

Application Number	16/01515/AS
Location	Land between Smarden Charter Hall and Weathercock, Pluckley Road, Smarden, Kent
Grid Reference	88695 / 42488
Parish Council	Smarden
Ward	Weald North
Application Description	Outline planning application for up to 25 residential dwellings with all matters reserved except for access.
Applicant	Gladman Developments Ltd
Agent	Gladman Developments Ltd
Site Area	2.27 ha

(a) 121/ 3S, 15R Smarden Charter Hall Trustees – S	(b) S	(c) NE -,KH&T - X, KCC (SUDS) - X; KCC (Eco) –R, KCC (Her) – X, KCC (PRoW) - X, RA – X, WKPS – S, SW - +, PO - X, HM – X; EH (EP) - X, Headcorn Aerodrome - +; Stagecoach - S
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Introduction

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

Site and Surroundings

2. The site has an area of approximately 2.27 ha. It forms the greater part of a large and level open field on the southern side of Pluckley Road, at the eastern edge of Smarden. The village centre and Conservation Area lie further to the west. The site is currently in use for agriculture with existing vegetation mostly confined to field boundaries, including a hedgerow along

the boundary with Pluckley Road. The site falls within the Low Weald National Landscape Character Area and within the Beult Valley Farmlands Local Landscape Character Area. There are a number of ponds in the vicinity of the site with one pond within the site itself.

3. The site shares a long boundary with Pluckley Road which has a number of protected trees on one side (opposite side to the site). Surrounding uses include a row of houses on the opposite side of Pluckley Road, including Jubilee House, a Grade II listed building, with more residential development beyond. A detached property known as Weathercock adjoins the site to the north, its long back garden defining the northern boundary of the site. A second Grade II listed property, known as Stanley House lies further to the north, on the other side of Weathercock. The Charter Hall lies immediately to the south west with access off Pluckley Road. The site is bordered by open countryside along its eastern and much of its southern and northern boundaries. A Public Right of Way and farmer's track (providing access to the field to the rear) extends along the southern boundary of the site.
4. A site location plan is shown below and attached to this report as annex 1.



Proposal

5. The application is for outline planning permission for the development of up to 25 residential units with all matters reserved except for access. The proposed development would have a density of approximately 15 dwellings per hectare. A framework plan is included in figure 1 below:



Figure 1: Illustrative Development Framework

The development would be accessed via a new vehicular access from Pluckley Road at the northern end of the site some 30m from the boundary with Weathercock. The access proposals include the provision of an uncontrolled crossing point on Pluckley Road. New footways would be provided to either side of the new vehicular access, with most of the roadside footway provided within the application site behind the boundary hedge and not adjacent to the road itself. A plan showing the access details is included as Figure 2 below:

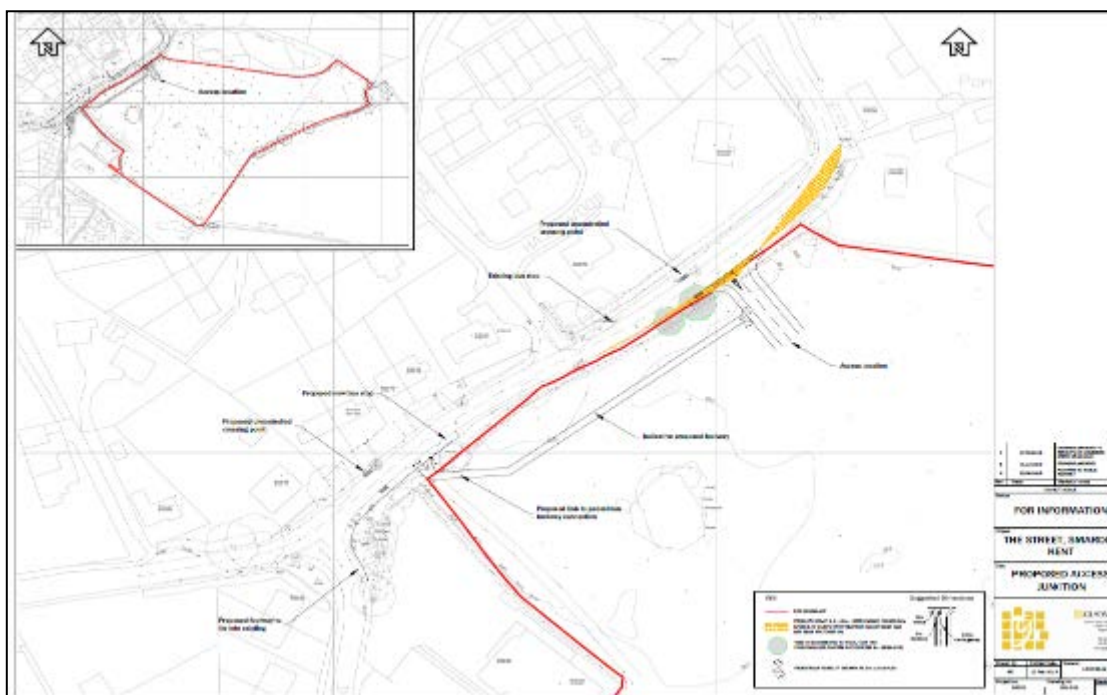


Figure 2: Plan showing access details

6. Other matters relating to the development have been reserved, to be considered at the detailed stage. However, the proposals include an illustrative masterplan which shows:
 - An area of public open space, labelled 'informal village green', in the north western corner of the site adjacent to The Charter Hall and including the retained pond
 - A landscaped buffer along the northern boundary of the site with Weathercock and the open countryside to the north;
 - A footpath along the northern boundary of the site behind the existing roadside hedge;
 - A mix of house types arranged as 2 full perimeter blocks and two 'half' blocks;
 - A habitat creation area in the southern corner of the site bordered by the PRow and track.
7. In support of the application, the following have been submitted:
8. **Phase I Preliminary Risk Assessment by LK Consult Ltd** concludes that there are no significant constraints to residential development of the site with generally a low risk from contamination across the study area. There is a

moderate risk from potential pesticides, herbicides and fertilizers and on this basis a shallow soil sampling survey is recommended. There is a localised moderate risk from potential soil contamination in the vicinity of the former buildings, ponds and access tracks and an intrusive investigation is recommended in these areas. There is a localised moderate risk from potential hazardous gases around former ponds located on and immediately adjacent to the site and localised gas monitoring is recommended in these areas. As per good practise, it recommends a watching brief for possible contamination during the works.

