

Application Number	16/00045/AS
Location	Land between Smarden Charter Hall and Weathercock, Pluckley Road, Smarden, Kent
Grid Reference	88695 / 42488
Parish Council	Smarden
Ward	Weald North
Application Description	Outline planning application for up to 50 residential dwellings with all matters reserved except for access.
Applicant	Gladman Developments Ltd
Agent	Gladman Developments Ltd
Site Area	3.33ha

(a) 88/87R Smarden Charter Hall – R	(b) R	(c) KH&T - X, NE - -, KCC (SUDS) - R; KCC (Eco) –R, KCC (Her) – X, KCC (PROW) - +, RA – X, WKPS – R, SW - +, PO - +, Refuse - +, EHM - + Headcorn Aerodrome - +, Smarden Women’s Inst – R, Good Neighbour Scheme – R CPRE - R
<u>Amends:</u>		KH&T – X, KCC (Eco) – X KCC (SUDS) – X, PO - X Stagecoach - X

Introduction

1. This application is reported to the committee as it is a major planning application and is also a departure from the adopted development plan. It therefore stands referred to the Committee in accordance with the scheme of delegation.

Site and Surroundings

2. The site has an area of approximately 3.33ha. It forms the greater part of a large and level open field on the southern side of Pluckley Road, at the eastern edge of Smarden. The village centre and Conservation Area lie further to the west. The site is currently in use for agriculture with existing vegetation mostly confined to field boundaries, including a hedgerow along the boundary with Pluckley Road. The site falls within the Low Weald National Landscape Character Area and within the Beult Valley Farmlands Local Landscape Character Area. There are a number of ponds in the vicinity of the site with one pond within the site itself.
3. The site shares a long boundary with Pluckley Road which has a number of protected trees on one side (opposite side to the site). Surrounding uses include a row of residential development on the opposite side of Pluckley Road, including Jubilee House, a Grade II listed building, with more residential development beyond. A detached property known as Weathercock adjoins the site to the north, its long back garden defining the northern boundary of the site. A second Grade II listed property, known as Stanley House lies further to the north, on the other side of Weathercock. The Charter Hall lies immediately to the south west with access off Pluckley Road. The site is bordered by open countryside along its eastern and much of its southern and northern boundaries. A Public Right of Way and farmer's track (providing access to the field to the rear) extends along the southern boundary of the site.
4. A site location plan is attached to this report as annex 1.

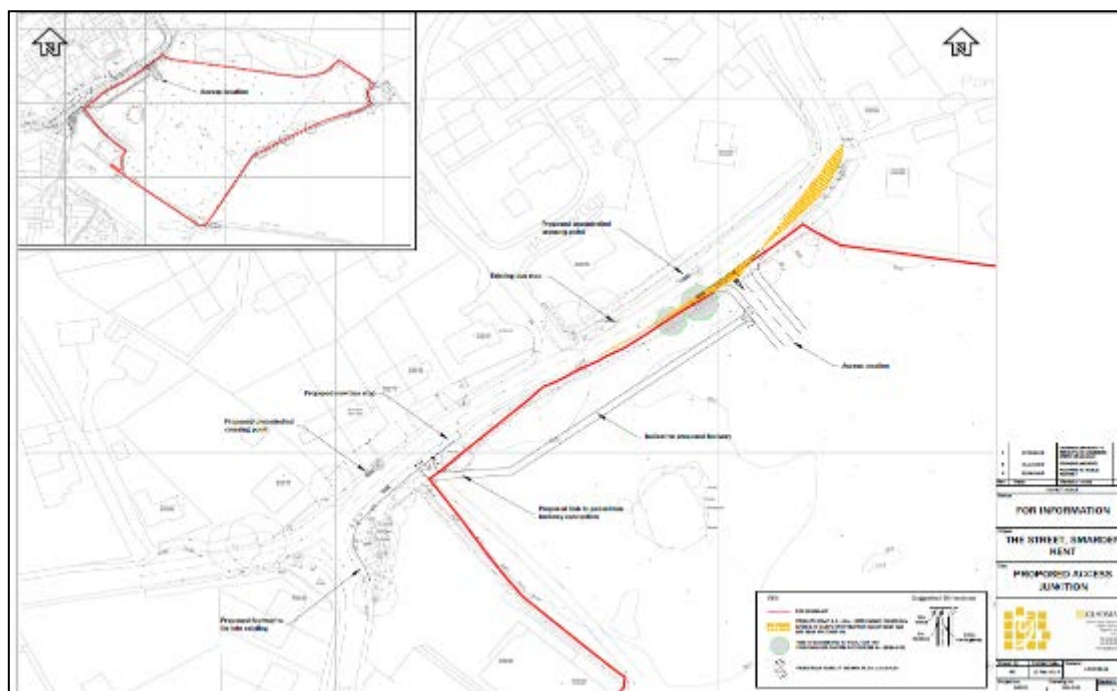
Proposal

5. The application is for outline planning permission for the development of up to 50 residential units with all matters reserved except for access. The proposed development would have a density of approximately 15 dwellings per hectare. A framework plan is included in figure 1 below:



Figure 1: Framework Plan

6. The development would be accessed via a new vehicular access from Pluckley Road at the northern end of the site some 30m from the boundary with Weathercock. The access proposals include the provision of a pedestrianised crossing on Pluckley Road. New footways would be provided to either side of the new vehicular access, with most of the roadside footway provided within the application site behind the boundary hedge and not adjacent to the road itself. A plan showing the access details is included below:



7. Other matters relating to the development have been reserved, to be considered at the detailed stage. However, the proposals include an indicative site layout which shows:
 - The provision of an area of public open space surrounding the on-site pond in the north-west corner of the site;
 - Landscaping to site boundaries, especially to either side of the public footpath along the southern boundary of the site and to the eastern boundary with open countryside
 - An area of land to the rear of The Charter Hall which the applicants have indicated in their Planning Statement they would potentially gift to the hall for additional car parking;
 - A mix of house types arranged as 4 perimeter blocks.
8. An ecological enhancement area is proposed to the east of the site (see Figure 1 of this report) which is on land in the same ownership as the application site.
9. In support of the application, the following have been submitted:
10. **Phase I Preliminary Risk Assessment** – has not identified any significant constraints to the proposed residential development of the site. There is generally a low risk from contamination across the study area. There is a moderate risk from potential pesticides, herbicides and fertilizers and on this basis a shallow soil sampling survey is recommended. There is a localised moderate risk from potential soil contamination in the vicinity of the former buildings, ponds and access tracks and an intrusive investigation is recommended in these areas. There is a localised moderate risk from potential hazardous gases around former ponds located on and immediately adjacent to the site and localised gas monitoring is recommended in these areas. As per good practise, it recommends a watching brief for possible contamination during the works.
11. **Drainage Strategy** – shows that peak storage will be required for relatively short but intense storms. The intention is to store some of the volume from the 100 year event within the site boundary in a detention basin at the southern corner of the site with discharges limited by flow control devices to the outfall. The preferred method of surface water discharge is to use the field boundary ditch which conveys water north and south beyond the site boundary. The route to the south, beyond the site, may require cleansing to facilitate this discharge. The report states that this is not a detailed design of the drainage system; it assumes the developable area has a split of 55% impermeable surface with the remainder being gardens and landscaped areas and that the

contributing areas for each network are a simple split of area adjacent to each pipe.

12. **Foul Drainage Analysis** – concludes that foul drainage is not a constraint of this development. All foul flows from the development would be connected to the existing public sewerage network and Southern Water has confirmed that these can be accommodated in the network once upsizing works have been completed downstream of the proposed connection point. SW has also confirmed that there is capacity at the receiving treatment works. The report maintains that there is sufficient time available (ie. at least 2 years) for SW to take any action it considers necessary within its statutory duties to ensure that its public sewerage and sewage disposal system has the ability to receive the foul flows that would emanate from this development.
13. **Ecological Appraisal** – The report concludes that as the site is mostly in agricultural use, habitats within the site are of limited ecological value apart from the boundaries that would be unaffected by the development. It concludes that the proposed development will strengthen habitat linkages with the surroundings as well as providing new habitat.
14. **Letter of 15th March 2016 addendum to Ecological Appraisal** – provides clarity to concerns raised by KCC Ecological Advice Service in terms of the impact of the proposal on protected species, including a water vole survey.
15. **Arboricultural Assessment** – found the condition of trees across the site to be generally good with most trees, tree groups and hedgerows retained by virtue of their peripheral locations. A single tree (Cat C) and small section of low quality hedgerow would need to be removed to facilitate the access point. Under the current proposals, a field maple (Cat B) would need to be removed to accommodate the SUDs attenuation basis.
16. **Statement of Community Involvement** – sets out the process of community engagement that has been undertaken by the applicants, including engagement with the Borough Council, KCC, Smarden Parish Council; residents; Environment Agency, Utility Providers and Local Service Providers. Leaflets outlining the development principles and seeking comments were distributed to over 270 households and businesses. As part of the proposals review the applicants are looking into the potential of gifting an area to The Charter Hall for additional parking and improving the farmer's track so that it can be incorporated into the formal village green area as suitable usable space.
17. **Heritage Statement** – identifies a number of heritage assets as sharing limited inter-visibility with the site and recommends that the proposed development remains one or two storeys, to prevent overlooking of listed buildings or interrupt the character of the area. It recommends that the

development is set back from the road side and planting retained to the north western corner and along the north western boundary to ensure that Jubilee House remains a prominent building when entering the village. It concludes that overall sensitive development would have a negligible impact upon the historic environment.

18. **Planning Statement including Affordable Housing Statement** – concludes that there are no material considerations or adverse impacts which significantly and demonstrably outweigh the benefits which flow from the development. The proposal would provide 35% affordable housing in circumstances where there is a chronic shortage in the district.
19. **Archaeological Desk-Based Assessment** – establishes that there are no designated archaeological assets on the site and none in the vicinity of the site concluding that the development would not have an impact on any nationally important archaeological assets. It concludes there is low potential for archaeological evidence.
20. **Residential Development Benefits: Socio-Economic Sustainability Statement** – maintains that sustainable settlements like Smarden should be allowed to grow. It concludes that this proposal to build 50 homes will go some way to improving the affordability of homes in the area. The development will provide new market homes and affordable homes which will open the settlement up to local people, key workers and others previously unable to purchase a house in Smarden.
21. **Renewable Energy Statement** – sets out the proposed strategy which is based on an improvement in standard energy efficiency to meet Part L of the Building Regulations 2013 and will encompass a fabric first approach. It states that additional renewable energy generation technology may need to be installed within the development to achieve the required carbon dioxide emissions targets to meet both the Building Regulations targets and the Council's desire to achieve a 30% reduction in carbon dioxide emissions but that this can only be developed as further design and layout information becomes available.
22. **Utilities Statement** – Initial investigations have not highlighted any concerns or engineering difficulties with servicing the proposed development with gas, water, electric or telecommunication connections and that new infrastructure and service connection costs are anticipated to be in line with those expected for a standard development of this scale.
23. **An Assessment of Current and Future Sustainability** – seeks to demonstrate that whilst there is evidence of stress on the vitality of the community, Smarden is demonstrably a suitable and good place to host new housing and will deliver a range of benefits. The assessment of its current

sustainability identifies some issues that might undermine future sustainability including the lagging growth in population and households compared to the borough. It concludes that the provision of new housing in Smarden is an essential component of ensuring the continued and future sustainability of the settlement.

