

Application Number	16/00303/AS
Location	Land between Canterbury Road and Lees Road, Brabourne, Kent
Grid Reference	08309/40778
Parish Council	Brabourne
Ward	Saxon Shore
Application Description	Outline Planning Application for up to 125 residential dwellings at land east of Lees Road, Brabourne Lees (including up to 35% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Lees Road and associated ancillary works. All matters to be reserved with the exception of main site access.
Applicant	Gladman Developments Ltd
Agent	Gladman Developments Ltd
Site Area	9.65 Hectares

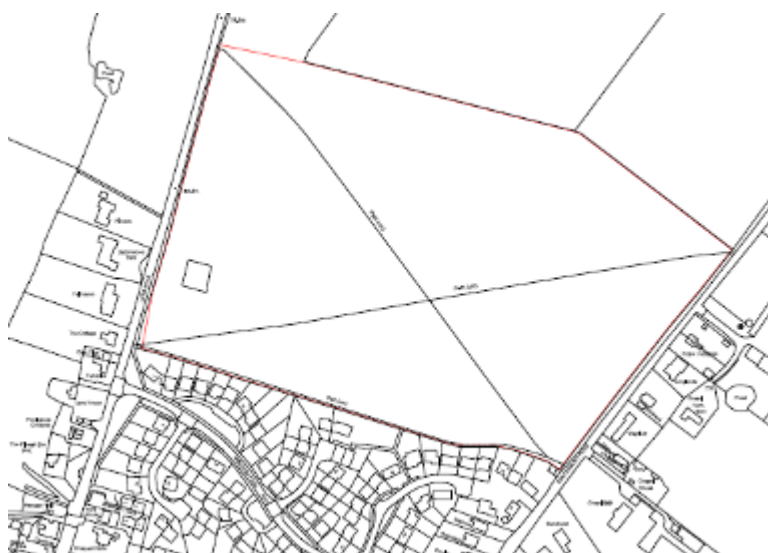
(a) 62/239R/1S Petition/573R	(b) Brabourne R (Adj) Smeeth R	(c) KH&T – R, Police – X, ABC (SUD'S) – X, KCC (SUD'S) – X, SW – X, EHM – X, KWT – R, KCC (ECO) – R, SW – X, KCC (DC) – X, ABC SSOS – X, AONB – X, CPRE – R, KCC (ARCH) – X, KCC (PROW) – X,
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Introduction

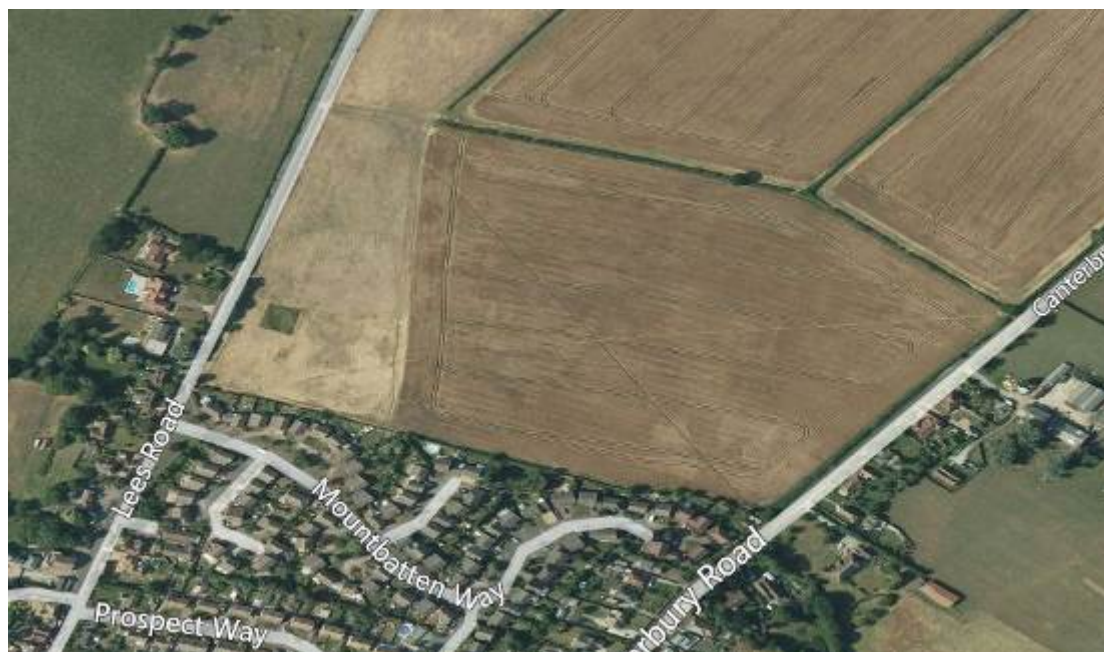
1. This application is reported to the Planning Committee because it involves the erection of more than 10 dwellings and therefore is classified as a major development that requires determination by the Planning Committee under the scheme of delegation.

Site and Surroundings

2. The application site is countryside located on the northern edge of Brabourne Lees and comprises an agricultural field measuring approximately 9.65 hectares. The boundaries of the site primarily comprise native hedgerows, with some mature trees. A pond is located in the south-west of the site
3. The western edge of the site is bounded by Lees Road. The southern edge of the site is bounded by the rear gardens of existing homes at Mountbatten Way (built in the 1980's). The eastern boundary of the site is Canterbury Road. The northern boundary abuts further land in agricultural use. An extract from the applicant's site plan is shown below.



4. The annotated aerial image below places the application site in visual context.



5. The main settlement of Brabourne Lees lies to the southwest, south and south east of the site. It is served by a small general convenience store, 3 pubs, two garages, 2 primary schools, a village hall and two churches. A site location plan showing the wider area is attached to this report as **Annex 1**.

Proposal

6. The application seeks outline planning permission for a residential development of up to 125 dwellings with all matters reserved for future consideration apart from the main site access. An extract from the applicant's Development Framework plan is shown below and identifies (with a blue arrow) the 'proposed vehicular access' into the site from Lees Road and (with a magenta arrow) a 'proposed emergency access point'. The former access is synonymous with the reference in the application description to 'main site access'.



7. This application seeks to establish the principle of residential development on the site and the detailed acceptability of the main site access. The applicant's Proposed Access Strategy identifies that a 5.5m wide carriageway is proposed as the connection with Lees Road. This would have a 2m wide footway on either side. At the junction with Lees Road, the northern footway would wrap around the junction radius and then cease. The southern footway would similarly wrap around the junction radius. Outside the defined application site - and appearing to fall within the extent of the public highway – the Strategy suggests the creation of a 2m wide footway to be created along the eastern side of the Lees Road carriageway in a southerly direction to a point of connection with that which presently ceases just to the north of

Mountbatten Way. The proposed arrangement is shown in the drawing extract below. The impact on vegetation is unclear, but some impact can be inferred from this plan.



8. In support of the application, a number of documents have been submitted which are summarised below:-

Transport Assessment (TA)

- The development proposes that vehicular access is proposed to be taken from Lees Road, designed in accordance with the Kent Design Guide for a Major Access Road
- An emergency access is also proposed to the eastern boundary of the site connecting with Canterbury Road.

- The TA assesses the impact of the traffic generated by the new homes upon four junctions in the vicinity of the development site.
- The proposed development is estimated to generate 151 movements in the AM peak period (08:00 – 09:00) and 167 movements in the PM peak period (17:00 – 18:00) across the four junctions. The applicant's case is that the capacity assessment carried out demonstrates that the existing local highway network would be able to accommodate the traffic likely to be generated by the development, without detriment to highway safety, congestion or risk of delay.
- The TA concludes that the site is well connected to the adjacent highway network via the three public right of ways that cross the site. The intention is to enhance these connections and perhaps upgrade them to facilitate cycle use to further improve the permeability of the site from the surrounding movement network.
- The TA contends that the proposal complies with local and national planning policy and guidance with respect to sustainable accessibility, safety and impact on the highway network. As a result, it is suggested there are no highways or transportation related reasons as to why planning permission should not be granted.
- An addendum to the TA has more recently been submitted in the form of a Technical Note seeking to deal with concerns raised by KH&T. This states that:
 - The applicant is willing to provide funding, or accept a planning condition, which requires the conversion of a grassed section of verge on Mountbatten Way to footway in order to ensure that continuous pedestrian provision is afforded between the site and local amenities.
 - There is also a willingness from the applicant to fund the provision of a footway in the eastern verge Lees Road, where one is currently not provided. Notwithstanding this, given the volume of traffic using Lees Road it is suggested that most pedestrians would be comfortable sharing the road space over this short section or crossing to the existing footway on the western side.
- The Technical Note has demonstrated that further capacity assessment should not be required at the additional junctions identified by KCC, as it is unlikely that the addition of the development traffic would be perceivable. In capacity terms the additional traffic forecast could not be considered to have a 'severe' impact on the highway network.

