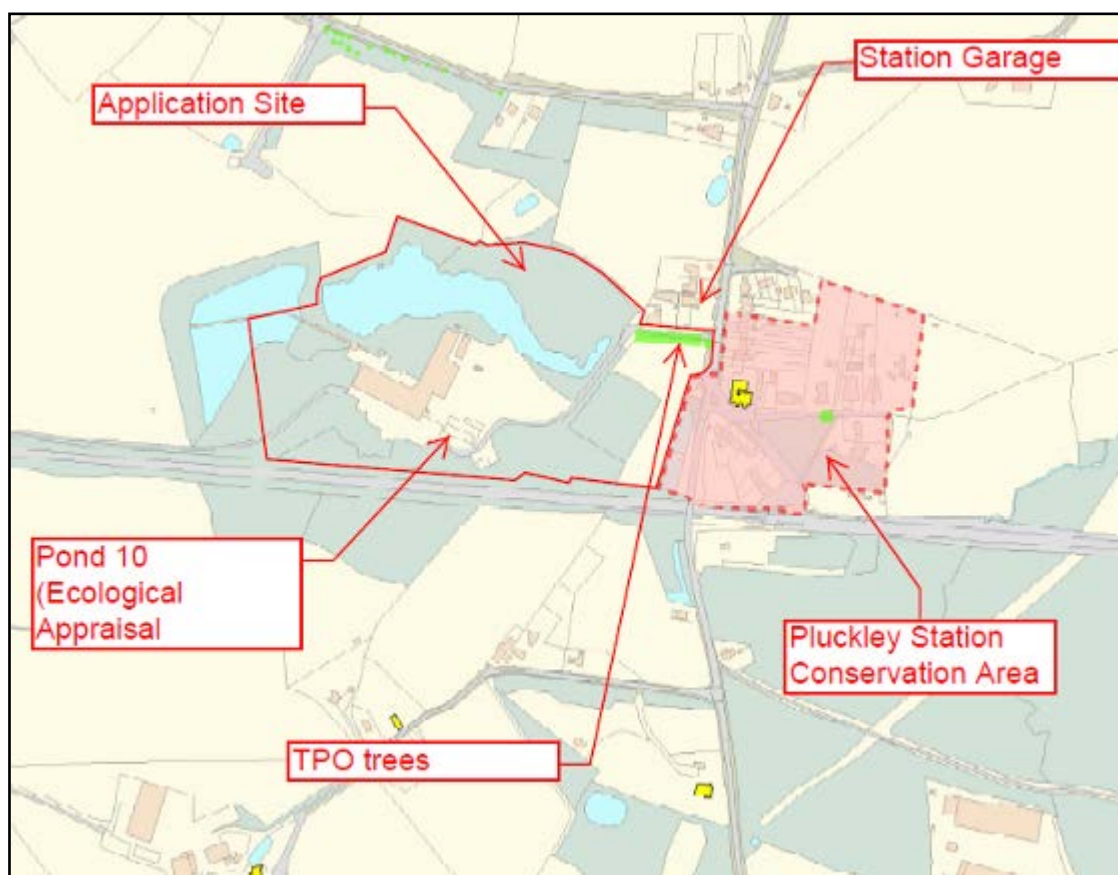


Figure 1: Site location plan

Proposal

6. Outline planning permission is sought for the erection of 25 dwellings on the site, with all matters reserved apart from access. The application therefore seeks only to establish the principle of residential development on the site, as well as the acceptability of the proposed new access.
7. The indicative plans submitted with the application (not for approval at this stage) propose 25 dwellings on the location of the existing buildings and associated hardstanding. Whilst elevations have not been submitted, the indicative site sections show the proposed dwellings to be detached, traditionally designed, of high quality and two storeys in scale. The average floor space of the proposed dwellings would be 230m², set within an average plot size of quarter of an acre (including large garages and generous parking areas set within extensive gardens). The density of housing proposed when considering the application site in its entirety is 3.05 dwellings/ha and in relation to the area of previously developed land is 8.33 dwellings/ha.
8. A new access is proposed immediately south of the existing as any alterations to or widening of the existing access could be harmful to the protected trees bordering it. The existing access would be bollarded off but retained for pedestrian use.
9. The proposed dwellings would have two parking spaces provided in the form of car barns or open spaces, with 0.2 visitor parking spaces per dwelling. Where tandem parking is provided, an additional 0.5 on-street visitor parking spaces would be provided. Two cycle spaces are also proposed per dwelling, either securely within the car barns or sheds in the rear gardens.



Figure 2: Indicative site layout



Figure 3: Indicative site sections

10. The scheme originally proposed the erection of 52 dwellings (including the replacement of Station Garage with a pair of dwellings and the provision of affordable housing), a public car park (providing up to 50 spaces) and an employment building containing 150m² of B1(a) office space. The scheme was then amended, initially reducing the number of dwellings to 50, removing the public car park (and footway leading from this and the proposed dwellings to Station Road and the pedestrian crossing on Station Road from the site to The Dering Arms) and relocating the employment building to the Station Garage site. The scheme was then amended again for the final time, further reducing the number of dwellings to 25 (with no affordable housing provision), with Station Garage remaining as existing, and again no car park is proposed.
11. In support of the application, the following documents have been submitted:
 - Utilities Statement: this states that the site is served by water, electricity and telecom services (with no gas services in the vicinity) and concluded

that there are no significant utility restrictions that would prevent the construction of the development.

- Transport Statement (and Addendum): whilst this has not been updated to reflect the latest amendments, using the residential trip rate per house provided, the 25 dwellings proposed would generate 15 AM peak hour and 15 PM peak hour movements and 150 daily trips (based on the typical residential trip rate per dwelling given). In contrast, the potential industrial uses of the site would produce 32 AM peak hour and 32 PM peak hour movements and 266 daily trips (and the lorry movements associated with a potential waste recycling facility would be in region of 78 per day). The report states that the development offers a reduction in the number of AM and PM peak hour trips and daily trips when compared to the potential industrial uses on the site and the nature of vehicle movements would be less detrimental to the local highways network in terms of highway damage, maintenance and repair (changing from heavy goods vehicles to cars). It also states that the proposed car and cycle parking spaces meet minimum parking standards, the proposed access would be 5.5m wide and provide the required visibility splays of 2.4m x 43m in each direction with no obstructions over 0.5m in height.
- Foul Drainage Assessment and Surface Water Management Plan: in terms of foul sewage disposal, this states that the area is served by public sewers that drain to a pumping station on the eastern boundary of the site - the infrastructure is in place to drain the development into the public sewerage network and if capacity is not currently available, it is likely that the sewerage system can accommodate the flows from the development with minor off-site improvements. Turning to surface water, the report states that the site is characterised as slowly permeable seasonally wet sand, silt and clay soils with impeded drainage and the site lies in Floodzone 1 with respect of fluvial flooding. It states that the main source of flood risk at the site is surface water flooding and whilst the development would result in a greater impermeable area than existing, driveways and parking courts can be designed with permeable paving to provide attenuation for surface water run-off. Whilst the document has not been updated to reflect the latest amendment, it recommends that any drainage strategy for the site should include a number of SUDS elements to store and convey water runoff through the development through the use of water butts, permeable paving, swales, wet ponds, detention basins, piped systems etc. in accordance with the Council's SUDS SPD and this would then discharge to the lake at the centre of the site to below pre-development levels (the lake is a closed system collecting water from the site and its surroundings and its level is controlled by the volume of water runoff and the rate of infiltration and evaporation). It goes on to state that this should also include water quality treatment through infiltration, filtration, detention and permanent pond volumes.

- Statement of Community Involvement: this states that a consultation leaflet was posted to all properties within the parish of Pluckley (along with neighbouring parishes) in August 2014, which gave a synopsis of the development and road improvements and the lawful industrial uses of the site. Residents were invited to make representations by post or email and a local exhibition was then held in September 2014 at a public venue in Chambers Green, displaying the plans, where the applicant's planning, highways and ecology representatives were available to answer questions and explain the proposals to attendees.
- Flood Risk Assessment: this states that the site falls within Floodzone 1 with respect to fluvial flooding and the greatest flood risk at the site is from surface water flooding. It goes on to say that whilst the layout of the development has been designed to occupy the area of the site that has a very low risk of surface water flooding, the risk can be managed by the development's surface water management strategy along with flood risk management measures, including raising floor levels, land raising, flood warning, flood proofing/resilient construction, alterations/improvements to channels and hydraulic structures, flood defences, compensatory flood plain storage and management of development run-off.
- Arboricultural report: this simply surveyed the trees on site and made a number of general recommendations, including pre-development tree works, tree protective barriers and ground protection measures, site access, parking and facilities, storage of spoil and building materials, demolition of the existing buildings and removal of hardstanding, changes to ground levels, details of construction works within the Root Protection Areas, details of 'Special Engineering; methods, location and installation method for drainage and other utilities, upgrade or installation of new hardsurfacing within Root Protection Areas.
- Acoustic Assessment: this assessed railway noise and vibration levels and found that the proposed dwellings closest to the railway require mitigation to minimise any adverse impacts from noise, including a 1.8m timber barrier fence along the boundaries of the gardens nearest the railway and detailed sound insulation calculations to assess noise levels at the first floor windows of the nearest proposed dwellings (as alternative means of ventilation other than opening these windows may be required). It also found that ground vibration levels were acceptable and fall well short of the point at which any mitigation would be required.
- Ecological Appraisal (and supplementary information): this found the following during survey work:
 - no signs of badger activity but the site supports habitats with good potential to be used by badgers for foraging;