9. **Flood Risk Assessment and Outline Drainage Strategy by LK Consult Ltd** conclude that there is a low risk of flooding on this site. The greenfield run-off rates for the 30 year event and 100 year event have been utilised in the attenuation and on site storage estimates. The Outline Drainage Strategy considers the use of attenuation based SUDs to be most appropriate form of surface water disposal. Shallow underground or open water storage systems with flow control devices limiting the flow to a predetermined and agreed rate prior to discharge are proposed. Surface water may be discharged to the nearby water course on the southern boundary.
10. **Foul Drainage Analysis by Utility Law Solutions** includes an analysis of both the legal and technical aspects relating to foul drainage concluding that this development can be effectively drained without causing detriment to the existing public sewerage network. It also concludes that adopting the tests at NPPF paragraph 206 demonstrates that any condition relating to foul drainage is unnecessary, irrelevant to planning and unreasonable.
11. **Ecological Appraisal by FPCR** – The report concludes that as the site is mostly in agricultural use, habitats within the site are of limited ecological value apart from the boundaries that would be unaffected by the development. It concludes that the proposed development will strengthen habitat linkages with the surroundings as well as providing new habitat stating that the proposed development will have a long term beneficial effect on the conservation value at a site level.
12. **Arboricultural Assessment by FPCR** found the condition of trees across the site to be generally good with most trees, tree groups and hedgerows retained by virtue of their peripheral locations. A single tree (Cat C) and small section of low quality hedgerow would need to be removed to facilitate the access point.
13. **Statement of Community Involvement by Gladman** sets out the process of community engagement that has been undertaken by the applicants, including engagement with the Borough Council, KCC, Smarden Parish Council; residents; Environment Agency , Utility Providers and Local Service Providers. Leaflets outlining the development principles and seeking

comments were distributed to over 270 households and businesses. As part of the proposals review the applicants are looking into the potential of gifting an area to The Charter Hall for additional parking and improving the farmer's track so that it can be incorporated into the formal village green area as suitable usable space.

14. **Heritage Statement by CgMs Consulting** identifies a number of heritage assets as sharing limited inter-visibility with the site. It recommends that the proposed development remains 2.5 stories (previously 1 or 2 storeys) to ensure that it will not overlook the listed building or interrupt the character of the area. It recommends that the development is set back from the road side and planting retained to the north western corner and along the north western boundary to ensure that Jubilee House remains a prominent building when entering the village. It concludes that overall sensitive development would have a negligible impact upon the historic environment.
15. **Archaeological Desk-Based Assessment by CgMs consulting** establishes that there are no designated archaeological assets on the site and none in the vicinity of the site concluding that the development would not have an impact on any nationally important archaeological assets. It concludes there is low potential for archaeological evidence.
16. **Socio-Economic Sustainability Statement by Gladman** concludes that this proposal would provide new market and affordable homes which will open up the settlement to local people, key workers and others previously unable to purchase a house in Smarden.
17. **Renewable Energy Statement by Gladman** sets out the proposed strategy which is based on a fabric first approach. It states that additional renewable energy generation technology may need to be installed within the development to achieve the required carbon dioxide emissions targets to meet both the Building Regulations targets and the Council's desire to achieve a 30% reduction in carbon dioxide emissions but that this can only be developed as further design and layout information becomes available.
18. **Utilities Statement by Gladman** Initial investigations have not highlighted any concerns or engineering difficulties with servicing the proposed development with gas, water, electric or telecommunication connections and that new infrastructure and service connection costs are anticipated to be in line with those expected for a standard development of this scale.
19. **Socio Economic Sustainability Statement by Gladman** highlights the projected growth within the borough and the significant contribution to the economy that can be captured locally by allowing smaller sustainable settlements such as Smarden to grow. This proposal to build 25 homes would

provide new market and affordable homes opening up the settlement to people previously unable to purchase a house there.

20. **Landscape and Visual Appraisal by FPCR** considers that the proposed development would give rise to no more than minor adverse effects on landscape character. Overall, it would give rise to no more than minor adverse effects from residential properties with those properties adjacent to the boundary along The Street and Smarden Charter Hall having moderate adverse effects from the outset, reducing to minor after 10 years. The PROW (AW191A) would experience major – moderate adverse effects although these would reduce to moderate after 10 years as new planting matures. It concludes that there would be no overriding adverse effects that should preclude the proposed development on landscape and visual grounds.
21. **Transport Statement by Prime Transport Planning** concludes that the proposed development would not have a severe impact on the operation of the highway network both in terms of safety and capacity. The site is sustainable in that a range of facilities are in walking or cycling distance with bus stops in the vicinity providing connections to main urban centres. Also, the proposal provides for a new bus stop adjacent to the site. The proposed site access has ample capacity to accommodate the predicted travel flows in 2020 with development in place and analysis of accident data suggests that the highway layout is not a causation factor for accidents with just one minor accident recorded within the last 5 years. The report concludes that no off-site mitigation measures are considered necessary.
22. **Travel Plan by Prime Transport Planning** highlights the sustainability of the site in terms of being in walking and cycling distance to a range of facilities. It identifies the need for welcome packs to promote sustainable transport options.
23. **Noise Assessment Report by Wardell Armstrong** identifies the main noise sources as being traffic noise from The Street/adjacent car park and amplified music from The Charter Hall. It advises on the layout of the proposed scheme and also the internal layout of units to help mitigate for these effects. It concludes acoustic ventilation would need to be installed in some living rooms and bedrooms located nearest to The Street or alternatively living rooms and bedrooms could be located on the screened side of the proposed buildings, away from the main sources of noise.
24. Mitigation would be required for dwellings located near to The Charter Hall with their gardens located on the screened side of dwellings, away from the main source of noise. Assessment of low frequency noise from amplified music at the Hall shows that for proposed dwellings located closest to the hall, a combination of a 2m high barrier on the site boundary and laminated glazing

is needed to attenuate low frequency noise. Acoustic ventilation would also need to be installed.

Planning History

25. 16/00045/AS – Outline application for up to 50 units – Refused 30/9/16. An appeal has been lodged – start date yet to be agreed.

Consultations

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

Smarden Parish Council: Support the emerging Local Plan for the Ashford Borough which allocates up to 25 houses in the parish up to 2030. In the emerging Local Plan the above site is the only allocated site in the parish and therefore they support this application on that basis. It does however believe that this speculative application has been made without allowing the democratic process in preparing the local plan to be completed which the Parish Council took an active part in the preparation of with Ashford Borough Council.

Natural England: No comments

KCC Developer contributions request contributions in respect of secondary education and library bookstock. They also request a condition to secure superfast fibre optic broadband.

KCC Flood and Water Management: comments that whilst the drainage components have changed since the previous 50 unit application, the drainage strategy in principle remains largely unchanged and therefore the principles and conditions set out in their response letter, dated 6th May 2016, are still relevant.

KCC Highways and Transportation: agrees that the development is acceptable in terms of capacity of the local road network. It requests that a number of conditions are imposed on any grant of planning permission.

KCC Ecological Advice Service: require no further ecological information to be submitted prior to determination of the outline planning permission. Any grant of planning permission should be conditioned to require the implementation of the detailed mitigation strategy for all species described/ecological enhancements.

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

may be remains of an industrial site, a quarry or pond or could be a post medieval or earlier activity site. A number of conditions have been recommended.

KCC Public Rights of Way: notes that public footpath AW191 passes through the southern section of the site but as the application is for development away from the PROW with incorporated amenity space, there is unlikely to be a significant impact on the path. No objections are raised.

Kent Police: Highlights the need for the applicant to contact Kent Police with a view to potentially including a formal application for BREEAM and Secured by Design. A relevant condition or informative is advised.

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

Weald of Kent Protection Society: supports this application for the following reasons:

The number of new dwellings is in line with the emerging Local Plan for Ashford and has the support of the Parish Council. It is felt that this would be a sustainable level of development for Smarden village.

