

Application Number	16/00795/AS	
Location	Land North West of Smallhythe House, Longfield, Tenterden	
Grid Reference	88290 / 32919	
Parish Council	Tenterden Town Council	
Ward	Rolvenden and Tenterden West	
Application Description	Erection of 36 retirement living apartments with associated communal facilities, access, parking and landscaping.	
Applicant	McCarthy & Stone Retirement Lifestyles Ltd, 2 Genesis Business Park, Albert Drive, Woking, GU21 5RW	
Agent	The Planning Bureau Ltd, 2 Genesis Business Park, Albert Drive, Woking, GU21 5RW	
Site Area	0.4217ha	
(a) 35/9S	(b) Tenterden Town Council S Rolvenden Parish Council -	(c) KH&T X, PO(Drainage) X, OS X, SW X, KWT -, KCC (Bio) X, EHM X, KCC (Drainage) X, EA X, NHS X, KSS – TDRA X, WKPS X

Introduction

1. This application is reported to the Planning Committee because it is a major application.

Site and Surroundings

2. The application site is located to the South of Tenterden. The site comprises an irregular parcel of land located on the northern side of Smallhythe Road at its junction with the access road to the Tesco supermarket, found immediately to the north of the site. The site does not fall within any particular landscape designation, however the southern boundary of the site adjoins Tenterden Conservation Area (CA). The High Weald Area of Outstanding Natural Beauty (AONB) adjoins the southern side of Smallhythe Road opposite the site. Beyond this to the north lies the historic urban settlement of Tenterden.

3. The site has a long frontage to the Tesco access road which extends around from the south to the northern corner of the application site. To the north/north east the site adjoins the boundary with TENT1, (a housing allocation recently granted planning permission for 250 new homes). The remaining boundaries adjoin residential curtilages and a modest business premises to the south.
4. The site contains evidence of floor slabs. This together with the findings of the Desk Study Appraisal and Site Investigation Report produced by Crossfield Consulting, suggest that the site is previously developed land.
5. The site slopes downhill from north to south east. The site is bounded along Smallhythe Road and the Tesco access road by a close boarded fence. The same style fencing aligns the common boundaries with Tawny Bank and Smallhythe House. The remaining boundaries are aligned with mature trees. There is an Oak tree located in the northern boundary of the site which is protected by a Tree Preservation Order. Smallhythe Road has a mixed character containing housing of varying age and design including bungalows, two storey dwelling houses and both terrace and detached properties. The larger Tesco building lies to the north of the application site as does TENT1 which is due to commence imminently. Smallhythe Road commences at the junction with Tenterden High Street and gently declines in a south easterly direction. There is a mature tree line on the southern side of Smallhythe Road and beyond the application site Smallhythe Road begins to adopt a semi rural feel. At present the site does not benefit from any vehicular access.
6. A plan showing the application site in relation to its surroundings is found below and attached as **Annex 1** to this report.

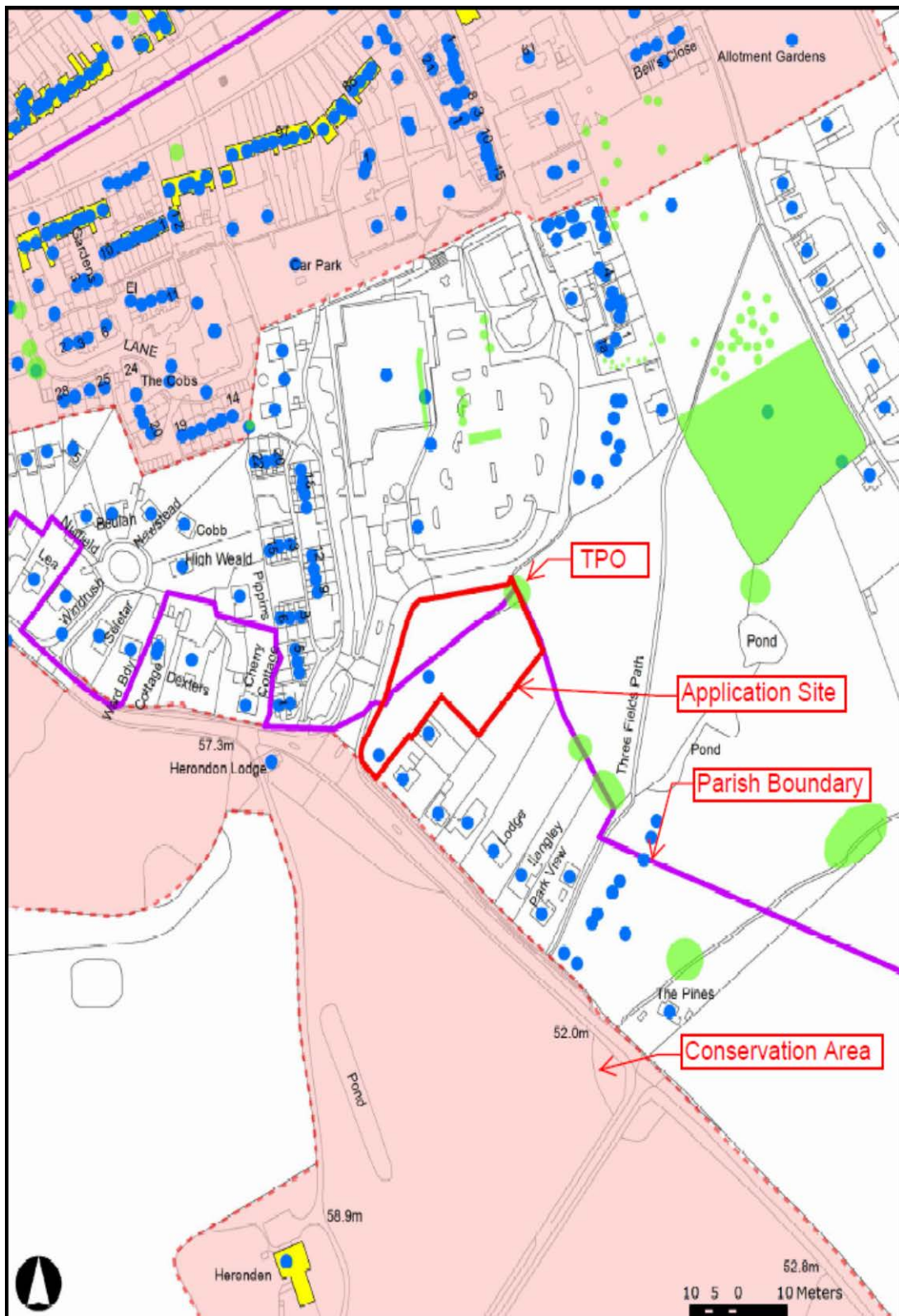


Figure 1 Site Location Plan

Proposal

7. The proposal is for the construction of 36 retirement apartments offering age restricted occupancy for persons over 60 years. The proposed apartments would comprise a mix of one and two bedrooms and would also include at least one bath/shower room, a kitchen with provision for refuse and recycling, a separate living room and a built in storage cupboard. A communal club lounge, office, mobility store and a guest suite are also provided within the building.
8. Internal storage for refuse generated from all of the apartments is proposed on the ground floor adjacent to the access drive and parking area with sufficient bins to comply with the Local Authorities collection strategy for flatted development.
9. The proposed building would be located to the north of the application site, which forms the larger portion of the site. Land surrounding the building facing a southerly and easterly orientation, and closest to the rear gardens of neighbouring properties is preserved for communal garden areas. A landscaping scheme has been submitted showing reinforced planting to the boundaries, planned communal garden areas and a courtyard. Pathways are also proposed.
10. The closest residential property is Tawny Bank. The proposed building is located approximately 25 metres from the rear boundary to Tawny Bank and approximately 38 metres from the rear wall. It should be noted that there is an existing outbuilding located between the proposed building and the rear wall of Tawny Bank.
11. The proposed building is a mix of two and three storeys in height and includes feature towers to the street elevations. At its tallest the height of the building to the ridge measures approximately 10.1 metres. Feature towers would extend beyond this adding an additional 650mm (approx.) to the overall height. The three storey element forms the middle section and the two storey elements extend off of this as subservient wings. The palate of materials would include red facing brickwork, white boarding, red clay tiles. Flat roofs to minor elements such as projecting gables and dormer windows would be finished with a grey ply membrane and windows are proposed to be white UPVC. The proposed balconies will be constructed using glazing and a steel frame.