24. **Landscape and Visual Appraisal** – considers that the proposed development would give rise to no more than minor adverse effects on landscape character. Overall, it would give rise to no more than minor adverse effects from residential properties with those properties adjacent to the boundary along The Street and Smarden Charter Hall having moderate adverse effects from the outset, reducing to minor after 10 years. The PROW (AW191A) would experience major – moderate adverse effects although these would reduce to moderate after 10 years as new planting matures. It concludes that there would be no overriding adverse effects that should preclude the proposed development on landscape and visual grounds.
25. **Transport Statement** – concludes that the proposed development would not have a severe impact on the operation of the highway network both in terms of safety and capacity. The site is sustainable in that a range of facilities are in walking or cycling distance with bus stops in the vicinity providing connections to main urban centres. Also, the proposal provides for a new bus stop adjacent to the site. The proposed site access has ample capacity to accommodate the predicted travel flows in 2020 with development in place and analysis of accident data suggests that the highway layout is not a causation factor for accidents with just one minor accident recorded within the last 5 years. The report concludes that no off-site mitigation measures are considered necessary.
26. **Travel Plan** – highlights the sustainability of the site in terms of being in walking and cycling distance to a range of facilities. It identifies the need for welcome packs to promote sustainable transport options.
27. **Flood Risk Assessment and Outline Drainage Strategy** – concludes that the flood risk to this site is considered to be low. The site is within Flood Zone 1 and there are no known historical flooding records. The report concludes that it is unlikely that infiltration based SuDS will be feasible for this development and that attenuation based SuDS are required, including shallow underground or open water storage systems with flow control devices, limiting the flow to a predetermined and agreed rate prior to discharge. It suggests that surface water can be discharged to the nearby watercourse on the southern boundary.
28. **Drainage Strategy** prepared in response to concerns raised by KCC (SUDS) in support of the initial Flood Risk Assessment report. This assessment uses greenfield runoff rates based upon the Institute of Hydrology methodology to

provide a more detailed analysis. Run off from the developed areas would flow into the proposed detention basin along the south eastern boundary of the site where attenuation storage is proposed for the 1 in 30 years event. Some of the volume from the 1 in 100 year event would be stored within the site boundary with discharges limited by flow control devices to the outfall at the southern corner of the site.

29. **Noise Assessment Report** – identifies the three main noise sources as being traffic noise from The Street and adjacent car park and amplified music from The Charter Hall. It concludes that gardens should be located on the screened side of dwellings away from The Street or alternatively, close boarded fencing of 1.6 m in height should be installed between the gardens and the carriageway. Standard thermal double glazing would ensure that internal noise limits are met in living rooms and bedrooms for dwellings located closest to and with a direct line of sight to The Street, with the windows closed during the day time and night time period. However, with the windows open, the attenuation provided would be inadequate and acoustic ventilation would therefore need to be installed in some living rooms and bedrooms located nearest to The Street. Alternatively, living rooms and bedrooms could be located on the screened side of the proposed buildings, away from the main sources of noise.
30. Mitigation will be required for dwellings located near to The Charter Hall with their gardens located on the screened side of dwellings, away from the main source of noise. Assessment of low frequency noise from amplified music at the Hall shows that for proposed dwellings located closest to the hall, a combination of a 2m high barrier on the site boundary and laminated glazing is needed to attenuate low frequency noise. Acoustic ventilation will also need to be installed.
31. **Letter dated 24th March 2016 on scheme benefits and principle of development** – emphasises the weight that should be attached to new housing development stating: “There is no doubt that the government’s intention is to ‘significantly boost’ housing supply and that the provision of new housing is a material consideration that must be afforded substantial weight in the planning balance”. They point out that this has been confirmed by numerous appeal decisions. They also point out that the provision of affordable housing to meet an urgent need is a material consideration that carries substantial weight.

This letter sets out how in Gladman’s view the development cannot be rejected as a matter of principle, stating:

1. Ashford Borough Council cannot demonstrate a five year land supply and does not have a tested OAN and consequently housing supply policies and environmental protection policies are out of date.

2. The Core Strategy and local plan are both pre-Framework and were not prepared in the context of its pro-growth policies which reduces the weight that can be afforded to them.
3. The merging plan identifies a need for growth and new housing in sustainable villages, including Smarden.
4. Smarden is a thriving and sustainable settlement and the proposed development accords with sustainability principles in the Framework.
5. The Framework is a material consideration that must be accorded significant weight in the determination of this application, emphasising the housing policies which require local authorities to boost supply and pointing out that there are no policies indicating that development should be restricted.

Planning History

32. There is no relevant planning history for this site.

Consultations

The following responses were received to the first consultation:

Ward Members: The ward member is not a member of the Planning Committee.

Cllr Dyer objects to the proposal on the following grounds:

- The land has not been allocated for development of any kind. It is a greenfield site. This proposal contravenes planning policy for the area.
- The proposed development of 50 houses would increase the population of the village by approximately 10%. This would be disproportionate and would change the character of the village to a more suburban settlement, totally at odds with its historic nature and rural tranquillity.
- Many residents and the Parish Council have expressed concern about the proposals.
- There would be huge pressure on existing facilities including the school, local GP surgeries and the water systems.
- Possible flooding is also a concern, given the reduction in the grass land and the increase in concrete and tarmac.

- The development would be unsustainable since there is very little public transport of any kind. The nearest railway station can only be reached by car. Buses are limited.
- The site itself is on a double bend. Increased traffic would be dangerous and would cause congestion.
- The Street has a very acute double bend at its western end where there is a junction with Water Lane and Cage Lane. This is already a bottleneck and the increased traffic from the proposed development would greatly exacerbate the problem.
- The Street is already congested, with parking always a problem. The proposed development with the increased traffic flow would exacerbate this.
- The road into and out of the village in both directions is narrow and in a state of disrepair. The greatly increased traffic will cause greater damage both to the road surface and the verges.
- There is a statement from the Environmental Health, Ashford, about the use of live music at the Charter Hall which would cause disturbance to those nearby residents.
- Public Rights of Way and Access have said that for PROW AW191A, amended plans are required to safeguard this public amenity.
- Gateways were recently erected on the three entrance roads into the village. These were paid for by residents, the Parish Council, the Borough Council and KCC, among others, and show the value put on the historic, tranquil and rural character of the village. The purpose of the gateways is not only to protect the historic buildings from damage caused by large vehicles and excessive traffic, but also to make the ancient village safer for all road users. The potential developer appears to have given no consideration to these important matters.

Smarden Parish Council: Object, stating

The application submitted purports that there has been consultation with the Parish Council, this is not the case. The Applicants have had total disregard for the emerging Local Plan to 2030. The results of this democratic process are due to be published very shortly. Until such time as the results have been published the Parish Council will object to an application such as this which attempts to bypass the prescribed democratic process.

The Parish Council held a Parish Meeting in early January when over 130 Parishioners attended and where it was overwhelmingly decided to object to an application of this type.

The application site is a 'greenfield' site as it is currently open, bare, arable land. A development of the scale proposed will irrevocably change the nature and structure of this historic village. A greenfield site of this nature would not ordinarily be considered for open market development of any kind as the site has always been considered as a point of demarcation and an important entrance to the village.

The village has evolved over many centuries by small, piecemeal development which has created a rich tapestry of architecture and form which blends successfully. There are many listed properties and some Grade II* properties. The historic nature of village is reflected in its popularity as a regular film location. If the proposed application were allowed it would be incongruous and wholly incompatible with the historic nature of the village. Nowhere in the Parish has such a large scale development ever taken place.

The historic evolution of the village by small unobtrusive developments is something Parishioners support. This was reflected in the Smarden Parish Sites Consultation on 15th May 2014 where a significant number of Parishioners commented that they wished to see small scale developments and not dominant, oppressive developments such as the one proposed in this application. Their concerns and comments should be noted.

Therefore the Parish Council are not opposed to development within the Parish however they strongly resist such an over intensification of one site and in particular this site.

The imposition of such an intense development will have far reaching consequential effects. The visual intrusion will be significant as will the increase in traffic and the number of car journeys attributable to 50 families living in an isolated rural Parish where there are very poor public transport links.

The Design and Access statement attempts to address issues which have allegedly been 'researched'. As has been raised in the Parish Council's previous letter, the Councillors consider this document to be fundamentally flawed and based on misinformation.

The Parish Council would respectfully urge the Borough Council to refuse this application.

Natural England: has no comments stating that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

KCC Drainage: comments that the drainage strategy appears to be inconsistent with the Flood Risk Assessment and has some inaccuracies and possible oversights in relation to policy, in particular as regards the rate of surface water run-off. In view of this, there is concern that surface water will not be appropriately managed on site

and a holding direction is recommended. Given site topography and local soils the attenuation feature should be designed to manage surface water flows from the entirety of the developed area.

KCC Highways and Transportation: agrees that the development is acceptable in terms of capacity of the local road network. It requests additional information in order to fully assess the proposal relating to scaled plans of the proposed accessed and footpath crossing points; vehicle tracking; amendments to the footway; provision of a crossing point with acceptable visibility splays and a Stage One Safety Audit of the proposed access.

KCC Ecological Advice Service: seeks further information to inform the determination of the application with regards to the potential for ecological impacts:

- Whilst accepting that the majority of the site is in arable production with limited intrinsic ecological value, there are still habitats and features in and around the site that have intrinsic ecological value and potential to support protected and designated species, including ponds, hedgerows and trees.
- Although no evidence of badger use of the site was recorded during the survey, habitat with potential for sett construction was noted within hedgerow H5. Further assessment of badger presence is required on the site prior to commencement of the development.
- The submitted bat survey is inaccurate with discrepancies between different parts of the report. A revised report is required which adequately appraises the potential for impacts to roosting bats and includes better presentation and interpretation of the data in respect of the value of the site for foraging and commuting bats. This may identify the need for more detailed survey work.
- Insufficient information has been provided to understand whether there is adequate mitigation through canopy linkage to ensure that connectivity is maintained post-construction for dormice. The proposal to erect dormouse boxes in hedgerows is not supported.
- The submitted great crested newt survey lacks clarity and clear mapping of the survey outcomes. A more detailed interpretation and understanding of the survey data is needed to adequately appraise the potential for impacts to great crested newts. The removal of trees around on-site pond P1 (to improve flood attenuation) has the potential to impact on great crested newts but this has not been assessed in the Ecological Assessment.
- The presence/likely absence survey for reptiles lacks clarity and a clear depiction of the extent of suitable reptile habitat across the site to inform conclusions on potential impacts. Insufficient survey visits were carried out to inform population size for viviparous lizards, slow worms and grass snakes and there is a lack of

clarity regarding the potential loss of suitable reptile habitat. It is advised that further information is required to establish the potential impact to reptiles.

- No method for the assessment of potential water vole presence is provided. The report does not state whether the ponds on site have been assessed for their water vole presence.

KCC Heritage: identifies that the site has archaeological potential as it lies on River Terrace Gravels where deposits may contain early prehistoric remains (stone artefacts and bone, molluscs etc) and also in close proximity to the historic core of Smarden, so there may be remains associated with medieval or post medieval activity. In addition, there are cropmarks of an enclosure marked on the site and this may be remains of an industrial site, a quarry or pond or could be a post medieval or earlier activity site. A number of conditions have been recommended.

KCC Public Protection: comments that the development would directly affect Public Right of Way, AW191A. The legal alignment of this route passes through the western boundary of the site some 23m north of the stream and not as shown on several plans included in the application along the edge of the site boundary.