The recreational area will provide additional amenity space for the use of the village. The open space to the east of the village hall will protect the outlook and amenity, which has intrinsic value to users of the Hall during the course of the year.

Southern Water: No objection subject to a condition.

Project Office: The principles behind the drainage strategy is largely unchanged from the previous planning application for up to 50 units and therefore the comments/conditions within the previous response from KCC remain applicable. It is noted that the runoff rate for the site is proposed to match the existing greenfield rate. Should the application be granted permission, reducing runoff to below existing greenfield rates should be considered within the detailed design wherever feasible.

Housing Services: notes that the applicant's proposal is to provide 35% affordable housing. Given this site is allocated in the emerging local plan and the affordable housing policy, HOU1 within the emerging plan seeks 40% affordable housing it is considered 40% affordable housing to be the percentage that should be provided. As it is still unknown how starter homes may impact on the amount of affordable rented and shared ownership homes that can be provided it is important that to meet local housing needs the maximum amount of affordable housing is provided on site.

If the outline application for 25 dwellings receives approval it will be important to ensure that the reserved matters ensures that the affordable housing is indistinguishable from the open market homes and is well integrated throughout the

site. Housing Service would wish to be involved in agreeing the type, size and tenure of the affordable homes.

Environmental Protection: comments that Smarden Charter Hall has the benefit of a Premises License with the option to provide live and recorded music events. This means that amplified music may be noticeable externally and the prospect of introducing residential development in close proximity to the venue is a concern. However it is clear from the work they have carried out that a noise attenuation scheme could be provided to minimise the impact of noise from events held at Smarden Charter Hall. A condition is recommended requiring the measures identified in the noise report to be implemented on a plot by plot basis.

Stagecoach: would welcome the opportunity for more formalised bus stops, that meet latest accessibility requirements. It may be appropriate for the Ashford-bound stop to include a shelter, though this would need to be agreed with the parish council, which would need to take ownership of the structure.

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

Headcorn Aerodrome: points out that the proposed development is within the area covered by the safeguarding map for the aerodrome and certain noise connected with the aviation activity will be apparent.

Smarden Charter Hall Trustees: Supports the identified need for 25 new houses but would like to see them provided on two or three sites around the village not a single site. Such sites should be identified as part of the local plan consultation. Only if no such sites are identified would the trustees support this development subject to the following:

-That the siting of the houses is in keeping with the site diagram contained in the application;

-That the area currently defined as 'Informal Public Open Space' be formally designated a 'Local Green Space' in the final Local Plan- That firm guarantees are obtained from the developer and the builder that no less than 9 houses of the total 25 are made available as affordable homes.

Neighbours: 121 neighbours were consulted. A total of 21 representations have been received comprising 3 general comments, 3 in favour of the proposals and 15 raising objections. The letters of support are supportive of a 25 unit development but emphasise the unacceptability of a 50 unit scheme. The letters of objection raise the following issues:

- Disagree with the timing of this application, in advance of the Ashford Local Plan 2030.
- Concerned that this proposal sets a precedent for further greenfield development on this site
- At no point has Gladman consulted the residents of Jubilee House on this proposal
- The proposed development would impact adversely on both Jubilee House and Stanley House, both Grade II listed buildings. The views from Jubilee house would be adversely affected by the proposals.
- The proposed access, on a bust road into the village, would be detrimental to highway safety. Furthermore no footpath is proposed as part of the development. Increased pedestrians and cars would have an adverse impact on the village,
- Contrary to the information submitted as part of the application, the village would not benefit in any way from development of land of geological and historic value within a medieval village.
- Detrimental impact on Low Weald. An important open space would be lost if this development were to take place. The ponds, fields and woods are an important feature of the village and Low Weald
- This space is an important aspect of the eastern approach into the village. It is important to its setting and sense of place
- Facilities within the village, such as the school, are already oversubscribed. There is no GP practise within the village, Views from the Charter Hall would be compromised by the development.
- The development could not easily be integrated into the village without the need to substantially improve infrastructure or facilities
- The layout and scale is not appropriate to the character and size of the village
- The village cannot sustain the increased traffic flows that would be generated by this development. Photos have been submitted to demonstrate this. Residents have difficulties entering and exiting their driveways as visibility within the street is poor due to the bend in the road.
- Adverse effect on utilities which are already under strain – drainage and sewerage treatment are ongoing issues in the village. The land in question is waterlogged and the village has experienced flooding on the past.

- The development would result in further noise and light pollution
- Disturbance to protected species
- Loss of greenfield land of agricultural status
- Support for the emerging local plan in terms of the number of additional units proposed in the village. However, these units should be provided on sites dispersed across the village
- Highlights the need for communities to work together with the Council to help resist the push by the big development companies to exploit loop holes in the planning system
- Smarden needs housing with at least one bedroom on the ground floor to reflect its aging population. Executive homes are not required. This application is motivated by greed not need: whilst 35% of units are affordable this leaves 65% that are unaffordable. Such homes are need in the village.
- The development should be laid out in a way that allows for additional development but only after 2030.

Local people need to be able to trust those making changes to the character of the village and in this case, the trust is not there.

Planning Policy

26. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012 and the Chilmington Green AAP 2013. On 9th June, the Council approved a consultation version of the Local plan to 2030. Consultation commenced on 15th June 2016. At present the policies in this emerging plan can be accorded little or no weight.
27. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

GP12 – Protecting the countryside and managing change

EN9 – Setting and entrances to towns and villages

EN10 – Development on the edge of existing settlement

EN16 – Conservation Areas

EN23 – Sites of Archaeological importance

EN30 – Nature Conservation Sites

EN31 – Important Habitats

EN32 – Important Trees and Woodland

LE5 – Equipped Public Open Space

LE7 – Play facilities

LE9 – Maintenance of Open Space

CF21 – School requirements

Local Development Framework Core Strategy 2008

CS1 - Guiding principles to development

CS2 – The borough wide strategy

CS6 – The Rural Settlement hierarchy

CS9 – Design Quality

CS10 – Sustainable Design and construction

CS11 – Biodiversity and Geological conservation

CS12- Affordable housing

CS13 – Range of dwelling types and sizes

CS15 – Transport

CS18 – Meeting the Community's needs

CS18a – Strategic recreational open spaces

CS19 – Development and flood risk

CS20 – Sustainable drainage

CS21 – Water Supply and treatment

Tenterden & Rural Sites DPD 2010

TRS1 – Minor residential development or infilling

TRS2 – New residential development elsewhere

TRS17 – Landscape and character and design

TRS18 – Important rural features

TRS19 – Infrastructure provision to serve the needs of new development

Draft Ashford Local Plan June 2030

SP1 – Strategic objectives

SP2 – The strategic approach to housing delivery

SP6 – Promoting high quality design

S37 – Smarden

ENV1 - Biodiversity

28. HOU1 – Affordable housing.

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

Supplementary Planning Documents

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011(external space standards)

Sustainable Design and Construction SPD April 2012

Public Green Spaces & Water Environment SPD 2012

Dark Skies SPD 2014

Village Design Statements

Smarden Parish Design Statement

Government Advice

National Planning Policy Framework 2012

29. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. In respect of this application, paragraph 14 is of a particular relevance and is set out on the following page.