12. A total of 25 parking spaces are proposed in the south western section of the application site which adjoins the boundary with Tawny Bank and Smallhythe House. It is proposed to create a new vehicular and pedestrian access onto the Tesco access road to the west of the site.



Figure 2 Proposed Site Layout



Figure 3 Proposed Ground Floor



Figure 4 Proposed First Floor Plan



Figure 5 Proposed Second Floor Plan



Figure 6 Proposed Elevation A-A



Figure 7 Proposed Elevation B-B



Figure 8 Proposed Elevation C-C



Figure 9 Proposed Elevations D-D and E-E



Figure 10 Proposed Elevation F-F



Figure 11 Artist Impression

13. In support of the application, the following information has been submitted and summarised below:

Planning Statement

14. This describes the proposal as a high quality contemporary scheme drawing upon the vernacular character of the area for influence. It discusses the nature and concept of assisted living and the need for this type of specialist accommodation both at a national and local level, given an ageing population. What is described as “Later Living developments” are designed for the more independent older person with ½ bedroom apartments around a central core of communal facilities. All apartments have level access and careline facilities. The development is supervised by a house manager and occupation of the apartments is controlled through the lease requiring the accommodation to be occupied by persons over 60 years.
15. The statement concludes that the proposed development fulfils all three dimensions of sustainable development as required by the NPPF. The statement claims the development will:
- Provide a range of economic benefits, including direct employment in its own right, supporting the local economy with an increased footfall and local expenditure and revitalising the housing market through the release of under occupied family housing.
 - Provide social benefits through the provision of specialist accommodation for older people, giving older people housing choice to help maintain their independence, remain within an inclusive community and reduce pressure on health care facilities.
 - Provide environmental benefits through making effective and efficient use of a valuable land resource, assisting with the delivery of housing within a short term timeframe which would reduce pressures on other unallocated greenfield land for residential development, and through the promotion of sustainable construction methods and techniques.

Design and Access Statement (D&A)

16. This has carried out a detailed analysis of the site, immediate area and context and is supported by photos. It concludes the following:
- Whilst identifying a number of constraints, including proximity to the Tenterden CA and residential properties, it also identifies opportunities indicating that the development would result in a more efficient use of land, is located within a mixed character area and could enhance the

visual amenity of the site by reinforcing existing landscaping and introducing new landscaping.

- There would be no harm to the setting of the CA.
- The proposed development will comply with the Lifetime Homes Criteria and also discusses sustainable construction. It is confirmed that pre-application discussions were undertaken with a Kent Police Crime Prevention Design Advisor and as a consequence the development endorses a strategy to seek to design out crime.

Statement of Community Involvement (SCI)

17. The consultation process included offering early one-to-one meetings with local residents, third party groups and key stakeholders to view the proposals prior to them being displayed to the wider community in March 2016. A public exhibition followed in May 2016.
18. It is stated that residents and stakeholders were given the opportunity to provide their feedback at all stages of the public consultation and, where possible, these comments would have been addressed in the proposals submitted.
19. The SCI advises that a freephone information line was made available throughout the planning process for interested parties to receive further information and provide their feedback to the project team. Following the submission of the application, it is stated that McCarthy stone will ensure that interested parties and key stakeholders remain informed and updated regarding the proposals.

Sustainability Statement

20. It is anticipated that the development will meet Code Level 4.

Transport Statement

21. Following comments received from Kent Highways and Transportation an amended Transport Statement was submitted. In summary the report concludes that the proposed development would not have a severe impact upon the local road network, would not compromise highway safety, can provide suitable access with adequate visibility and sufficient space within the site to accommodate refuse collection. The statement indicates that the site would generate a minimal number of trips and that based on comparisons to parking provision for previously consented McCarthy and Stone Retirement schemes across the UK parking provision on site would be adequate.

Arboricultural Impact Assessment (AIA)

22. This document concludes the following:

- Tree cover at the site is limited to a selection of ornamental trees within the adjoining supermarket car park, a hedge on the eastern boundary and occasional small trees on the south eastern boundary. A significant oak, protected by a tree preservation order is located at the north eastern tip of the site.
- The development requires only the removal of one small tree but has retained all other trees, including the oak subject of a TPO which is considered to be significant. One oak which is not protected requires some minor pruning.
- The document includes a Tree Protection Plan setting out the methods for protecting the trees during construction in accordance with British Standards.

Phase I Desk Study (Ground conditions)

23. This concludes the following:

- The study notes soakaway drainage will not be feasible for the proposed development. The study recommends that further investigation is undertaken including utilising trial pit excavation.
- It is recommended that monitoring stations be installed for subsequent monitoring of groundwater and ground gas.
- in the unlikely event that significant ground contamination is identified or there is a requirement for piled foundations, it will be necessary to carry out a supplementary ground investigation including deep boreholes.

Phase II Site Investigation

24. The investigation concludes the following:

- On the basis of ground investigation observations and laboratory test data, it is considered that no unacceptable risks have been found to date with respect to human health, controlled waters or other environmental receptors.

Buried obstructions have restricted the investigation in the north western part of the site.

- Soakaway drainage will not be feasible for the proposed development.
- It is recommended that supplementary trial pits be undertaken to enable samples to be taken and tested to support additional buried concrete and waste disposal assessment.

Drainage Strategy

25. This concludes the following:

- Due to the condition of the land being unfeasible for infiltration of surface water runoff via soakaways, it is proposed to discharge surface water runoff generated from the development to an existing drainage channel/land drain located adjacent to the eastern boundary of the site.
- Surface water attenuation in the form of a combination of permeable paving and geocellular units will be provided to accommodate a limiting discharge rate of 5l/s from the site, for all storm events up to and including the 1 in 100 year + 30% climate change event.
- Foul water from the development will be discharged to the public foul water drainage network via a private package pumping station. Southern Water (SW) has confirmed that flows can be accommodated within their network without the need to undertake any off site improvement of the sewer network.

Extended Phase I Habitat Survey

26. The survey concludes that further survey work is required for both bats, Great Crested Newts (GCNs) and Reptiles in the area.

(JDCM comment: please see later in the report for reference to further GCN survey work).

Reptile Absence/Presence Survey, Reptile Mitigation Method Statement and Reptile survey (Knights Park);

27. Concludes the following:

- Slow worms were the only species recorded during the surveys (despite the low habitat quality of the site). Low numbers were recorded to the south eastern corner of the site and a recommendation is made to translocate the population to an offsite receptor site in Tunbridge Wells.

- Whilst the development area has low suitability terrestrial habitat in general, the site is adjacent to an area of high suitability. As slow worms are confirmed to be present in low numbers, suitable mitigation is required for site clearance including erection of reptile exclusion barriers and fencing, all to be supervised by a suitably experienced ecologist.
28. In the absence of further GCN survey work information received from the applicants Ecologist on Monday 22 August 2016 says that Reptile/ Great Crested Newt terrestrial search surveys were carried out using reptile tins and bitumen felt tiles with the additional use of carpet tiles for GCN, and additional refugia piles were searched by hand where possible. From this only a small number of slow worms were detected.