Ramblers Association: No objection, in so far as the proposed development does not appear to impact adversely on PROW AW191A

Council for the Protection of Rural England: objects to the proposal. Referring to a recent Appeal court judgement, it states that the absence of a five year housing land supply does not mean that policies in an adopted plan do not have weight. This judgement states (para 46) that:

“policies in paragraph 14 and 49 of the NPPF do not make ‘out of date’ policies for the supply of housing irrelevant in the determination of a planning application or appeal. Nor do they describe how much weight should be given to such policies in the decision. Weight is, as ever, a matter for the decision maker. Neither of those paragraphs of the NPPF says that a development plan policy for the supply of housing that is ‘out of date’ should be given no weight, or minimal weight, or, indeed, and specific amount of weight. They do not say that such a policy should simply be ignored or disapplied”.

It considers that the statement made by the applicants in Page 7 of their Planning Statement is incorrect. This statement reads as follows:

“The presumption in favour of sustainable development set out in national planning policy confirms that in circumstances where there is no deliverable five year supply, the policies of the Development Plan for the supply of housing are out of date and the decision-taking test in paragraph 14 of the Framework applies. In the absence of any significant and demonstrable harm capable of outweighing the benefits, the presumption in favour of sustainable

development is engaged which confirms that development should be approved 'without delay'.

CPRE are of the view that the Council (the decision maker) must assign an appropriate weight to 'out of date' policies and weight applied will influence the decision. It goes on to say that as the NPPF is clear about the commitment to a plan-led system and the NPPF does not change the status of the development plan as a starting point for decision-making, it is reasonable to make decisions in accordance with the development plan – and in particular give appropriate weight to policies, giving consideration to their degree of consistency with the NPPF.

CPRE points out that the 'Borough Wide Strategy' policy CS1, the Rural Settlement Hierarchy Policy (CS6) and the 'New Residential Development Elsewhere' Policy (TRS2) and other relevant policies direct development to the most sustainable locations. It also points out that as work on the emerging Local plan is well underway, it is appropriate for the Council to strongly resist speculative proposals such as these. On publication of the plan (and particularly when the consultation responses are made available), Ashford Borough Council will be able to confirm a situation of prematurity. The National Planning Practice Guidance (NPPG) clarifies the circumstances in which prematurity can be used. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about scale, location or phase of a new development that are central to an emerging Local Plan or Neighbourhood Plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Approval of this application would clearly predetermine decisions about the scale and location of development that are most appropriately made through the Local Plan process. The application is a deliberate attempt to pre-empt and undermine the emerging Local plan, and thus the plan-led approach. CPRE is concerned that the proposal seeks to pursue matters that should be dealt with through the plan making process and at the Examination in Public. Sites identified through the Local Plan process are subject to the development strategy, consultation and proper scrutiny, including their scale, location and phasing. The council needs to continue the proper process of sites selection and this is in the public interest.

The site is being considered as part of the call for sites process. Gladman will, no doubt, respond to the sites proposed in the Publication Draft of the Local Plan. This is the appropriate way to proceed.

In addition to the above, CPRE raises the following specific reasons for objecting:

Impact on landscape character - The landscape and visual effects of this proposal have been underestimated. The landscape and visual appraisal does not convincingly demonstrate that these impacts can be mitigated. Nor does it explain why the Landscape Character Assessment guideline which recommends that modern development around the outskirts of Smarden be resisted is not relevant in this case. A particular concern is that the assessment underestimates the impact of development in views into the site which as a result makes it harder to carry out a robust assessment of the impacts of the proposal and identify suitable mitigation. The land is highly visible from the west, east and north of the site and the appraisal needs to review its assessment from 'The Street'; from 'viewpoint 7' (public footpath to east), and from north of the site at Weathercock in the approach to the village.

Impact on biodiversity – concern is expressed that the proposal is not supported by adequate or accurate survey information and the consequent difficulties of establishing the impact of the development on protected species. Highlights the importance of a drainage strategy to ensure that run-off does not affect the River Beult SSSI stating that flooding associated with the Beult and the impacts on the SSSI of untreated surface water run-off are substantial issues in this decision. Loss of the best and most agricultural land – The proposal does not conclude on whether the land is Grade 3a or 3b agricultural land which is an important distinction in policy terms. It quotes para 112 of the NPPF which requires local authorities to seek areas of poorer quality land for development in preference to that of higher quality. Should the land be classified as 'Best and Most Versatile' then an assessment would be required against the NPPF. CPRE is concerned that the operation of the farm track by large agricultural vehicles might be considered a bad neighbour in future, putting pressure on its continued use. Queries the areas of land that are served solely from this track?

Impact on setting of listed buildings and the conservation area – The applicant has failed to provide sufficient evidence to support that there would be no adverse impacts on the listed buildings, and in particular that the proposed landscaping is adequate to mitigate for the effects of the proposal. It also points out that the settlement was historically linear in form and that the estate layout does not take proper account of the characteristic built form of the settlement. The prominence of the site in the approach to the village is not appreciated in the heritage statement.

Sustainable development – The development does not comprise sustainable development in terms on the requirements in the NPPF in that it does not ensure the most effective use of land to meet the future needs of the borough; it does not adequately address the impacts on habitats and protected species and it fails to demonstrate that the material harm to the character and function of the landscape and the setting of historic buildings is not significant.

Access and safety – The proposal would introduce a highly engineered access requiring the removal of a considerable length of hedge, having an urbanising effect on this rural approach into the village.

CPRE concludes that the proposal would introduce an unsustainable pattern of development into a sensitive, valued, historic landscape. Given the sensitivity of the site, it considers it to be inappropriate for so much essential detail to be reserved matters.

Weald of Kent Protection Society: objects on a number of grounds:

The applicants incorrectly state that Ashford Borough Council does not have a five year housing land supply (See Assessment later in this report);

That the land planned for development is an unallocated greenfield site which is also in close vicinity of the conservation area to the west of the village;

The proposed access is a narrow village road close to a blind double bend which would increase the risk to pedestrians and road users;

The proposed development would increase congestion, especially at peak times;

Local facilities and schools are already operating at full capacity and the village does not have the infrastructure to cope with a potential rise in population of this scale;

The planned site is one of the wettest fields in Smarden, situated close to the river Beult and often suffers from flooding with the proposed development resulting in a large increase in impermeable surfaces;

There are few employment opportunities in Smarden so this development would generate additional traffic on country roads, especially those connecting with Staplehurst and Headcorn mainline stations, with additional journeys needed for people travelling to schools and health centres.

Southern Water: comments that they cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to Paragraph 109 of the National Planning Framework. Southern Water goes on to say that there is a legal mechanism under Section 98 of the Water Industry Act 1991 through which the appropriate infrastructure can be requested by the developer to accommodate this proposal.

There are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required which should utilise SUDS rather than involving disposal to a public foul sewer.

Project Office: supports KCC holding objection and agrees that in the first instance, the applicant should review the Sustainable Urban Drainage SPD and use the required discharge rate for the development.

Streetscene: point out that old data has been used for refuse vehicle specifications (this has been updated)

Environmental Protection: comments that Smarden Charter Hall has the benefit of a Premises License with the option to provide live and recorded music events. This means that amplified music may be noticeable externally and the prospect of introducing residential development in close proximity to the venue is a concern.

Stagecoach: would welcome the opportunity for more formalised bus stops, that

meet latest accessibility requirements. It may be appropriate for the Ashford-bound stop to include a shelter, though this would need to be agreed with the parish council, which would need to take ownership of the structure.

As the service through Smarden is subsidised by KCC, it would not expect this development to create a need for more journeys, but it may help to improve loadings on existing journeys.

Smarden Charter Hall Trustees: Object, stating:

A proposal to build 50 houses on one site, be it next to the Hall or on any other single site, is inconsistent with what the village needs. The scale is totally disproportionate to the size of the village. It would make integration extremely difficult to achieve, and would put at risk the very nature of the local community. Such a development would also put an additional and very significant pressure on village resources. The narrow country roads which lead in and out of the village are not in good repair, parking in the centre of the village is always a challenge, and drainage and waste disposal on the low lying ground could potentially cause flooding. The village school has limited places for new children, and the recent extension has only improved teaching areas, and not provided any more spaces for an increased intake.

A proposal for 50 houses directly adjacent to the Hall would certainly increase use of the Hall in some way, although with little additional income; but this would in any case be far outweighed by the negative impact an adjacent housing development would have on private functions. The current outlook from the Hall is a major factor in people choosing to hold private functions in the hall, and with outlook marred by the close proximity of houses, income for private functions would significantly reduce, and almost certainly eliminate current annual operating surplus. This in turn will bear down on the cost of hiring the Hall for village groups and activity, which would seriously affect those on lower incomes who would then find it difficult to take part in many of the Hall's activities.

Whilst welcoming Gladman's offer to help improve the Hall's facilities, it is not able to support in any way a single development of 50 houses in the village, and therefore have to decline the offer.

Headcorn Aerodrome: comments that the proposed development is very close to the Aerodrome and within the area covered by the safeguarding map. Certain noise affected with the aviation will be apparent.

Smarden Women's Institute: raise concerns and seek clarification on a number of issues relating to affordable housing (how much exactly?) and flood prevention, noting that the area proposed for a village green is currently under water. They ask about the measures that are proposed to prevent road traffic accidents and also the action being taken to allow farm traffic to enter from Pluckley Road when flooding occurs. Whilst pointing out that they are not against small scale developments in the village to increase the amount of suitable affordable housing they do not consider that this proposal would maintain the quality of life in Smarden.

Smarden Good Neighbour Scheme: has declined Gladman's offer of a contribution to make improvements towards the Good Neighbour scheme commenting that the most significant way to support them would be to reconsider their plans to submit an application. Whilst pointing out that they are not against development, this must be related to need and on the most appropriate sites. They deplore the way Gladman has approached this proposal.

Neighbours: 88/87R

A number of parishioners object to the way they have been misled into thinking the democratically produced local plan, allowing 25 units on the site by 2030 has been ignored by the planning department and Ashford Borough Council with their unexpected support of this proposal. They want an honest and thorough explanation for the Borough Council's 'turnaround' on this application;

A number of objectors are concerned about the impact of this scale of development on the landscape quoting the Landscape Character Assessment guidelines which recommends that modern development around the outskirts of Smarden should be resisted. They point especially to the high visibility of the site from The Street on this approach into the village;

A few objectors have noted that the site is of agricultural value and that developments such as this should only be considered on land of a lower grade agriculturally;

Whilst a number of neighbours recognise the need for additional housing in the village they consider this proposal to be totally out of scale with the size of the village and against the wishes of the people of Smarden who want to see more incremental growth. Whilst to date the village has expanded at a controlled pace, they point out that proposal would ruin that harmony. One objector comments that the site is equivalent to an area the size of Green Lane, Chessenden Lane and Dadson Court combined;

A number of neighbours have pointed out that the infrastructure could not cope with a development of this scale and the sudden influx of people this would represent. They comment on the relative remoteness of Smarden and point to the fact that the village school is already at capacity and there is no GP practice in the village. They comment that Smarden already has problems of congestion and the local road network is at capacity;

SSDM comment: This development would result in an expected pupil product of 14 children. Taken with the committed Pluckley Brickworks development (59 units), this number of children could not be accommodated at Smarden Primary School. In the short term children from this development may need to travel to Biddenden primary school but over time, the school's admission policy would prioritise children from within the village over those living further afield.