- The appraisal of accident data for the increased study area concluded that the junction of the A20/Church Road/Station Road junction has experienced a discerning number of accidents over the 5 year study period. Injury accidents recorded suggest that there are no design or safety issues in other locations.
- The applicant is willing to mitigate the impact of the scheme on the local highway network, including, if necessary the A20 junction. Suggested improvements include improved maintenance programme for the vegetation, removal of the vegetation or additional road signs.

Flood Risk Assessment & Outline Drainage Strategy

- Information identifying that the site is located in Flood Zone 1 and is therefore considered to be at very low risk of fluvial flooding
- Surface water is proposed to be attenuated via a strategy involving below and above ground elements, the latter being an attenuation pond located in the south-eastern corner of the site.

Archaeological Desk-Based Assessment

- The applicant has submitted a desk based archaeological assessment for the proposed development. The assessment states that there are no designated archaeological assets on the site and none in the immediate vicinity of the site.
- There is a potential for isolated Prehistoric and Roman artefactual evidence, and localised 19th century building remains of local archaeological interest within the site, and a low potential for all other archaeological evidence. In conclusion it is considered that there is no archaeological constraint to the residential development of this site.

Ecological Appraisal

- The site comprises one large field compartment under arable cultivation. Hedgerows largely form the site's boundaries with a number of mature trees and dry ditches in association with these. The on-site pond, mature trees and hedgerows bounding the field are considered to be of value to local wildlife.
- Four badger latrines were recorded during the initial site visit, however only sub-optimal foraging and commuting habitat exists within the boundary. It is recommended that further surveys are completed two months prior to the commencement of the construction phase.

- No bat roosting habitats were identified and commuting and foraging were largely restricted to the on-site pond, hedgerows and trees. Seasonal surveys have currently identified low numbers of bats using the linear habitat features.
- Suitable reptile habitat on-site is isolated and limited to the hedgerow bases and grassland surrounding the on-site pond. In respect of any suitable habitat that would be lost, a passive displacement exercise would be undertaken between late-March to early-October, grassland and other ground flora would be managed to encourage displacement.
- The proposed development would strengthen habitat links across the site and into the wider area and increase foraging potential with the additional planting of native species. New habitats would include native hedgerows and grassland with structural and floral diversity, which would benefit invertebrates, reptiles, amphibians and mammals.
- The proposed development is considered to have a long term beneficial effect on the conservation value at a site level.

Current and Future Sustainability

- Brabourne Lees is considered to be a successful and sustainable settlement that is well positioned to accommodate additional housing. The village is an attractive place to live and offers activities for the community to engage in and access to a key range of services.
- Despite this, analysis of the socio-economic sustainability of Brabourne Lees has found that there has been an overall decrease in the population of Brabourne Lees during the inter censal period, the population is ageing and the number of children in the village has fallen.
- The proposed development would therefore help to enhance the economic viability of Brabourne Lees, and, in turn, that of Ashford District. This would be achieved by attracting more economically active residents to Brabourne Lees.

Preliminary Risk Assessment

- The study area was historically used for agriculture with two former ponds present.
- Potential contamination sources affecting the study area are identified as heavy metals, PAHs, sulphate, hydrocarbons, unknown inorganic/organic compounds and gas

- The report recommends that any grant of permission should be subject to a phase II intrusive survey being carried out across the study area.

Design and Access Statement (DAS)

- In order to deliver a high quality 'place' which is sustainable, safe and attractive, the masterplan and DAS provide for a high quality built and landscaped design that would incorporate 'best practice' principles.
- In order to deliver a mix of housing across the site, a range of house types, densities and sizes, is proposed.
- In order to be sympathetic, this application proposes a residential development, which would be in keeping with the local vernacular.
- The proposal is considered to protect and enhance the existing site ecology and biodiversity, and where possible provide gains across the site by enhancing boundary hedgerows, increasing habitat potential, creating pond and wetlands and grassland areas.
- The proposal would maximise connectivity to the existing settlement and to the wider surrounding area and promote accessibility for the whole community.
- The applicant has assessed the scheme against Building for Life 12 and considers that it would score 12 greens on the assessment methodology.

Travel Plan

- The development proposals, particularly vehicular, pedestrian and suggested cycle connections conform to national and local guidance. The design of the access road itself is also compliant with Kent Design Guide parameters, so far as to the point where the design terminates at this 'outline' stage.
- The site is considered to be in a sustainable location where a number of local primary schools and a range of local amenities would be within nationally recognised acceptable walking and cycling distances. The local bus services provide connections to some of the main urban centres in the area therefore making bus travel a viable option.

Renewable Energy Statement

- The applicant's strategy is based on an improvement in standard energy efficiency to meet Part L of the Building Regulations 2013. Full details of how the scheme would fully achieve any Part L Building Regulation targets

can only be confirmed at detailed design stage but would encompass a 'Fabric First' approach and would include the following;

- Increase insulation
- Reduce the effects of thermal bridging
- Effective air tightness
- Improved controlled ventilation
- Energy efficient lighting

Utilities Statement

- Initial Investigations have not highlighted any concerns or engineering difficulties with servicing the proposed development with new gas, water, electric or telecommunication connections. No engineering difficulties are anticipated for the required connection works.

Landscape and Visual Appraisal

- The development proposals have considered many aspects, including, the location, extent, siting and height of the built development. Other additional measures considered have included the use of landscape areas. The consideration of residual effects also incorporates mitigation measures. In the longer term, any adverse effects would reduce further through the maturing of the proposed landscape proposals and weathering of built fabric.
- The site's landscape is currently considered to contain few features of intrinsic interest or value and is also influenced by existing urban influences through its association with the existing edge of Brabourne Lees. The site largely comprises of arable fields with boundary hedgerows, some trees, field pond and drainage ditches.
- The appraisal concludes that there would be no overriding or significantly adverse effects that should preclude the proposed development on landscape and visual grounds. It is considered that a high quality urban design solution can be delivered on the Site which is in keeping with best practice.

Planning Statement

- The application is made in the context of the government's requirement to boost housing land supply and responds specifically to the pressing need identified in Ashford Borough to deliver additional market and affordable housing.

- The applicant contends that whilst the positive determination of the application should not rely on a five-year housing land supply shortfall, the proposal does respond positively to the identified lack of a five-year land supply in Ashford Borough, as well as the identified backlog of housing requirements and ongoing need for housing in the district.
- In conclusion, the applicant considers that there are no material considerations or adverse impacts which significantly and demonstrably outweigh the benefits which would flow from the proposed development.

Assessment of Five Year Housing Land Supply

- The applicant considers that the Council have persistently under-delivered against the Core Strategy requirement of 1,118 dwellings per annum back to 2006/7 and against the June 2015 OAN requirement of 727 dwellings back to 2011/12. It is considered that due to the persistent under delivery, the Council can only demonstrate a 3.94 year housing land supply against the June 2015 OAN requirement.

Statement of Community Involvement

- The applicant has taken a proactive approach to pre-application consultation and engagement with Councils, statutory bodies and local communities in order to fully understand and consider relevant planning factors which could influence the nature or approach to the proposed development.
- Having considered the Council's Statement of Community Involvement, Gladman Developments Ltd completed a comprehensive programme of stakeholder engagement which they considered appropriate for the proposed development on the site.