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

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

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

For **decision-taking** this means:¹⁰

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

Assessment

30. The main issues for consideration are:

- (a) Background to this application
- (b) Principle of development – the adopted and emerging Development Plan
- (c) 5 – year housing land supply and the consequential impact of MPPF advice
- (d) Landscape Character and Visual Amenity
- (e) Highways
- (f) Ecology/Biodiversity
- (g) Flooding, water treatment and drainage

- (h) Residential Amenity
- (i) Affordable housing /Housing Mix
- (j) Heritage
- (k) Whether planning obligations are necessary

(a) Background to this development

31. On 20th July 2016, Members resolved to refuse planning permission for a development of up to 50 units on a similar but slightly larger site. The grounds for refusal were as follows:

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

(a) the scale and extent of development proposed would have a significant adverse visual impact on land forming part of the Low Weald National Landscape Character Area and Beult Valley Farmlands Local Landscape Character Area impacting upon its acknowledged rural character that forms an important component of the setting of, and eastern entrance to, Smarden . It thus represents unsustainable development as the environmental role of sustainable development includes contributing to protecting and enhancing the natural environment.

(b) the scale and massing of development proposed would have an adverse impact on users of the public right of way along the southern boundary of the site due to its overbearing impact due to the extent of the developable area limiting the recreational opportunities afforded and views out to the open countryside.

2. The proposal would conflict with policies CS1 and CS6 of the Local Development Framework Core Strategy 2008, Policies TRS1, TRS17 and TRS18 of the Tenterden and Rural Sites DPD 2010; Policy GP12 of the Ashford Borough Local Plan 2000 and Policies SP1, SP2 and S37 of the emerging Ashford Local Plan 2030 and would therefore represent development contrary to interests of acknowledged planning

importance which are not considered to be outweighed by the benefits of the development cited by the applicant, for the following reasons:-

(a) it would fail to protect the proposed and needed open space buffer identified in emerging policy S37, resulting in a higher density of development that visually impacts unacceptably on existing development inappropriate in a village setting of historic character and unacceptable for the new edge of the village.

(b) the scale and quantity of the development proposed would be out of proportion as an extension to the existing size, scale and character of Smarden and would therefore represent unacceptable development damaging to its visual and functional amenity.

(c) the emerging Local Plan policy for the site is at an early stage and permitting development at this stage would prejudice the outcome of the consultation process and be thus premature.

The current application for up to 25 units is on a similar but smaller site to the refused scheme. Whilst the assessment below is similar in many respects to the previous refused scheme, consideration needs to be given also as to whether this new proposal addresses the reasons for refusal outlined above.

(b) Principle of development – the adopted and emerging Development Plan

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

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

33. Policy CS2 of the Core Strategy sets out the Borough Wide Strategy and formally states Ashford Borough's 'Growth Status' and the need for land to supply 16,770 new dwellings and related uses. The policy also sets out the rest of the borough's need for 1,180 new dwellings to be identified by 2021. In the supporting text to policy CS2, paragraphs 2.37 and 2.38 emphasise that development should be at an appropriate scale to the role of a rural settlement noting that smaller scale development only should be allocated.

34. Policy CS6 of the Core Strategy sets out the rural settlement hierarchy. Smarden was identified as a settlement suitable for minor development and infilling within the built-up confines in the Tenterden & Rural Sites DPD under policy TRS1 (see below).

35. Policy TRS1 states:

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

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

providing that the following requirements are met:

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

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

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

37. The built confines are defined as being:

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

38. According to definition the site is outside the built confines of Smarden. The erection of up to 25 dwellings cannot be considered to represent minor development/ infill as set out in Policy TRS1 either.

39. Policy TRS2 of the Tenterden and Rural Sites DPD specifically applies and refers to new development elsewhere (ie. outside the built-up confines). It says new residential development outside the built-up confines of Tenterden or the villages listed in Policy TRS1 will not be permitted unless it constitutes one of the following: a) it is an agricultural dwelling, justified under PPS7, or, b) it is a re-use or adaptation of an existing rural building of architectural or historic interest, justified under policy TRS3, or c) it is a replacement dwelling that is justified under policy TRS3, or d) it is a 'local needs' scheme on an exception site justified under policies TRS4 or TRS5. None of those criteria apply.
40. Paragraph 17 of the NPPF explains that the core land-use planning principles that should underpin decision – taking include:
- planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area
 - planning should take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it
 - planning should contribute to conserving and enhancing the natural environment
 - planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land)
41. On 15th June 2016 the council published the Local Plan to 2030 for consultation. This proposes a housing allocation in Smarden on a portion of the application site, in the location shown below:
42. The draft plan states that the site is considered suitable for up to 25 dwellings. It also revises the considerations relating to housing development in the rural areas in the light of the NPPF and the NPPG, thus making it clear that more villages will be considered as suitable in principle for allowing minor windfall development, whilst making it clear that this should only be allowed within the confines, and be of a scale that complements the existing settlement of the village. The new plan also recognises that residential development in non-isolated locations outside settlement confines may be acceptable but that this should be limited to brownfield locations and relating to 3 dwellings or less.

43. In conclusion the principle of the development is contrary to the adopted Development Plan. It is in accordance with the emerging new Local Plan but this is at an early stage and can only be given very little weight.

(c) 5 - Year housing land supply and the consequential impact of NPPF advice

44. Paragraph 14 of the NPPF advises that planning permission should only be granted against the provisions of the Development Plan where the plan is:
- a) absent,
 - b) silent, or
 - c) out of date, and
 - d) Where there are no adverse impacts which would significantly and demonstrably outweigh the benefits of the development.
45. Paragraph 49 of the NPPF defines 'up to date' as equating to being able to demonstrate a five year supply of deliverable housing sites in the Borough.
46. The 2016 planning appeal decision in relation to land south of Tilden Gill Road, Tenterden, Kent (reference APO/E2205/W/15/3032575) is an important material consideration in the assessment of whether the council can demonstrate a deliverable 5-year housing land supply. The appeal relates to a site in the rural area for up to 100 dwellings. The appeal site is similar to that involved with this application in so far as it was an unallocated site on the edge of the built up confines of a rural settlement, albeit a much larger principal rural service centre. The appeal tested the Council's current position regarding its 5-year land supply. In allowing the appeal, the Inspector appointed by the Secretary of State to assess the appeal concluded that:
- '64. Against the requirements set in the development plans, the Council cannot demonstrate a five-year land supply. Consequently, according to the advice in paragraph 49 of the NPPF, the relevant policies for the supply of housing should not be considered up-to-date.'*
47. In light of the appeal decision, some of the development plan policies relating to the supply of housing discussed in b) above, which would normally restrict residential development outside the built confines of rural settlements in the absence of development plan allocation, are in the absence of a deliverable 5 year land supply, now considered to be not up to date. Since the Tilden Gill appeal decision the 5 year land supply position has not improved.