Concerns have been expressed about how this proposal has come about and that the development should be driven by the parish council in consultation with local people and not local landowners/developers;

A number of respondents have queried some of the assertions in the documentation submitted:

- Whilst the documentation states that bus links to Smarden are good, this is disputed by many local people: there is no bus from Smarden to Headcorn, which is over 4 miles away. The graph within the report actually shows that the number of people using the bus to get to work is non-existent. Whilst the report shows that 60% of people travel to work by car and 13% by train, one neighbour points out that those taking the train still need drive to either Headcorn or Pluckley railway stations, which requires driving along Smarden High Street or via Mill Lane. Both of these routes have narrow points; Mill Lane verges are already churned up. It is pointed out that parking at Pluckley Station is already at capacity;

- A number of neighbours have queried which local doctors were approached as Headcorn GP practise is at capacity and Smarden falls outside the catchment for Charing. On the primary school, whilst the Gladman submission states that the LEA was approached, the local primary is run under an academy not the LEA. A number of responses point out that the school is currently unable to take the numbers for a development of this size;

A number of neighbours have queried what is meant by 'up to 35%' affordable'. What sort of housing will this be and who will live there? Whilst people recognise the need for affordable housing, including smaller 'down size' units and starter homes, a number of neighbours strongly object to more unaffordable private housing;

A number of people have raised concerns about the proposed access which is off a bend and how this will lead to highway safety concerns. Previous applications have been refused on the grounds of poor access so why not this one;

Some neighbours consider that The development would cause harm to the setting of the listed building opposite and impact adversely on the conservation area. They comment that Smarden has a unique valuable historic character which could so easily be lost by hasty, insensitive, ill-considered and over developed housing projects.

Concerns have also been raised about the impact of development on the ecology on the site; that the creation of the vehicular access would require the removal of the hedge impacting upon habitats and protected species;

A number of people have commented on why a village green is proposed – Smarden already has The Minnis!

A number of respondents have highlighted that Smarden has a history of flooding from the River Beult– the site is one of the wettest fields in the village (Smarden being one of the lowest lying settlements in Kent outside Romney Marsh) - where there is clear potential for flooding, especially due to the heavy clay soils. One neighbour has inquired about the size of the proposed attenuation pond and whether this is of sufficient size to take account of global warming;

A number of residents point out that Smarden has experienced some difficulties with its present sewerage system and electricity supply which would both be compounded by large scale housing development. One resident is concerned about the level of works that will be required to upgrade the sewerage system in the centre of the village and whether the vibration from the works would cause harm to listed buildings.

A number of respondents have highlighted the negative impact this proposal would have on The Charter Hall.

1 letter of support has been received but this is only if a 4-bed house with disabled adaptations can be provided.

The following additional responses were received to the second consultation which was confined to 'technical' issues:

KCC Highways and Transportation: Following submission of additional information, no objections are now raised to the proposals subject to conditions.

KCC Drainage: has no objections to the outline application in principle subject to conditions. It notes that the Ashford SUDS SPD stipulates an outfall rate of 4 l/s/ha for sites in this area whereas the submission is proposing matching current greenfield outfall rates which are in excess of this.

KCC Ecological Advice Service: raises no objections subject to conditions. It notes that the exclusion of the proposed green space from within the site boundary

would make it more difficult to secure the proposed ecological enhancements. If a Section 106 is required to secure this land, then it will be essential to ensure the delivery of the ecological enhancement, habitat creation and habitat management measures are integral to the agreement.

Whilst commenting that there are still some inaccuracies in the information submitted as regard to bats and great crested newts (GCN), this is unlikely to affect the approach to mitigation in either case. In the case of bats, it is considered that the proposed mitigation is likely to result in a net benefit to bats in and around the site. The additional information submitted includes an alternative approach to mitigate for the potential impacts to dormice resulting from hedgerow loss at the proposed entrance into the site with a replacement hedgerow proposed behind the visibility splays. Taken with the previously proposed canopy link across this access road, it is considered that this would be adequate mitigation for the potential impacts to dormice. Notwithstanding the inaccuracies in the reporting and interpretation on GCN, there is potential for GCN to use pond 1 in the future and this will need to be taken account of in the detailed mitigation proposals, secured through the European protected species mitigation license. The retention of ponds within the scheme helps to reduce the potential scale of impacts.

Project Office: raises no objections subject to the conditions recommended by the KCC Flood Risk Project Officer.

Environmental Protection: raises no objections stating that it is clear from the work they have carried out that a noise attenuation scheme could be provided to minimise the impact of noise from events held at Smarden Charter Hall. A condition is recommended requiring the measures identified in the noise report to be implemented on a plot by plot basis.

Planning Policy

33. 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. On 9th June, the Council approved a consultation version of the Local plan to 2030. Consultation commenced on 15th June 2016. At present the policies in this emerging plan can be accorded little or no weight.
34. 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

EN9 – Setting and entrances to towns and villages

EN10 – Development on the edge of existing settlement

EN16 – Conservation Areas

EN23 – Sites of Archaeological importance

EN30 – Nature Conservation Sites

EN31 – Important Habitats

EN32 – Important Trees and Woodland

LE5 – Equipped Public Open Space

LE7 – Play facilities

LE9 – Maintenance of Open Space

CF21 – School requirements

Local Development Framework Core Strategy 2008

CS1 - Guiding principles to development

CS2 – The borough wide strategy

CS6 – The Rural Settlement hierarchy

CS9 – Design Quality

CS10 – Sustainable Design and construction

CS11 – Biodiversity and Geological conservation

CS12- Affordable housing

CS13 – Range of dwelling types and sizes

CS15 – Transport

CS18 – Meeting the Community's needs

CS18a – Strategic recreational open spaces

CS19 – Development and flood risk

CS20 – Sustainable drainage

CS21 – Water Supply and treatment

Tenterden & Rural Sites DPD 2010

TRS1 – Minor residential development or infilling

TRS2 – New residential development elsewhere

TRS17 – Landscape and character and design

TRS18 – Important rural features

TRS19 – Infrastructure provision to serve the needs of new development

Draft Ashford Local Plan June 2016

SP1 – Strategic objectives

SP2 – The strategic approach to housing delivery

SP6 – Promoting high quality design

S37 – Smarden

ENV1 - Biodiversity

35. HOU1 – Affordable housing.

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

Supplementary Planning Documents

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011(external space standards)

Sustainable Design and Construction SPD April 2012

Public Green Spaces & Water Environment SPD 2012

Dark Skies SPD 2014

Village Design Statements

Smarden Parish Design Statement

Government Advice

National Planning Policy Framework 2012

36. 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. In respect of this application, paragraph 14 is of a particular relevance and is set out on the following page.

14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

For **plan-making** this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.⁹

For **decision-taking** this means:¹⁰

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.⁹

Assessment

37. The main issues for consideration are:
- (a) Principle of development
 - (b) 5 – year housing land supply
 - (c) Landscape Character and Visual Amenity
 - (d) Highways
 - (e) Ecology/Biodiversity
 - (f) Flooding, water treatment and drainage
 - (g) Residential Amenity
 - (h) Affordable housing /Housing Mix

- (i) Heritage
- (j) Whether planning obligations are necessary

(a) Principle of development

38. The application proposes a development of up to 50 units on a greenfield site on the fringes of the built-up area of Smarden. The site is not identified in the current Development Plan for development. However, much of the site, is included in the new Local Plan 2030 (indicative capacity 25 units). It lies in countryside where most new residential development is specifically resisted under the current development plan. Policy CS1 of the Core Strategy sets out the guiding principles for development in the borough. Sustainable development and high quality design are at the centre of the Council's approach to plan making and deciding planning applications. Policy CS1(c) states, as an objective, the following:

'Protection for the countryside, landscape and villages from adverse impacts of growth and the promotion of strong rural communities'

39. The proposal is currently an unallocated site and its development would result in a significant extension to a rural community; would not protect the countryside, landscape character or visual amenity and as an unallocated extension to the village represents a departure from the adopted Development Plan and specifically with Policy CS1 of the Core Strategy. The proposal would therefore conflict with Policy CS1 of the Core Strategy.
40. Policy CS2 of the Core Strategy sets out the Borough Wide Strategy and formally states Ashford Borough's 'Growth Status' and the need for land to supply 16,770 new dwellings and related uses. The policy also sets out the rest of the borough's need for 1,180 new dwellings to be identified by 2021. In the supporting text to policy CS2, paragraphs 2.37 and 2.38 emphasise that development should be at an appropriate scale to the role of a rural settlement noting that smaller scale development only should be allocated. This is not considered to be a smaller scale development and therefore Policy CS2 does not apply in this instance.
41. Policy CS6 of the Core Strategy sets out the rural settlement hierarchy. Smarden did not score well on the sustainability matrix and consequently received no site allocations although was identified as a settlement suitable for minor development and infilling within the built-up confines in the Tenterden & Rural Sites DPD under policy TRS1 (see below).
42. Policy TRS1 states:

Minor development or infilling will be acceptable within the built-up confines of Tenterden and the following villages:

Aldington, Appledore, Bethersden, Biddenden, Boughton Lees, Brabourne Lees, Challock, Charing, Chilham, Egerton, Great Chart, Hamstreet, High Halden, Hothfield, Kingsnorth, Mersham, Pluckley, Rolvenden, Shadoxhurst, Smarden, Wittersham, Woodchurch and Wye;

providing that the following requirements are met:

- a) the development can easily be integrated into the existing settlement without the need to substantially improve the infrastructure or other facilities;
- b) the proposal is of a layout, scale, design and appearance that is appropriate to the character and density of its surrounding area;
- c) it does not result in the displacement of other active uses such as employment, leisure or community uses in the area; and,
- d) the proposal would not result in the loss of public or private open spaces or gaps that are important characteristics of the settlement.

43. Paragraph 7.4 of the preamble to policy TRS1 states:

“The scale and quantity of housing development proposed should not be out of proportion to the size of the settlement concerned and the level of services there are in order to ensure a sustainable pattern of development is maintained.”

44. The built confines are defined as being:

“the limits of continuous and contiguous development forming the existing built-up area of the settlement, excluding any curtilage beyond the built footprint of the buildings on the site.”

45. According to definition the site is outside the built confines of Smarden. The erection of up to 50 dwellings cannot be considered to represent minor development/ infill as set out in Policy TRS1 either. I do not consider the application proposals to be consistent with this policy.

46. Policy TRS2 of the Tenterden and Rural Sites DPD specifically applies and refers to new development elsewhere (ie. outside the built-up confines). It says new residential development outside the built-up confines of Tenterden or the villages listed in Policy TRS1 will not be permitted unless it constitutes one of the following: it is an agricultural dwelling, justified under PPS7, or, b) it

is a re-use or adaptation of an existing rural building of architectural or historic interest, justified under policy TRS3, or d) it is a 'local needs' scheme on an exception site justified under policies TRS4 or TRS5. As none of those criteria apply, I consider the development is contrary in principle to policy TRS2.