This included the following:

- Discussion with Borough Council Officers
- Pre-application stage consultation with:
 - Highway Authority
 - Brabourne Parish Council
 - Kent County Council
 - Existing Residents
 - Environment Agency
 - Utility Providers
- Engagement with the local community
- 'Your-views' website

Built Heritage Statement

- There are no built heritage assets within the site. The heritage assets within the vicinity of the site have been identified and assessed.
- Bircholt Corner (Grade II), shares a degree of inter-visibility with the site, largely limited to the site's northwest corner up to the prominent ridgeline. Existing modern development formed by housing at Mountbatten Way is already appreciable within views of the Grade II listed Bircholt Corner, principally from Lees Road looking south towards the village, as well as from the listed building itself, thus grounding the building within a wider existing modern build context.
- The proposed development scheme is therefore considered to be in accordance with the NPPF and local planning policies relating to the historic environment.

Planning History

9. The following applications are of relevance to this application:

15/01501/AS	Change of use of land for the keeping of horses, erection of a stable block with hard standing, fencing and access track – this application was viewed by the Council as being invalid and is currently the subject of an appeal to the Planning Inspectorate.
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Consultations

Ward Members: The two Ward Members are not members of the planning committee.

One of the Ward Members, Cllr Howard, has raised the following objection:

- Contrary to adopted development plan
- No justification for application outside of land supply
- Unsustainable
- Adversely affect the character and visual amenity of the site
- Increase in traffic in peak hours
- Increase of 20/30% in village size is too large scale
- Loss of historic community recreation

Brabourne Parish Council: Object, stating:

- The development breaches current adopted development plan policy, the developer relies purely on an assertion that Ashford Council has not got a 5-year supply of housing and certain policy implications follow from this.
- The adverse effects significantly and demonstrably outweigh the cited benefits.
- An increase in the village's housing and population by between 20-30% would lead to social cohesion problems and unacceptable impacts on local community facilities.
- Major outward urban expansion of the village towards the Kent Downs Area of Outstanding Natural Beauty would cause significant landscape and visual impacts.
- The significant increase in traffic through the village would lead to congestion and serious highway safety problem through the increased use of narrow rural roads and substandard, dangerous junctions between the site and the A20.
- The loss of the land as an important recreational asset which the local community uses extensively.

Smeeth Parish Council (Adj.): Object and state as follows;-

'At the annual meeting of Smeeth Parish Council on 11 May 2016 it was resolved to object to the above application on the following grounds.

The Borough Council's current Local Plan fully meets Central Government's requirements with regard to housing provision within the Council's area generally and in particular within the Council's rural area and accordingly there is no requirement for this development to be approved to meet Central Government targets.

In the Borough Council's recent "call for sites" the land under consideration was not submitted as a potential development site and should not now be considered as such.

The proposed development is on the edge of the village of Brabourne and is contrary to planning policies on the protection of the countryside. It is adjacent to the Kent Downs, a designated Area of Outstanding Natural Beauty, and would have a serious detrimental visual impact in respect of that area.

The proposed development would give rise to a very substantial increase in vehicle movements out of and into the villages of both Brabourne and Smeeth. An estimate of upwards of 500 additional movements per day is considered possible. There are

already several “pinch points” on the main routes serving the villages and the additional vehicle movements resulting from the development would severely exacerbate existing problems. The three road junctions onto the A20 which serve the villages all require more than average care in their use and one in particular (Smeeth crossroads) is considered to be particularly hazardous. The additional vehicle movements associated with the development would increase existing risks to unacceptable levels.

The proposed development represents an increase in the number of houses in Brabourne of around 20% and represents a similar potential percentage increase in the number of residents. This would almost certainly lead to unmanageable impacts on a variety of local facilities such as schools and doctors surgeries. The proposals must be regarded as unsustainable development in its fullest sense and are therefore unacceptable.’

Environmental Health Manager: No objection subject to condition.

Southern Water (SW): Identify that the needs generated by the proposal cannot be accommodated without the development providing additional local infrastructure. Suggest this is dealt with by means of a planning condition and an informative attached to any grant of planning permission. Identify that there are no public water sewers in the area to serve the development and that alternative means of draining surface water than disposal to a public foul sewer are required. The use of SUDs is noted: SW point out that this would not be adopted by sewerage undertakers and that any SUDS installed will need long term maintenance arrangements to be put in place.

KCC (Lead Local Flood Authority (LLFA)): No objection subject to conditions.

Project Delivery Engineer (Drainage): No objection subject to condition. However, requests that that the applicant should seek to achieve the ‘best endeavours’ run-off rate of 4ltrs/second/per hectare in order to provide a benefit in reducing surface water run-off compared with the current greenfield run-off rate which is well in excess of this rate. Investigation to provide extra attenuation capacity is therefore requested as part of detailed design. Comments that SUDs should be integrated within the main areas of development as the attenuation pond shown on the conceptual surface water management plan provides no significant benefit to the proposal development whereas the opposite would be the case with a more integrated approach. Any works that will potentially affect the existing watercourse / ditch will required formal written consent of KCC and in common with KCC’s comments as LLFA evidence would be required that the riparian owner of the receiving watercourse has agreed to all works with a management specification having been agreed.

Kent Wildlife Trust (KWT): Object and state as follows;-

'We have now reviewed the information submitted in the ecological appraisal and design and access statements. However, we would recommend that Ashford Borough Council do not approve this planning application without full species survey information being available. It is not acceptable for this survey information to be referred to condition.

It seems that a bat activity survey, great crested newt survey, dormouse survey and breeding bird survey have not as yet been submitted and this information is required in order to be able to assess the significance of the site for these species and also to assess the appropriate mitigation that would need to be applied. Mitigation for lost habitat for reptiles is referred to in the Design and Access Statement as "a passive displacement exercise" and this is unclear and needs to be clearly explained.

We would also suggest that, should Ashford BC be minded to approve this application once this information has been provided, that a mitigation strategy for bats and a lighting strategy, supported by condition at outline stage, should also be submitted.

Kent Wildlife Trust would like to submit a holding objection to this planning application, subject to the information being provided as described above.'

Kent Downs AONB Unit: No objection. Identify that the AONB boundary lies approximately 2km north/north-east of the application site. Make reference to the Kent Downs AONB Management Plan and that the site forms part of the setting of the AONB. Reference is made to paragraph 6.33 of the Council's Core Strategy that states that development located outside an AONB but which would have a significant adverse effect on the setting of the AONB should also be resisted'.

Identify that full consideration will need to be given to orientation, site layout, height and scale of structures and buildings and that the site layout must provide for significant tree planting between buildings with large trees within the built development and across the site being vital to ameliorate the impact of built form in views from the higher elevations of the Kent Downs.

Identify that the careful use of colours, materials and non-reflective surfaces, in particular pale colour render and pale colour weatherboarding should be avoided on north facing elevations.

Identify that restraint and care over the installation and use of street lighting, floodlighting and other lighting is necessary to prevent harm to the dark night skies of the AONB.

Identify the importance of extensive green infrastructure provision within and around the site including extensive tree cover between buildings as well as along the

northern boundary and landscaping using native species would be appropriate to landscape character.

KCC (Archaeology): No objection subject to condition. Note that the archaeological Desk Based Assessment identifies that the site may have been utilised for a short lived military encampment in the late 18th century and comment that this could be an important heritage asset and needs careful consideration. Recommend early site evaluation to clarify the extent of any remains. Make reference to later post medieval and modern activity to the east of the site and a former industrial use possibly having spread across the road in terms of possible debris and kiln waste.

KCC (Ecological Advice Service): Have reviewed the ecological information submitted with the application and advise that additional information is required prior to determination of the application. State as follows:-

ADDITIONAL SURVEYS

An ecological scoping survey has been submitted and it has made recommendations for Great Crested Newts, Dormouse and Bat activity surveys to be carried out. We advise that the surveys and details of any mitigation required must be carried out prior to determination of the planning application – this advice is in line with Government Circular (ODPM 06/2005)...

Carrying out all surveys prior to the determination will ensure that ABC can be satisfied that any mitigation required can be implemented if planning permission is granted.

BREEDING BIRDS

The submitted survey highlighted that there is potential within the site to be used by ground nesting birds and the proposed development will result in a loss of suitable habitat. We question why a breeding bird survey has not been recommended to enable ABC to fully understand the impact the proposed development will have on breeding birds.

We recommend that a breeding bird survey must be carried out prior to determination of the planning application.

REPTILES

The report has detailed that there is suitable habitat present within the site for reptiles but as there is only a small area of suitable habitat recommended that a precautionary approach is implemented prior to works commencing.

In theory we are satisfied with this approach but we advise that the proposed mitigation must be reviewed, and if necessary updated, once the GCN surveys have been completed. This is because the presence of GCN within the site may mean the precautionary reptile mitigation is not appropriate.