Bat Transect Report Survey

29. Concludes the following:
- Low numbers of common pipistrelles have been recorded commuting within the proposed site.
 - A suitable bat sensitive lighting scheme, Bat and bird boxes on both trees and the buildings, and a suitable planting scheme to landscape areas surrounding all buildings is recommended.
 - Any mature trees to be removed should be carried out outside of the bird nesting season (March – September inclusive).

Biodiversity Enhancement Plan

30. The plan includes a number of biodiversity enhancements including those recommended in the submitted habitat and bat surveys.

Noise Assessment

31. This has been carried out to determine existing noise levels emanating from the Tesco site. The noise measurement location was on the north west corner of the site boundary at the closest point to the Tesco store. The assessment concludes by recommending a special thickness of glazing on the northern facade to mitigate against any adverse noise impact.

Relevant Planning History

10/01036/AS Extension to the existing store including alterations to the service areas, additional parking and landscaping. Granted. Lapsed.

14/00757/AS Residential development of 250 dwellings to include creation of a new vehicular access from Smallhythe Road and recreation ground, new pedestrian access, open space, landscaping and associated works (TENT1). Granted

Comment: TENT1 adjoins the north east boundary of the application site.

16/00860/AS Erection of 1 No. non illuminated hoarding and 3 No. non illuminated sign boards. Granted

Comment: The advertisements granted consent relate to the proposed scheme and would be positioned to the west and north boundaries.

Consultations

Ward Members: The Ward Member, Cllr Bennett, is a member of the Planning Committee.

Tenterden Town Council: Support the application on the proviso that requirements submitted by Kent County Council's Highways & Transportation department and Ashford Borough Council's Engineering Services department are properly addressed.

Rolvenden Parish Council: No comments received.

KCC Highways: Initially had the following comments:

- Paragraph 2.10 refers to the bus stops in the High Street with a 'sheltered area and seating', this is incorrect as only one stop has a bench which is the stop adjacent to Highbury Lane and neither of the stops have a shelter. I would suggest that these stops are upgraded in liaison with KCC's Public Transport Team through a Section 106 payment.
- Paragraph 2.12 refers to data retrieved from crashmap.com; the crash data must be sought from Kent County Councils Crash Team (crashdata@kent.gov.uk) to ensure reliability.
- Paragraph 3.14 refers to the proposed trip generation. I agree with the AM Peak figure provided in Table 3, however the PM Peak is more likely to generate 10 vehicle movements using TRICS data. Using TRICS data the total daily trip generation is likely to be a total of 73 movements.

Requesting the following information to allow their comments to be finalised:

- The details provided in Appendix A, B and C do not scale to the appropriate size as stated on the plan. When printing the drawings on A3 they are not scaled at 1:200.

The visibility splays must fall within land the applicant controls and/ or highway land. The splays fall within land that does not appear to be within the red line plan. Therefore, confirmation is required as to whether the applicant has control over the proposed frontage of the development. If this land is available to the applicant, then this should be incorporated into the site location plan within a blue line.

Following Receipt of Additional Information 14 July 2016, raise no objection and recommend the imposition of standard conditions relating to the construction of the development, provision and retention of parking/cycle facilities and the visibility splays.

ABC Project Office (Drainage): There are no objections in principle to the above planning application and support the comments by KCC's Flood Risk Project Officer on the 29th June 2016, subject to the conditions recommended by KCC should planning permission be granted.

Cultural Services: Require the provision of informal/natural space and given the anticipated low mobility of the residents this should be entirely on site. The infrastructure and facilities provided on site to meet the needs of the residents. should include:

1. appropriate access arrangements so that residents can use the space,
2. disabled friendly and sociable seating and tables,
3. a range of planting and lawns to make the space attractive, this should include a consideration of views out from the residents private and shared rooms,
4. some special features such as water and sheltered arbours.

Southern Water: Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. In the event that planning permission is granted the applicant should be advised to this effect.

Environment Agency: No objection provided conditions are imposed to secure a suitable remediation strategy in the event that the site is found to be contaminated.

Local Lead Flood Authority: No objection provided conditions are imposed to secure the following:

1. Details of a sustainable surface water drainage scheme.
2. Details of the implementation, maintenance and management of the sustainable drainage scheme.
3. Prevention of the infiltration of surface water drainage into the ground without the express written consent of the local planning authority.

KCC Ecology: Initially requested further survey work. Following the receipt of further survey work the following comments are made:

- It is noted that further GCN survey work has not been carried out. It is noted that a number of specific species surveys have been carried out to inform the planning application for the TENT1 development adjacent to the application site. It is recommended that the applicant gets permission to use this existing survey data to assess the impact of the proposed development on GCNs. Whilst not practice, it is likely that this, together with any detail of mitigation required is likely to provide information required to assess potential impact of the development on these species.
- Raise concerns that the receptor site for the slow worms is located at least 21 miles away. It is always preferable if an onsite or at least local receptor site is identified. It is suggested that the proposed landscaping area along both the SE and NE boundary could be adapted to be utilised as an onsite receptor site, particularly as the application is already indicating 2 deadwood habitat piles to be created within this area as enhancements.
- Following the receipt of additional comments from the applicant's ecologist in response to the above, I am awaiting further comments from KCC Ecology. Officers will update Members at the Planning Committee.

Kent Wildlife Trust: No Comments received.

ABC Housing: Make the following comments:

"With the population ageing there is and will be a demand for a range of housing options for older people who may wish to move from their existing home.

In this instance we agree that an on site provision of 35% affordable housing to meet the requirements of policy CS12 is not appropriate. We would therefore expect a commuted sum in lieu of 12.6 units of affordable housing to be made. The commuted sum could be used to provide affordable housing elsewhere in the area or as the Council is currently working up a proposal to redevelop the Danemore sheltered

scheme to extra care a commuted sum could be used towards enhancing this further. There is a correlation between these two schemes and the improved facilities at Danemore could be of benefit to the McCarthy and Stone residents”.

KCC Development Contributions: Make the following request:

- Financial contribution of £1728.57 for Library bookstock in Ashford.

ABC Engineering Services: make the following comments:

“The findings of the Transport Statement with regard to public transport are questionable. In Para 2.10 no account is taken of current proposals by Kent County Council to reduce the service subsidy given to the 2 service. The frequency noted in Table 1 is also reductive and relates only to peak times of service provision.

Taking into account the difference between the standard of bus stops and services in reality and that stated in the Transport Statement I feel that a higher provision of parking on the site is required to cater for residents and visitors, and suggest that the proposed development should deliver a minimum of 1 parking space per residential unit. The developer should also make a contribution through a Section 106 agreement to provide funding to improve the standards of existing bus stops in proximity to the development through the provision of bus shelters, seating, bus stop clearways and (where necessary) raised kerb boarders”.

ABC Environmental Services: No objection subject to conditions relating to the internal noise levels and contamination

Note that the advice provided by the Environment Agency in relation to the former use of the site should be followed and the conditions recommended are agreed.

NHS Canterbury and Costal Clinical Commissioning Group (CCG): Request that health provision is consulted when this application is considered.

Kent Adult Social Services: No comments received.

Neighbours: 35 consulted, 9 representations have been received supporting the application on the following grounds:

- High quality design that would compliment the architecture in Tenterden Town.
- Location close to local amenities.
- There is a need for this type of accommodation.
- The proposal supports the ageing population.

- Provides car parking on site.
- The proposal provides gardens and is well landscaped.
- Older persons can move in and remain located in close proximity to their families.
- Offer independent living with help on hand.
- It would free up larger family homes as people move from their properties into the proposed accommodation.

The following comments were also made:

- Doctors surgeries are currently at capacity.
- Tenterden does not have an ambulance station.
- There are no police.
- Supporting services should be boosted.