47. Paragraph 17 of the NPPF explains that the core land-use planning principles that should underpin decision – taking include:
- planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area
 - planning should take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it
 - planning should contribute to conserving and enhancing the natural environment
 - planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land)
48. The proposals fail against the provision of paragraph 12 of the NPPF in my opinion. The proposal is not genuinely plan-led. The proposal is contrary to the provisions of the Development Plan prepared by the council and shaped with local people through extensive community involvement. The scale of development proposed in this application considerably exceeds the definition of minor development. Furthermore, as farmland, the site lies outside the built confines of the village and is therefore within the countryside for the purposes of the development plan. I am therefore of the view that the proposal amounts to unsustainable development in the countryside and is as a result contrary to the development plan and to the NPPF in this respect.
49. On 15th June 2016 the council published the Local Plan to 2030 for consultation. This proposes a housing allocation in Smarden on a portion of the application site, in the location shown below:
50. The site is considered suitable for up to 25 dwellings. The new plan also revises the considerations relating to housing development in the rural areas in the light of the NPPF and the NPPG, thus making it clear that more villages will be considered as suitable in principle for allowing minor windfall development, whilst making it clear that this should only be allowed within the confines, and be of a scale that complements the existing settlement of the village. The new plan does also recognise that residential development in non-isolated locations outside settlement confines may be acceptable but that

this should be limited to brownfield locations and relating to 3 dwellings or less.

51. Therefore, the proposal would also not be in accordance with the emerging policy position set out in the draft Local Plan 2030 as it is for a larger allocation than the one proposed which would extend beyond the village confines.
52. The above analysis demonstrates that the proposals are contrary to the policies of the extant development plan.

(b) 5 - Year housing land supply and the Tilden Gill Appeal

53. Paragraph 14 of the NPPF advises that planning permission should only be granted against the provisions of the Development Plan where the plan is:
 - a) absent,
 - b) silent, or
 - c) out of date, and
 - d) Where there are no adverse impacts which would significantly and demonstrably outweigh the benefits of the development.
54. Paragraph 49 of the NPPF defines 'up to date' as equating to being able to demonstrate a five year supply of deliverable housing sites in the Borough.
55. The recent planning appeal decision in relation to land south of Tilden Gill Road, Tenterden, Kent (reference APO/E2205/W/15/3032575) is an important material consideration in the assessment of whether the council can demonstrate a deliverable 5-year housing land supply. The appeal relate to a site in the rural area for up to 100 dwellings. The appeal site is similar to that involved with this application in so far as it was an unallocated site on edge of the built up confines of a rural edge of a rural settlement, albeit a much larger principal rural service centre. The appeal tested the Council's current position regarding its 5-year land supply. In allowing the appeal, the Inspector appointed by the Secretary of State to assess the appeal concluded that:

'64. Against the requirements set in the development plans, the Council cannot demonstrate a five-year land supply. Consequently, according to the advice in paragraph 49 of the NPPF, the relevant policies for the supply of housing should not be considered up-to-date.'

56. In light of the appeal decision, the development plan policies discussed in a) above, which would normally restrict residential development outside the built

confines of rural settlements in the absence of development plan allocation, are in the absence of a deliverable 5 year land supply, out of date and carry little weight .

57. As such, it should be accepted that the presumption in favour of sustainable development reflected in paragraph 14 of the NPPF should apply to the determination of this application.
58. This being the case, I do not consider that it is open to the Council to refuse the application simply because the site lies outside the settlement boundary. The application must instead be assessed to consider whether the proposal would generate harm and adverse impacts which would significantly and demonstrably outweigh the benefits of the development, i.e. its ability to help meet that housing land supply shortfall.
59. CPRE has raised the issue of prematurity and that the approval of this application would predetermine decisions about the scale and location of development that are most appropriately made through the Local Plan process. I do not consider that an argument for prematurity can be made here as the NPPF/NPPG is explicit in saying that:
60. “arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, taking the policies in the framework and any other material considerations into account.”
61. As detailed in my report below, I do not consider the adverse impacts of granting planning permission in this case would significantly and demonstrably out weight the benefits.
62. The inclusion within the draft Ashford Local Plan 2030 of an allocated site for up to 25 units on much of the application site is a material consideration in the determination of this planning application. Whilst the draft plan has little weight at this stage, the allocation of this site took into account the sites deliverability as required by government guidance, confirmation from KH&T that a satisfactory access could be achieved (at least for a 25 unit development) and that the site represented the most appropriate site within the village for a development of up to 25 units in landscape and visual terms.
63. The applicant has set out the benefits of their scheme within various submission documents and their letter dated 24th March – see paragraph 31 of this report. It maintains that the site is in a sustainable location with good access to the village centre, local services and facilities and also makes the case that the provision of new housing in Smarden is an essential component of ensuring the continued and future sustainability of the settlement. The

following sections of this report assess the proposal in terms of whether it generates harm/adverse impacts which would significantly outweigh the benefits of the development.

(c) Landscape character and visual amenity

64. Policy CS1 of the Core Strategy seeks to protect the character of the countryside, landscape and villages from the adverse impacts of growth. This is endorsed by Policy SP1 of the emerging Ashford Local Plan which sets out similar core principles for development within the borough.
65. Policy TRS17 of the Tenterden and Rural Sites DPD requires that development in the rural areas is designed in such a way which protects and enhances the particular landscape character area within which it is located, and where relevant, any adjacent landscape character area. It requires that proposals have particular regard to the following:
- a) Landform, topography and natural patterns of drainage
 - b) The pattern and composition of trees and woodlands
 - c) The type and composition of wildlife habitats
 - d) The pattern and distribution of field boundaries
 - e) The pattern and distribution of settlements, roads and footpaths
 - f) The presence and pattern of historic landscape features
 - g) The setting, scale, layout, design and detailing of vernacular buildings and other traditional man made features
 - h) Any relevant guidance given in an AONB Management Plan or in a Landscape Character SPD.

It goes on to say that existing features that are important to local landscape character shall be retained and incorporated into the proposed development. Policy ENV3 of the emerging Local Plan is not materially different in its approach to landscape and character and design.

66. Policy TRS18 of the Tenterden and Rural Sites DPD requires development in rural areas to protect and where possible enhance the following features:
- a) Ancient woodland and semi-natural woodland;
 - b) River corridors and tributaries;

- c) Rural lanes which have a landscape, nature conservation or historic importance;
 - d) Public rights of way.
67. This is carried forward in Policy ENV5 of the emerging Ashford Local Plan. The site does not fall within an Area of Outstanding Natural Beauty. It lies within the Low Weald National Landscape Area and the Beult Valley Farmlands Local Landscape Character Area, as defined in the Council's Landscape Character SPD. This area is characterised by flat, low lying floodplain of the River Beult; numerous small field ponds and typically a pastoral land use. It is designated as Grade 3 agricultural land – meaning it is of good to moderate quality for agriculture (half of the agricultural land in England and Wales falls under this designation with the best and most versatile agricultural land designated grades 1 and 2).
68. The landscape and visual appraisal submitted in support of the application concludes that development of the site within the local context would not notably alter the character of the landscape surrounding the immediate site with the sites containment significantly restricting visibility from the wider countryside.
69. The site comprises the greater part of a large, irregularly shaped field in use for agriculture. It is flat and low lying with few landscape features except for a single pond and the hedgerows, hedgerow trees and ditches that form the boundaries of most of the site. The remainder of the field (which falls outside the boundary of the site but within land in the same ownership) is proposed for an ecological enhancement area to mitigate for the ecological impacts of the development. A further pond lies at the eastern end of this area.⁷⁰ The proposed development for up to 50 units would fall within this single field and be set back on all sides from the existing hedgerows and ditches thereby allowing for their retention (with the exception of a 15m stretch of hedgerow at the proposed vehicular access into the site) and thus respecting the pattern and composition of field boundaries in the locality. The proposed ecological enhancement area to the east of the site and landscaping proposals for the site, which includes additional planting to boundaries, would help any development to integrate into its surroundings. I therefore consider that the proposed development would not have an adverse effect on local landscape character. The indicative layout shows the public footpath integrated into a landscaped strip along the western boundary of the site and the on-site pond retained as part of the SuDS scheme for the site. I consider that the proposal would accord with the provisions of Policies TRS17 and TRS18 of the Tenterden and Rural Sites DPD and with emerging Ashford Local Plan policies in this respect.

70. Whilst I sympathise with residents that 50 units is a lot of development for the village to accommodate in a single hit, the issue that needs to be assessed here is whether the quantum of development proposed could be accommodated on the site in a way that works in layout and design terms. Policy CS9 of the Core Strategy seeks to achieve a high quality design and demonstrate a positive response to a range of design criteria, including permeability and ease of movement, legibility and quality of spaces. This is endorsed by the NPPF which requires new developments to be of a high standard of design layout. Policy SP6 of the emerging Local Plan is not materially different in its approach to promoting high quality design.
71. The development would be accessed via a single vehicular access off Pluckley Road. Whilst KH&T has raised no objection in highway safety terms, the provision of a single access to serve the entire development does not make for a connected vehicular layout with existing streets within the village. That said, the layout for pedestrians is more connected with the farmers track and PROW integrated into the landscaping proposals and an additional footpath link proposed to the front of The Charter Hall. The indicative layout shows the development as being laid out as four perimeter blocks, thus providing permeability within the site. The layout shows dwellings fronting onto public open space, which would enhance the quality of these spaces. The development is also shown as having a mix of house types.
72. In view of the above, I consider that in broad terms this quantum of development could be accommodated on site subject to more detailed assessment at the reserved matters stage. The description of development for this outline application is for 'up to 50 units'. Any detailed scheme for this site would need to secure a high quality of design and layout that works in terms of meeting locally and national prescribed standards for room sizes and garden space and parking and that the actual number of units is reflective of this. I am therefore of the view that this proposal accords broadly with the provisions of Policy CS9 of the Core Strategy; the NPPF and emerging policy in the Ashford Local Plan 2030.

(d) Highway Safety

73. Paragraph 32 of the NPPF states the following:

All developments that generate significant amounts of movement should be supported by a Transport Assessment. Plans and decisions should take account of whether:

- (i) The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure,*
- (ii) safe and suitable access to the site can be achieved for all people; and*
- (iii) improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

74. Whilst Smarden does not have a Railway Station (the closest is in Headcorn some 3 miles away) and is less sustainable than other settlements in the borough the site is on a bus route, with regular services to Biddenden and Ashford. KH&T has confirmed that the development is acceptable in terms of the capacity on the local road network. In particular, it is satisfied that the development would not give rise to any highway capacity concerns within The Street with the evidence submitted demonstrating that peak movements in each direction from the access are balanced (62 southbound movements and 63 northbound movements). This equates to an average of one vehicle per minute moving in each direction through the village across the AM peak period (08:00 to 09:00). The PM peak period is predicted to give rise to less traffic movements: 10 southbound and 11 northbound during this period. The applicant is proposing a new bus stop to the front of The Charter Hall to serve the development which would be secured by way of a Grampian condition should this scheme be approved. The development would not result in a need for major transport infrastructure and is therefore acceptable in terms of (i) above.
75. The vehicular access into the site from Pluckley Road would be located towards the northern end of the site some 150 m from the bend in the street. It would require the provision of a 2.4m x 43 m visibility splay in either direction. In response to concerns raised by KH&T, the applicants have amended their plans to include an uncontrolled pedestrian crossing point with tactile paving. Whilst footways would be provided to either side of the vehicular access, the main footway would be located within the site, behind the boundary hedge and verge. It would connect with the existing street side footway in front of The Charter Hall (and adjacent to the new bus stop). KH&T are satisfied that safe and suitable access can be achieved into the site for all people.
76. In response to local concerns about highway safety, KH&T has confirmed that reference to local crash records do not raise any existing concerns over highway safety. It agrees with the observed traffic flows and recorded speeds (average 28mph) at the proposed site access as set out in the Transport Statement and does not consider that the development would present a

highway safety issue at school drop off and pick up times at Smarden Primary School.

77. In view of the above comments, I am satisfied that the proposed development is NPPF compliant and would not impact adversely on highway safety.