BADGERS

Evidence of foraging badgers has been recorded on site and the indicative landscape plan indicates that suitable foraging habitat will increase as a result of the proposed development.

However badgers are highly mobile animals and it is possible that a sett may become established on site prior to works starting (if planning permission is granted). If planning permission is granted we would expect an updated badger survey to be carried out prior to works commencing.

ENHANCEMENTS

One of the principles of the National Planning Policy Framework is that “*opportunities to incorporate biodiversity in and around developments should be encouraged*”.

The indicative site plan has demonstrated that there is a large area of green infrastructure proposed and it is likely that these areas will be able to incorporate ecological enhancements.

However ecological enhancements must be over and above any mitigation which is required. Until the above surveys are carried out we are unable to assess what enhancements will be incorporated in to the site.’

KCC (Public Rights of Way): Draw attention to public rights of way AE274, AE275 and AE276 that all pass through the proposed site. Raise no objection to the proposal on the basis that the applicant’s intention is to retain the paths on their existing alignments. Identify that as the application proposal would be likely to result in a significant increase in use of the paths, appropriate surfacing improvements will be required and KCC as the highway authority must approve the surfacing specification for the paths.

KCC Highways and Transportation (KH&T): Initially objected for the following reasons:

- The application would give rise to a form of development that would be over-reliant upon the private car.
- Absence of a local pedestrian audit that demonstrates that pedestrians moving in and around the site would be safe and the need for a highway definition search to ensure that a promoted scheme of improvement for pedestrian connectivity to

Lees Road can be delivered within land either owned by the applicant and /or local highway authority.

- The Transport Assessment submitted by the applicant outlines junction assessments for three junctions however KH & T require further assessments on surrounding junctions.
- KH & T require further crash analysis on the surrounding roads. The application would result in the intensification of use of Church Road/Station Road/A20 Hythe Road and this would need to be tested through a crash analysis.
- In terms of highway mitigation, KH&T strongly advise that the only acceptable form of mitigation to address the significant highway safety record at the junction of A20 Hythe Road/Church Road and Station Road would be to bring the junction under traffic signal control.

KH&T have subsequently withdrawn their objection after the applicant submitted a technical note on the 2nd June 2016. The following points are raised;-

- KH&T will undertake a scheme of works to the junction of Church Road/A20 Hythe Road in July 2016 that their Design Engineer concludes will address the cause of the longstanding safety record. The scheme of improvement to the junction of Church Road/A20 Hythe Road/Station Road is to alter the arrangement immediately to the west of the Station Road arm by permanently closing off the bus stop and implementing a section of verge with a slight vertical profile to prevent unwanted parking which adversely affects visibility for users exiting the Station Road arm of the junction. The Crash Remedial Measures team considers the safety improvement will appropriately address the crash safety problem at this junction.
- Further to the technical note provided by the applicant to KH&T, on the basis of the appraisal and evidence provided the local highway cannot substantiate a highway objection on the grounds of highway safety and/or on the grounds of sustainability, as the location is considered to endorse the principles of sustainability concerning access to everyday facilities by a choice of mode of travel.

Campaign to Protect Rural England (CPRE): Objects for the following reasons:

- Concerns about the impact of the development on congestion and road safety.
- Impact on landscape character and setting of the North Downs AONB by virtue of the fact that it is visible in views from the AONB.
- Insufficient survey information and potential negative impact upon biodiversity.

- Potential loss of best and most versatile agricultural land.
- Harmful Impact upon the historic setting of Bircholt Corner (a Grade II listed building).
- The site is considered unsustainable as it fails to:

Ensure the most effective use of land to meet the future development needs of Ashford Borough,

Demonstrate that the NPPF should be set aside, to use land of best and most versatile quality when alternative land of lower quality should be used in preference;

Adequately assess the potential impact on habitats and protected species;

Demonstrate that material harm to the character and function of landscape, and the setting of a historic building, is not significant.

Kent Police: No objection.

Neighbours: 62 neighbours directly consulted. 247 objections and 1 representation in support received. A petition containing 573 signatures of objection has also been received. The following issues have been raised:

Support Comments:

- The development will provide an increase in affordable housing

Objection Comments

- Single access onto the site.
- Dangerous increase of traffic on surrounding roads at peak times.
- Development will lead to increase in village by 30% which is unsustainable.
- Should focus on brownfield sites not greenfield.
- Lack of capacity in local schools & medical facilities.
- Contrary to Ashford's adopted development plan and planning policy.
- Outside the village envelope.

- The development would adversely affect the intrinsic character and visual amenity of the site which is within a designated Special Landscape Area.
- Negative impacts to local wildlife.
- Loss of prime agricultural land. (HDSS&D Note: The land is Class 3b land and thus not best and most versatile land)
- Community Led Plan for Brabourne has already outlined acceptable development.
- Concerns over flooding due to new development.
- The Council already has a 5 year land supply.
- Any shortfall in the 5 year land supply should not be made up by the expansion of unsustainable rural villages.
- The proposed open spaces and community facilities are inadequate and do not justify the scale of harm the development causes.
- Negative impact upon the Area of Outstanding Natural Beauty
- Rural housing targets are being met.
- This development would lead to the loss of a historic community recreation asset valued by the village.
- Potential archaeological site.
- Due to the topography of the site some properties at Mountbatten Way would incur an acceptable loss of privacy.
- Insufficient buffer between the development and existing homes.
- There is very limited local employment.
- There is very poor local public transportation.

In addition, a petition against the development with over 600 signatories has also been received.

Planning Policy

10. 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 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016. At present the policies in this emerging plan can be accorded little or no weight.

11. 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 settlements
EN12 – Private areas of open space
EN27 – Landscape conservation
EN31 – Important habitats
HG3 – Design in villages
LE5 – Equipped public open space
LE6 – Off-site provision of public open space
LE 7 – Play facilities
LE9 – Maintenance of open space
CF6 – Standard of construction of sewerage systems
CF7 – Main drainage in villages
CF21 – School requirements for new housing development

Local Development Framework Core Strategy 2008

CS1 – Guiding principles to development
CS2 – The Borough wide strategy
CS6 – The Rural Settlement Hierarchy
CS8 – Infrastructure contributions
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

- TRS2 – New residential development elsewhere
- TRS17 – Landscape Character and Design
- TRS18 – Important rural features
- TRS19 – Infrastructure provision to serve the needs of new development

Ashford Local Plan Version June 2016 (Draft)

- SP1 – Strategic Objectives
- SP2 – The Strategic Approach to Housing Delivery
- SP6 – Promoting High Quality Design
- HOU1 – Affordable Housing
- HOU4 – Residential Development in the rural settlements
- HOU5 – Residential windfall development in the countryside
- ENV1 – Biodiversity
- ENV3 – Landscape Character and Design
- ENV4 – Light pollution and promoting dark skies
- ENV5 – Protecting important rural features
- ENV6 – Flood Risk
- ENV7 – Water Efficiency
- ENV8 – Water Quality, Supply and Treatment
- ENV9 – Sustainable Drainage

- COM1 – Meeting the Community’s Needs
- COM2 – Recreation, Sport, Play and Open Space

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

Supplementary Planning Guidance/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

Sustainable Design and Construction SPD April 2012

Public Green Spaces & Water Environment SPD 2012

Dark Skies SPD 2014

Other Guidance

Informal Design Guidance Notes 1- 3 (2015)

Government Advice

National Planning Policy Framework 2012

13. 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 paragraphs 12, 14, 17, 32, 49 and 55 are of particular relevance and are set out below.

12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

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

17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

Bullet 5

- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;

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

onal Planning Policy Framework

- 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;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit 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.

49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.

Assessment

14. The main issues for consideration are:

- (a) Principle of development
- (b) 5 Year Housing Land Supply & the Tilden Gill appeal
- (c) Highways
- (d) Ecology/ Biodiversity
- (e) Flooding, water treatment and drainage
- (f) Residential Amenity
- (g) Affordable Housing/ Housing Mix
- (h) Planning Obligations

(a) Principle of development

15. The application proposes a development of up to 125 dwellings on a green-field site on the fringes of the built up area of Brabourne Lees. The site is not identified in the current or emerging Development Plan for development.