48. As such, it should be accepted that the presumption in favour of sustainable development reflected in paragraph 14 of the NPPF should be the principal consideration to the determination of this application.
49. This being the case, I do not consider that it is open to the Council to refuse the application simply because the site lies outside the settlement boundary. The application must instead be assessed to consider whether the proposal would generate harm and adverse impacts which would significantly and demonstrably outweigh the benefits of the development, i.e. its ability to help meet that housing land supply shortfall. The inclusion within the draft Ashford Local Plan 2030 of an allocated site for up to 25 units on the application site – Policy S37 - is a material consideration in the determination of this planning application. Whilst the draft plan has little weight at this stage, the allocation of this site took into account the sites deliverability as required by government guidance, confirmation from KH&T that a satisfactory access could be achieved or a development of up to 25 units and that the site represented the most appropriate site within the village for a development of up to 25 units in landscape and visual terms.

Policy S37 is set out below:

The site adjacent to the Village Hall in Smarden is proposed for residential development for up to 25 dwellings. Development proposals for this site shall:

- a. Be designed in accordance with the Smarden Parish Design Statement. Particular attention needs to be given to the visibility of new development from the street and the village hall and minimise the impact on adjoining countryside;
 - b. Create an area of informal public Open Space along the southern parcel of the site, adjacent to the memorial hall, which includes the existing PRoW;
 - c. Retain and create new hedge and tree boundary's to screen the development from the open countryside and neighbouring residents and create new soft landscaping throughout the development;
 - d. Provide primary vehicle access on The Street
 - e. Provide a new footpath along the road frontage, which must retain hedgerows where possible.
50. The following sections of this report assess the proposal in terms of whether it generates harm/adverse impacts which would significantly outweigh the benefits of the development with reference also to the reasons for refusal to

the 50-unit scheme. It also assesses the proposal in terms of the new site policy within the emerging Ashford Local Plan.

(d) Landscape character and visual amenity

51. Policy CS1 of the Core Strategy seeks to protect the character of the countryside, landscape and villages from the adverse impacts of growth. This is endorsed by Policy SP1 of the emerging Ashford Local Plan which sets out similar core principles for development within the borough.

52. Policy TRS17 of the Tenterden and Rural Sites DPD requires that development in the rural areas is designed in such a way which protects and enhances the particular landscape character area within which it is located, and where relevant, any adjacent landscape character area. It requires that proposals have particular regard to the following:
 - a) Landform, topography and natural patterns of drainage
 - b) The pattern and composition of trees and woodlands
 - c) The type and composition of wildlife habitats
 - d) The pattern and distribution of field boundaries
 - e) The pattern and distribution of settlements, roads and footpaths
 - f) The presence and pattern of historic landscape features
 - g) The setting, scale, layout, design and detailing of vernacular buildings and other traditional man made features
 - h) Any relevant guidance given in an AONB Management Plan or in a Landscape Character SPD.

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

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

- c) Rural lanes which have a landscape, nature conservation or historic importance;
- d) Public rights of way.

This is carried forward in Policy ENV5 of the emerging Ashford Local Plan.

- 54. Emerging site Policy S37 requires, amongst other things, new development to give particular attention to the visibility of new development from The Street and the village hall and to minimise its impact on adjoining countryside.
- 55. The site does not fall within an Area of Outstanding Natural Beauty. It lies within the Low Weald National Landscape Area and the Beult Valley Farmlands Local Landscape Character Area, as defined in the Council's Landscape Character SPD. This area is characterised by flat, low lying floodplain of the River Beult; numerous small field ponds and typically a pastoral land use. It is designated as Grade 3 agricultural land – meaning it is of good to moderate quality for agriculture (half of the agricultural land in England and Wales falls under this designation with the best and most versatile agricultural land designated grades 1 and 2). The site comprises the greater part of a large, irregularly shaped field in use for agriculture. It is flat and low lying with few landscape features except for a single pond and the hedgerows, hedgerow trees and ditches that form the boundaries to three sides of the site with the eastern boundary open to the rest of the field.
- 56. The proposed development for up to 25 units would clearly have less visual impact than a development of up to 50 units. As with the 50 unit scheme, it would fall within a single field boundary. The proposed built development would be set back from the existing field boundary hedgerows and ditches thereby allowing for their retention (with the exception of a 15m stretch of hedgerow at the proposed vehicular access into the site) and thus respecting the pattern and composition of field boundaries in the locality. Furthermore, the proposed landscaping proposals/ ecological enhancement area would help any development to integrate into its surroundings when viewed from the Street or Charter Hall.
- 57. The proposed boundary with the rest of the field would have little landscaping. Indeed the indicative layout shows a road that is hard up against this boundary in places. Such a hard edge would not be acceptable. This plan however is only indicative and I consider that a layout could be achieved on this site that provides a much softer boundary with the open countryside. I therefore advise that a condition is attached to any permission requiring the provision of a landscape buffer strip along this boundary with the open countryside to mitigate for any visual impact on the wider countryside.

58. The indicative layout shows the public footpath retained within a landscaped area along the southern boundary of the site and the on-site pond retained as part of the SuDS scheme for the site. The integration of these features into the development accords with Policy TRS18. Furthermore, the reduction in the developable area of the development and its scale and massing when compared to the scheme for up to 50 units, would reduce the impact of development on users of the public right of way.
59. In view of the above, I consider that with the inclusion of an appropriate planning condition to secure a landscaped buffer strip along the open eastern boundary of the site, the proposed development would not cause significant and demonstrable harm to landscape character. The proposal would address reasons (a) and (b) for refusing the previous 50 unit scheme. It would accord with the provisions of Policies TRS17 and TRS18 of the Tenterden and Rural Sites DPD and with emerging Ashford Local Plan.

Policy CS9 of the Core Strategy seeks to achieve a high quality design and demonstrate a positive response to a range of design criteria, including permeability and ease of movement, legibility and quality of spaces. This is endorsed by the NPPF which requires new developments to be of a high standard of design layout. Policy SP6 of the emerging Local Plan is not materially different in its approach to promoting high quality design.

60. The submitted masterplan, as already indicated, is only illustrative so whilst I have some concerns with the layout eg. buildings backing onto open space, these would be dealt with at the reserved matters stage. Similarly, any detailed scheme would need to work in terms of meeting locally and national prescribed standards for room sizes and garden space and parking and this too would be assessed at the reserved matters stage. I am therefore of the view that a scheme could be developed that accords with the provisions of Policy CS9 of the Core Strategy; the NPPF and emerging policy in the Ashford Local Plan 2030.

In conclusion, I consider that the proposed development would not cause harm to landscape character or visual amenity.