Tenterden and District Residents Association:

- We are concerned about the proposed parking allocation being insufficient to support this scale of development. It appears that the current provision (25) does not comply with current guidelines of 1.5 spaces per residence and that only 17 spaces are available to the residents.
- We proposed that as a minimum one parking space should be allocated to each residence with some additional spaces for visitors.
- We would expect an equivalent level of quality of design, detailing and materials to be used for this development as TENT 1A with an agreed Ashford Borough Council design monitoring scheme in place to ensure adherence to planning conditions in this respect.

The Weald of Kent Protection Society:

- We agree that this type of sheltered housing for older people is in demand.
- The location appears to be suitable.
- The planned garden setting will enhance the main building aesthetically as well as providing an additional amenity for residents.
- The design will be sympathetic to the local built landscape.

However, we would like to point out the following concerns:

- Is the Council satisfied that sufficient parking will be provided, not only for residents but staff and visitors?
- Is the building, being three storeys high, likely to be overbearing in relation to the new houses on TENT1A immediately to the south of it?
- We note that there is only one lift in the building and wonder whether this is sufficient for general as well as emergency needs.
- The plan offers only small one- and two-bedroomed apartments of modest size. We consider that there might be a demand for some larger apartments.
- We hope that the balconies will be usable rather than purely decorative.

Planning Policy

32. 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.
33. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

GP10	Conserving and enhancing Tenterden's special character
HG5	Sites not on the Proposals Map
EN9	Setting and entrances of towns and villages
EN31	Important Habitats
EN32	Important Trees and woodland

Local Development Framework Core Strategy 2008

CS1	Guiding Principles
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CS2	The Borough Wide Strategy
CS8	Infrastructure Contributions
CS9	Design Quality
CS11	Biodiversity and Geological Conservation
CS12	Affordable Housing
CS13	Range of Dwelling Types and Houses
CS15	Transport
CS18	Meeting the Community's Needs
CS20	Sustainable Drainage

Tenterden & Rural Sites DPD 2010

TRS1	Minor Residential Development or Infilling
TRS17	Landscape Character and Design
TRS19	Infrastructure Provision

Local Plan to 2030

SP1	Strategic Objectives
SP2	The Strategic Approach to Housing Delivery
SP6	Promoting High Quality Design
HOU4	Residential Development in the rural settlements
HOU12	Residential space standards internal
HOU14	Accessibility Standards
HOU15	Private external open space
EMP6	Promotion of Fibre to the Premises (FTTP)
TRA3a	Parking Standards for Residential Development

ENV1	Biodiversity
ENV7	Water Efficiency
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage
ENV13	Conservation and Enhancement of Heritage Assets
ENV14	Conservation Areas

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

Supplementary Planning Guidance/Documents

Residential Space and Layout SPD 2011– External Space Standards Only

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

Public Green Spaces and Water Environment SPD 2012

Sustainable Design and Construction SPD April 2012 (however this is no longer being applied to residential developments following the passing of the Housing and Planning Act 2016)

Government Advice

National Planning Policy Framework (NPPF) 2012

National Planning Practice Guidance (NPPG)

35. 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. The following sections of the NPPF are relevant to this application:-

- Paragraph 14 sets out presumption in favour of sustainable development

- Paragraph 17 sets out the core planning principles including every effort should be made objectively to identify and then meet the housing needs of the area; and always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; encourage the effective use of land by reusing land that has been previously developed (brownfield), provided that it is not of high environmental value; contribute to conserving and enhancing the natural environment, conserve heritage assets.
- Section 4 requires developments that generate significant amounts of movement should be supported by a Transport Statement.
- Section 6 sets out about delivering a wide choice of high quality homes, including plan for the needs of different groups in the community including older people.
- Section 7 sets out requiring good design.
- Section 11 sets out conserving and enhancing the natural environment.
- Section 12 sets out conserving and enhancing the historic environment

Other Government Policy

Technical Housing Standards – Nationally described space standards

Assessment

36. There is no requirement for the applicant to demonstrate that a need exists for this development, so the main issues for consideration are:

- The principle of development;
- Impact on visual amenity including the setting of the adjacent Conservation Area and AONB.
- The impact on residential amenity of existing and future occupiers;
- Highway impact;
- Ecology;
- Trees/Landscaping;

- SUD's; and
- Whether Planning Obligations are necessary and Viability

Principle of Development

37. Central government guidance contained within the NPPF provides concise guidance with the presumption in favour of sustainable development to be seen as the “golden thread running through decision-taking”. The Council’s adopted Development Plan Documents and policies are up-to-date and should therefore be given full weight in the consideration of the application in accordance with the advice given in the NPPF.
38. The Framework encourages *“the effective use of land by reusing land which has been previously developed (brownfield land) provided it is not of high environmental value”*. Annexe 2 of the guidance defines 'Previously Developed Land (PDL)'. and it is my view that the land would fall within this definition.
39. Applications for new housing should be considered against the principle of sustainable development whilst also considering the need to deliver a wide choice of high quality homes, current and future demographic trends and the need of different people in the community such as, but not limited to, older people, as stated in paragraph 50 of the NPPF.
40. The need to provide housing for older people is critical given the projected increase in the number of households aged 65, the details of which are set out in the DCLG Household Projections July 2016. National policy indicates that plan makers will need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to live independently and safely in their own home for as long as possible, or to move to more suitable accommodation if they so wish. Supporting independent living can help to reduce the costs to health and social services, and providing more options for older people to move could also free up houses that are under occupied.
41. Although I do not consider that the development is “minor development” in the context of Tenterden for the purposes of Policy TRS1, Development Plan policy HG5 makes provision for residential development of five dwellings or more on windfall sites within the confines of Tenterden where:
- a) The location of the site provides residents with easy opportunities to walk and cycle when travelling to work, school, shopping, community and leisure facilities;

42. The site is within walking distance of the High Street, where there are a number of employment sites, schools, shops, a leisure centre and various community facilities.
- b) It does not result in the displacement of other uses such as employment, leisure or community uses for which there is a need in the area;
43. The site is vacant.
- c) The proposal does not result in town or village 'cramming' and is of good design.
44. See Visual amenity section.
45. Whilst there is a clear need and demand for older persons accommodation within the Borough, and the site lies in the built confines of Tenterden where new residential development can be considered acceptable in principle, the critical issue is whether or not this represents an appropriate and acceptable form of development based upon the NPPF and the development plan and this is considered in detail below.

Visual amenity

46. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
47. The above criteria are consistent with Government policy set out in the NPPF which seeks to safeguard heritage assets, and ensure new development responds positively to its context by indicating that Local Planning Authorities should seek to promote or reinforce local distinctiveness
48. The NPPF attaches great importance to the design of the built environment and states that developments should respond to local character and history and reflect the identity of local surroundings and materials. Paras. 62, 63 and 64 seek to ensure high standards of design that help raise the standard of design more generally in areas and that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
49. Policy CS1 of the Council's Core Strategy sets out the Council's key planning objectives including the conservation and enhancement of the historic environment and built heritage. Relevant Core strategy policies CS1 and CS9 require good design. Both these policies are consistent with the NPPF.