- the surrounding fields contain habitat suitable for supporting reptile populations;
- the former brickworks provided opportunities for reptile basking;
- many of the ponds within the site support amphibians;
- the surrounding woodlands could potentially be used by reptiles on a transient basis;
- 'exceptional' slow worm and lizard populations are on the site;
- a 'low' grass snake population is on the site;
- a very low number of great crested newts on the site (a maximum of one within pond 10 and 7 for the whole site), with a number of nearby ponds have a 'good' suitability for great crested newts, and much of the site offers good terrestrial habitat for them;
- the existing buildings have low to negligible bat roosting potential and no evidence of bat roosting was found;
- moderate levels of bat activity were recorded around nearby fields;
- two woodlands within the site have some potential to support dormice (further surveys confirmed a good population present on and breeding within the site);
- a total of 54 bird species were recorded, with no evidence of breeding noted for barn owls or kingfishers (listed in Schedule 1 of the Wildlife and Countryside Act) but bullfinches, cuckoos, dunnocks, house sparrows, linnets, red buntings, song thrushes, starlings and turtle doves (considered Species of Principal Importance and on the Red List of Birds of Conservation Concern, with the exception of bullfinches, dunnocks and reed buntings) found to be using the site;
- nightingales were recorded on the site;
- the site supports a mosaic of habitats, most of which are of potentially high value to invertebrates; and,
- a water shrew, aquatic invertebrates, slow worms and rabbits were noted on the site

and makes the following recommendations:

- the retention of the wooded areas for foraging bats;
- a reptile translocation should take place to clear the site of slow works and lizards before any works begin and this should be within the wider landholding;
- a newt licence application to Natural England is required and the loss of Pond 10 would need to be compensated for by the creation of two new ponds elsewhere to create suitable terrestrial and hibernating habitat for great crested newts;
- buffer strips of 5-10m should be incorporated into the development along the woodland and tree line/hedgerow edges for foraging bats, with the edge of the lake remaining unlit;
- any impacts on woodland and hedgerows should be kept to a minimum in respect of dormice;
- a dormouse licence from Natural England is required;
- clearance of shrub should take place outside the bird breeding season and compensatory habitat made for nightingales and turtle doves;
- the loss of potential open mosaic habitat should be compensated for by the creation of suitable habitat for invertebrates within the wider landholding;
- removal of Japanese knotweed by a specialist contractor; and,
- a management plan for the remainder of the site for species known to be present, with a particular focus on nightingales.

Further information was submitted during the course of the application and this made the following additional recommendations:

- certain pieces of land within the application site and adjoining land within the applicant's ownership proposed as different habitats; and,
- the relocation of great crested newts taken from Pond 10 and reptiles to two new replacement ponds and habitat on the land north of the application site (within the applicant's ownership), with the location of the proposed dwellings enclosed by newt fencing to carry out the translocation under a Natural England licence – this replacement habitat would also include hibernaculas (refuges), suitable aquatic planting in the new ponds, the provision of scrub

(grassland mosaic) and bare ground basking areas and reptiles, along with a management regime.

- Contamination Assessment: this identifies various potential contaminative activities that formerly took place on the site associated with a brickworks, petrol filling station and waste recycling facility and resultant potential pollutant linkages and makes a number of recommendations re: site contamination investigations, remediation strategies and groundwork specifications.
- Viability assessment report: this states that the reduction on the number of dwellings by more than 50% has significant implications for the viability of the development, particularly due to the abnormal costs associated with readying the existing site for redevelopment (demolition, site clearance and decontamination) and the subsequent protection and management of the lake and surrounding woodland areas and the construction of the new access. It concludes that the development can only deliver an appropriate developer return without an affordable housing contribution, however the scheme can make contributions towards public open space and KCC projects.
- Residential Management Proposal: the agent has confirmed that this would be funded by an annual levy on residents/property owners after the initial set-up by the applicant, with appropriate covenants included for all sales to secure the long term protection of the woodlands, lake and habitats and this land would be available for general public use. The report outlines the following management strategies for the site:
 - creating a long term strategy for promoting the health of mature trees, grounds maintenance (ie. mowing, cutting of hedgerows etc.) and habitat enhancement;
 - managing waste in an environmentally conscious manner;
 - the provision of hard landscaped areas and furniture;
 - maintenance of roads and paths across the development, trees, SUDs systems and stock fencing/gates;
 - management of children's play areas to ensure all equipment provided is safe and functional;
 - regular inspections of any street furniture and safety belts around the lake;
 - empty litter and dog waste bins; and,

- investigating options for local resident workgroups to manage green infrastructure.

12. In support of the application, the agent makes the following comments in the accompanying Planning Statement and Design & Access Statement:

- a 15m buffer zone would be retained between the proposed dwellings and woodland belt adjacent to the railway line, which has been identified in the UK Biodiversity Action Plan as being a 'BAP' Site (habitats most threatened and in need of Conservation) – this would become part of a wildflower nature trail linking to the lake;
- a new vehicular access with good visibility would be provided to the south of the existing;
- traffic calming would be undertaken on Station Road and a pedestrian crossing would be provided allowing future residents to reach the station and The Dering Arms;

(Joint Development Control Manager comment: this has since been removed from the scheme)

- about 75% of the site would be retained as woodland, lake, ponds and open space and dedicated to nature conservation and casual open space, with a residents' management company formed to manage these areas;
- the development would reuse previously developed land, taking pressure off of greenfield land in the countryside;
- features of that site that contribute to the local landscape (ie. the woodland, lake and ponds) would be retained and enhanced, the proposed dwellings would barely be visible from the surrounding countryside and the site is not of high environmental value;
- a major environmental benefit of the development is that the existing/lawful use rights would be extinguished, meaning that the site could no longer be used for a variety of industrial processes, including waste recycling (such uses could cause problems for local residents in terms of heavy goods vehicle traffic, noise, dust, fumes and other pollution) – the development would therefore remove a potentially disruptive industrial use, improving the living conditions for local people, and provide a high quality living environment for future residents (whilst improving the potential for passive leisure for the local community);
- the development would provide the opportunity for major gains to biodiversity, maintaining the ecological value of the site and expanding its

biodiversity through the positive management of the site's woodland, lake and ponds;

- the site does not contain any specific wildlife designations, although ecological surveys have identified the potential presence of protected species on the site;
- the development would create a strong sense of place in a high quality design that reflects local vernacular design;
- the woodland belt on the eastern side of Station Road ensures that the development would not be visible from the Conservation Area of the listed Dering Arms and this would be managed for its ecological value;
- there are no archaeological finds within or near the site;
- Ashford Borough Council barely has a 5 year housing supply at the present time and no contingency – the development is capable of making a positive contribution to this;

(Joint Development Control Manager comment: the Council does have a 5 year housing supply and a paper demonstrating this was recently published on the Council's website – this is not therefore material to the consideration of the application)

- Pluckley is one of 8 third tier settlements in policy CS6 of the Core Strategy and provides a range of local facilities;
- the detailed proposal would have regard to the Council's residential space standards and the development would meet the standards of policy CS10 of the Core Strategy;
- future residents of the development would help to maintain and improve village services;
- the development would not alter the local landscape character in any way, with all tree belts, woodland, lake and ponds being retained, and the proposed dwellings would not be discernible within the wooded landscape;
- the applicant is willing to make any fair and reasonable contribution to community facilities arising from the development;
- due to surrounding trees and vegetation, the site is not generally visible within the landscape;

- the development would only occupy the former brickworks area and the combined mass of the proposed dwellings is comparable to that of the existing buildings;
- the site lies with Floodzone 1 with respect to fluvial flooding and therefore satisfies the NPPF and sequential test seeking to locate development in areas of low flood risk;
- parts of the site area are shown to be at risk of surface water flooding and so the development has been located on the areas at lowest risk, with any residual flood risk managed as part of the surface water management strategy – this would use a number of SUDS elements to store and convey surface water runoff through the development, attenuating the discharge to the lake at greenfield runoff rates required by the Council’s Sustainable Drainage SPD;
- a full transport assessment was commissioned and this found that the development offers a reduction in the number of AM and PM peak hour trips (predominantly by cars) when compared to the potential industrial uses of the site and the movements generated by a waste recycling facility or the re-opening of the brickworks would include a substantial number of heavy goods vehicle movements estimated to be 78 movements a day – the development is therefore considered to be less detrimental to the local highway network;

(Joint Development Control Manager comment: this was based on the original scheme for 52 dwellings and an employment building, however the number of dwellings has since reduced to 25 with the removal of the employment building and updated figures using the residential trip rate per house provided have been calculated)

- the development is considered sustainable in transport terms due to its proximity to Pluckley Station;
- the position of the proposed access would meet the necessary sightline and safety requirements whilst not resulting in any loss of important vegetation;
- the development would be served by adoptable standards roads capable of providing access and turning facilities for waste collection, deliveries and emergency vehicles;
- on-street parking would be provided for visitors as well as generous on-plot parking for future residents (an average of 2 spaces per dwelling), compliant with the Council’s residential parking standards; and,

- the landscape strategy for the site is to provide a buffer of undeveloped land around the trees and lake, to give them long-term protection and enable the natural landscape to screen and frame the development, and it is proposed to create semi-natural grassland here with opportunities to enhance biodiversity – much of the land owned by the applicant has been excluded from the application for the reason that no changes are proposed to it.

Planning History

01/01157/AS – A Lawful Development Certificate (existing) granted for ‘The firing and storage of bricks and ancillary activities including storage of materials, finishing of bricks, brick cutting, administrative office and employee facilities including rest and washroom facilities, falling within Class B2 of the Use Classes Order 1987 as amended’.

02/00711/AS – A Lawful Development Certificate (proposed) granted for ‘Proposed waste recycling facility’.

14/00012/EIA/AS – ‘Request for screening opinion for proposed housing development’, where it was determined that an Environmental Impact Assessment was not required for the development.

15/00001/EIA/AS – Request for screening opinion for ‘Proposed solar park’, where it was determined that an Environmental Impact Assessment was not required for the development.

Consultations

Original scheme (erection of 52 dwellings and employment building, public car park and new access)

Ward Members: The Ward Members are not members of the Planning Committee.