Neither has it been put forward for inclusion in the new Local Plan during the emerging Local Plan's 'call for sites' exercise in 2013/14. It lies in countryside where most new residential development is specifically resisted and, as this report explains, would result in impacts, which in my opinion would also be contrary to other Development Plan policies. I consider these impacts would be adverse in nature further making the proposed development unacceptable. The proposals would therefore represent a significant departure from the provisions of the adopted Development Plan.

16. 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.
17. 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;'
18. The proposal is an unallocated site and its development would result in a significant extension to a rural community (an addition of around 20% to the existing dwelling numbers within the village boundary), would not protect the countryside, landscape character or visual amenity and as an unallocated extension to the village, represents a significant departure from the adopted Development Plan and specifically with Policy CS1(C) above. The proposal would therefore conflict with CS1 of the Core Strategy.
19. Policy CS2 of the Core Strategy sets out the Borough Wide Strategy and formally states Ashford'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.
20. Policy CS6 of the Core Strategy sets out the rural settlement hierarchy. It identifies the allocation of sites for housing will be made through the Tenterden and Rural Sites DPD. The hierarchy is identified as being based on one focussing on settlements considered suitable for limited expansion. Policy CS6 specifically refers to Tenterden, Charing, Hamstreet, Wye and 'Tier 3' settlements. The composition of Tier 3 is confirmed as being one that will be finalised in the Tenterden and Rural Sites DPD. It should be noted that Brabourne Lees is not identified as a potential settlement for allocation in the DPD, nor is it identified as a rural service centre on Figure 1 of the Core Strategy.

21. The Tenterden and Rural Sites DPD reinforces Tenterden, Charing, Hamstreet, Wye as needing to be apportioned the majority of new housing development and identifies Tier 3 villages in which a limited amount of new development may be acceptable. Para.7.4 of the plan states that 'The scale and quantity of housing development proposed should be not out of proportion to the size of the settlement concerned and the level of services there in order to ensure a sustainable pattern of development is maintained..
22. Brabourne Lees is confirmed as not being a Tier 3 village and no site allocations are made. Para. 4.8 of the Plan states that "The Council believes that only the adoption of a carefully managed approach to the release of suitable land for development will ensure that change in the rural area occurs in a controlled and incremental way without significant harm to the countryside or the attractive nature and character of the Borough's settlements."
23. The application proposal would therefore conflict with Policy CS6 of the Core Strategy as;-
 - (i) the proposal represents a large-scale development, and
 - (ii) the proposal is not an allocation in an identified Tier 3 settlement.
24. Saved Policy GP12 of the Ashford Borough Local Plan 2000 applies to the Borough's villages and rural areas and states:

'To protect the countryside for its own sake, for its landscape and scenic value'
25. For the reasons set out in my assessment the application proposal would conflict with Policy GP12 as it would encroach upon the countryside and negatively impact upon the visual amenity of the countryside and its landscape and scenic value. Paragraph 55 of the NPPF has the effect of less weight being able to be given to Policy GP12 because of some inconsistencies between the two in terms of approaching planning in rural areas. However, this does not mean that Policy GP12 should be given no weight because the countryside in question has character and beauty (supported by defined National Character and Landscape Character Areas to which I refer later in this report) and thus falls within one of the core planning principle principles (bullet point 5) set out in paragraph 17 of the NPPF. Accordingly, some weight can still be given to the breach of Policy GP12.
26. Further to Policy CS6 of the Core Strategy, Policy TRS1 of the Tenterden and Rural Sites DPD lists Brabourne Lees as being a village where minor development or infilling will be acceptable within the built-up confines 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.
27. 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.”*
28. The built confines are defined in Policy TRS1 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”*
29. The application site is clearly outside of the built confines of Brabourne Lees and therefore outside the direct ambit of this policy. Moreover, the erection of up to 125 dwellings is not minor development or infilling. The 2011 census shows that there are 569 houses in the parish of Brabourne. The provision of the maximum applied for in the application – being 125 dwellings - would increase the number of homes in the Parish by around 20% which in a rural parish would represent a considerable increase.
30. Furthermore, in terms of the number of homes within the village envelope (part of which is in Brabourne and part Smeeth), 125 new homes would represent around a 20% increase.
31. It is my opinion that the scale and quantity of housing development proposed is out of proportion to the size of the settlement and that this would have significant adverse consequences on a number of factors discussed below. As a result, the scheme would fail to meet the criteria within policy TRS1 that seek to ensure that development can be easily integrated into the settlement or is of a scale appropriate to the character of the surrounding area.
32. Guiding Principles Policy CS1(I) of the Core Strategy requires a choice of easy to use forms of sustainable transport to serve development that would

generate a significant demand for movement. An additional 125 homes in a small rural settlement distant from the nearest urban centre and surrounded by countryside would create a significant demand for movement beyond the settlement that would be likely to be primarily met through private car journeys on the local movement network, particularly via the A20/Church Road /Station road junction. I consider the proposal would be contrary to Policy CS1 (I). It is for this very reason that the location of Brabourne Lees is one that led the Council, in preparing the Tenterden and Rural Sites DPD 2010, not to allocate any small-scale allocations of land for new development beyond the minimal level of development that might occur through ad hoc applications for minor development or infilling within the built confines.

33. Policy TRS2 of the Tenterden and Rural Sites DPD specifically applies and states that 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:
- a) It is an agricultural dwelling, justified by exceptional quality or innovative nature of the design of the dwelling,
 - b) it is a re-use or adaption of an existing rural building of architectural or historic interest, justified under policy TRS13, or,
 - c) it is a replacement dwelling that is justified under policy TRS3, or,
 - d) it is a 'local needs' scheme on an exception site justified under policies TRS4 or TRS5.
34. As none of the criteria above apply, the proposed development is contrary to Policy TRS2.
35. One of the elements of sustainable development is an environmental role. Paragraph 7 of the NPPF explains that this means contributing to protecting and enhancing our natural, built and historic environment. Paragraph 9 of the NPPF goes on to state that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment. In my opinion, development of the application site would harm the natural environment and therefore would undermine rather than contribute towards this element of sustainable development.
36. Paragraph 17 of the NPPF goes on to explain 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, and
 - Planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land).
37. In my opinion the proposals are not in accordance with the principles contained in paragraph 17 of the NPPF identified above. 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.
38. As the proposals represent around a 20% addition to the size of the settlement (in terms of homes forming the built envelope of the village) I consider that the proposed scale of development in this application considerably exceeds what can be considered to be appropriate new development beyond the confines of a village surrounded by countryside where prevailing planning policies seek to restrain new development to defined limits in order to protect the character and beauty of that countryside and the landscape of which the countryside forms part.
39. On 15 June 2016 the Council published the Local Plan to 2030 for consultation. This proposes a small housing allocation in Church Road, Smeeth in the location shown on the next page.



The site is considered suitable for up to 30 dwellings. The new plan also revises the considerations relating to housing development in the rural areas in the light of the NPPF and PPG, 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.

Therefore, the proposal would also not be in accordance with the emerging policy position set out in the draft Local Plan to 2030.

The above analysis demonstrates that the proposals are clearly contrary to the policies of the extant and emerging development plan.

(b) 5 Year Housing Land Supply & the Tilden Gill Appeal

40. 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.
41. 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.
42. 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 related 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 the edge of the built up confines 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 polices for the supply of housing should not be considered up-to-date.’

43. 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 .
44. 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.
45. 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.

(c) Highway safety

46. Paragraph 32 of the NPPF states the following;-

All developments that generate significant amounts of movement should be supported by a Transport Statement or 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.

47. Kent Highways and Transportation initially objected on the grounds of ‘*an unsustainable form of development*’ and ‘*severe impact of highway*’ and concluded that the development does not comply with the relevant provisions of the National Planning Policy Framework. The applicant has subsequently submitted a technical note addressing KH&T’s concerns. In light of this KH&T

have removed their objection on the grounds of highway safety and on grounds of the transport sustainability of the development.