50. The context of the site is a mix of dwelling types to the south and east as well as the vast supermarket building to the north and residential buildings beyond including apartment buildings over 3 storeys. In addition, the TENT1A development is predominantly 2 storey with 2.5 storey interspersed along some of the roads. Semi-detached properties predominate. The scheme includes two 1.5 storey units to the NW of the site and 6 x 3 storey apartment blocks. The 3 storey apartment blocks are designed to appear as town houses. This is an area diverse in character with a general theme of a similar use of materials including brick, clay tiles, tile hanging and weatherboarding as well as key design features.
51. Whilst the site is currently undeveloped and any form of development would represent a visual change, given the scale and massing of the development across the site, with the largest part central to the development and the outer wings being 2 storey appearing as subservient additions helping to break up the scale and massing of the building, the development would assimilate comfortably into the context of the site in terms of its scale.
52. The chosen palate of materials is typical of the local vernacular and typical of properties that will be viewed in context with this development. In addition, the design features of the scheme including through eaves dormer windows, roof towers, projecting pitch roof gables, arched detailing to windows, varying ridge and eaves heights, combination of hipped and gable roofs and simple door canopies, all contribute to ensure that the development would reflect the character and appearance of the area and is sympathetic to its location adjoining the Tenterden CA. In turn, for these same reasons, the proposed development would conserve and enhance the setting of the AONB.
53. The ratio of built form to open space is comparable, and the circulation space around the building is adequate. Consequently, I have no concerns relating to density and I do not consider that the proposal appears cramped or the site overdeveloped. This is supported by the sites ability to enable a substantial planting scheme to be implemented and to provide well landscaped communal gardens/courtyards. The proposed landscaping would undoubtedly complement the character of the surrounding area and will help to screen the parking towards the front of the site.
54. Overall, although this scheme would undoubtedly change the character of this part of Smallhythe Road, I consider that this change in character is acceptable. I am satisfied that the building can be accommodated on the site without harm to the visual amenity of the area and that the setting of the adjacent Tenterden CA would be preserved. The proposal complies with the Development Plan as a result.

Residential amenity

55. Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This is reflected through Development Plan policy as well as adopted Supplementary Planning Documents.

Existing Occupiers

56. The layout of the site is such that neighbouring properties are located to the south of the proposed building and a relatively substantial distance (approximately 40 metres) would be maintained between the proposed development and the closest residential property. It is worth noting that at the time of my site visit Smallhythe House appeared to be occupied by a commercial business named 'The Care Business'. Due to the distance of in excess of 40 metres maintained from the building and neighbouring residential dwellings and due to the orientation of the buildings relative to the path of the sun, the development is not considered to result in any undue loss of light or have an overbearing adverse impact. Similarly, I do not consider that the proposed development would prejudice the amenities of the future occupants of TENT1A by reason of loss of light or by being overbearing, as a substantial distance will be maintained between the new building and proposed dwellings and their private amenity areas. Additionally, the existing boundary treatment provides further mitigation.
57. It will be possible for occupants of the facility to look out towards neighbouring properties including the future TENT1A development, from windows and balconies of the proposed development. However, the distances referred to in the paragraph above demonstrate that overlooking is not at close quarters and neither would it allow any direct views into habitable rooms or the most private amenity areas being the space located immediately to the rear of neighbouring dwelling houses. As such, it is my view that the privacy of neighbouring residents is maintained.
58. Houses all around the site will be able to see the building but in most instances, the distance between the existing and proposed buildings and the intervening vegetation is significant enough in height to ensure that the impact of the proposal is acceptable.
59. With regards to noise, the development would increase traffic movement to and from the site as the site is vacant at present, however, the traffic would be using an existing access to a more intensively used site, being the Tesco supermarket

60. The access is located a sufficient distance away from neighbouring residential properties so as not to cause any undue noise or disturbance. Notwithstanding this, whilst the permission is now expired, the site was previously considered acceptable for parking to serve Tesco's. This scheme is likely to have had a similar impact and was deemed at the time to be acceptable.
61. I therefore do not consider that there would be any significant harm to residential amenity.

Future occupants

62. In terms of the amenity of future occupiers, in accordance with the Nationally Described Space Standards the flats should benefit from a gross internal floor area (GIA) of 50m² for a 1 bedroom 2 person flat and 70m² for a 2 bedroom 4 person flat. Built in storage should be provided at 1.5m² for the 1 bedroom flats and 2m² for the 2 bedroom flats. Bedrooms should have a GIA of 11.5m² and a width of at least 2.75m. I can confirm that the proposed accommodation complies with these standards. Table A below, provided by the applicant, illustrates that each unit complies with the standards so far as the size of each unit is concerned.

Unit number	No. of Beds	Size (sqm)	Compliance with National Standards	Unit Number	No. of Beds	Size (sqm)	Compliance with National Standards
1	2	75	✓	20	1	50	✓
2	2	72	✓	21	1	50	✓
3	2	75	✓	22	1	50	✓
4	1	50	✓	23	1	50	✓
5	1	50	✓	24	1	51	✓
6	1	50	✓	25	1	62	✓
7	1	50	✓	26	1	58	✓
8	1	50	✓	27	2	75	✓
9	1	51	✓	28	2	74	✓
10	1	62	✓	29	2	75	✓
11	1	58	✓	30	2	75	✓
12	2	75	✓	31	2	72	✓
14	1	50	✓	32	2	75	✓
15	2	75	✓	33	2	75	✓
16	2	75	✓	34	1	70	✓
17	2	72	✓	35	1	54	✓
18	2	75	✓	36	2	75	✓
19	2	75	✓	37	2	74	✓

Note: Whilst the development is for 36 units the Client never has an apartment 13 labelled for sales reasons.

Table A Nationally Described Space Standards

63. With regards to the external standards set out in the Council's Residential Space and Layout SPD. Whilst just under half of the apartments would have their own balconies, the remaining ground floor units have a paved area

outside of their living area as well as a “club” lounge with doors leading out to an area of garden within a courtyard to the rear of the apartment block leading to further communal open space to the south. Within these areas there would be seating areas and provision for tables and chairs. This is private from the street and other public areas. Therefore, whilst technically the development in some part would not meet the Council’s adopted standards, as not all the apartments would have a balcony, I consider that the requirement should be different for the elderly and that quality is at least as important as quantity. Every apartment would benefit from either a balcony or an external paved area and in any event there are additional amenity areas both internal and external. In turn, the applicant is experienced with the appropriateness of amenity space for the type of residents typically accommodated in their blocks of apartments.

64. This approach to external amenity space is consistent with the approach of Planning Inspectors who have recently determined planning appeals for similar schemes proposed by McCarthy Stone. These appeals relate to sites both within Ashford Borough (see 5 & 7 East Hill Tenterden 14/01252/AS) and outside Ashford Borough (but still within Kent), see copy of appeal decision Ref: APP/G5180/W/15/3140733 1, 3, 5, 7 & 9 Church Road, Biggin Hill, Bromley TN16 3LB submitted by the applicant in support of this scheme. As such, on the subject of external amenity, I consider these decisions to be material to my recommendation.

Highway Impact

65. The NPPF encourages sustainable locations for development, does not demand maximum parking facilities and seeks to encourage more sustainable means of travel. This scheme complies with that guidance insofar as the location of the site and the facilities provided on site.
66. The site is vacant and so any trips resulting from the proposal should be considered as additional trips. The submitted Transport Statement (TS) advises that retirement Living schemes generate unique trip rates. Vehicular trip rates for the proposed development have been identified using McCarthy & Stone’s independent research into their previous schemes. It has been calculated that the development would generate 60 vehicle trips per day over a 12 hour period (an average of 5 trips per hour), with 7 trips estimated at both the AM and PM peaks. Based on this the TS concludes that the impact of the development on the capacity of the local road network is therefore considered to be minimal.
67. For a road with a speed limit of 30mph, Manual for Streets requires visibility splays of 2.4m x 43m in the primary direction and to the Smallhythe Road junction in the secondary direction. These visibility splays have been demonstrated as achievable.

68. On the basis of the information submitted no objections are raised to the scheme by the Highways Authority subject to the imposition of conditions.
69. Kent Highways and Transportation state that the proposals provide adequate car parking facilities using the Kent County Council Parking Standards SPG4. The proposal seeks 36 flats comprising 18 x 2 bed and 18 x 1 bed units. 25 off road car parking spaces are to be provided, meaning 25 units would benefit from 1 allocated space with 11 having no off road parking. The Council's adopted Residential Parking SPD requires residential development in this location to provide 1 space per 1 bed flat, 1.5 spaces per 2 bed flat and 0.2 spaces per flat for visitor parking. Based on these figures, the development has a shortfall totalling 24 spaces for the occupants of the flats and visitors thereto.
70. However, the site is close to Tenterden Town Centre with all of its services and amenities, therefore offering the potential to reduce the reliance on the private car as the primary mode of transport. Furthermore, compliance with the Residential Parking SPD, would undoubtedly compromise the amount of external amenity space and may even result in unacceptable levels of hardstanding to the detriment of visual amenity. The SPD does not specifically address whether retirement living apartment schemes should be subject to the full standards applicable to houses.
71. On balance, I consider that the scheme represents an efficient use of the land and is sustainably located. I afford substantial weight to this and to the need for this type of accommodation, the quality of the space and layout, and the comments received from KH&T raising no objection to parking and safety conditions. In my view, these material factors would weigh substantially in favour of permitting the scheme and would outweigh any limited harm arising from the parking provision on the site.