(e) Highway Safety

61. Paragraph 32 of the NPPF states the following:

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

(i) The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure,

(ii) safe and suitable access to the site can be achieved for all people; and

(iii) improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

62. Whilst Smarden does not have a Railway Station (the closest is in Headcorn some 3 miles away) and is less sustainable than other settlements in the borough the site is on a bus route, with regular services to Biddenden and Ashford. KH&T has confirmed that the development is acceptable in terms of the capacity on the local road network. The applicant is proposing a new bus stop to the front of The Charter Hall to serve the development which would be secured by way of a Grampian condition. The development would not result in a need for major transport infrastructure and is therefore acceptable in terms of (i) above.
63. The vehicular access into the site from Pluckley Road would be located along the street frontage in accordance with emerging policy S37. It would require the provision of a 2.4m x 43 m visibility splay in either direction. The plans include an uncontrolled pedestrian crossing point with tactile paving. Whilst footways would be provided to either side of the vehicular access to meet highway requirements, the main footway would be located within the site, behind the boundary hedge and verge. This would allow the retention of the road side hedge in accordance with emerging Policy S37. The proposed footpath would connect with the existing street side footway in front of The Charter Hall (and adjacent to the new bus stop).
64. In response to local concerns about highway safety on the previous scheme for 50 units, KH&T confirmed that reference to local crash records did not raise any existing concerns over highway safety. It agreed with the observed traffic flows and recorded speeds (average 28mph) at the proposed site access as set out in the Transport Statement and did not consider that the development would present a highway safety issue at school drop off and pick up times at Smarden Primary School. Clearly, this much reduced scheme for up to 25 units would not impact adversely on highway safety.
65. In view of the above comments, I am satisfied that the proposed development would not impact adversely on highway safety.

(d) Ecology/biodiversity

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

BADGER

No badger setts or evidence of badger activity was identified within the development area or within the immediate vicinity. In addition no records of badger were returned following consultation. The site provides some foraging opportunities and there are potential sett construction opportunities along the northern boundary within hedgerow bases; however no such evidence has been recorded. KCC Ecology advises undertaking a precautionary walkover survey prior to commencement of the development. BATS

The site provides some suitable foraging and commuting habitat for bats but these would mostly be retained. . At the proposed access into the site where there would be a partial loss of hedgerow, habitat 'hop-overs' are proposed as mitigation where additional planting of trees would occur at each side of the road. This would effectively increase the flight of bats (and birds) on the approach to this gap. KCC Ecology is happy with the conclusions of the report and the mitigation methods proposed. No further work is recommended with regards to bats. It advises that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design.

DORMICE

A dormouse nest was recorded in the hedgerow along the northern boundary of the site and whilst this will be unaffected by the proposals it is proposed to create a buffer habitat away from the built development. The proposals require the removal of a 15m strip of hedgerow adjacent to the street to allow access into the site. Although there was no evidence of dormice within this hedgerow it is linked to other hedgerows. The proposals include measures to avoid harm to dormice on the site, including the need for a European protected species mitigation license and KCC Ecological Service has indicated that it is satisfied with the measures described in the report.

WATER VOLE

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

GREAT CRESTED NEWTS

Whilst the site provides sub-optimal terrestrial habitat for GCNs, it is possible that individuals could commute from surrounding ponds where newts are present and use habitats within the site such as hedgerows for refuge.

The KCC Ecological Advice Service is happy with the proposed mitigation strategy and the trapping exercise described in *paragraph 4.39 and 4.40* of the report and advises that the mitigation takes into account Pond 1 as although no GCN were recorded during the current surveys they may be present within subsequent years.

REPTILES

Habitats suitable for reptiles are limited to the three site boundaries with hedgerow and small areas of scrub surrounding the on-site pond. The proposed development is unlikely to have a significant effect in reptiles.

The KCC Ecological Service is satisfied with the proposed mitigation described from *paragraph 4.48 to 4.51* detailing how the precautionary mitigation will be undertaken in the same time as the GCN mitigation.

ECOLOGICAL ENHANCEMENT

68. The submitted report has provided a number of recommendations to enhance the site for biodiversity and protected species. The KCC Ecological Service advises that an ecological enhancement strategy is incorporated into the finalised site layout.

69. In view of the KCC Ecological Advice Service's thorough assessment of the ecological impacts of this proposal, I am able to conclude that subject to the conditions they have advised, this proposal would not cause harm to the ecological interest of the site. The proposal accords with Policy CS11 of the Core Strategy.
70. (f) Affordable housing and housing mix
71. Affordable housing is proposed at a rate of 35% in accordance with Policy CS12 of the Core Strategy. Whilst the emerging local plan policy for affordable housing – Policy HOU1 - seeks a greater percentage of affordable housing on rural sites (40%), this policy can be afforded little weight at the current time. The mix of affordable housing would also need to be provided in accordance with Policy CS12 which requires a split between social rented (60%) and other forms of affordable housing (40%). This matter will be addressed in the legal agreement.
72. At the request of KCC Adult Social Services, the applicant has agreed to provide one dwelling to be built to HABINTAG wheelchair standard.
73. I consider the proposals to be acceptable in this respect.
- (g) Flooding, water treatment and drainage
74. The site is in Flood Zone 1 and therefore is at very low risk of flooding.
75. Neither KCC Drainage nor ABC Drainage have raised any objections to the proposal. The detailed design can be controlled by condition should planning permission be granted. However, the applicant would need to seek to achieve a 'Best Endeavours' run-off rate for the site of 4 l/second/hectare to provide a benefit in reducing surface water run-off as part of the current application compared with the greenfield rate. Furthermore, KCC has advised that any works that have the potential to affect the existing watercourse or ditch's ability to convey water will require the formal written consent of KCC and the applicant is advised to contact them prior to undertaking any such work. In addition, KCC had requested to see evidence that the riparian owner of the receiving watercourse has agreed to all the works and a specification provided for the responsibilities of each party for the implementation of the drainage measures, including a timetable for implementation and management/maintenance plan for the lifetime of the development. Subject to these caveats, and the conditions recommended by KCC Drainage, I consider that the proposal would accord with the provisions of Policy CS21 of the core Strategy.

(h) Residential Amenity

76. The application site lies on the southern side of Pluckley Road, behind a hedge and verge with some trees within the hedge-line. The property known as Weathercock adjoins the site immediately to the north – a small detached property well set back from its boundary with the application site. More residential development lies on the northern side of Pluckley Road facing onto the street and application site. The Charter Hall adjoins the site to the south.
77. Whilst only indicative, the proposed development would be set back from the street behind the existing hedge, which would be largely retained. It would also be set back from the boundary with Weathercock with supplementary planting shown along this boundary. Although only an outline application with all matters reserved accepting access, it is envisaged that only two storey development would be provided. This would be controlled through condition. I do not therefore consider that the proposed development would have an overbearing impact on these properties or result in acceptable levels of overlooking.
78. In response to concerns raised by the Council's Environmental Protection department concerning the impact of amplified music being played within The Charter Hall, a noise assessment has been carried out. This identifies the dominant noise sources as being road traffic in Pluckley Road/The Street, car park noise from The Charter Hall car park and amplified music from events at The Charter Hall. The assessment report demonstrates that it is possible to implement a number of suitable mitigation measures to address each of these noise sources and Environmental Protection is supportive of the proposal subject to a condition.
79. I do not consider that the proposed development would be harmful to the residential amenity of either existing or future occupiers.

(i) Heritage

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

Planning Obligations

81. Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
- (a) necessary to make the development acceptable in planning terms,
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development
82. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case. .