48. To help mitigate the highway safety issue identified KH&T have designed a scheme of improvement to the junction of Church Road/A20 Hythe Road/Station Road to alter the arrangement immediately to the west of the Station Road arm by permanently closing off the bus stop and implementing a section of verge to prevent unwanted parking. The scheme is programmed for works on site to be completed in July 2016, It is considered by KH&T that these improvements will appropriately address the crash safety problem at this junction. As a consequence they no longer require modelling of other junctions in the vicinity.
49. The applicant will also be required to undertake footway improvements to Mountbatten Way and this can be dealt with by condition, details of which will be determined by Kent Highways and Transportation.
50. It is noted that a large number of residents have objected on highway safety grounds; however in the light of the advice from KH&T I have to conclude that there would be no issues of highway safety, capacity or transport sustainability that would warrant refusing planning permission, as potential highway issues can be mitigated via upgrades or conditions.
51. 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

52. 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 whilst Policy CS9 seeks 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.

53. The ecological surveys undertaken in support of the proposal demonstrate that there is a variety of wildlife in and around the site and that there is potential for breeding birds, reptiles, badgers, bats and dormice.
54. The KCC ecological service has requested additional surveys for breeding birds for consideration prior to determination of the planning application. Kent Wildlife Trust has requested that a bat activity survey, great crested newt survey, dormouse survey and breeding bird survey should be submitted for consideration before the application is determined.
55. I would have expected an applicant proposing development of the size envisaged to have properly carried out these surveys prior to application submission. The applicant is aware of these requests but has been unable to say when they will be fulfilled. Until the required assessments and any related mitigation proposals are submitted I am therefore unable to fully assess the impact of the proposed development upon biodiversity and I am not able to conclude that the proposals do not have an adverse impact on ecology. Therefore, as the application stands I do not consider that the proposal meets the requirements of Policies CS1, CS9 and CS11 of the Core Strategy, as well as paragraphs 109 & 118 of the National Planning Policy Framework.

(e) Affordable housing and housing mix

56. The application identifies that affordable housing is to be provided at a rate of 35% in accordance with the approach in Policy CS12 of the Core Strategy. The proposal, in those specific terms, is therefore acceptable.
57. Policy CS13 of the Core Strategy identifies the need to maintain and extend the range of dwellings to increase local housing choice, respond to emerging need and to promote the creation of sustainable communities. The applicant has submitted the following indicative housing mix:-

Housing Type	2 Bed Apartment	2 Bed Mews	3 Bed Mews	3 Bed Semi detached	4 Bed Detached	5 Bed Detached
Affordable Housing Mix	9	18	18			
Market Housing			12	6	49	13

58. I consider that the proposed mix would be a reasonable one – covering a span of smaller homes through to larger detached family-sized properties - and would be acceptable against the requirements of Policy CS13.

(f) Flooding, water treatment and drainage

59. Southern Water identify that subject to the applicant funding the necessary infrastructure upgrades, the site can be serviced in terms of foul sewerage. The proposal is therefore one that can be made acceptable pursuant to the provisions of Policy CS21 of the Core Strategy.
60. A Flood Risk Assessment and Outline Drainage Strategy have been submitted in support of the application as assessed by KCC and this Council working together. The Flood Risk Assessment indicates that the site is in Flood Zone 1 (1 in 1000) and therefore is of very low risk of fluvial flooding. The development would not result in any reduction in flood plain storage compared to the existing situation. Accordingly, the proposal is acceptable against the provisions of Policy CS19 of the Core Strategy.
61. In considering the potential drainage options for the site at present it is assumed that surface water runoff arising from the development would discharge into the existing ditch in the south east corner of the site before entering a culvert under Canterbury Road. 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.
62. Both ABC and KCC 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 4ltr/second/hectare to provide a benefit in reducing surface water run-off as part of this application compared with the current greenfield rate. Furthermore, the applicant's strategy involves a significant below ground element prior to discharge into an above ground attenuation pond and I agree with the comments made by KCC and ABC Drainage that a more overt above ground system would be required to be delivered through a development of the site. That approach would accord with best practice as set out in the Council's Sustainable Drainage SPD due to the other planning benefits that would accrue in terms of biodiversity and habitat. Therefore, a layout of the site would need adjustment to reduce run-off rate and deal with run-off in an acceptable manner. Both have the capacity to reduce the available land for residential development. Nevertheless, the 125 home proposals represent a maximum parameter in the outline planning application which development fine detail might not be able to achieve. Subject to that caveat, which in any grant of planning permission would need to be identified as an informative to guide development fine detail, the proposal would accord with the provisions of Policy CS21 of the Core Strategy.

(g) Residential amenity

63. The application site backs on to the existing residential estate of Mountbatten Way and is flanked by Lees Road on one side and Canterbury Road on the other side. It is obviously important that the proposed development would not harm the living conditions of the occupiers of these neighbouring homes.
64. The indicative master plan shows the site being heavily buffered and landscaped to help mitigate its impact upon the existing residential areas. Along the western edge of the site the closest proposed residential dwelling is approximately 50 metres away from an existing dwelling, the applicant also proposes to plant trees to mitigate this. On the eastern edge of the site the closest dwelling is approx.40 metres away and the distance between is also heavily buffered.
65. The southern boundary of the application site would have an interface with a number of rear gardens of homes at Mountbatten Way. The indicative master plan shows homes arranged facing on to a circuitous main street. An image from the Design and Access Statement is shown below to illustrate.



66. The applicant is proposing planting along this southern boundary with Mountbatten Way creating a green buffer corridor of approximately 10 metres as the extract from the Design and Access Statement below illustrates;-



Although homes shown on the illustrative master plan would have frontage facing towards property rears (rather than a typical home/rear garden/rear garden/home relationship with at least 21m between each rear elevation), providing the layout ensures an acceptable level of privacy is maintained between existing and proposed habitable room windows and the most private rear external area of gardens (tending to be the area immediately to the rear of habitable accommodation) then a front facing rear relationship may be acceptable but would need to be assessed in detail at detailed design and layout stage. Again, the applicant's figure of 125 homes represents a maximum parameter that may not be able to be realised in full. Subject to that caveat, there is no reason to suggest that homes developed at the site proposed could not be accommodated with a frontage facing southwards without giving rising to an adverse impact on the amenities of neighbouring occupiers at Mountbatten Way.

(h) Visual quality / landscape impact

67. Policy CS1 of the Core Strategy seeks to protect the character of the countryside, landscape and villages from the adverse impacts of growth.

68. Policy TRS17 of the Tenterden and Rural Sites DPD 2010 seeks to ensure that the design of development in rural areas is such that landscape character is protected and enhanced with particular regard being had to habitats, pattern and distribution of footpaths and any guidance in a landscape character Supplementary Planning Document. The policy requires existing features that are important to local landscape character to be retained and incorporated into a proposed development.
69. Policy TRS18 of the Tenterden and Rural Sites DPD 2010 seeks to protect, and where possible enhance, features in rural areas such as rural lanes that have a landscape importance as well as public rights of way.
70. The proposed development would result in a fundamental adverse change to the character of this site. It is located on the rural edge of Brabourne Lees and plays an important role in providing a buffer between the countryside and the existing village. The site lies in the National Character Area (NCA) 120 Wealden Greensand prepared by Natural England. This NCA contains Statements of Environmental Opportunity (SEO) to guide protection of / reinforcement of character. SEO 1 and SEO4 include conserving and enhancing historic landscape character, tranquillity and sense of place together with reinforcing landscape character and local distinctiveness.
71. The site also falls within the defined 'Brabourne Farmlands' Landscape Character area in the Council's Landscape Character SPD with strong views from the site to the Area of Outstanding Natural Beauty (AONB) and the Kent Downs located therein.
72. The Brabourne Farmlands Landscape Character Area is defined by a gently undulating landform which forms part of the immediate foreground and setting of the Kent Downs AONB. There is a distinct sense of place and a high landscape sensitivity provided by that undulating landform. Dramatic, panoramic views of the Kent Downs are available throughout the landscape character area.
73. The area provides a network of ecological opportunities with its robust hedgerow network. Overall the landscape is in moderate condition and the planning approach identified for this highly sensitive landscape is one seeking to conserve (and wherever possible restore) the landscape and conserve the rural and undeveloped undulating foreground to the Kent Downs AONB. The site retains a rural character in terms of its land use, its visual character, its landscape pattern and land cover and it has a strong relationship with the wider Brabourne Farmland Character area to the north.
74. Planning Policies of the Ashford Borough Local Plan 2000 seek to protect the countryside for its own sake, for its landscape and scenic value (as I have identified at paragraph 25 of this report, some weight can still be afforded to

Policy GP12) and resist development proposals that would damage significantly landscape features or important views which contribute to the settings and entrances of towns and villages (Policy EN9).