Ecology

72. The NPPF is clear that the planning system should contribute to and enhance the natural and local environment by.....minimising impacts upon bio diversity and providing net gains in bio diversity where possible. Paragraph 118 of the Framework states that "*When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity*". The Framework lists a number of principles via which this is achieved.
73. The applicant has provided a number of surveys seeking to demonstrate that the proposed development would have no adverse impact on ecology.

74. Low numbers of breeding slow worms have been recorded within the proposed development site and the report has recommended carrying out a reptile translocation to an offsite receptor site in Tunbridge Wells. The applicant has previously indicated that the translocation of the reptiles was due to take place prior to the determination of the planning application. Whilst the applicant has been encouraged not to undertake the translocation and to seek to provide a receptor site either on site or close to the application site, it is the case that they could carry this out without any permissions from the Council. Furthermore, there is no legislation in place preventing the applicant from undertaking the translocation prior to determining the scheme. Nonetheless, conditions are recommended in respect of the reptile population which address the translocation.
75. The Bat Transect report submitted indicates that there would be no adverse impact on bats as there are none present within the application site. Low numbers of common pipistrelles have been recorded commuting within the proposed site and the report recommends mitigation and enhancements such as a suitable bat sensitive lighting scheme, and Bat boxes which can be secured by conditions. KCC Ecology concur with this.
76. The most recent comments from KCC Ecology in relation to GCNs was that they are not satisfied with the survey information and asked that the developer seek further information from the TENT1A developers. The applicant's ecologist has responded to this and this information has been forwarded to KCC Ecology.
77. In assessing the impact upon Bats and GCN, the LPA has a duty to have regard to the Habitats Directive in the exercise of its functions under Regulation 9(5) of the Conservation of Habitats & Species Regulation 2010. Only if the LPA is satisfied that all three Habitats Directive "derogation tests" are met may the application be determined favourably. These three tests are:
- a) the development must be for one of the reasons listed in Regulation 53(2) of the 2010 Regulations. This includes imperative reasons of overriding public interest of a social or economic nature or of a public health and safety nature;
 - b) there must be no satisfactory alternative; and,
 - c) favourable conservation status of the European Protected Species in their natural range must be maintained – this is the test that drives the need for the developer to provide replacement habitat.

In respect of the relevant tests, I consider that the LPA has fulfilled its duty in accordance with Regulation 9(5) so far as bat species is concerned. However, it is my view that the application can only be considered favourably provided that it is demonstrated that there will be no adverse impact upon GCN's. KCC will advise on this issue and their response together with officers views will be reported to Members on the day of the Planning Committee Meeting.

78. A Biodiversity Enhancement Plan has been submitted which includes enhancements recommended in the submitted habitat and bat surveys such as bat and bird boxes and specific types of planting. It is recommended that these are secured by condition.

Trees/Landscaping

79. As stated in the Proposals section, surveys submitted with the application show that the majority of trees are to be retained and those lost are not of significant visual amenity value. In addition, new semi-mature tree planting is proposed and the erection of protective fencing during construction would minimise harm to retained trees.

SUD's

80. The strategy submitted by the applicant confirms that site specific permeability tests have indicated the underlying strata to be unfeasible for infiltration of surface water runoff via soakaways. It is proposed, therefore, to discharge surface water runoff generated from the development to an existing drainage channel/land drain located adjacent to the eastern boundary of the site.
81. Whilst the discharge rate is higher than the "Encouraged rate" of 4l/s/ha and the 6l/s/ha referenced within the Ashford Borough Council Sustainable Drainage SPD within the "Rest of the Borough", the proposed discharge rate of 5l/s is deemed acceptable as it has been proven that this is a reduction on the existing runoff rate for the site.
82. The majority of SUDS being used within the development is reliant on tanks and pipes, which are considered "less appropriate" within Sustainable Drainage policy, this appears to be due to space constraints within the site. However, this is offset by more appropriate methods such as permeable paving within allocated parking areas.
83. Foul water from the development will be discharged to the public foul water drainage network via a private package pumping station. Southern Water has confirmed that flows can be accommodated within their network without the need to undertake any off site improvement of the sewer network.

Obligations and Viability

84. Regulation 122 of the Community Infrastructure Levy 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.
85. Policies CS8 and CS18 of the Core Strategy, policy TRS19 of the Tenterden and Rural Sites DPD and the Council's Public Green Spaces and Water Environment SPD provide clear policy support for seeking financial contributions towards infrastructure requirement and meeting community needs generated by the wider development. The Green Space audit carried out in 2008 shows there to be insufficient provision of outdoor sports pitches, informal/natural green space, children's and young people's play space and allotments to provide for the existing needs of the local community, as well as the needs generated by the development itself. Consequently, the LPA can consider whether an application in a settlement with assessed and demonstrated public open spaces needs is unacceptable in planning terms unless it contributes towards meeting its own demands upon those facilities. It should be noted that any funding sought is not to contribute to pooled funding pots intended to fund general infrastructure in the wider area but would be used to fund specific improvements or additions to these elements of infrastructure within the parish. The Council have assessed the scheme on the above basis and given the type of accommodation proposed, it is considered that only informal /natural green space should be provided and that this should be on site. Details of the type of informal space proposed are provided at paragraph 47 and reflect the recommendations of the Council's project officer for Cultural Services. Details of the type of planting proposed are detailed on the submitted landscaping plan. Both are considered to be sufficient to meet the needs of the type of occupants for this nature of accommodation, and this will be covered by condition.
86. In addition, policy CS12 of the Core Strategy seeks the provision of 35% affordable housing within developments of 15 or more dwellings or on sites in excess of 0.5ha.
87. The site provides accommodation for the over 60s for which there is a growing need not only within the Borough but nationally. The proposed development which is for market housing does not include on site provision for affordable housing, and given the single management proposed this would not be practicable in this case. In lieu of onsite provision the applicant has

offered to pay a commuted sum of money. The amount of money initially being offered was set out in the independent viability assessment commissioned by the agent. This document has been independently assessed by external consultants on behalf of the Council. Following further negotiation the applicant has agreed to fund the full amount that the Council's consultants state the site can reasonably afford to contribute which amounts to £237,500.00. I therefore consider that although the applicant has not fulfilled the Council's requirements full, in the circumstances this contribution should be accepted in respect of this issue.

88. The scheme also triggers the requirement for a commuted sum to be paid towards local library book stock, but no other KCC contributions have been requested in this case.
89. In light of the above, I recommend the planning obligations in Table 1 be required should the committee resolve to grant permission.
90. I have considered the comments received regarding improvements to bus stops and comments received from the NHS, however, I have not been provided with any evidence which seeks to justify the contributions sought or which states an amount required. Consequently, it would be unreasonable to require the applicant to make any further contributions and it would be contrary to Planning Policy Guidance.
91. I have assessed the requirements against Regulation 122 and for the reasons given consider the contributions sought 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. Owing to the circumstances of this particular development in terms of onsite management and also viability, I recommend accepting the contribution proposed towards off-site affordable housing.