(d) Ecology/biodiversity

78. Guiding Principles Policies CS1 (A) (D) and (K) of the Core Strategy identify objectives of ensuring protection of the natural environment and integration of green elements enhancing biodiversity as part of high quality design. Against these overarching objectives, Policy CS11 of the Core Strategy specifically requires development proposals to avoid harm to biodiversity and geological conservation interests, and seek to maintain and, where practicable, enhance and expand biodiversity. This is included also in Policy ENV1 of the emerging Local Plan. Policy CS9 and emerging policy SP6 seek to ensure that natural features of interest are incorporated to celebrate local distinctiveness as well as respond to landscape character and help minimise the ecological footprint of Ashford's growth over time. These policies pre-date, but are aligned with, the general advice in Section 7 of the NPPF on the importance of good design and Section 11 on conserving and enhancing the natural environment.
79. Whilst accepting that the majority of the site is in arable production with limited intrinsic ecological value, there are still habitats and features in and around the site that have intrinsic ecological value and potential to support protected and designated species, including ponds, hedgerows and trees. In particular, the ecological surveys undertaken in support of the proposal demonstrates that there is potential for badger, bats, dormice, water vole, great crested newts (GCN) and reptiles.

BADGER

Although no evidence of badger use of the site was recorded during the survey, habitat with potential for sett construction was noted within hedgerow H5. The KCC ecological advice service has requested that further assessment of badger presence is required on the site prior to commencement of the development. I have recommended an appropriate condition

BATS

Surveys have confirmed five species of bats utilising the site although due to the limited foraging opportunities and habitat availability within the site, it is considered that the boundary hedgerows may only function as commuting corridors with the majority of activity occurring outside the development site. The KCC ecological advice centre has indicated that the proposed mitigation

– supplementary native planting to hedgerows and proposed ecological area- is likely to result in a net benefit to bats in and around the site.

DORMICE

The KCC ecological advice service initially raised concerns about the potential impact on dormice of the loss of hedgerow at the site access. The applicants have since amended their proposals to include the provision of a replacement hedgerow behind the visibility splays. Taken together with the provision of canopy linkage at the access to provide mitigation in the longer term, the KCC ecological advice service considers these to be adequate mitigation for the potential impacts to dormice.

WATER VOLE

Surveys show the presence of water vole within an on-site ditch which would not however be subject to any development under the current proposals.

GREAT CRESTED NEWTS

Whilst no GCN populations have been found on the site, given their known presence in the area, the KCC ecological advice service has commented that there is potential for them to use the site pond in the future. It has confirmed that this would need to be taken account of in the detailed mitigation proposals, secured through the European protected species mitigation license. Furthermore, it adds that any loss of trees around this pond (as stated in the Arboricultural Assessment) would need to be clarified in relation to the European protected species mitigation license, as this would form part of the proposed translocation area. Any disturbance in this area should therefore be kept to a minimum. Suitable conditions are proposed to address these concerns.

REPTILES

Whilst surveys have recorded the presence of slow worm, common lizard and grass snake around the margins of the site, this proposal would not result in the loss of this habitat. The areas suitable for reptiles, including 1m of suitable field margin, would be adequately protected by Heras fencing, secured through condition.

ECOLOGICAL ENHANCEMENT

80. The proposal includes an ecological enhancement area to the east of the site. The KCC ecological advice service has pointed out that the exclusion of the proposed ecological area from within the site boundary might make it more difficult to secure the proposed ecological enhancements. It is proposed that

the provision of the ecological enhancements both on and off site is secured by way of a condition.

81. In view of the KCC ecological advice services thorough assessment of the ecological impacts of this proposal, I am able to conclude that subject to the conditions they have advised, the proposals would not have an adverse impact on ecology and could indeed enhance the ecological interest of the area. I therefore consider that the proposal meets the requirements of Policies CS1, CS9 and CS11 of the Core Strategy; the NPPF and emerging Ashford Local Plan policies.

(e) Affordable housing and housing mix

82. Affordable housing is proposed at a rate of 35% (equating to 17 – 18 dwellings) in accordance with Policy CS12 of the Core Strategy. Whilst the emerging local plan policy for affordable housing – Policy HOU1 - seeks a greater percentage of affordable housing on rural sites (40%), this policy can be afforded little weight at the current time. The mix of affordable housing would also need to be provided in accordance with Policy CS12 which requires a split between social rented (60%) and other forms of affordable housing (40%). This matter will be addressed in the legal agreement.
83. At the request of KCC Adult Social Services, the applicant has agreed to provide one dwelling to be built to HABINTAG wheelchair standard.
84. I consider the proposals to be acceptable in this respect.

(f) Flooding, water treatment and drainage

Southern Water has raised concerns relating to the disposal of foul drainage and the need to upgrade facilities. The applicants have indicated that Southern Water has sufficient time to upgrade their system, at their expense and in accordance with their statutory duties. The proposal is one that can be made acceptable pursuant to the provisions of Policy CS21 of the Core Strategy.

85. A Flood Risk Assessment and Outline Drainage Strategy and subsequent Drainage Strategy have been submitted in support of the application and assessed primarily by KCC as the Lead Local Flood Authority. The Flood Risk Assessment indicates that the site is in Flood Zone 1 (1 in 1000) and therefore is at a very low risk of flooding.
86. The proposed development would significantly increase the proportion of the site covered by impermeable surfaces and would therefore generate more run-off. Attenuation on-site would therefore be required. The drainage report concludes that it is unlikely that infiltration based SuDS will be feasible for this

development and that attenuation based SuDS are required, including shallow underground or open water storage systems with flow control devices, limiting the flow to a predetermined and agreed rate prior to discharge. It suggests that surface water can be discharged to the nearby watercourse on the southern boundary.

87. Following the submission of additional information, both KCC Drainage and ABC Drainage have raised no objection to the proposal. The detailed design can be controlled by condition should planning permission be granted. However, the applicant would need to seek to achieve a 'Best Endeavours' run-off rate for the site of 4 l/second/hectare to provide a benefit in reducing surface water run-off as part of the current application compared with the greenfield rate. Furthermore, KCC has advised that any works that have the potential to affect the existing watercourse or ditch's ability to convey water will require the formal written consent of KCC and the applicant is advised to contact them prior to undertaking any such work. In addition, KCC had requested to see evidence that the riparian owner of the receiving watercourse has agreed to all the works and a specification provided for the responsibilities of each party for the implementation of the drainage measures, including a timetable for implementation and management/maintenance plan for the lifetime of the development. Subject to these caveats, and the conditions recommended by KCC Drainage, I consider that the proposal would accord with the provisions of policy CS21 of the core Strategy.

(g) Residential Amenity

88. The application site lies on the southern side of Pluckley Road, behind a hedge and verge with some trees within the hedge-line. The property known as Weathercock adjoins the site immediately to the north – a small detached property well set back from its boundary with the application site. More residential development lies on the northern side of Pluckley Road facing onto the street and application site. The Charter Hall adjoins the site to the south.
89. Whilst only indicative, the proposed development would be set back from the street behind the existing hedge, which would be largely retained. It would also be set back from the boundary with Weathercock with supplementary planting shown along this boundary. Although only an outline application with all matters reserved accepting access, it is envisaged that only two storey development would be provided. This would be controlled through condition. I do not therefore consider that the proposed development would have an overbearing impact on these properties or result in acceptable levels of overlooking.
90. In response to concerns raised by the Council's Environmental Protection department concerning the impact of amplified music being played within The

Charter Hall, a noise assessment has been carried out. This identifies the dominant noise sources as being road traffic in Pluckley Road/The Street, car park noise from The Charter Hall car park and amplified music from events at The Charter Hall. The assessment report demonstrates that it is possible to implement a number of suitable mitigation measures to address each of these noise sources and Environmental Protection is supportive of the proposal subject to a condition.

91. In conclusion I do not consider that the proposed development would be harmful to the residential amenity of either existing or future occupiers.

(h) Heritage

92. The NPPF attaches great importance to the protection of designated heritage assets. The application site lies some 150 m east of the village conservation area with which there is limited inter visibility. There are two Grade II listed buildings close to the site. Stanley House, to the north of the site beyond Weathercock, has limited intervisibility with the site. Jubilee House, situated opposite the site, on the other side of Pluckley Road, is a three storey building with some presence at this approach into the village centre. As the development would be set back from Pluckley Road behind the hedge and road verge, I support the conclusion of the Heritage Statement that a 1 – 2 storey development of the site would not have an adverse impact on designated heritage assets, and in particular the setting of Jubilee House.

(i) Planning Obligations

93. Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
- (a) necessary to make the development acceptable in planning terms,
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development
94. 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. 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)	
2.40	<p><u>Affordable Housing</u></p> <p>Provide not less than 35% of the units as affordable housing, comprising 60% affordable rent units and 40% shared ownership units in the locations and with the floorspace, wheelchair access (1 x HABINTAG), number of bedrooms and size of bedrooms as specified. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider’s nominations agreement</p>	<p>60% affordable rent units</p> <p>40% shared ownership units</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings</p>	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to Core Strategy policy CS12, the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
<p><u>Allotments</u></p> <p>Contribution towards provision of or improvements to allotments and associated facilities in the area and maintenance thereof</p> <p>Project: Upgrade allotments in adjoining settlement of Egerton or provide new allotments in the village.</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as allotments are required to meet the demand that would be generated and must be maintained 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 allotments 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 provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
2.42	<p><u>Carbon Off-Setting Contribution</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. To be spent on carbon reduction project at The Charter Hall.</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 or building</p>	<p>Necessary in order to ensure the development is carbon neutral pursuant to Core Strategy policies CS1, and CS10 (C), 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 from this development and any payment is based on the amount of carbon dioxide to be offset.</p>
	<p><u>Cemeteries</u></p> <p>Contribution towards provision of or improvements to</p>	<p>£284 per dwelling for capital costs</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as cemeteries are required to meet the demand that would be generated and must be</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
2.43	<p>cemeteries and associated facilities in the borough and maintenance thereof</p> <p>Project: Contribution towards extension of existing parish council run non-denominational burial ground</p>	£176 per dwelling for maintenance		<p>maintained 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 cemeteries 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 provided and maintained and the maintenance period is limited to 10 years.</p>
	<p><u>Children's and Young People's</u></p> <p>Contribution towards provision</p>	£649 per dwelling for capital costs	Upon occupation of 75% of the	<p>Necessary as children's and young people's play space is</p>

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
of or improvements to children's and young people's play space and associated facilities in the area and maintenance thereof Project: Upgrading and extending play equipment to play area adjacent to Tennis Court	£663 per dwelling for maintenance	dwelling(s)	required to meet the demand that would be generated and must be maintained 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. Directly related as occupiers will use children's and young people's play space and the play space to be provided would be available to them. 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 and maintained and the maintenance period is limited to 10 years.