Pluckley Parish Council: object to the application on the following grounds:

- the development would more than double the number of dwellings in Pluckley Station and therefore be out of scale with its surroundings;

(Joint Development Control Manager comment: the number of dwellings proposed has since reduced significantly by over half)

- the NPPF requires new residential development to have access to local facilities by public transport and on foot – there are no social or community facilities within easy walking distance of the development, with the only local transport being the railway station (the nearest bus service is in the village

centre) and the nearest doctors surgery (which is over-subscribed) is in Charing and it is questionable whether the local primary school could cater for the anticipated number of extra pupils;

(Joint Development Control Manager comment: KCC and the NHS have not requested contributions towards primary education or healthcare respectively)

- currently no traffic uses the site and the development would significantly increase vehicle traffic;

(Joint Development Control Manager comment: whilst this is currently the case, a material consideration is the lawful uses that the site could be put to and the vehicle movements associated with these)

- the proposed car park would quickly fill up with commuters, abandoning the existing station car park, and become a magnet attracting more commuters to the area;

(Joint Development Control Manager comment: this has since been removed from the scheme)

- the development is likely to have roadside parking within the site and along its access roads, which would actually make current problems of highway parking worse;
- many protected species would be adversely affected by the development;
- concerns that more housing could follow on the remaining land within the applicant's ownership if the application is allowed;

(Joint Development Control Manager comment: approving the application would not set a precedent for further housing on the remainder of the site)

- Ashford already has a 5 year housing supply with a 5% buffer, meeting the requirements of the NPPF;

(Joint Development Control Manager comment: whilst this may be the case, the application must be assessed on its merits against Development Plan policy and central government guidance)

- the development is neither minor nor within the built confines of the village and cannot be considered as a special circumstance to the general presumption against new residential development in such a location;
- the Parish's Neighbourhood Plan states that any housing development in the village should be no greater than five dwellings;

(Joint Development Control Manager comment: the Neighbourhood Plan has yet to be formally adopted and therefore holds limited weight in the consideration of the application)

- whilst a new employment building is proposed, the development would result in the reduction in potential employment compared with if the site were to be put to a lawful B2 use;

(Joint Development Control Manager comment: this has since been removed from the scheme)

- the development exceeds all other planned development in the other villages identified as Tier 3 in policy CS6 of the Core Strategy; and,
- at no time has the Parish Council ever supported a redevelopment of the site for housing on this scale.

KCC Highways and Transportation: make the following comments:

- the emergency access does not meet the minimum width requirements of 3m and has not been tracked for a fire engine;

(Joint Development Control Manager comment: the existing access is now proposed to be used by pedestrians only)

- a footpath is proposed through the wooded area to the south of the site away from the main access road and it is likely that this would need to be lit for safety and security reasons and the presence of trees are likely to impact on the luminance levels of the street lighting – the footpath should instead be provided along the southern side of the access road to prevent any shadowing impacts;

(Joint Development Control Manager comment: the scheme is in outline form seeking only to establish the principle of the development and so layout would be subject of any subsequent reserved matters application)

- the scale of the development is acceptable given the lawful use of the site as B2 (general industrial) and whilst the development would result in a 5% increase in vehicular movements a day along Station road, this is considered to be within the daily fluctuations of vehicular traffic and the increase in traffic along Station Road is considered to be negligible;

(Joint Development Control Manager comment: the latest reduction in dwellings would result in less vehicle movements than the lawful use of the site)

- the community car park and its securement as a free public car park would need to be secured through a Section 106 agreement and its provision would significantly improve the current situation along Station Road - there is currently large amounts of on-street parking due to the station car park being chargeable and users not wishing to pay and reduces the width of Station Road to single file traffic, which is a highway safety concern; and,
- the provision of a new footway along the eastern side of Station Road would be subject to a Section 278 agreement with Kent Highways.

Joint Development Control Manager comment: this has since been removed from the scheme)

Neighbours: 28 representations received, 3 making the following comments:

- flora and fauna should be preserved;
- there is known to be considerable subterranean gases not far from the site;

(Joint Development Control Manager comment: the application is accompanied by a Contamination Assessment).

- the area adjacent to the site was under 5ft of rainwater, raising the risk of flooding;

(Joint Development Control Manager comment: the application is accompanied by a Flood Risk Assessment and a Foul Water Assessment and Surface Water Management Plan)

- the site is very close to the aerodrome and within the area covered by the safeguarding map, where certain noise connected with the aviation activity would be apparent;
- the development removes the chance of a waste recycling plant on the site;
- the development may resolve the problems of cars parking on Station Road; and,
- a condition should be attached preventing street lighting from being installed

6 supporting the application on the following grounds:

- the development would offer a variety of dwellings that suit a variety of budgets;
- derelict and dangerous former factory sites are ideal for development;

- the proposed car park would address parking problems along Station Road;
- increasing the local population would give greater fundraising opportunities for the village hall and support local businesses;
- the development would tidy up a part of Pluckley that needs attention;
- the demolition of the existing garage would be a great improvement; and,
- the proposed green space would be an asset to the area

and 29 objecting to the application on the following grounds:

- the development and number of dwellings proposed is disproportionate to the size of the village;
- the proposed would be contrary to the Development Plan as Pluckley was not allocated any housing sites;
- Pluckley does not offer adequate parking, schooling, transport, doctors surgeries, jobs, infrastructure etc. to accommodate the development;
- Station Road is now single file and the proposed car park would exacerbate existing parking issues on this road;
- it would be negligent to build on the site as Pluckley is known to suffer from subsidence;
- concerns over the maintenance and lighting of the proposed car park and the potential to charge for parking in the future;
- the presence of nightingales on the site;
- the entrance to the site is too close to the bridge and the station approach;
- more detail is required on how the lake and surrounding areas for wildlife would be maintained;

(Joint Development Control Manager comment: this can be controlled by way of a condition)

- the condition of surrounding roads would deteriorate further as a result of the development;
- the development is against the wishes of villagers and policies in the Parish Plan, which is to resist large scale development;

- increase in traffic movements through the village;
- the location of the site is unsustainable;
- the development would result in the loss of wildlife habitat and the site should be allowed to return to its natural state;
- there is no evidence of the need for the development;

(Joint Development Control Manager comment: there is no policy requirement to demonstrate this)

- the development would result in the urbanisation of the countryside, completely out of character with the area;
- the total daily movements states in the Transport Statement and KCC Highways and Transportation seem to be incorrect and misleading;
- the development would have a significant impact on already troubled sewerage facilities in the area;

(Joint Development Control Manager comment: details of the disposal of sewage can be controlled by condition)

- there is no mains gas in Station Road;

(Joint Development Control Manager comment: this is not a planning issue)

- in drought years, water supply in the area is stretched and this situation would be exacerbated by the development;

(Joint Development Control Manager comment: this is not a planning issue)

- a covenant should be placed on the land adjacent to prevent building on it in the future as allowing the application would set a precedent for further development;
- the demolition of a pleasant tree line to accommodate the proposed car park;
- the application is premature in respect of site allocations for the new Local Plan;

(Joint Development Control Manager comment: the application must still be assessed on its own merits against Development Plan policy and central government guidance)

- the Council has a 5 year housing supply with a 5% buffer, in accordance with the NPPF;
- poor location of affordable housing in relation to the village;

(Joint Development Control Manager comment: this has since been removed from the scheme)

- the removal of a large mature oak tree to accommodate the access to the site;
- questions the need for the proposed employment building when there is already employment on the site;
- maintenance of the proposed car park and surrounding open space;
- the disruption caused during the construction of the development would be detrimental to the serenity of the village and threaten the health and safety of local residents through increased noise and large vehicle movements;

(Joint Development Control Manager comment: details of the construction of the development can be controlled by condition)

- there are more suitable sites within Ashford; and,

(Joint Development Control Manager comment: again, the application must be assessed on its merits against Development Plan policy and central government guidance)

- the site could be used for a solar farm.

(Joint Development Control Manager comment: this is not what is being proposed and the application must be assessed on its own merits)

Environmental Health: comment that conditions re: internal sound levels and contamination should be attached to any permission granted.

Housing: comment that the inclusion of 35% affordable housing is welcomed, however the mix should be amended to provision more 2 bedroom dwellings and more rented dwellings and that the affordable housing should be integrated across the whole site.

KCC Education: comment that contributions are required towards secondary education, community learning, youth service, libraries, adult social care and request a condition for superfast fibre optic broadband.

NHS: no representation received.

Cultural Services: comment that contributions are required towards sports (outdoors), informal/natural green space, children's play space, allotments, strategic parks and cemeteries, the arrangement of dwellings is poor and the lake should not be obscured and request details re: split in public/private landscaped space

(Joint Development Control Manager comment: again, the scheme is in outline form seeking only to establish the principle of the development and so layout would be subject of any subsequent reserved matters application).

Southern Water: comment that the exact position of the foul rising main and foul sewer must be determined before the layout of the development is finalised and a condition re: SUDS should be attached to any permission granted.

Environment Agency: raise no objection subject to conditions re: contamination, foundations, infiltration of surface water drainage into the ground and SUDS and supporting text/informatives re: land contamination, drainage, piling, landfill, decommissioning of underground storage tanks and fuel, oil and chemical storage.

Project Office (Drainage): comment that the surface water disposal and flood risk management proposals are acceptable and comment that a condition re: SUDS should be attached to any permission granted.

Weald of Kent Protection Society: support the application on the following grounds (but comment that the affordable dwellings should be better integrated into the site):

- the development would be on a brownfield site, which complies with the NPPF;
- it is close to the railway station for public transport;
- the proposed car park would ease local traffic congestion caused by cars parked on the road;
- the area would be improved by the landscaping proposed;
- the development would offer employment opportunities; and,
- the development would not impact visually on the nearby Conservation Area.

Kent Wildlife Trust: object to the application on the grounds that the application reveals the following considerable ecological interest at the site but no translocation or compensatory habitat is identified nor evaluated:

- an exceptional population of slow worms;
- the presence of a great crested newt population;

- significant foraging/commuting habitat for bats;
- a possible horseshoe bat record;
- 42 bird species confirmed as or assessed to be breeding or holding territories within the site;
- dormouse records
- significant invertebrate interest, with 2 priority, 4 nationally scarce and 8 nationally local species records; and,
- the site exhibiting 3 Biodiversity Action Plan habitats, 2 important hedgerows and 2 large mature oak trees.