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	<p><u>Affordable Housing</u> Contribution towards provision of affordable housing elsewhere in the borough.</p>	£237,500.00	Upon commencement of development.	<p>Necessary as additional affordable housing required to meet the demand that would be generated pursuant to Core Strategy policy CS12 and guidance in the NPPF.</p> <p>Directly related as no on-site provision of affordable housing is proposed.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount is based on the number of dwellings proposed.</p>
	<p><u>Libraries</u> Contribution for improving library book stock in the borough.</p> <p>Project: The County Council will have to provide additional library books to meet the additional demand</p>	£1728.57	Upon occupation of the first dwelling.	<p>Necessary as the amount of book stock is below the average for the County and both England and the UK respectively.</p> <p>Pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide</p>

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
to borrow library books generated by the people who reside in the new additional Dwellings			<p>to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use library facilities and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development.</p>
<p>Occupation The flats shall only be occupied by people aged 60 years or over (and their partners aged 55 and over)</p>			<p>Necessary in order to ensure the type of specialist accommodation proposed and to justify the lack of contributions towards local infrastructure such as children’s and young people’s play space, primary schools and secondary schools.</p> <p>Directly related as the scheme proposes redevelopment of the site for housing provision for the over 60s.</p> <p>Fairly and reasonably related as there is no intention for persons under the age of 60 (and their partners aged 55 and over) to live in the units.</p>

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
<p>Monitoring Fee 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>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>			

Human Rights Issues

92. I have also taken into account the human rights issues relevant to this application. In my view, the “Assessment” section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their 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

93. 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

94. Sustainable development is seen to be the “golden thread running through decision-taking”. Applications for new housing should be considered against the principle of sustainable development whilst also considering the need to deliver a wide choice of high quality homes, current and future demographic trends and the needs of different people in the community such as, but not limited to, older people.
95. National guidance states that the need to provide housing for older people is critical given that the projected increase in the number of households aged 65 and over accounts for over half of the new households (DCLG Household Projections 2013) and plan makers will need to consider the size, location and quality of dwellings needed in the future for older people.
96. The site is located within the built up confines of Tenterden and the proposal would result in the efficient use of previously developed land.
97. The scheme would undoubtedly change the character of this part of Smallhythe Road. However, I consider that this change in character is acceptable. The scale and massing of the development across the site, with the largest part central to the development and the outer wings being 2 storey appearing as subservient additions helps to break up the scale and massing of the building. The result is that the development would assimilate comfortably into the context of the site in terms of its scale, bulk and massing. Proposed materials are typical of the local vernacular and typical of properties that will be viewed in context with the proposed development. I am therefore

satisfied that the building can be accommodated on site without harm to the visual amenity of the area or the setting of the conservation area.

98. The proposed development would not harm the residential amenity of neighbouring occupants. Regarding future occupants, the accommodation complies with the national space standards. Just under half of the apartments would have their own balconies, however, it is considered that the requirements should be different for the elderly and that quality is at least as important as quantity. Every apartment benefits from some form of external space. In turn, there are communal facilities and landscaped gardens with seating areas. I therefore consider that whilst in some parts the development would not meet the Council's adopted standards there is adequate provision of external space for the occupants and no harm arising in this respect.
99. Kent Highways and Transportation have not raised any objection. The scheme would generate a shortfall in parking requirements contrary to the Residential Parking SPD. However, compliance with the standards would undoubtedly compromise the amount of external amenity space and may even result in unacceptable levels of hardstanding to the detriment of visual amenity. I consider that the shortfall in parking needs to be balanced against the benefits of permitting the scheme which include that, the scheme represents efficient use of the land, there is a need for this type of accommodation, the quality of the space and layout and the sustainable location. In my view, these material factors would weigh substantially in favour of permitting the scheme and would outweigh any limited harm arising from the limited parking provision on the site.
100. Subject to the satisfactory outcome of the outstanding issue relating to Great Crested Newts, I consider that the proposed development can be accommodated without any adverse biodiversity impacts and that appropriate enhancements are proposed and can be secured by conditions in accordance with the development plan and National policy guidance.
101. Landscaping and drainage are considered to be acceptable.
102. The proposed development fulfils the Councils requirements with regards to the types of contributions the Council wishes to secure, although for the reasons above a limited off-site contribution towards affordable housing is proposed.
103. For these reasons and the reasons set out in detail in the report, I consider that for the most part the proposed development would comply with the development plan and national planning guidance, and where it would not, reasons have been detailed which I consider provide sufficient justification to warrant a departure from those relevant policies.

Recommendation

(A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations related to the matters detailed in Table 1, in terms agreeable to the Head of Development Strategic Sites and Design or the Development Control Managers in consultation with the Corporate Director (Law & Governance), with delegated authority to either the Head of Development Strategic Sites and Design or the Development Control Managers to make or approve minor changes to the planning obligations and planning conditions, as they see fit.

(B) Subject to EITHER:

(i) the prior receipt of and consultation on an amended site plan incorporating the proposed visibility splays and access within the site, and to no matters of major significance not already covered in this report and the Update report being raised in response to such consultation, with delegated authority to the Head of Development Strategic Sites and Design or the Development Control Managers to amend and/or add any further planning conditions or obligations necessary in their opinion to secure the visibility splays and barrier-free access and deal with any matters arising from such consultation

OR (ii) the owner of the unadopted land upon which the splays and access are sited first entering into a section 106 agreement/undertaking in respect of planning obligations related to the provision of the visibility splays and barrier-free access prior to the first occupation of the apartments, and thereafter maintenance of the visibility splays and barrier-free access all the while the development remains in operation, in terms agreeable to the Head of Development Strategic Sites and Design or the Development Control Managers in consultation with the Corporate Director (Law & Governance), with delegated authority to either the Head of Development Strategic Sites and Design or the Development Control Managers to make or approve minor changes to the planning obligations and planning conditions, as they see fit.

(C) **Permit**

Subject to the following conditions and notes:

Standard Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

Design

3. No development shall be carried out on the land until samples and written details including source/manufacturer of the materials to be used in the construction of the external surfaces of the development hereby permitted (including details of any hardsurfacing) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

4. Prior to the commencement of the development hereby permitted the following details shall be submitted to and approved by the Local Planning Authority in writing:

(a) 1:20 sectional details and vertical and horizontal sections through windows and entrances;

(b) 1:50 scale drawings of architectural features to include feature towers and balconies;

(c) Details of rainwater goods;

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

Reason: So the Local Planning Authority can be satisfied as to the details of the proposal in the interest of visual amenity.

5. No development shall take place until details of the existing ground levels of the site, and the proposed finished levels of the ground, the ground floor slab level of each building, and the finished levels of any access road and driveway showing their relationship with the existing levels of the immediately adjoining land and buildings have been submitted to and approved, in writing,

by the Planning Authority and the development shall be carried out in accordance with the approved levels.

Reason: To protect the visual amenities of the surrounding area.

Highways

6. No site clearance, preparation or construction works shall take place until completion of the access has been carried out in accordance with the approved plans. The access shall be maintained thereafter.

Reason: In the interest of highway safety.

7. Prior to the first occupation of the apartments, the visibility splays identified on drawing number 047-0057-001 Rev A within the application site or within the adopted highway shall be provided at the access and shall be maintained with no obstructions over 0.6 metres above carriageway level within these splays and shall be permanently maintained as such thereafter.

Reason: In the interest of highway safety.

8. No gates or barriers shall be erected across the access.

Reason: In the interests of highway safety.

9. The vehicle parking spaces, vehicle loading/unloading and turning facilities, mobility storage and refuse storage shall be provided, in accordance with details approved on drawing number SE-2274-03-AC-104 and SE-2274-03-AC-101 before the first occupation of the apartments, and shall thereafter be retained for the use of the occupiers of, and visitors to, the development. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude access to the reserved parking, vehicle loading/unloading and turning facilities, mobility storage and refuse storage.