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	<p><u>Health Care</u></p> <p>Contribution towards health care services and/or facilities in the area</p>	<p>£504 for each 1-bed dwelling £720 for each 2-bed dwelling £1008 for each 3-bed dwelling £1260 for each 4-bed dwelling £1728 for each 5-bed dwelling or larger</p> <p>£0 for any affordable units</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as additional primary care premises required to meet the demand that would be generated pursuant to Core Strategy policy CS18, Tenterden and Rural Sites DPD policy TRS19, saved Local Plan policy CF19 and guidance in the NPPF.</p> <p>Directly related as occupiers will use primary care facilities 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 the amount has been calculated based on the estimated number of occupiers.</p>
	<p><u>Libraries</u></p> <p>Contribution for improving library service capacity in</p>	<p>£48.02 per dwelling</p>	<p>Half the contribution upon occupation of</p>	<p>Necessary as no spare library space available to meet the</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
2.46	<p>mobile and fixed libraries in the borough and for providing additional book stock and equipment</p> <p>Project: Contribution towards mobile library service attending Swarden</p>		25% of the dwellings and balance on occupation of 50% of the dwellings	<p>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 will use library facilities 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>
	<p><u>Monitoring fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£1000 one-off payment</p>	<p>Payment upon commencement of development</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)	
				<p>monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>
	<p><u>Outdoor sports pitches</u></p> <p>Contribution towards provision of or improvements to outdoor sports pitches and associated facilities in the area and maintenance thereof</p> <p>Project: Contribution towards the cricket pitch at The Minnis and football pitch at Cornes Meadow both on remedial drainage. Alternatively resurfacing on the tennis court at The Minnis</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be maintained 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>

	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 and maintained and the maintenance period is limited to 10 years.
	<p><u>Primary Schools</u></p> <p>Contribution towards Biddenden primary school expansion project</p>	<p>£2360.95 per applicable house</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as no spare capacity at any primary school in the vicinity and pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, saved Local Plan policy CF21, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), 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 primary school and the facilities to be</p>

2.48

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>funded would 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 primary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered</p>
	<p><u>Secondary Schools</u></p> <p>Contribution towards additional secondary school places</p> <p>Project: New accommodation at Homewood School</p>	£2359.80 for each applicable house	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, Tenterden and Rural Sites DPD policy TRS19, saved Local Plan policy CF21, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>NPPF.</p> <p>Directly related as children of occupiers will attend secondary school and the facilities to be funded would 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 secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
	<p><u>Strategic Parks</u></p> <p>Contribution towards provision of strategic parks and associated facilities and maintenance thereof</p> <p>Project: Bridge connection at Conningbrook</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2, CS18 and CS18a, Tenterden and Rural Sites DPD policy TRS19,</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks 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 provided and maintained and the maintenance period is limited to 10 years.</p>
	<p><u>Voluntary Sector</u></p> <p>Contribution towards the building of capacity in the voluntary sector in the borough</p> <p>Project: Communications system for Good Neighbour Scheme and generator at The</p>	£83 per dwelling	Upon occupation of 75% of the dwellings	<p>Necessary to provide additional voluntary sector capacity required to meet the demand that would be generated pursuant to Core Strategy policy CS18, Tenterden and Rural Sites DPD policy TRS19, and guidance in the NPPF.</p> <p>Directly related as occupiers will</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	Charter Hall			use the voluntary sector and the additional capacity to be funded will be available to them. Fairly and reasonably related in scale and kind considering the extent of the development.
<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 council web site 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. The Kent County Council may also require payment of their legal costs.</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>				

2.52

Human Rights Issues

95. 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

96. 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

97. The site is presently identified as country-side and is not allocated for development in an adopted development plan. The application therefore represents a departure from the development plan. However, in the light of the recent Tilden Gill appeal decision the Council is unable to refuse the application merely because the site lies outside the settlement boundary.
98. The NPPF advises that planning permission should only be granted against the Development Plan where the plan is absent, silent or out of date and where any adverse impacts would be significantly and demonstrably outweighed by the benefits of development. In arriving at my recommendation, I have taken into account the provisions within the NPPF where the provision of new housing is a material consideration that must be afforded substantial weight in the planning balance.
99. Furthermore, the inclusion within the draft Ashford Borough Plan 2030, which is now out to consultation, of an allocated site for up to 25 units on a substantial part of the application site is a material consideration in the determination of this planning application. Whilst the draft plan has little weight at this stage, the allocation of this site took into account the sites deliverability as required by government guidance; the ability to achieve an acceptable vehicular access into the site; and, that the site represented the most appropriate site within the village for a development of up to 25 units in landscape and visual terms. In allocating the site for up to 25 units, the Council considered this to be a quantum of development that could be integrated into the village with relative ease; a 50 unit scheme was considered too much for a village the size of Smarden to assimilate in a single hit. That

said, the current planning application for up to 50 units can only be refused if the Council can demonstrate that it would result in demonstrable harm. Whilst I consider a development of up to 50 units to be a lot for a village the size of Smarden, I do not feel that it would result in a level of harm sufficient to warrant refusal in this instance.

100. As set out in my report, whilst the development would clearly impact upon landscape character, I do not consider it would cause an unacceptable level of harm due to the relative containment of the site by the existing field boundaries and the landscaping proposals. I'm also of the view that this scale of development, subject to the detailed design (which would be agreed at the Reserved Matters stage), could be accommodated on the site in a way that does not harm the visual amenity of the area.
101. Whilst I understand local people's concerns regarding the impact of such a development on highway safety and the capacity in the local road network, KH&T has confirmed that there is sufficient road capacity and the proposal would not raise any highway safety concerns. Furthermore, on the issue of ecology, the KCC ecological advice service has indicated that the proposed mitigation is acceptable and, far from harming ecological interests, they have indicated that it is likely to result in enhancement, notably to bat habitat. The site is not subject to flooding and KCC, as the Lead Local Flood Authority, is satisfied that, subject to conditions, the site can be drained in an acceptable way. Furthermore, I consider that the proposal can be designed and laid out in such a way so as not to cause harm to the residential amenity of the area or impact adversely on designated heritage assets.
102. In arriving at my recommendation, I have also taken into account the public benefits of additional development here in terms of additional revenue from additional dwellings, the economic benefits of increased employment opportunities and benefits to local retail and commercial business in the village. The applicants have agreed to enter into a section 106 Agreement which would provide further public benefits in terms of public open space, and a schools and libraries contribution.

Recommendation

- (A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations related to**
 - a. The provision of affordable housing, allotments, carbon off-setting, cemeteries, children's and young people's play space, informal/natural green space, libraries, outdoor sports pitches, primary schools, public art, secondary schools, strategic**

b. 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 Development Control Manager to make or approve minor changes to the planning obligations and planning conditions, as they see fit.

(B) Grant Outline Planning Permission

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. An Access and Design Statement shall be submitted to accompany the details pursuant to Condition 1 and shall include, through appropriate text, diagrams and plans, the following:
 - (i) The urban design principles informing the detailed layout, design, architectural style and creation of key areas of character in relation to the proposed built environment together with the approach taken in regard to vehicle parking and its integration as a key design layer;
 - (ii) The design approach taken in respect of issues of structural landscaping, ecological protection and enhancement, opportunities for

enhancement of bio-diversity and controlling rainfall run-off at source through SUDS;

- (iii) The energy efficiency measures incorporated into the detailed design of new dwellings, the facilities incorporated into designs to accommodate the storage of refuse and material for recycling for each dwelling, and
- (iv) Details of those areas of the site intended to be adopted by Kent County Council as part of the public highway network, those areas to be maintained by management company/trust, and those areas to be sold to private occupiers.
- (v) A landscape character and visual impact assessment.

Reason: To establish a core document that sets out the comprehensive approach to the proposed design of the development in accordance with the principles set out in the NPPF and Policy CS1 of the core Strategy.

4. The details submitted pursuant to Condition 1 of this permission shall show buildings which are a maximum 2-storey height and form. Where second floor accommodation is proposed this must be provided wholly within the roof space. The details shall also show how each unit accords with Nationally Described Space Standards and the Council's adopted Residential Space Standards for external space or any other standard agreed by the Local Planning Authority.

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

5. Prior to the commencement of the development the applicant, or their agents or successors in title, will secure the implementation of a programme of geo-archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with the NPPF.

6. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- i. Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii. Further archaeological investigation, recording and reporting, determined by the result of the evaluation, in accordance with a

specification and timetable which has been submitted to and approved by the Local Planning Authority;

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

7. (A) Prior to the commencement of development the following shall have been provided to the satisfaction of the Local Planning Authority and thereafter maintained for the duration of the development:
- The footways and associated visibility splays in Pluckley Road, with no obstructions over 0.6m above footway level, as shown in plan GA021-003-001
 - The access and associated visibility splays with no obstructions over 1m above carriageway level, as shown on plan GA021-003-001
- (B) Prior to the first occupation of the dwellings the following shall have been provided to the satisfaction of the Local Planning Authority and thereafter retained for the duration of the development
- Measures to prevent the discharge of surface water onto the public highway in accordance with details to be submitted to and approved in writing by the Local Planning Authority
 - Use of a bound surface for the first 5m of any accesses from the edge of the highway

Reason: In the interests of highway safety.

8. 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 the Local Planning Authority for approval at the same time as the details required pursuant to Condition 1. Such approved covered bicycle parking shall be retained in perpetuity.

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

9. Details of vehicle parking facilities (that accords with the Council's adopted Residential parking and design Guidance SPD or any other standards agreed with 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 street parking.

10. 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.

11. Prior to works commencing on site, details of parking for site personnel as well as details of loading 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 the development.

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

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

Reason: To ensure that the location of any necessary compounds is appropriate in terms of residential amenity, impact upon trees, protected and important species and the biodiversity capacity of the site.

Reason: In the interests of highway safety.

13. Before the construction commences on the site the following shall be submitted and approved in writing by the Local Planning Authority:
- i) Code of Construction Practice;
 - ii) Hours of working for construction;

- iii) The management and location of utility services within the development;
- iv) The provision of centralised telecommunications and television and radio reception and limitations to external aerials within the development;
- v) The routing of construction vehicles and provision of appropriate signing.

These matters approved shall then be implemented as approved.

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

14. Before any works commence on site, a survey of the development site as existing, in accordance with the provisions of BS 5837 (Trees in relation to construction – Recommendations (2005)) shall be submitted to the Local Planning Authority concurrently with the submission of the site layout drawings required to be submitted pursuant to Condition 1 and shall include, as appropriate, the following information at a suitable scale:
- (a) Location, species, girth or stem diameter, accurately planned crown spread and reference number of all trees on and adjoining the site with a stem diameter of 75 mm or greater at a point 1,5 metres above ground level.
 - (b) A numbered tree condition schedule with proposals for removal of trees and for surgery or other works, where applicable, to retained trees.
 - (c) Existing and proposed levels including, where appropriate, sufficient detail to allow proper consideration of existing of existing tree protection.
 - (d) Location, spread and other relevant details of existing hedgerows, hedges and other significant areas of vegetation.
 - (e) Location and dimensions of existing watercourses, drainage channels and other aquatic features with water, invert and bank levels as appropriate.
 - (f) Existing boundary treatments and forms of enclosure.

- (g) Existing structures, services and other artefacts, including hard surfaces.
- (h) Indication of land use, roads or other means of access, structures and natural features on land adjoining the development site.
- (i) Route of existing footpaths and public rights of way on and adjoining the site.
- (j) North point and scale.

Reason: To allow the proper consideration of the impact of the proposed development on the amenity value of the existing site.

15. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building(s) for its/their permitted use(s).

(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.

(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.

16. No trenches for underground services or foundations shall be commenced within the BS5837 root protection areas of trees

identified as being retained or within 5 metres of any hedgerows without the prior consent of the Local Planning Authority in writing.

Reason: To prevent damage to trees and hedgerows on the site.

17. No cutting operations shall be carried out between 31st March and 31st August in any year.

Reason: In the interests of good forestry and to protect wildlife to accord with the requirements of the Wildlife and Countryside Act 1981.