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.32	<p><u>Affordable Housing</u></p> <p>Provide not less than 35% of the units as affordable housing, comprising 60% affordable rent units and 40% shared ownership units in the locations and with the floorspace, wheelchair access (1 x HABINTAG), number of bedrooms and size of bedrooms as specified. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider’s nominations agreement</p>	<p>60% affordable rent units</p> <p>40% shared ownership units</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings</p>	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to Core Strategy policy CS12, the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
<p><u>Allotments</u></p> <p>Contribution towards provision of or improvements to allotments and associated facilities in the area and maintenance thereof</p> <p>Project: Upgrade allotments in adjoining settlement of Egerton or provide new allotments in the village.</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.34	<p><u>Carbon Off-Setting Contribution</u></p> <p>Contribution for funding carbon savings based on the residual carbon emissions of the dwelling or building set out in the approved energy performance certificate and quantified over 10 years. To be spent on carbon reduction project at The Charter Hall.</p>	<p>To be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD</p>	<p>Payable on the occupation of each dwelling or building</p>	<p>Necessary in order to ensure the development is carbon neutral pursuant to Core Strategy policies CS1, and CS10 (C), the Sustainable Design and Construction SPD and guidance in the NPPF.</p> <p>Directly related as only carbon emissions from this development would have to be off-set.</p> <p>Fairly and reasonably related in scale and kind as off-setting would not be required in the absence of carbon emissions from this development and any payment is based on the amount of carbon dioxide to be offset.</p>
	<p><u>Cemeteries</u></p> <p>Contribution towards provision of or improvements to</p>	<p>£284 per dwelling for capital costs</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as cemeteries are required to meet the demand that would be generated and must be</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.35	<p>cemeteries and associated facilities in the borough and maintenance thereof</p> <p>Project: Contribution towards extension of existing parish council run non-denominational burial ground</p>	£176 per dwelling for maintenance		<p>maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2, and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use cemeteries and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
	<p><u>Children's and Young People's</u></p> <p>Contribution towards provision</p>	£649 per dwelling for capital costs	Upon occupation of 75% of the	<p>Necessary as children's and young people's play space is</p>

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
<p>of or improvements to children's and young people's play space and associated facilities in the area and maintenance thereof</p> <p>Project: Upgrading and extending play equipment to play area adjacent to Tennis Court</p>	<p>£663 per dwelling for maintenance</p>	<p>dwellings</p>	<p>required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use children's and young people's play space and the play space to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

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

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.38	<p>mobile and fixed libraries in the borough and for providing additional book stock and equipment</p> <p>Project: Contribution towards mobile library service attending Smarden</p>		25% of the dwellings and balance on occupation of 50% of the dwellings	<p>demand generated and pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use library facilities and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings.</p>
	<p><u>Monitoring fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£1000 one-off payment</p>	<p>Payment upon commencement of development</p>	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				monitoring of the development and these planning obligations are covered. Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.
1.39	<p><u>Outdoor sports pitches</u></p> <p>Contribution towards provision of or improvements to outdoor sports pitches and associated facilities in the area and maintenance thereof</p> <p>Project: Contribution towards the cricket pitch at The Minnis and football pitch at Cornes Meadow both on remedial drainage. Alternatively resurfacing on the tennis court at The Minnis</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
	<p><u>Secondary Schools</u></p> <p>Contribution towards additional secondary school places</p> <p>Project: New accommodation at Homewood School</p>	£2359.80 for each applicable house	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	Necessary as no spare capacity at any secondary school in the vicinity and pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, saved Local Plan policy CF21, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.

1.40

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

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

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

Human Rights Issues

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

Working with the applicant

84. 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

85. The site is presently identified as country-side and is not allocated for development in an adopted development plan. The application therefore represents a departure from the development plan. However, in the light of the Tilden Gill appeal decision and the consequential advice in the NPPF regarding the Council’s housing supply policies, the Council needs to consider the application in the light of the NPPF’s presumption in favour of sustainable development.
86. The NPPF advises that planning permission should only be granted against the Development Plan where the plan is absent, silent or out of date and where any adverse impacts would be significantly and demonstrably outweighed by the benefits of development. In arriving at my recommendation, I have taken into account the provisions within the NPPF where the provision of new housing is a material consideration that must be afforded significant weight in the planning balance. This is especially the case where a deliverable 5 year housing land supply cannot be demonstrated.
87. Furthermore, the inclusion within the draft Ashford Local Plan to 2030, of the application site for up to 25 units is a material consideration in the determination of this planning application. Whilst the draft plan has little weight at this stage, the draft allocation of this site took into account the sites deliverability as required by government guidance; the ability to achieve an acceptable vehicular access into the site; and, that the site represented the most appropriate site within the village for a small scale development of up to 25 units in landscape and visual terms. In allocating the site for up to 25 units,

the Council also considered this to be a quantum of development that could be integrated into the village with relative ease.

88. As set out in my report, I do not consider that the proposed development would cause an unacceptable level of harm due to the relative containment of the site by the existing field boundaries and landscaping proposals and the ability to control planting on the open boundary by way of a planning condition. I'm also of the view that this scale of development, subject to the detailed design (which would be agreed at the Reserved Matters stage), could be accommodated on the site in a way that does not harm the visual amenity of the area.
89. On the issue of ecology, the KCC Ecological Advice Service has indicated that the proposed mitigation is acceptable. The site is not subject to flooding and KCC, as the Lead Local Flood Authority, is satisfied that, subject to conditions, the site can be drained in an acceptable way. Furthermore, I consider that the proposal can be designed and laid out in such a way so as not to cause harm to the residential amenity of the area or impact adversely on designated heritage assets.
90. As referred to earlier in this report, the circumstances of this application mean that the principal consideration must be whether the proposal represents sustainable development in the terms set out in the NPPF. My assessment of the various environmental issues above indicate that whilst some environmental harm would arise as a consequence of residential development here, that harm can be partially mitigated and where it cannot, the scale of harm is limited in scale and type. When balanced alongside the potentially positive social and economic impacts from the proposal, in my view the proposal would represent sustainable development and as such the presumption in favour of granting planning permission embedded in para.14 of the NPPF should apply.
91. In arriving at this conclusion, I have also taken into account the public benefits of additional development here in terms of additional revenue from additional dwellings, the economic benefits of increased employment opportunities and benefits to local retail and commercial business in the village. The applicants have agreed to enter into a section 106 Agreement which would provide further public benefits in terms of public open space, and a schools and libraries contribution.
92. The previous decision on the application for 50 dwellings in this location also cited the prematurity of that proposal in the context of an emerging Local Plan policy for the site. Clearly, this application is significantly different in its overall impact and its consistency with the emerging site policy. Therefore, whilst the Local Plan has not progressed to a different stage since the previous decision, I consider that an alternative approach can be justified here,

particularly given the issues here are generally local and do not raise any strategic issues for the emerging Plan as a whole.

Recommendation

(A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations related to

- a. **The provision of affordable housing, allotments, carbon off-setting, cemeteries, children's and young people's play space, informal/natural green space, libraries, outdoor sports pitches, secondary schools, strategic**
- b. **Monitoring fee**

as detailed in table 1, in terms agreeable to the Head of Development Strategic Sites and Design or the Development Control Manager in consultation with the Director of Law and Governance, with delegated authority to either the Strategic Sites and Design Manager or the Development Control Manager to make or approve minor changes to the planning obligations and planning conditions, as they see fit.