75. The scale of the proposed development in the context of the rural settlement of Brabourne Lees is an important consideration in an assessment of impact on landscape character. A 125 home development would represent a significant extension of built development at the expense of countryside forming the settlement edge. Given the proximity, from within the AONB, the site and the northern edge of Brabourne Lees are clearly visible from a number of viewpoints in views southwards.
76. The site currently has two public rights of ways crossing the field in an 'X' pattern with a third running along the southern edge of the site. This historic arrangement provided for direct pedestrian connections between Lees Road and Canterbury Road which are typical examples of roads aligned perpendicular to the Kent Downs. The existing settlement edge formed by the Mountbatten Way estate between these two roads contributes little to local distinctiveness and sense of place. The application site, in agricultural use, does however have a strongly rural character contributing to landscape character and has a visually open 'big field' quality allowing expansive views towards the Downs. The public rights of way now represent the start of the countryside on the northern side of the village and have an open – as opposed to an enclosed - character. I consider that this is pleasing to users of the public rights of way – particularly those accessing the land from the settlement - as it enables appreciation of the undulating landscape character within which Brabourne Lees is situated and it enables panoramic views northwards to the Kent Downs.
77. The illustrative master plan retains the alignment of the public rights of way crossing the site unchanged – and thus has not attracted objection from KCC Public Rights of Way – but it would place each route within a corridor flanked with dwellings both new and existing. In so doing, the proposal would fundamentally and adversely change the user experience of these public rights of way and concomitant landscape appreciation as a result of the loss and disruption of the expansive views offered along each route. Each of the public rights of way concerned would also lose their existing pleasing visual openness with the landscape beyond the broad alignment of the route on the ground. They would, in effect, become an enclosed suburban walk which I do not consider to be acceptable given the context of the site. Moreover, each arm of the 'X' public right of way movement pattern would be further altered in character by being crossed by a circuitous main access street/road. This would further erode the routes' pleasing rural and tranquil character. KCC PROW has also referred to the possible need for the PROW to be surfaced, again eroding their current qualities.

78. The proposal does not in my opinion demonstrate a sensitive approach to development at the settlement edge near to the AONB. The scale of development proposed would represent a significant incursion into open countryside forming the entrance to, and northern setting of, Brabourne Lees with an adverse effect on rural character. The scale of development proposed would, by its nature, also give rise to a significant increase in vehicle traffic on the road network serving this part of the village. The highway safety aspects and sustainability aspects of that increase is dealt with elsewhere in this report. The increase would, in turn, adversely affect the tranquillity of this part of the NCA and the countryside around Lees Road running through it from where main access connection is proposed and so would be contrary to the advocated approach by Natural England in terms of protecting and reinforcing character.
79. In my opinion, the approach taken in the illustrative master plan in support of accommodating 125 homes on the site is one that is simplistic. It appears to seek to minimise objections to the proposal by working around the alignment of the public rights of way without questioning whether that approach is appropriate in terms of generating a layout that would fit well with the morphological context of the settlement. There is no evidence of a proper Urban Design analysis of this context of the site having been carried out in this respect. Although layout is reserved, I consider that the applicant's indicative masterplan approach in support of the proposed 125 homes would be likely to create a contrived and visually odd extension of the settlement into the countryside to the detriment of the pleasing undulating landscape and the setting of the AONB. As I have identified further above, the applicant's attempt to work around the alignment of public rights of way through incorporating them into green areas of the layout is one that I do not consider to be acceptable.
80. Accordingly, I conclude that the proposal would have a significant adverse impact on the character of the undulating and sensitive landscape forming the setting of, and northern entrance to, Brabourne Lees as a result of the scale of development proposed, its adverse impact on the expansive views currently available from the site to the Kent Downs and the way in which the development would adversely affect the visual qualities enjoyed by users of public rights of way crossing the site allowing full appreciation of the landscape and the AONB beyond. The proposed layout would represent a contrived form of development out of context with the existing settlement and the scale of development would disrupt the pleasing tranquillity of the countryside around this part of Lees Road through the numbers of vehicle movements that a 125 home scheme would create and which would be served via that road. The proposal would therefore be harmful poor quality development of the type that Policy CS1 of the Core Strategy, Policies TRS17 and TRS18 of the Tenterden and Rural Sites DPD 2010 and Policies GP12 and EN9 of the Ashford Borough Local Plan all seek to guard against.

(i) Planning obligations

81. 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

82. 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)	
1.	<p>Affordable Housing</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 (if any), 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</p>	<p>43 Affordable Units</p> <p>Breakdown to be agreed at Reserved Matters Stage</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>

1.41

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
2.	<p>Carbon Off-Setting Contribution</p> <p>Contribution for funding carbon savings (excluding infrastructure) based on the residual carbon emissions of the dwelling or building set out in the approved energy performance certificate and quantified over 10 years</p>	<p>To be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD</p>	<p>Payable on the occupation of each dwelling</p>	<p>Necessary in order to ensure the development is carbon neutral pursuant to Core Strategy policies CS1, and CS10 (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>
3.	<p>Primary Schools</p> <p>Towards the new Finberry Primary School at Finberry</p>	<p>£4,000 per dwelling</p>	<p>Half the contribution upon occupation of</p>	<p>Necessary as no spare capacity at any primary school in the vicinity</p>

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
(Cheeseman's Green)		25% of the dwellings and balance on occupation of 50% of the dwellings	<p>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 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</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				on small 1-bed dwellings or sheltered accommodation specifically for the elderly.
4.	<p>Secondary Schools</p> <p>Phase 1 Norton Knatchbull School Expansion</p>	£2359.80 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as no spare capacity at any secondary school in the vicinity and pursuant to Core Strategy policies CS1, CS2 and CS18, 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 secondary school and the facilities to be funded 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 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
5.	Libraries Towards the additional bookstock required to meet the demands of the additional borrowers from this development	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	Necessary as more books required to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF. Directly related as occupiers will use library books and the books to

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>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>
6.	<p>Community Learning</p> <p>Towards additional equipment, namely IT dongles, mobile projector and tablets</p>	£34.45 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as more books required to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books to be funded will 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 because amount calculated based on the number of dwellings
7.	<p>Youth Service</p> <p>Towards the conversion works at the North Youth Centre in Ashford</p>	£27.91 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as more books required to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				extent of the development and because amount calculated based on the number of dwellings
8.	<p>Adult Social Care</p> <p>Towards the Age UK community resource day centre for the disable at Farrow Court, Ashford</p>	£77.58 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as more books required to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books 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>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
9.	Sports – Outdoor Pitches	<p>£1,324 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</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> <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)	
10.	Informal/Natural Green Space Project	£362 per dwelling for capital costs £325 per dwelling for maintenance		<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 informal/natural green space and the space 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)	
11.	Children's and Young People's play Project	£649 per dwelling for capital costs £663 per dwelling for maintenance		<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 children's and young people's play space and the play space 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)	
12.	Allotments Project	£258 per dwelling for capital costs £66 per dwelling for maintenance		<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, Urban Sites and Infrastructure DPD policy U24 (if applicable), 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)	
13.	Strategic Parks Project	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance costs</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, Urban Sites and Infrastructure DPD policy U24 (if applicable), 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>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
14.	Cemeteries Project	£284 per dwelling for capital costs £176 per maintenance costs		<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, Urban Sites and Infrastructure DPD policy U24 (if applicable), 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>

Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)
15.	<p>Monitoring Fee</p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£1000 per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)</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 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>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>			

Assets of Community Value

83. In February 2016 the Council received a nomination under the Localism Act 2011 from Brabourne Parish Council for the application site to be added to the Council's 'List of Assets of Community Value'. DCLG's "Assets of Community Value Policy Statement" (September 2011) states that: "... it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions – it is open to the Local Planning Authority to decide that listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case".
84. In this instance, however, the community nomination was declined, and the land has instead been placed on the Council's 'List of Assets Nominated Unsuccessfully by Community Nomination'. Accordingly, the unsuccessful community nomination has no bearing on this planning application.