18. All trees planted shall be protected against stock and rabbits when planted and such protection shall be maintained at all times.

Reason: In the interests of good forestry and amenity.

19. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All 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 written 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 in writing with the Local Planning Authority.

Reason: In the interest of visual amenity.

20. 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 prior to the occupation of any part 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.

21. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local

Planning Authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant].

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

22. The details of soft landscape works required in condition **21.** above shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason: To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area.

23. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure the new landscaped areas are properly maintained in the interest of the amenity of the area.

24. 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.

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

Reason: In the interests of visual amenity.

26. No flues, vents, stacks, extractor fans or meter boxes shall be located on the front elevation on any of the units.

Reason: In the interests of visual amenity.

27. 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 by the Local Planning Authority in writing. 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 1995, or any subsequent other 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.

28. The details submitted pursuant to Condition 1 shall show the provision of a water butt to all dwelling houses and any single flats provided with a private amenity space.

Reason: To allow for the storage of rainwater on site for watering of soft landscaping and thereby reduce the demand for water on site.

29. A masterplan setting out:

- a) phasing of development;
- b) the dwelling type;
- c) dwelling mix and associated residential floorspace per dwelling;
- d) location of the public open space;
- e) location of SUDS features;
- f) access and circulation routes through the site also showing points of connection with the existing PROW along the western boundary of the site

shall be submitted pursuant to Condition 1 of this permission and the development shall be carried out in accordance with the approved masterplan unless otherwise previously agreed in writing by the Local Planning Authority.

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).

30. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstanding shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor. The oil interceptor shall be appropriately maintained and retained in perpetuity.

Reason: To prevent pollution of the water environment.

31. None of the dwellings shall be occupied until works for the disposal of sewerage have been provided to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority (in consultation with Southern Water Services) at the same time as the details required pursuant to Condition 1 and such approved works shall be appropriately retained and maintained in perpetuity.

Reason: To avoid pollution of the surrounding area.

32. Details of a scheme for the protection and enhancement of biodiversity, including bat and bird boxes, use of native species in landscaping and 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 the Local Planning Authority at the same time as the details pursuant to Condition 1 and shall be approved in writing. The approved scheme shall be fully implemented prior to the occupation of the final dwelling on the site and thereafter maintained.

Reason: In order to ensure the development builds in opportunities for beneficial biodiversity as part of good design.

33. No development shall take place (including ground works) until an ecological mitigation strategy have for protected and notable species have been submitted to and approved in writing by the Local Planning Authority. The content of the strategy shall include the:
- a) Identification of ecological impacts, informed by new and/or updated ecological surveys for badger, bats, dormice, reptiles and great crested newts;
 - b) Purpose and objectives of the proposed works;

- c) Detailed design(s) and/or working methods(s) necessary to achieve stated objectives;
- d) Extent and location of proposed works, including the receptor site, shown on appropriate scale maps and plans;
- e) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- f) Persons responsible for implementing the works, including times when specialist ecologists need to be present on site to oversee works;
- g) Ongoing monitoring provision.

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

Reason: In the interests of the biodiversity of the site

34. A Biodiversity Management Plan (BMP) for the Ecological Enhancement area to the east of the application site shall be submitted to, and be approved in writing by the Local Planning Authority prior to the commencement of the development. The content of the BMP shall include the following:
- a) Description and evaluation of features to be managed
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions (including an annual work plan capable of being rolled forward over a five year period);
 - f) Details of the body or organisation responsible for implementation of the plan;
 - g) Ongoing monitoring and remedial measures.

The BMP shall also include details of the legal and funding mechanisms by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results form monitoring show that conservation aims and objectives of the EMP are not being met) how contingencies and/or remedial action will be identified, agreed and

implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of securing appropriate ecological mitigation for the development

35. No development shall take place until an ecological design strategy (EDS) addressing ecological enhancement of the site has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) Purpose and conservation objectives for the proposed works,
 - b) B) Review of site potential and constraints,
 - c) Detailed design (s) and / or working method(s) to achieve stated objectives.
 - d) Extent and location /area of proposed works on appropriate scale maps and plans,
 - e) Type and source of materials to be used where appropriate eg. native species of local provenance,
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development,
 - g) Persons responsible for implementing the works,
 - h) Details of initial aftercare and lone term maintenance
 - i) Details of monitoring and remedial measures.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interests of securing biodiversity on the site

36. Prior to the occupation of any of the units, details and a timetable shall be submitted to and approved by the Local Planning Authority in writing for the provision of formalised bus stops in Pluckley Road, which shall be designed to the latest accessibility requirements.

Such works shall be carried out to the approved timetable and in accordance with the approved details unless the Local Planning Authority otherwise agrees in writing.

Reason: In order to enhance public transport links to the site.

37. No development shall begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of through the methods detailed in the submitted Flood Risk Assessment.

No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into the proposals and to ensure ongoing efficacy of the drainage provisions.

38. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority in consultation with the Environment Agency. This may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

39. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any other Order or any subsequent Order revoking or 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 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.

40. The layout details required to be submitted pursuant to Condition 1 of this permission shall be accompanied by layout plans (together with other plans and sections as may be necessary) to demonstrate the provision of level thresholds to all dwellings (an/or thresholds with shallow ramps where level thresholds cannot be provided).

Reason: To ensure that dwellings will be accessible and are able to accommodate varying mobility needs over time.

41. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the dwellings hereby approved shall only be occupied as single dwelling houses as described in Use Class C3 of the Town and Country Planning Use classes Order 1987 as amended.

Reason: In order to preserve the amenity of the locality.

42. 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 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2.

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 the 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).

43. Prior to the commencement of development herpatile exclusion fencing shall be erected on site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The fencing shall

thereafter be retained as an effective barrier preventing the movement of herpatiles and shall remain in situ until the completion of the development.

Reason: To ensure that European and UK protected species are not harmed as a result of the development.

44. Prior to the commencement of development, a scheme for protecting the dwellings / development hereby approved from noise from The Charter Hall in accordance with the Noise Report submitted with this application shall be submitted to and approved in 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.

45. Within 6 months of the commencement of the development details of public art to be provided within the development shall be submitted to and approved in writing by the Local Planning Authority in the form of a Public Art brief. Such Public Art Brief shall include:

- a) Details of the proposed public engagement with the production of the artwork to be provided,
- b) Details of the location, type and form of such public art.
- c) A timetable for the manufacture and installation of the public art within the development, and
- d) Details of the arrangements for the ongoing maintenance thereof.

The public art shall be implemented, retained and maintained in accordance with the details approved by the Local Planning Authority unless otherwise agreed by the Local Planning Authority in writing.

Reason: In the interest of ensuring the most appropriate locations for public art are secured in the interest of good planning and urban design.

Notes

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. 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, which were found to be acceptable and permission was granted
- The applicant was provided with the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

3. This grant of permission does not give any legal right to carry out the development on, over or under the land of another person or contrary to the rights of any such person. If there is any doubt, the applicant should seek his/her own independent legal advice before implementing the planning permission.

4. This grant of permission does not give any legal right to disturb or divert any Public Right of Way at any time without the express permission of the Highway Authority. No furniture may be erected on or across the Public Right of Way without the express consent of the Highway Authority.

5. In accordance with BS5489, in new streets where trees are to be planted the lighting should be designed first and planting sites fixed afterwards. However no lighting is required in unlit rural areas.
6. Any works that have the potential to affect an existing water course or ditch's ability to convey water will require the formal written consent of KCC. It is advised that the applicant contacts flood@kent.gov.uk prior to undertaking any works that may affect and watercourse/ditch/stream or any other feature which has a drainage or water conveyance function.
7. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approve dplans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

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 16/00045AS.

Contact Officer: Katy Magnall

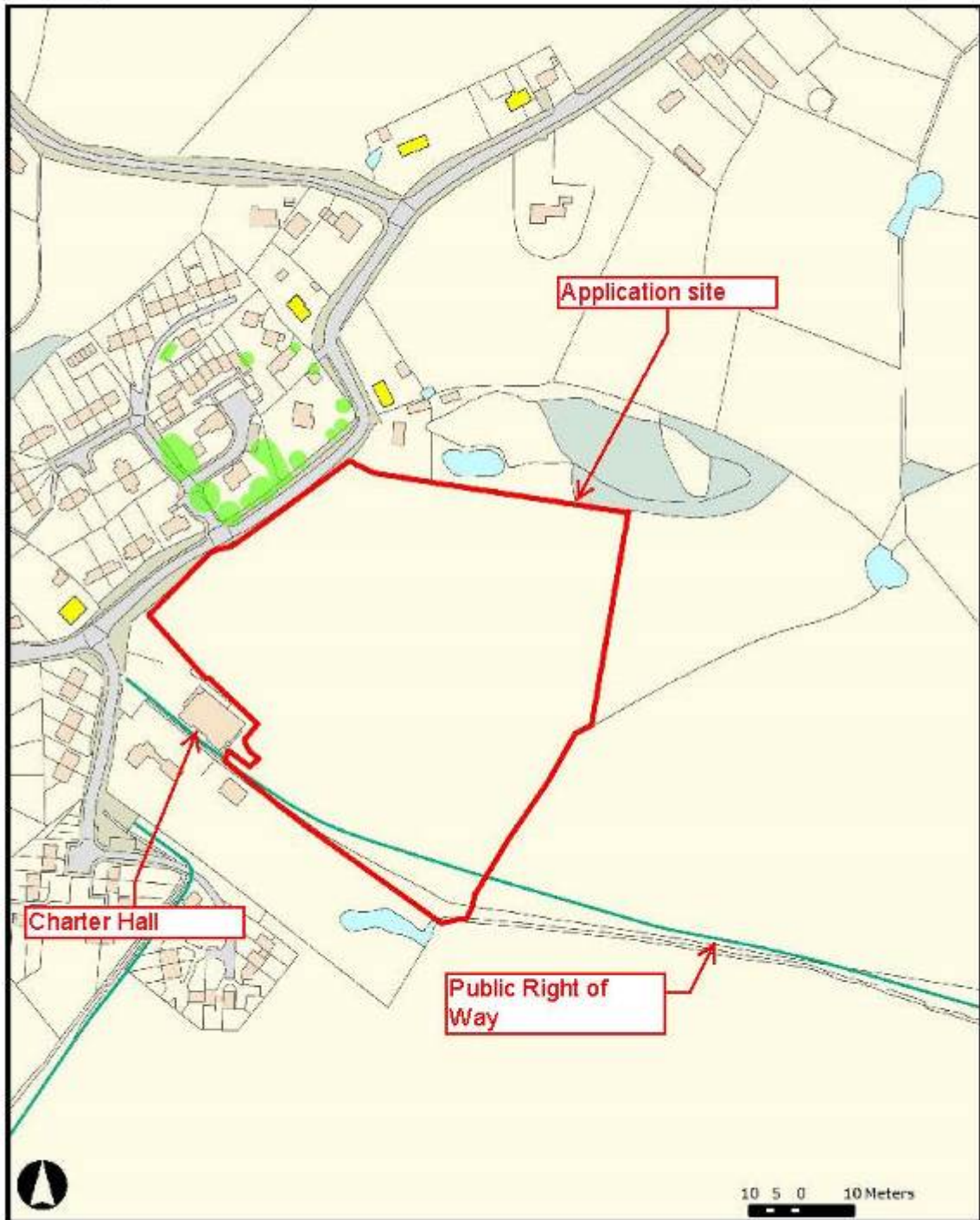
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Annex 1



Ashford Borough Council



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