Reason: To ensure adequate provision for vehicle parking, storage for bicycles and refuse in order to prevent the displacement of car parking, in the interest of highway safety, and in the interest of visual amenity.

10. Prior to the commencement of the development details of covered cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with the approved details, prior to the first occupation of the apartments and shall be maintained available for use thereafter.

Reason: To ensure the permanent retention of cycle parking in the interest of promoting sustainable modes of transport.

Construction

11. The development shall not commence until details of the routing of construction and delivery vehicles to / from the site within the surrounding road network and details of temporary traffic management / signage have been submitted to, and approved in writing by, the Local Planning Authority. The routes and temporary traffic management/signage shall be adhered to/retained throughout the construction period in accordance with the approved details.

Reason: In the interests of road safety and the amenities of the area.

12. Parking and turning areas for construction and delivery vehicles and site personnel, areas for loading/unloading, areas for storage of materials and scaffolding and temporary contractors buildings (site office/welfare/canteen and container) shall all be provided prior to any works commencing on site in accordance with the approved details contained on drawing number SE-2274-03-AC-501. The facilities shall be retained throughout the duration of construction works.

Reason: To ensure, adequate provision for parking loading/unloading and storage in the interests of highway safety and to protect the amenities of local residents.

13. No site clearance, preparation or construction works shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday, Public and Bank Holiday.

Reason: To protect the amenity of local residents.

14. Wheel washing shall be undertaken in accordance with the details contained in the Construction Method Statement dated 25 July 2016. The wheel washing facilities and process of cleaning shall be maintained in an effective working condition for the duration of the proposed works.

Reason: To ensure that no mud or other material is taken from the site onto the neighbouring highway in the interest of highway safety.

15. For the duration of the proposed works the works shall be undertaken in accordance with the details contained in the Construction Method Statement dated 25 July 2016.

Reason: To protect the amenity of local residents.

16. Deliveries to the site shall be made in accordance with the details contained in the Construction Method Statement dated 25 July 2016 throughout the entire duration of the works on site.

Reason: In the interests of road safety and the amenities of the area.

Contamination

17. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: To prevent pollution of controlled waters and comply with the National Planning Policy Framework.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented

18. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To prevent pollution of controlled waters and comply with the NPPF.

19. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To prevent pollution of controlled waters and comply with the NPPF.

Drainage

20. Prior to the occupation of apartments hereby approved the works for the disposal of sewage shall be provided on the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and maintained in accordance with the approved details.

Reason: To ensure proper sewage disposal and avoid pollution of the surrounding area.

21. Development shall not begin until a detailed sustainable surface water drainage scheme for the site, as per the Foul and Surface Water Drainage Strategy undertaken by WSP Parsons Brinckerhoff dated May 2016, has been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of through the methods detailed in the submitted Foul and Surface Water Drainage Strategy undertaken by WSP Parsons Brinckerhoff dated May 2016.

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

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

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

22. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority; this may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

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

Landscaping

23. Prior to the first occupation of the apartments, details shall be submitted to and approved in writing by the Local Planning Authority of the proposed means of boundary treatment. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the apartments.

Reason: To ensure a satisfactory appearance upon completion.

24. Throughout the duration of the approved development including during any site clearance, preparation works and during construction, the development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the approved Tree Protection Plan Drawing No. 9038/02 and the approved Arboricultural Report reference JTK/9038/WDC to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction
 - (b) No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
 - (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
 - (d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
 - (e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
 - (f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

25. Works to trees shall be undertaken in accordance with the approved Tree Protection Plan Drawing No. 9038/02 and the approved Arboricultural Report reference JTK/9038/WDC. No pruning or other works shall be carried out until details of the proposed works have been submitted to and approved in writing by the Local Planning Authority.

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

26. In this condition a “retained tree or shrub” is an existing tree or shrub which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of first occupation of building hereby permitted.

(a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All trees works shall be carried out in accordance with BS3998 Recommendations for Tree Work).

(b) If any retained tree or shrub is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

27. All planting, seeding or turfing shall be carried out in accordance with the approved landscaping scheme detailed on drawing number SE-2274-02-LA-005. The landscaping scheme shall be implemented in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants whether new or retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

28. Prior to the commencement of the development a Landscape Management plan relating to both hard and soft landscaping, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority. The

landscaping shall be managed in accordance with the approved plan unless otherwise previously agreed in writing by the Local Planning Authority.

Reason: To ensure that the landscaping is maintained in the interest of the future occupiers and visual amenity.

Ecology

29. Prior to the occupation of any of the apartments the ecological enhancements set out in the approved Biodiversity Plan received 3 August 2016 by Innovation Group Environmental Services shall be provided and maintained thereafter.

Reason: To ensure that the proposed development will not have a harmful impact on protected species and habitats and wider biodiversity, and will enhance the natural environment.

30. Prior to the commencement of the development the reptile population on site shall be translocated to the receptor site identified in the Reptile Survey Report dated July 2016 written by Greenspace Ecological Solutions. The translocation shall be undertaken in accordance with the methods and details set out in the approved Reptile Report and Reptile Method Statement written by Innovation Group Environmental Services and upon completion of the translocation the site shall be kept clear of any suitable habitat for reptiles throughout the entire duration of the construction works.

Reason: To ensure that the proposed development will not have a harmful impact on protected species and habitats and wider biodiversity.

Use

31. The apartments hereby approved shall only be used for a residential use falling within Use Class C3 and for no other purpose within the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any replacement for that Order, the premises shall only be used for Class C3 use as defined in the Town and Country Planning (Use Classes) Order 1987 and for no other purpose.

Reason: In order than any other proposal for the use of the site is the subject of a separate application to be determined on its merits, having regard to interests of the amenity of the area and residents amenity.

Other

32. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

Reason: In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

33. No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area and local residents from light pollution.

34. Prior to the first occupation of the development hereby permitted glazing shall be installed in accordance with the recommendations contained in the approved Noise Assessment Technical Report: R6297-1 Rev 0 dated 28th April 2016. The glazing shall thereafter be maintained.

Reason: To protect the amenities of future occupiers.

Note to Applicant

1. Working with the Applicant

Working with the Applicant

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

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application

- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- was provided with pre-application advice,
 - the applicant/agent was updated of any issues after the initial site visit,
 - The applicant was provided the opportunity to submit further information to the scheme to address outstanding issues.
 - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
2. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.
 3. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

"A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 03303030119) or www.southernwater.co.uk".

4. In respect of condition 15 above, the applicant is advised the submitted Desk Study report is sufficient to satisfy part 1 of this condition.
5. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
 - Duty of Care Regulations 1991
 - Hazardous Waste (England and Wales) Regulations 2005
 - Environmental Permitting (England and Wales) Regulations 2010
 - The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.

6. Any works that have the potential to affect existing watercourse or ditch's ability to convey water will require the formal written consent of KCC; the applicant is advised to contact flood@kent.gov.uk for further information; prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function.

The applicant is advised that KCC require to see evidence that the riparian owner of the receiving watercourse has agreed to all works and a specification for the responsibilities of each party for the implementation of the drainage measures, a timetable for implementation and a management and maintenance plan for the lifetime of the development.

7. The applicants attention is drawn to comments received from KCC Development Contributions which seek to secure the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community.

The applicants attention is drawn to comments received from KCC Development Contributions which advise that the BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises

8. In respect of condition 34 above, the applicants is advised that the external lighting scheme should be designed in accordance with the Bat Conservation Trust's Bats and Lighting in the UK guidance a summary of which is set out in KCC Ecology's comments dated 17 August 2016.
9. The applicant is advised that the removal of mature trees should be carried out outside of the bird nesting season (March – September inclusive). If this is not possible than areas for removal should first be inspected by a suitably qualified ecologist to identify that any nests present have had eggs hatched and that young birds have fledged.

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 16/00795/AS.

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Annex 1