Campaign to Protect Rural England: support the application on the following grounds (but comment that a lower density of housing should be sought):

- the site is brownfield that been derelict for many years and it is unlikely that an industrial use for it would be found;
- the village needs smaller housing as young local residents find it very difficult to remain in the village;
- the site is not regarded as unsustainable as it is near to the railway and most facilities are provided in the main village area;
- the proposed car park is welcomed (but comment that this would not solve all the parking problems on Station Road); and,
- the proposed lake and wildlife proposed are welcomed (but they have concerns as to how these would be managed and hope this would be included in a Section 106 agreement).

First amended scheme (erection of 50 dwellings and employment building and new access)

Pluckley Parish Council: object to the application (but comment that they welcome the removal of the proposed car park) on the additional ground that they are disappointed that the Station Garage is to remain as an industrial/employment site rather than be redeveloped for two dwellings as the existing building is unsightly and they would have preferred a small business courtyard within the development.

KCC Highways and Transportation: make the following comments:

- an emergency access is no longer required with the reduction in the number of dwellings proposed; and,
- concerns that overspill car parking from the station would take place at the junction of the new access road with Station road and also to the access road with the removal of the proposed car park and therefore require double yellow lines to prevent this.

(Joint Development Control Manager comment: the applicant is aware that this would need to be progressed through their Traffic Schemes Team prior to any planning permission being granted for the development)

Neighbours: 13 representations received, 2 making the following additional comments:

- whilst the development is contrary to Development Plan policy and the Parish Plan, it is probably the best way forward for this brownfield site; and,
- request that the number of dwellings are reduced and the remaining land is designated as a protected area, not for building on in the future

and 11 objecting to the application on the following additional grounds:

- the development would worsen the condition of Station Road and its verges;
- the development is being promoted by the developer as a result of the Council's failure to demonstrate a 5 year housing supply but it is not supported by Development Plan policy and is against the wishes to the Pluckley Village Design Statement;
- with 5000 dwellings planned for the Chilmington Green development, Ashford does not have a shortfall in housing provision;
- light pollution;
- potential soil contamination; and,
- potential Site of Special Scientific Interest and a Special Area of Conservation due to the presence of great crested newts and appropriate surveys should be carried out to establish the status of this species on the site and recommend alternatives.

(Joint Development Control Manager comment: the site is not formally designated as such and an Ecological Appraisal accompanies the application)

Environment Agency: have no further comments to make.

Project Office (Drainage): have no further comments to make.

Southern Water: make an additional comment that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the development and additional off-site sewers or improvements to existing sewers would be required.

Weald of Kent Protection Society: object to the application on the following grounds:

- the site is in an unsustainable location, isolated from the nearest schools, shopping facilities, GP surgeries and entertainment venues;
- there are very few one and two bedrooms dwellings, for which there is local need;
- the affordable housing appears to be crowded and segregated from the rest of the development;
- the development would generate increased traffic along unsuitable rural roads surrounding the site; and,
- visibility from the site would be compromised by cars parked along Station Road unless double yellow lines are introduced.

Natural England: comment that reference should be made to their standing advice and recommend that biodiversity and landscape enhancements are incorporated within the development.

(Joint Development Control Manager comment: this can be required by condition)

Cultural Services: comment that the revised layout does not show enough open space, residential frontages should border open space and there may be difficulties with refuse collections for the lake-side dwellings if this road is not adopted.

Second amended scheme (erection of 50 dwellings and employment building and new access – additional illustrative site plan provided, showing areas of site to be managed by a management company)

Pluckley Parish Council: no representation received.

KCC Highways and Transportation: make no additional comments:

Neighbours: 9 representations received, 1 making the following additional comments:

- double yellow lines should be extended up Station Road on both sides of the road to prevent parking and reduce highway hazards; and,
- the proposals for the Station Garage should be reinstated

2 supporting the application on the additional ground that the scale and type of development now proposed would be suitable and a good use of the site and 6 objecting to the application on the following additional grounds:

- the Station Garage does not need replacing; and,
- the development does not provide housing to meet local needs.

Environment Agency: have no further comments to make.

Natural England: have no comments to make.

Environmental Health: have no further comments to make.

Project Office (Drainage): comment that the drainage strategy has not been amended to reflect the revised site layout.

Southern Water: make no additional comments.

Weald of Kent Protection Society: object to the application, making an additional comment that whilst the application acknowledges the ecological interest at the site, it reveals only general proposals for achieving a no net loss of biodiversity.

Final amended scheme (erection of 25 dwellings and new access)

Pluckley Parish Council: support the application subject to the following:

- the scheme should increase the housing mix to provide at least 4 two or three bedroomed dwellings;

(Joint Development Control Manager comment: the agent has agreed to this and as the scheme is in outline form seeking only to establish the principle of the development, the housing mix would form part of any subsequent reserved matters application but has been conditioned in any event)

- there should be an effective, long-term management strategy put in place for the enhancement and protection of the remainder of the site for the benefit of all villagers;

(Joint Development Control Manager comment: this can be secured through a condition)

- the greenfield site adjoining the woodland off Chambers Green Road and Station Road should be maintained as agricultural/grazing land for the foreseeable future, ideally secured through a Section 106 agreement;

(Joint Development Control Manager comment: this fall outside of the application site and so is not subject of the application. In any event, planning permission would be required for any development on it)

- Members reaffirmed their opposition to street lighting but accepted that there may be a need for some form of low-level lighting; and,
- Members would prefer to see the number of dwellings reduced rather than seeking contributions but funding towards the extension of the Village Hall, the cladding of the village hall and traffic calming measures would be welcomed.

(Joint Development Control Manager comment: the provision of traffic calming measures can be controlled by condition)

Neighbours: 8 representations received, 1 commenting that as the scheme now excludes an affordable housing element, a commensurate financial contribution should be made, and 7 objecting to the application on the following additional grounds:

- whilst the number of dwellings has been reduced, they are still laid out in the style of a housing estate in the suburbs of a major town;

(Joint Development Control Manager comment: again, layout is not for consideration at this stage)

- the removal of the redevelopment of the Station Garage is disappointing and this should be prioritised over the development;
- the application identifies great crested newts on the site and the site contains habitat ideally suited for hibernation, but then suggests they are not breeding there – the development would disturb this threatened species to its detriment;
- the development proposes a bad mix of housing sizes and gentrification is not needed in Pluckley; and,
- the closure of the brickworks is a great loss of employment for the village.

(Joint Development Control Manager comment: the site has not generated any employment since the closure of the brickworks)

Environment Agency: have no further comments to make.

Environmental Health: have no further comments to make.

Natural England: have no further comments to make.

Cultural Services: object to the application on the following grounds (but comment that there appears to be plenty of informal open space provided on site):

- the interface of dwellings with the southern area of open space has still not been resolved;
- the arrangement of dwellings around the green is awkward with a mixture of fronts, sides and gardens bordering it;

(Joint Development Control Manager comment: again, layout is not for consideration at this stage)

- the water edge needs to be fairly open to maintain views of the lake if it is to be a visual amenity and to provide public safety; and,
- one further challenge is the considerable amount of undeveloped land, woodland and open water within the site and its future management – if the applicant intends to set up a management company, then a management plan will need to be provided to adequately deal with the various ecological issues and its long term management as public open space.

Project Office (Drainage): have no further comments to make.

Southern Water: make no additional comments.

Kent Wildlife Trust: comment that whilst the additional information provides details of protected species mitigation but question what is being offered to demonstrate no net loss of the invertebrate interest and BAP habitats and net gains for biodiversity.

(Joint Development Control Manager comment: details of these can be controlled by condition)

Planning Policy

13. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012 and the Chilmington Green AAP 2013.
14. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

GP12 – Protecting the countryside and managing change

EN31 – Important habitats

EN32 – Important trees and woodland

HG5 – Sites not on the Proposals Map

LE6 – Off-site provision of public open space

LE9 – Maintenance of open space

CF21 – School requirements for new housing developments

Local Development Framework Core Strategy 2008

CS1 – Guiding Principles

CS6 – Rural Settlement Hierarchy

CS9 – Design Quality

CS10 – Sustainable Design and Construction

CS11 – Biodiversity and Geological Conservation

CS12 – Affordable Housing

CS13 – Range of dwellings types and sizes

CS15 – Transport

CS18 – Meeting the Community's Needs

CS19 – Development and Flood Risk

CS20 – Sustainable Drainage

Tenterden & Rural Sites DPD 2010

TRS2 – New residential development elsewhere

TRS7 – Retention of existing employment sites and premises

TRS17 – Landscape character & design

TRS18 – Important rural features

TRS19 – Infrastructure provision to meet the needs of new developments

15. The following are also material to the determination of this application:-

Supplementary Planning Guidance/Documents

Affordable Housing SPD

Residential Parking SPD

Sustainable Drainage SPD

Landscape Character SPD

Residential Space and Layout SPD

Sustainable Design and Construction SPD April

Public Green Spaces & Water Environment SPD

Dark Skies SPD

Village Design Statements

Pluckley VDS (2003)

Emerging Pluckley Neighbourhood Plan

Government Advice

National Planning Policy Framework 2012

16. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF.

Assessment

17. The main issues for consideration are:

- (a) Principle/loss of employment site
- (b) Visual amenity
- (c) Residential amenity
- (d) Parking and highway safety
- (e) Other issues ie. flooding and drainage, ecology, contamination, trees
- (f) Whether planning obligations are necessary/viability

Principle/loss of employment site

18. One of the key considerations in determining this application is whether the loss of this site for employment purposes is acceptable. Although the site lies outside any town or village and therefore policy TRS7 of the Tenterden & Rural Sites DPD (which seeks to resist the loss of employment sites in towns and villages) does not directly apply, the NPPF places significant emphasis on the promotion of a strong rural economy and proactively supports economic development and whilst it seeks to avoid the long-term protection of sites allocated for employment use, this is only where there is no reasonable prospect of the site being used for that purpose.
19. The brickworks last operated back in the 1990s. In support of the application, a viability assessment has been carried out and is considered in detail under the Planning Obligations/Viability section of this report. Whilst this does not formally demonstrate that the site is not suitable for continued employment use in either its current or alternative industrial uses, it is clear from the site remaining vacant for a number of years that it is no longer viable as a brickworks. The site could lawfully be used for other industrial uses, one of these being a waste recycling facility (for which a Lawful Development Certificate has been granted) and whilst there has been recent interest in this use on the site, there is strong local opposition to this and housing would be preferred over this. Redevelopment of the site for suitable low key B1 light industrial employment use would not be viable. A B2 or B8 uses would result in significant harm through associated noise and vehicle movements. The most viable use would be as a waste recycling facility and whilst this would not require planning permission, it would also result in significant harm. Continued employment use on the site would be either unviable or unacceptably harmful and as such, an alternative use is appropriate in this case.
20. Turning to the principle of redevelopment of the site for housing, the site lies outside the built confines of Pluckley in the countryside and is therefore contrary to Development Plan policy. However, material considerations of

sufficient weight can permit development even when it is contrary to the Development Plan. A core planning principle in paragraph 17 of the NPPF is to encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided it is not of high environmental value. In addition, paragraph 55 supports housing being located where it would enhance or maintain the vitality of rural economies to promote sustainable development in rural areas.