Human Rights Issues

85. 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

86. 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

87. The site is identified as countryside and is not allocated for development. The application would therefore represent a significant departure from the development plan. However, in the light of the recent Tilden Gill appeal statement I conclude that the Council is unable to refuse the application as a matter of principle due to 5 year land supply issues.
88. 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. As set out in the report, the development would result in visual harm and loss of important countryside that would significantly and demonstrably outweigh the benefits of development.

89. I have taken account of the public benefits of additional development here in terms of additional revenue from additional dwellings, the provision of housing including affordable housing and the economic benefits of increased employment opportunities and benefits to local retail and commercial businesses in the town that would arise from the additional construction. However, in this instance;

- There is an absence of up to date ecological surveys that show there would be no harm to protected species,
- The proposals would cause significant visual harm and adversely affect the character of the countryside which is proposed to be developed and the scale of development proposed would have a negative impact on the tranquillity of the countryside around part of Lees Road, and
- The illustrative master plan layout in support of the capacity of the site to accommodate the maximum number of homes that is proposed in the application would represent a contrived layout out of context with the morphology of the existing settlement and would erode the pleasing rural character of the public rights of way that run through the site and so the capacity of the site to acceptably accommodate the maximum number of homes proposed is unproven.

90. In respect of matters relating to residential amenity, SUDs and drainage, archaeological findings and housing mix the proposal is not considered unacceptably harmful to warrant refusal on any of these grounds.

Recommendation

Refuse

on the following grounds:

1. The proposal would be contrary to Policies CS1 of the Local Development Framework Core Strategy 2008, Policies TRS17 and TRS18 of the Tenterden and Rural Sites DPD 2010 and Policies GP12 and EN9 of the Ashford Borough Local Plan 2000, and would therefore represent development contrary to interests of acknowledged planning importance which are not considered to be outweighed by the benefits of the development cited by the applicant, for the following reasons;-

(a) the scale of development proposed would have a significant adverse

impact on the character of the undulating and sensitive landscape forming the setting of, and northern entrance to, Brabourne Lees

(b) the scale of development proposed would have an adverse impact on the expansive views currently available from the site to the Kent Downs and the way in which the visual qualities are enjoyed by users of public rights of way crossing the site allowing full appreciation of the landscape and the AONB beyond would be adversely affected

(c) the illustrative master plan layout in support of the capacity of the site to accommodate the maximum number of homes proposed would represent a contrived layout for which no contextual or morphological analysis has been submitted for consideration and would also erode the pleasing rural character of the public rights of way that run through the site and therefore the capacity of the site to acceptably accommodate the maximum number of homes proposed is unproven

(d) the scale of development would disrupt the pleasing tranquillity of the countryside around Lees Road through the numbers of vehicle movements that a 125 home scheme would create and which would be served via that road.

2. The proposal would conflict with policies CS1 and CS6 of the Local Development Framework Core Strategy 2008, Policies TRS1, TRS2, TRS17 and TRS18 of the Tenterden and Rural Sites DPD 2010 and Policy GP12 of the Ashford Borough Local Plan 2000 and would therefore represent development contrary to interests of acknowledged planning importance which are not considered to be outweighed by the benefits of the development cited by the applicant, for the following reasons;-

(a) it would not protect , landscape character, visual amenity or scenic value and would result in a significant extension to a rural community.

(b) the scale and quantity of the development proposed would be out of proportion to the size, scale and character of Brabourne Lees

3. The proposal would conflict with policies CS1, CS9 and CS11 of the Local Development Framework Core Strategy 2008 as the full range of ecological surveys needed to fully assess the ecological and biodiversity impacts that would arise from the proposed development have not been submitted for consideration. Therefore, insufficient evidence has been submitted to support the proposal in terms of either the absence of ecological / biodiversity harm, or existence of harm that can be mitigated in an acceptable manner.

4. The necessary planning obligations has not been entered into in respect of the list below so that the proposed development is unacceptable by virtue of failing to mitigate its impact and failing to meet demand for services and facilities that would be generated and the reasonable costs of monitoring the performance of the necessary obligations;-
- (i) affordable housing,
 - (ii) carbon on off-setting,
 - (iii) primary schools,
 - (iv) secondary schools,
 - (v) libraries,
 - (vi) community learning,
 - (vii) youth service,
 - (viii) adult social care,
 - (ix) sports – outdoor pitches,
 - (x) informal / natural project,
 - (xi) children’s and young people’s play project,
 - (xii) allotments project,
 - (xiii) strategic parks project,
 - (xiv) cemeteries project, and
 - (xv) monitoring fee.

Note to Applicant

1. 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 ,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance;

- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 16/00303/AS.

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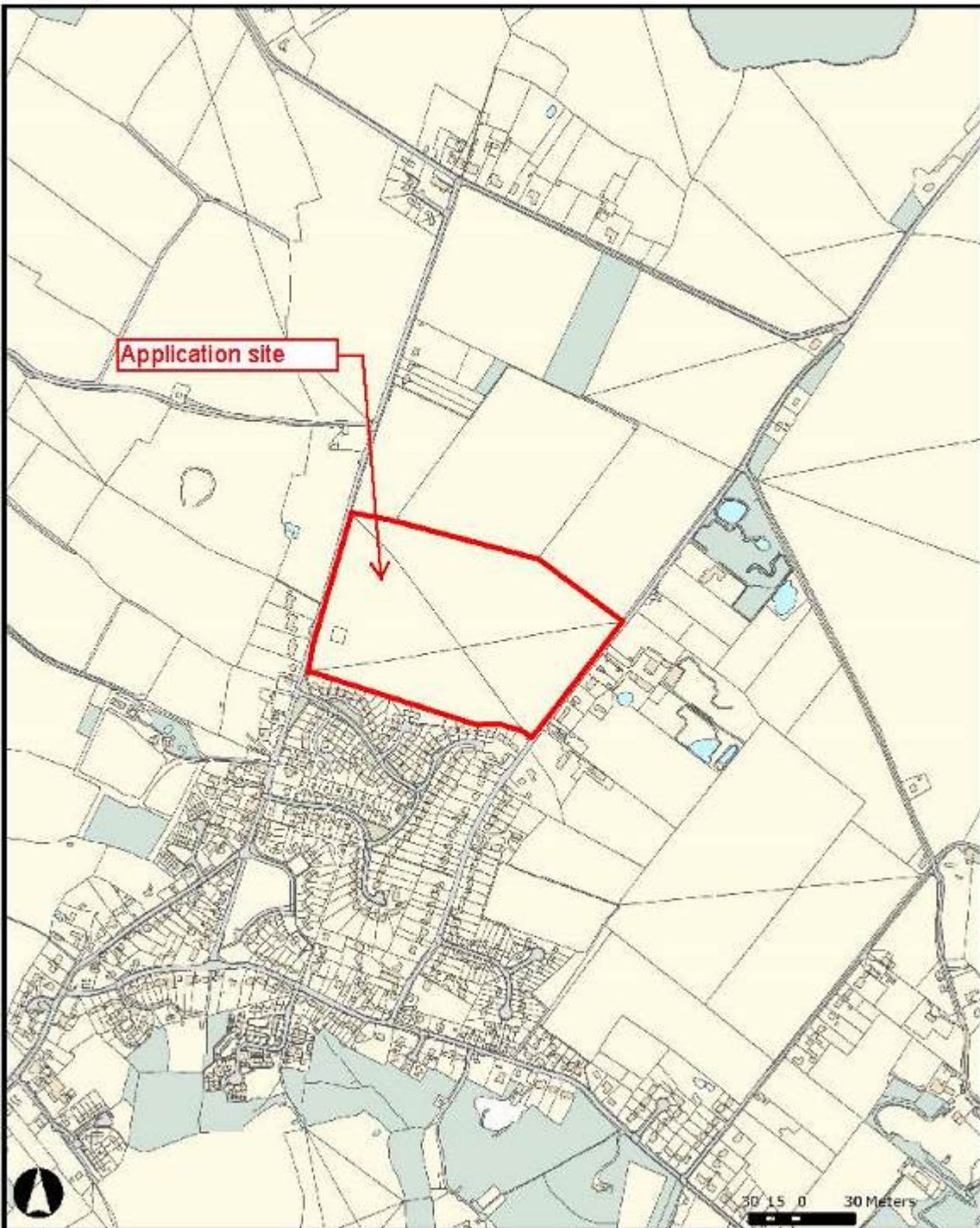
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Annex 1



Ashford Borough Council



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