21. The site lies approximately 2km to the south of the nearest settlement Pluckley, which is served by a corner shop, public house, school and bus services. However, it is located on the edge of Pluckley Station, which has a railway station and is bound to the south by the railway line, to the north east by Station Garage and to the east by Station Road and the dwellings on the opposite side of this. The site is not therefore considered isolated in terms of the NPPF. In addition, the part of the site where the dwellings are proposed is not visually prominent or intrusive from outside or the wider landscape given the level of screening around the site. Furthermore, the redevelopment of the site would be confined only to the previously developed area.
22. It is clear that there is no future for the site to remain as a brickworks and no desire locally for it to be used for alternative industrial uses. Indeed, low key employment uses would not be viable, with the most viable use being a waste recycling facility. The issue for the Planning Committee is therefore whether it is desirable to see the site redeveloped for housing in the manner proposed, for it to remain as it is and deteriorate further or for it to be potentially used lawfully as a waste recycling facility, for which there has been recent interest. The redevelopment of the site for housing would extinguish the existing/lawful use rights of the site, meaning that it could no longer be used for a variety of industrial processes, including waste recycling (such uses could cause problems for local residents in terms of heavy goods vehicle traffic, noise, dust, fumes and other pollution).
23. Although residential development on the site is contrary to the Development Plan, for the reasons above I consider in this case there are material considerations of sufficient weight to justify accepting the principle of housing on the site. In addition, the emerging Pluckley Neighbourhood Plan is supportive of housing on the site.

Visual amenity

24. The former brickworks buildings are in a poor state of repair and continue to deteriorate further, whilst the remainder of the site has an overgrown and derelict appearance. The development would remove the unsightly buildings, be likely to confine the proposed dwellings to the location of these buildings and increase landscaping.

25. The scheme is in outline form with appearance, layout, landscaping and scale reserved for future consideration, however an indicative site layout and site sections have been provided to inform this application and this shows the modest scale, low density of development proposed (focusing on the upper end of the market), which is more in line with local wishes and the maximum number of dwellings considered acceptable in the emerging Pluckley Neighbourhood Plan. The indicative plans show the density of the development to be low and the general arrangement of the proposed dwellings (combining small perimeter blocks and clusters of buildings arranged around short cul-de-sacs with frontage development onto both the lake and spine road) works well in this rural context, providing a spacious layout and allowing for a substantial landscape buffer between the proposed dwellings and all boundaries of the site, including Station Road and the Pluckley Station Conservation Area. In addition, a large proportion of the land being retained as woodland, a lake, ponds and open space would ensure that the development can be sensitively assimilated into the landscape and not appear visually intrusive. Whilst elevations have not been submitted, the indicative site sections show the proposed dwellings to be traditionally designed and two storeys in scale. This design and scale of development would be appropriate in this rural location, subject to the use of high quality materials and good detailed design that would be considered in any subsequent reserved matters application.
26. The indicative plans show that a sensitive scheme could be accommodated on the site and as such, would not be harmful to the visual amenity of the area or the character and appearance of the countryside or the character of the adjacent Conservation Area. Furthermore, the level of development proposed is modest, low density and would not dominate Pluckley Station. This would accord with the aspirations of the Pluckley Neighbourhood Plan.

Residential amenity

Existing residents

27. As the scheme is in outline form, no floor plans or elevations have been provided for consideration at this stage. However, the proposed dwellings would be sited on the footprint of the existing buildings and the closest property to this is Oakdene, over 80m away. Furthermore, the access running in front of this property would only be used by pedestrians and cyclists, with the main vehicular access to be located to the south. Given its siting, orientation and separation distances, the development would not result in any loss of amenity for existing residents through overlooking or the development appearing overbearing or oppressive.
28. In addition, the replacement of the former brickworks site (which could be used for alternative industrial use like a waste recycling facility) with the

residential development proposed would result in a material reduction in noise, smells and traffic through Pluckley Station should that use become active and therefore result in an improved environment for local residents compared with the fallback.

Future residents

29. Again whilst no floor plans are available, the site is large enough to accommodate dwellings that meet the central government's internal and the Council's external residential space standards and secure an acceptable relationship between the proposed dwellings in terms of overlooking and overbearing. Turning to the quality of the accommodation of the proposed dwellings, an acoustic assessment was carried out that assessed railway noise and vibration levels from the nearby railway line. Whilst it found ground vibration levels to be acceptable, it concluded that the proposed dwellings closest to the railway line require mitigation to minimise any adverse impacts from noise, including a 1.8m timber barrier fence along the boundaries of the gardens nearest the railway and detailed sound insulation calculations to assess noise levels at the first floor windows of the proposed dwellings, where alternative means of ventilation other than opening these windows may be required. Environmental Health raise no objection subject to a condition requiring a scheme protecting the development from noise from the railway and subject to this, the development would not be harmful to the residential amenity of future residents.

Parking and highway safety

30. The Parish Council and a large number of objectors have raised concerns with the increase in traffic and parking demand that would be generated by the development.
31. In terms of vehicle movements, using the residential trip rate per house provided in the Transport Statement submitted, the 25 dwellings proposed would create 15 AM peak hour and 15 PM peak hour movements and 150 daily trips. In contrast, the potential industrial uses of the site would produce 32 AM peak hour and 32 PM peak hour movements and 266 daily trips (and the heavy lorry movements associated with a waste recycling facility would be in region of 78 per day). Compared with what could take place on the site, the development offers a reduction in vehicle movements to and from the site and would have less impact upon the local highway network. The nature of these vehicle movements, changing from heavy goods vehicles to cars, would also be less detrimental in terms of highway damage, maintenance and repair. Given this and the capacity of the surrounding highway network, I do not consider that the development would adversely impact upon traffic flows but rather improve the situation, which is another objective of the emerging Pluckley Neighbourhood Plan.

32. Turning to parking/turning, whilst this is to be considered at the reserved matters stage, the indicative site layout shows that car parking provision would meet the standards set out in the Council's Residential Parking SPD.
33. With the proposed access, this would be located just south of the existing to maximise visibility splays and this is an improvement over those achieved from the existing access, meeting the required standards. The width of the access track and internal road is sufficient to allow for access by emergency and refuse vehicles.
34. Kent Highways require the provision of double yellow lines at the junction of the proposed new access road with Station Road and to the access road as overspill car parking from the station would take place here. This could form part of the traffic calming measures requested by the Parish Council along Station Road in line with their emerging Neighbourhood Plan (for which they are currently in discussions with KCC Highways), details of which can be controlled by condition.
35. In terms of refuse collection, full details of tracking and servicing is to be provided as part of any reserved matters application, but I am satisfied that access to and turning within the site by a large refuse vehicle can be achieved.
36. In light of the above and subject to conditions, I consider the development to be acceptable in parking and highway safety terms.

Other issues

Flooding and drainage

37. The site lies outside Floodzones 2 and 3 but the geology is Weald clay, characterised as slowly permeable seasonally wet sand, silt and clay soils with impeded drainage. The only flood risk relates to surface water.
38. The layout of the development has been designed to occupy the area of the site that has a very low risk of surface water flooding. The development would result in a greater impermeable area than existing, however the risk can be managed through driveways and parking courts being designed with permeable paving to provide attenuation for surface water run-off, along with a number of SUDS elements to store and convey water runoff through the development. The permeable paving to proposed parking areas and driveways, swales along roads and detention basins to the south of the site would form the main storage for surface water run-off. Swales would then be used to convey water from these detention basins to the lake at a controlled rate below pre-development levels. Individual dwellings would also have water butts. The flood risk management measures recommended would also help manage this risk. Whilst the drainage strategy has not been updated to reflect

the latest amendments, less area is to be developed (impermeable) and so this is likely to improve the effectiveness of the strategy and its finer detail can be controlled by condition. The Council's Drainage Engineer raises no objection, therefore I am satisfied that the surface water drainage strategy is suitable, feasible and SPD compliant.

39. Turning to foul water drainage, the area is served by public sewers that drain to a pumping station on the eastern boundary of the site and as the infrastructure is in place to drain the development into the public sewerage network and if capacity is not currently available, it is likely that the sewerage system can accommodate the flows from the development with minor off-site improvements (this is not uncommon with such developments). Whilst Southern Water raise no objection, they have confirmed that there is currently inadequate capacity in the local network to provide foul sewage disposal for the development and so details of required minor off-site improvements will be required by condition. Subject to these details, I consider that an adequate means of foul water drainage can be pursued and is therefore acceptable.

Ecology

40. As part of the application, an Ecological Appraisal was undertaken and this found the application site and adjoining land to contain habitat suitable for supporting reptiles, amphibians, slow worms, lizards, great crested newts, dormice and invertebrates, along with moderate levels of bat activity, nightingales and a total of 54 bird species (some of which are listed in Schedule 1 of the Wildlife and Countryside Act and on the Red List of Birds of Conservation Concern and considered Species of Principal Importance) recorded. Both this and the additional ecological information submitted during the course of the application make a number of recommendations, including:
- the retention of the wooded areas for foraging bats;
 - certain pieces of land within the application site and adjoining land within the applicant's ownership proposed as different habitats; and,
 - the relocation of great crested newts taken from Pond 10 and reptiles before any works begin to two new replacement ponds and habitat on the land north of the application site (within the applicant's ownership), with the location of the proposed dwellings enclosed by newt fencing to carry out the translocation under a Natural England licence – this replacement habitat would also include hibernaculas, suitable aquatic planting in the new ponds, the provision of scrub (grassland mosaic) and bare ground basking areas and reptiles, along with a management regime.

- buffer strips of 5-10m should be incorporated into the development along the woodland and tree line/hedgerow edges for foraging bats, with the edge of the lake remaining unlit;
 - any impacts on woodland and hedgerows should be kept to a minimum in respect of dormice;
 - a dormouse licence from Natural England is required;
 - clearance of shrub should take place outside the bird breeding season and compensatory habitat made for nightingales and turtle doves;
 - the loss of potential open mosaic habitat should be compensated for by the creation of suitable habitat for invertebrates within the wider landholding;
 - removal of Japanese knotweed by a specialist contractor; and,
 - a management plan for the remainder of the site for species known to be present, with a particular focus on nightingales.
41. As the development would result in the disturbance of protected species and the deterioration or destruction of some of their breeding sites and resting places, there is a prohibition on granting permission unless certain conditions are met: there must be no satisfactory alternative, the favourable conservation status of the protected species on the site would be maintained and granting permission must be in the interests of imperative reasons of overriding public interest.
42. The illustrative site layout shows the retention of all wooded areas and trees and the provision of a buffer around the proposed dwellings. Whilst Kent Wildlife Trust raised concerns with the lack of information regarding the translocation of protected species, the creation of new habitats for them and a management plan, this has since been provided. There is plenty of land within the application site and the land to the north (within the applicant's ownership) where protected species could be relocated to suitable replacement habitats (including the creation of two ponds to replace the loss of Pond 10) and an outline habitats map has been provided showing this, along with details of the translocation of great crested newts and reptiles. Kent Wildlife Trust question what is being offered to demonstrate no net loss of the invertebrate interest and BAP habitats, however these habitats to be lost as a result of the development are to be replaced as per the outline habitats map and specific details of this can be required by condition. Based on the information provided by the applicant, I consider the first two conditions are met and that the development would ensure the favourable conservation of protected species on the site. Furthermore, the development would provide housing and, as set

out above, result in benefits including extinguishing the existing use - I therefore consider that the third condition is met as well so that the prohibition does not apply.

43. Kent Wildlife Trust also question the net gains for biodiversity, however the size of the application site and adjacent land within the applicant's ownership offers opportunities to enhance biodiversity on the site as required by policy CS11 of the Core Strategy and the NPPF and again, details of this can be required by condition (as requested by Natural England).

Contamination

44. The site has historically been used as a brickworks and so the potential for contamination is high. The Contamination Assessment submitted as part of the application identified that there is contamination on the site and makes a number of recommendations re: site contamination investigations, remediation strategies and groundwork specifications. Environmental Health and the Environment Agency are satisfied with the findings of the report and suggest that conditions be imposed on the grant of any planning permission covering:

- the submission and approval of a detailed remediation scheme and certification/verification report that demonstrates the effectiveness of the remediation carried out;
- any unexpected or unanticipated contamination being reported to the Local Planning Authority, with a subsequent investigation and risk assessment being carried out and where necessary, a remediation scheme being undertaken; and,
- the submission and approval of details of piling or any other foundation designs.

45. Subject to these conditions, the development would not result in any risk to human health for future occupants of the site, ground water contamination or the dispersal of contaminants onto adjoining land.

Trees

46. The Arboricultural Report submitted is solely a tree survey and does not indicate the trees that would be affected by the development. However, from the indicative site layout, all trees would be retained. The proposed dwellings would be contained within the site of the existing buildings and associated hardstanding and the TPO trees running along the existing access are to be remain unaffected as this is to be for pedestrian use only, with vehicular traffic using the proposed access to the south. In addition, the required visibility

splays from the proposed access would be able to be accommodated without the removal of any trees or hedgerow. Notwithstanding this, a condition requiring an arboricultural impact assessment, tree protection plan and method statement should be attached to identify which trees would be felled and to ensure the protection of retained trees. Also, a condition is necessary requiring the proposed access to be constructed initially to ensure that construction vehicles use this to enter/exit the site instead of the existing access, where they could harm the TPO trees leaving this. Furthermore, the large open areas to be retained provide opportunities to enhance landscaping and a quality landscaping scheme and management plan would be controlled by condition. Given this, I consider that the development is unlikely to result in the loss of or harm to trees on the site.

Planning obligations and viability

47. Policies CS8 and CS18 of the Core Strategy, policy TRS19 of the Tenterden and Rural Sites DPD and the Council's Public Green Spaces and Water Environment SPD provide clear policy support for seeking financial contributions towards infrastructure and meeting the community's needs in the wider area. The Green Space audit carried out in 2008 shows there to be insufficient provision of outdoor sports pitches, informal/natural green space, children's and young people's play space, allotments and strategic parks to provide for the existing needs of the local community, as well as the needs generated by the development itself. Consequently, the Council can consider whether an application with assessed and demonstrated public open spaces needs is unacceptable in planning terms unless it contributes towards meeting its own demands upon those facilities. The development would generate the need for additional or improved public open space and so financial contributions are considered reasonable (apart from informal/natural green space, as this is being provided as part of the development, and strategic parks). The funding sought is not to contribute to pooled funding pots intended to fund general infrastructure in the wider area but would be used to fund specific improvements or additions to these elements of infrastructure within the parish. Projects have been identified for of outdoor sports pitches, children's and young people's play space and an extension to the village hall and so contributions are sought towards these.
48. In addition, policy CS12 of the Core Strategy seeks the provision of 35% affordable housing within developments of 15 dwellings or more or on sites in excess of 0.5ha or in very exceptional circumstances a commuted sum towards the provision of affordable housing elsewhere in the borough. Likewise, in line with policy requirements, KCC have requested a number of contributions towards projects for secondary education (policy CF21 of the Local Plan), libraries, adult social care, community learning and youth services. A contribution towards carbon off-setting is also necessary, in accordance with policy CS10 of the Core Strategy.

49. However, a case is being made that the viability of the development is not sufficient to allow for all the necessary financial contributions to be made, namely the provision of affordable housing on site or a commuted sum to be paid towards this.
50. Paragraph 173 of the NPPF states that:
- “Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be development viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be achievable”.*
51. A viability assessment was commissioned by the agent and this has been assessed by Bespoke Property Consultants on behalf of the Council. Whilst querying some of the figures in this report, Bespoke conclude that the scheme could yield a reasonable 20% profit whilst supporting some financial contributions being made. Furthermore, to provide affordable housing on the site would require an increase in the number of dwellings proposed to make the development viable, for which there is no local support.
52. Not providing affordable housing on-site (or a financial contribution in lieu) is contrary to policy CS12 of the Core Strategy and not making all of the necessary financial contributions is contrary to the relevant policies. I accept the viability evidence that not all of the Council’s requirements can be met, but this would result in the development being contrary to the Development Plan.
53. For the reason set out above and earlier in relation to the principle of the development, I consider in this case there are material considerations of sufficient weight to justify departing from the Development Plan in this regard and in not insisting on all of the Council’s requirements being met. In the circumstances, I recommend that the contributions that the applicant can afford to pay to go towards the projects listed in Table 1, so that there would be no affordable housing on-site nor money for off-site provision.
54. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. The contributions towards outdoor sports pitches and children’s

and young people's play space are lower than usually sought as this reflects the costs of the projects identified by the Parish Council and these projects would still meet the needs generated by the development. The remainder has then been added to the contribution sought towards the extension to the village hall, which again would meet the needs generated by the development and the viability of the development is sufficient to allow for these necessary financial contributions to be made. Accordingly, they may be a reason to grant planning permission in this case.

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.	<p><u>Outdoor sports pitches</u></p> <p>Contribution towards repairs to the surround fencing of the tennis courts at the Recreation Ground</p>	£52 per dwelling	Before completion of 75% of the dwellings	<p>Necessary as outdoor sports pitches are required to meet the demand that would be generated in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				provided.
2.	<p><u>Children’s and young people’s play space</u></p> <p>Contribution towards the installation of junior football goalposts on the Recreation Ground</p>	£24 per dwelling	Before completion of 75% of the dwellings	<p>Necessary as children’s and young people’s play space is required in this parish to meet the demand that would be generated in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2, CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use children’s and young people’s play space in this parish and the play space to be provided would be available to them.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided.
3.	<p><u>Carbon off-setting</u></p> <p>Contribution for funding carbon savings based on the residual carbon emissions of the dwelling or building set out in the approved energy performance certificate and quantified over 10 years. In the first instance to go towards cladding the village hall to improve its thermal efficiency or then on any other carbon savings scheme the Council may identify</p>	<p>To be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD</p>	<p>Payable on the occupation of each dwelling</p>	<p>Necessary in order to ensure the development is carbon neutral pursuant to Core Strategy policies CS1, and CS10 I, the Sustainable Design and Construction SPD and guidance in the NPPF.</p> <p>Directly related as only carbon emissions from this development would have to be off-set.</p> <p>Fairly and reasonably related in scale and kind as off-setting would not be required in the absence of carbon emissions</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				from this development and any payment is based on the amount of carbon dioxide to be offset.
4.	<p><u>Secondary education</u></p> <p>Contribution towards the Highworth school phase 2 expansion</p>	£2359.80 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as no spare capacity at any secondary school in the vicinity and pursuant to Core Strategy policies CS1, CS2 and CS18, saved Local Plan policy CF21, Tenterden and Rural Sites DPD policy TRS19, Developer Contributions/Planning Obligations SPG, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings.</p>
5.	<p><u>Libraries</u></p> <p>Contribution for additional bookstock at libraries in the borough (excluding infrastructure)</p>	£223.27 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as no spare library space available to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				will use library facilities and the facilities to be funded will be available to them. Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings.
6.	<p><u>Adult social care</u></p> <p>Contribution towards funding additional adult social care staff in the borough</p>	£77.58 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as additional staff required to meet the demand that would be generated pursuant to Core Strategy policy CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use adult social services and</p>

3.46

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>the staff to be funded will be available to them and/or support their needs.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
7.	<p><u>Community Learning</u></p> <p>Contribution towards community learning services in the area (excluding infrastructure)</p>	£34.45 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary enhanced services required to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>Directly related as occupiers will use community learning services and the services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings.</p>
8.	<p><u>Youth services</u></p> <p>Contribution towards youth services in the area (excluding infrastructure)</p>	£63.12 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as enhanced youth services needed to meet the demand that would be generated and pursuant to Core Strategy policy CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>Directly related as occupiers will use youth services and the services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
9.	<p><u>Extension to village hall</u></p> <p>Contribution towards an extension to the village hall to provide a new foyer entrance and toilets, including a disabled toilet</p>	£2165.78 per dwelling	Before completion of 75% of the dwellings	<p>Necessary as community facilities offered by the village hall are required to meet the demand that would be generated in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2, CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
3.50				<p>Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use community facilities offered by the village hall and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings.</p>
10.	<p><u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£1000 per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years</p>	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				monitoring of the development and these planning obligations are covered. Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.
<p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the <u>council web site</u> (from the date of the committee resolution in relation to the extension to village hall contribution) in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable.</p> <p>If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.</p>				

3.51

Human Rights Issues

55. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendations below represent an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

56. In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner as explained in the note to the applicant included in the recommendation below.

Conclusion

57. The development would result in the creation of 25 dwellings in the countryside and the loss of a rural employment site. It is clear from the site remaining vacant for a number of years that it is no longer viable as a brickworks. The site could lawfully be used for other industrial uses, the most profitable and viable one of which is a waste recycling facility, and whilst there has been recent interest in this use on the site, there is strong local opposition to this and housing on the site would be preferred over this. The redevelopment of the site for housing would extinguish the lawful use of the site for industry that could cause problems for local residents in terms of heavy goods vehicle traffic, noise, dust, fumes and other pollution. Given local opinion, there is no future for the site to remain in active employment use, therefore I consider in the exceptional circumstances of the case that the redevelopment of this particular site for housing is acceptable in principle. The level of development proposed is modest and would not dominate Pluckley Station and is the minimum required to make the scheme viable.
58. The former brickworks buildings are in a poor state of repair and continue to deteriorate further, whilst the remainder of the site has an overgrown and derelict appearance. The development would remove the unsightly buildings, confine the built development to the location of these buildings and increase landscaping. The level of development proposed is derived from finding the minimum to make the scheme economically viable whilst ensuring that the development remains low density and spacious. The indicative site sections show the proposed dwellings to be traditionally designed and two storeys in scale, appropriate in this rural location. In addition, a large proportion of the land being retained as woodland, a lake, ponds and open space would ensure

that the development can be sensitively assimilated into the landscape and not appear visually intrusive. The site is not isolated in terms of the NPPF and its redevelopment for an appropriate low key residential use has significant sustainability benefits in this case.

59. The development would not result in any loss of amenity for existing residents and the loss of industrial uses on the site would lead to an overall improvement to living conditions. The level of amenity afforded to future residents would also be acceptable.
60. In terms of highway safety, the development offers a reduction in vehicle movements to and from the site and would have less impact upon the local highway network than the previous use of the site as a brickworks and other potential industrial uses of the site. The removal of larger vehicles from the local highways network associated with these uses would also be an overall benefit. The proposed new access would provide sufficient visibility splays in both directions and be an improvement over the existing (which would be retained for use by pedestrians only). The indicative site layout shows that car parking provision would meet the standards set out in the Council's Residential Parking SPD and access to and turning within the site by a large refuse vehicle can also be achieved.
61. The development is acceptable in terms of surface/foul water drainage, ecology, contamination and trees. In addition, the scheme can make financial contributions towards the projects set out in Table 1 of the report and this would be secured through a Section 106 legal agreement.
62. In light of the above, I consider that the development is one that justifies a departure from Development Plan policy, where there is a general presumption against new residential development and the loss of rural employment sites in this location and even though no affordable housing would be provided. I therefore recommend that the application is approved.

Recommendation

- (A) Subject to the applicant entering into a Section 106 agreement/undertaking in respect of planning obligations related to**
- a. Carbon off-setting**
 - b. Children's play space**
 - c. Sports (outdoors)**
 - d. Secondary education**
 - e. Libraries**

- f. **Social care**
- g. **Community learning**
- h. **Youth**
- i. **Extension to village hall**
- j. **Monitoring fee**

as detailed in Table 1, in terms agreeable the Strategic Sites and Design Manager or the Development Control Manager in consultation with the Head of Legal and Democratic Services, with delegated authority to either the Strategic Sites and Design Manager or the Joint Development Control Manager to make or approve minor changes to the planning obligations and planning conditions, as they see fit:

(B) Permit

Subject to the following conditions and notes:

1. Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

(B) The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The details submitted pursuant to Condition 1 of this permission shall show dwellings sited on the previously developed part of the site as per approved Drawing No. 2294 – 10 Revision E and that are a maximum 2-storey height and form and where second floor accommodation is proposed, this must be

provided wholly within the roof space. The details shall also show how each dwelling accords with the Technical housing standards – nationally described space standard, the Council's adopted Residential Space & Layout SPD or any other standard adopted by the Local Planning Authority.

Reason: To ensure that the siting and scale of new residential development remains appropriate for the site and in the interest of visual amenity and the residential amenity of future occupiers.

4. Written details and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall only be carried out using the approved external materials.

Reason: In the interests of visual amenity.

5. A masterplan setting out:
 - a. the dwelling types;
 - b. the dwelling mix (showing a minimum of 4 2/3 bed dwellings) and associated residential floorspace per dwelling;
 - c. location of the public open space; and
 - d. the location of SUDS features

shall to be submitted pursuant to Condition 1 of this permission and the development shall be carried out in accordance with the approved masterplan unless reserved matters approval is granted for other details.

Reason: To ensure that the type, mix and associated quantum of residential floorspace is appropriate for the site and is in accordance with good place making principles (including acceptable sustainable drainage, space standards and parking provision).

6. Prior to the commencement of the development, full details of facilities to accommodate the storage of refuse and material for recycling for each dwelling and its collection by refuse vehicles shall be submitted at the same time as details required to be submitted pursuant to Condition 1 and approved in writing by the Local Planning Authority. The approved details shall be implemented before the occupancy of dwellings to which they relate. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any other Order or any subsequent Order revoking or re-enacting that Order, such approved facilities shall be retained in perpetuity and access thereto shall not be precluded.

Reason: To ensure satisfactory arrangements are put in place and retained in perpetuity for the collection and storage of refuse and recycling.

7. Prior to its erection on site, details of any external lighting proposed (including height, design, location, intensity and light spillage) shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall then be carried out in strict accordance with the approved details and thereafter maintained. No external lighting shall be installed on the site other than that approved without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenity.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A-E of Part 1 and Class A of Part 2 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

Reason: In the interests of protecting the character and amenities of the locality.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any other Order or any subsequent Order revoking or re-enacting that Order, the dwelling hereby approved shall only be occupied as a single dwelling house as described by Use Class C3 of the Town and Country Planning Use Classes Order 2015.

Reason: To ensure that car parking provided within the development remains adequate to meet the needs of the occupiers of the development and to protect the amenities of future occupiers of the development.

10. Prior to the commencement of the development hereby approved, plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface and foul water based on the principles and calculations set out in the following application documents and in line with the Council's Sustainable Drainage SPD (providing a site runoff rate of no greater than 4l/s/ha) shall be submitted to and approved in writing by the Local Planning Authority.

- Flood Risk Assessment by RMB Consultants (Civil Engineering) Ltd. dated August 2014;
- Foul Drainage Assessment and Surface Water Management Plan by RMB Consultants (Civil Engineering) Ltd. dated August 2014; and,
- Section 3.3 page 19 of Design and Access Statement by BDB Designs dated July 2014.

The submitted system shall be designed to (i) avoid any increase in flood risk, (ii) avoid any adverse impact on water quality, (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010, (iv) promote biodiversity, (v) enhance the landscape, (vi) improve public amenities, (vii) return the water to the natural drainage system as near to the source as possible and (viii) operate both during construction of the development and post-completion.

The submitted system shall include:

- the retention or storage of surface water on-site or within the immediate area in a way which is appropriate to the site's location, topography, hydrogeology and hydrology; and,
- the identification of proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance).

The approved system shall thereafter be carried out in accordance with the approved details and timetable and shall be maintained in accordance with the approved details.

Reason: In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Core Strategy Policy CS20 Sustainable Drainage.

11. Details of walls and fences to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The walls and fences shall then be erected before the adjoining part of the development or dwelling is occupied in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area.

12. A landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five 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 a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In order to protect and enhance the amenity of the area.

13. The details submitted pursuant to Condition 1 of this permission shall include plans and particulars of the future management and maintenance of all parts of the site except for dwellinghouses (including their gardens and drives) and roads. The details submitted shall in particular identify who will be responsible for future management and maintenance. Where it is intended to transfer the ownership of specified land to another person for management and maintenance, the details shall include a timetable for the transfer (by reference to the occupation of a certain number of dwellings) and written confirmation from that party that they agree to the transfer. Where it is not intended to transfer land to another person, details shall be included to demonstrate that (i) sufficient financial resources will be available to fund the future management and maintenance and (ii) sufficient access rights have been reserved. The details submitted shall also identify the parts of the site where public access and recreational use will be allowed and shall include the arrangements for such access and use.

The development shall be carried out in accordance with the approved plans and particulars. Where there is an approved timetable for transfer of ownership of land, no more than the number of dwellings specified may be occupied until the relevant land has been transferred. The site shall be maintained and managed in accordance with the approved details. The parts of the site which are identified as such in the approved details shall be available for the public to access and use in accordance with the approved details.

Reason: To ensure the site is properly maintained in the interest of the amenity of the area.

14. No development shall take place until full plan and cross-section details of any proposed earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed grading and mounding of land areas, including the existing and proposed levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation, surrounding landforms, fences and buildings. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the area.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any other Order or any subsequent Order revoking or re-enacting that Order, any car barns provided in accordance with the details required to be submitted in accordance with Condition 1 shall not be further altered through the addition of further doors or

any other structure that would preclude their use for the parking of vehicles without the prior permission of the Local Planning Authority in writing.

Reason: To ensure that the covered space is retained available for the storage of a vehicle when not in use in order to prevent the displacement of car parking and subsequent inappropriate car parking.

16. Details of motor vehicle parking facilities (that accords with the Council's adopted Residential Parking & Design Guidance SPD or any other standards adopted by the Local Planning Authority and clearly shows which spaces relate to which unit as well as those that are communal / visitor spaces) shall be submitted to and approved in writing by the Local Planning Authority at the same time as the submission of details pursuant to Condition 1. The approved facilities shall be provided prior to the development to which they relate being occupied. Thereafter, the facilities shall be retained for ancillary parking use and access thereto shall not be precluded.

Reason: To ensure the provision and retention of adequate off-street parking facilities in the interests of highway safety.

17. No dwelling shall be occupied until space has been laid out and equipped within the site for covered bicycle storage on each dwelling plot, in accordance with approved details that shall be submitted to and approved in writing by the Local Planning Authority at the same time as the details required pursuant to Condition 1. Such approved covered bicycle parking shall thereafter be retained in perpetuity.

Reason: To ensure the provision and retention of adequate off-street parking and storage facilities for bicycles in the interests of highway safety and to promote cycle use in the interests of facilitating more sustainable patterns of movement related to local trips.

18. Prior to works commencing on site, details of parking for site personnel as well as details of loading/unloading and turning areas for construction traffic shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be provided and retained throughout the development. The approved parking, loading and turning areas shall be provided prior to the commencement of development.

Reason: To ensure provision of adequate parking, loading and turning facilities for vehicles in the interests of highway safety and to protect the amenities of local residents in accordance with policy.

19. Prior to the commencement of development, details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site, shall be submitted to and approved in writing by the Local Planning Authority. The

approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.

Reason: To ensure that no mud or other material is taken from the site onto the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety and the amenities of local residents.

20. The first 5m of the access from the edge of the highway shall be constructed of a bound surface, the details of which shall be submitted to and approved in writing by the Local Planning Authority. The access shall then be constructed in accordance with the approved detail prior to its first use and maintained as such.

Reason: To ensure that no gravel or other material is taken from the site onto the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety.

21. No works associated with the construction of the dwellings hereby approved and associated hardstanding shall begin on site until the approved access has been constructed, where the visibility splays shown on Drawing No. 353/105 received 03/03/16, within which there shall be no obstruction in excess of 1.05m in height above the carriageway edge, shall be provided and the splays shall be so maintained at all times. Thereafter, construction traffic shall only use this access during the remainder of the construction of the development.

Reason: In the interests of preventing damage to TPO trees through the use of the existing access and highway safety.

22. Prior to the commencement of development, details of traffic calming measures along Station Road where appropriate, for example the provision of double yellow lines at the junction of the new access road with Station Road and to the access road shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved plans prior to the first occupation of the dwellings, with the approved traffic calming measures remaining in situ.

Reason: In the interests of highway safety.

23. Prior to the commencement of development, details of the works for the disposal of sewage and foul water shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To avoid pollution of the surrounding area.

24. Prior to the commencement of development, detailed sound calculations from noise from the adjacent railway line and a scheme for protecting the dwellings/development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall thereafter be completed before the approved dwellings / development are occupied, and thereafter shall be retained as effective protection.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise.

25. Prior to the commencement of development, a detailed remediation scheme to ensure that the site is suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be submitted to and approved in writing by the Local Planning Authority. The scheme must describe all the relevant works to be undertaken, including the proposed remediation objectives and performance criteria, a schedule of works and site management protocols and include the following components to deal with the risks associated with contamination of the site:

a. A preliminary risk assessment which has identified:

i. all previous uses

ii. potential contaminants associated with those uses

iii. a conceptual model of the site indicating sources, pathways and receptors

iv. potentially unacceptable risks arising from contamination at the site.

b. A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c. The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme must deliver a site that will not qualify as 'contaminated land' under Part 2A of the Environmental Protection Act 1990, having regard to the intended use of the land after remediation.

The approved scheme shall thereafter be carried out in accordance with its approved terms, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be notified at least two weeks prior to commencement of the remediation scheme works.

Following completion of the remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

26. If unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 25 and where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of condition 25 and completed before the occupation of any dwellings.

Following completion of the remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors (LDF Core Strategy Policy CS1 and CS4).

27. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect controlled waters and comply with the NPPF.

28. The development shall be carried out in accordance with the recommendations in the approved Ecological Appraisal and associated Figures and Appendices dated August 2014, letter containing supplementary information by Bioscan dated 14/10/14 and letter re: great crested newt and

reptile translocations dated 03/03/16 and any license issued by Natural England unless otherwise agreed in writing by the Local Planning Authority and Natural England and the approved replacement habitats shall remain in situ.

Reason: To protect existing populations of protected species on the site.

29. Prior to the commencement of the development hereby approved, specific details of the habitat to replace the open mosaic habitat for invertebrates and BAP habitats as recommended in the approved Ecological Appraisal and associated Figures and Appendices dated August 2014 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority and the approved replacement habitats shall remain in situ.

Reason: To protect existing populations of protected species on the site.

30. Prior to the commencement of the development hereby approved, details of a scheme for the protection and enhancement of biodiversity of the site, including the provision of bat and bird boxes, the use of native species in landscaping and the incorporation of features beneficial to wildlife such as green corridors, ponds and swales and wildflower planting corridors wherever possible within and around the perimeter of the site, together with details of the timing/phasing of the respective elements forming the scheme and proposed management arrangements, shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved details with any amendments agreed in writing.

Reason: In the interests of enhancing the biodiversity of the site.

31. No development shall take place until an arboricultural impact assessment, tree protection plan and method statement have been submitted to and approved in writing by the Local Planning Authority pursuant to condition 1. The development shall only then be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of tree preservation and amenity.

32. Any existing hedges or hedgerows shall be retained, unless shown on the approved drawings or reserved matters approval as being removed. Any existing hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following

contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing hedges or hedgerows.

33. The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the approved arboricultural impact assessment, tree protection plan and method statement pursuant to condition 16. Such tree protection measures shall remain throughout the period of construction;
 - (b) No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
 - (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
 - (d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
 - (e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority;
 - (f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

34. In this condition, "retained tree" means an existing tree that is to be retained in accordance with the approved plans and particulars and reserved matters approval and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the approved dwellings:
- a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned, thinned or reduced other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority;
 - b) if any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority; and,
 - c) the erection of fencing for the protection of any retained tree shall be undertaken in accordance with the recommendations of BS5837 (2005) and the approved plans and particulars before any equipment machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

Reason: In order to protect and enhance the amenity of the area.

35. Prior to works commencing on site, details of the form and location of any proposed temporary works compounds shall have been submitted to and approved in writing by the Local Planning Authority and thereafter such compounds shall only be provided in accordance with the approved details.

Reason: To ensure that the location of any necessary compounds is appropriate in terms of their impact upon trees and protected species.

36. Before any construction commences on the site the following shall be submitted and approved in writing by the Local Planning Authority:
- Code of Construction Practice;
 - hours of working for construction;
 - the management and location of utility services within the development; and,

- the routing of construction vehicles and the provision of appropriate signage.

These matters approved shall then be implemented as approved.

Reason: To ensure the protection of amenity during and following development.

37. Each dwelling shall be constructed so that carbon emissions are reduced by 10% through Low and Zero Carbon (“LCZ”) technologies once energy efficiencies have been applied.

Unless otherwise agreed in writing by the Local Planning Authority, no work on each dwelling shall commence until the following details for that dwelling has been submitted to and approved in writing by the Local Planning Authority:

- a) Standard Assessment Procedure (“SAP”) calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed
- b) Details of the LZC technologies to be used to achieve the 10% reduction in carbon emissions

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

The approved LZC technologies shall thereafter be retained in working order unless otherwise agreed in writing by the Local Planning Authority.

Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until SAP calculations from a competent person have been submitted to and approved in writing by the Local Planning Authority for that dwelling stating (i) the actual amount of carbon emissions from energy demand with the LZC technologies that have been installed and what the emissions would have been without them and (ii) the actual amount of residual carbon emissions.

Reason: In order to (i) achieve zero carbon growth and ensure the construction of sustainable buildings and a reduction in the consumption of natural resources, (ii) seek to achieve a carbon neutral development through sustainable design features and on-site low and/or zero carbon technologies and (iii) confirm the sustainability of the development and a reduction in the consumption of natural resources and to calculate any amount payable into the Ashford Carbon Fund, thereby making the development carbon neutral, all pursuant to Core Strategy policy CS10, the Sustainable Design and Construction SPD and advice in the NPPF.

38. Each dwelling shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State.

No dwelling shall be occupied unless the notice for that dwelling of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 (as amended) has been given to the Local Planning Authority.

Reason: In order to set a higher limit on the consumption of water by occupiers as allowed by regulation 36 of the Building Regulations 2010 and increase the sustainability of the development and minimise the use of natural resources pursuant to Core Strategy policies CS1 and CS9 and guidance in the NPPF.

Note to Applicant

1. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affects the way in which the property may be used.
2. The applicant's attention is drawn to the advice and guidance contained in the Environment Agency's letter dated 2nd October 2014.
3. The applicant is advised that formal agreement with Southern Water is required to provide the necessary sewerage infrastructure required to service the development.
4. Working with the applicant

In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance:

- the applicant/agent was updated of any issues after the initial site visit;
- was provided with pre-application advice;
- the applicant/ agent responded by submitting amended plans and additional information, which were found to be acceptable and permission was granted; and,
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 14/01116/AS.

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Annex 1



Ashford Borough Council



TPO
VALID
REVOKED

Listed Building
LISTED
DELISTED
REMOVED
UNKNOWN

Conservation Areas

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