(B) Grant Outline Planning Permission

Subject to the following conditions and notes:

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

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

- 2. (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.
- (B) The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the

Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. An Access and Design Statement shall be submitted to accompany the details pursuant to Condition 1 and shall include, through appropriate text, diagrams and plans, the following:
- (i) The urban design principles informing the detailed layout, design, architectural style and creation of key areas of character in relation to the proposed built environment together with the approach taken in regard to vehicle parking and its integration as a key design layer;
 - (ii) The design approach taken in respect of issues of structural landscaping, ecological protection and enhancement, opportunities for enhancement of bio-diversity and controlling rainfall run-off at source through SUDS;
 - (iii) The energy efficiency measures incorporated into the detailed design of new dwellings, the facilities incorporated into designs to accommodate the storage of refuse and material for recycling for each dwelling, and
 - (iv) Details of those areas of the site intended to be adopted by Kent County Council as part of the public highway network, those areas to be maintained by management company/trust, and those areas to be sold to private occupiers.
 - (v) A landscape character and visual impact assessment.

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

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

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

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

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

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

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

Highways

7. (A) Prior to the commencement of development the following shall have been provided to the satisfaction of the Local Planning Authority and thereafter maintained for the duration of the development:

- The footways and associated visibility splays in Pluckley Road, with no obstructions over 0.6m above footway level, as shown in plan GA021-003-001

- The access and associated visibility splays with no obstructions over 1m above carriageway level, as shown on plan GA021-003-001

(B) Prior to the first occupation of the dwellings the following shall have been provided to the satisfaction of the Local Planning Authority and thereafter retained for the duration of the development

- Measures to prevent the discharge of surface water onto the public highway in accordance with details to be submitted to and approved in writing by the Local Planning Authority

- Use of a bound surface for the first 5m of any accesses from the edge of the highway

Reason: In the interests of highway safety.

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

Reason: To ensure the provision and retention of adequate street parking.

9. Prior to the commencement of development, details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.

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

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

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

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

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

12. Before the construction commences on the site the following shall be submitted and approved in writing by the Local Planning Authority:
- i) Code of Construction Practice;
 - ii) Hours of working for construction;
 - iii) The management and location of utility services within the development;
 - iv) The provision of centralised telecommunications and television and radio reception and limitations to external aerials within the development;
 - v) The routing of construction vehicles and provision of appropriate signing.

These matters approved shall then be implemented as approved.

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

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

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

14. Before any works commence on site, a survey of the development site as existing, in accordance with the provisions of BS 5837 (Trees in relation to construction – Recommendations (2005)) shall be submitted to the Local Planning Authority concurrently with the submission of the site layout drawings required to be submitted pursuant to Condition 1 and shall include, as appropriate, the following information at a suitable scale:

- (a) Location, species, girth or stem diameter, accurately planned crown spread and reference number of all trees on and adjoining the site with a stem diameter of 75 mm or greater at a point 1,5 metres above ground level.
- (b) A numbered tree condition schedule with proposals for removal of trees and for surgery or other works, where applicable, to retained trees.
- (c) Existing and proposed levels including, where appropriate, sufficient detail to allow proper consideration of existing of existing tree protection.
- (d) Location, spread and other relevant details of existing hedgerows, hedges and other significant areas of vegetation.
- (e) Location and dimensions of existing watercourses, drainage channels and other aquatic features with water, invert and bank levels as appropriate.
- (f) Existing boundary treatments and forms of enclosure.
- (g) Existing structures, services and other artefacts, including hard surfaces.
- (h) Indication of land use, roads or other means of access, structures and natural features on land adjoining the development site.
- (i) Route of existing footpaths and public rights of way on and adjoining the site.
- (j) North point and scale.

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

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

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned, thinned or reduced other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority.

(b) If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time,

as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the recommendations of BS5837 (2005) and the approved plans and particulars before any equipment machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

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

16. No trenches for underground services or foundations shall be commenced within the BS5837 root protection areas of trees identified as being retained or within 5 metres of any hedgerows without the prior consent of the Local Planning Authority in writing.

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

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

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

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

Reason: In the interests of good forestry and amenity.

19. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable

and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: In the interest of visual amenity.

20. A landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. This scheme shall include the creation of a new hedge and tree boundary along the eastern boundary of the site to screen the development from open countryside. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully prior to the occupation of any part of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

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

21. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant].

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

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

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

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

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

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

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

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

Reason: In the interests of visual amenity.

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

Reason: In the interests of visual amenity.

27. Full details of facilities to accommodate the storage of refuse and material for recycling for each dwelling and its collection by refuse vehicles shall be submitted at the same time as details required to be submitted pursuant to condition 1 and approved by the Local Planning Authority in writing. The approved details shall be implemented before the occupancy of dwellings to which they relate. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent other Order revoking or re-enacting that Order, such approved facilities shall be retained in perpetuity and access thereto shall not be precluded.

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

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

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

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

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

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

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

Reason: To prevent pollution of the water environment.

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

Reason: To avoid pollution of the surrounding area.

32. Details of a scheme for the protection and enhancement of biodiversity, including bat and bird boxes, use of native species in landscaping and incorporation of features beneficial to wildlife such as green corridors, ponds and swales and wildflower planting corridors wherever possible within and around the perimeter of the site, together with details of the timing/phasing of the respective elements forming the scheme and proposed management arrangements, shall be submitted to the Local Planning Authority at the same time as the details pursuant to Condition 1 and shall be approved in writing. The approved scheme shall be fully implemented prior to the occupation of the final dwelling on the site and thereafter maintained.

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

33. No development shall take place (including ground works) until an ecological mitigation strategy for protected and notable species has been submitted to and approved in writing by the Local Planning Authority. The content of the strategy shall include the:
- a) Identification of ecological impacts, informed by new and/or updated ecological surveys for badger, bats, dormice, reptiles and great crested newts;
 - b) Purpose and objectives of the proposed works;
 - c) Detailed design(s) and/or working methods(s) necessary to achieve stated objectives;
 - d) Extent and location of proposed works, including the receptor site, shown on appropriate scale maps and plans;
 - e) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - f) Persons responsible for implementing the works, including times when specialist ecologists need to be present on site to oversee works;
 - g) Ongoing monitoring provision.

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

Reason: In the interests of the biodiversity of the site

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

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

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

35. No development shall take place until an ecological design strategy (EDS) addressing ecological enhancement of the site has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) Purpose and conservation objectives for the proposed works,
 - b) B) Review of site potential and constraints,
 - c) Detailed design (s) and / or working method(s) to achieve stated objectives.

- d) Extent and location /area of proposed works on appropriate scale maps and plans,
- e) Type and source of materials to be used where appropriate eg. native species of local provenance,
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development,
- g) Persons responsible for implementing the works,
- h) Details of initial aftercare and long term maintenance
- i) Details of monitoring and remedial measures.

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

Reason: In the interests of securing biodiversity on the site

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

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

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

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

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

i) a timetable for its implementation, and

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

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

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

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

39. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any other Order or any subsequent Order revoking or enacting that Order, any car barns provided in accordance with the details required to be submitted in accordance with Condition 1 shall not be further altered through the addition of further doors or any other structure that would preclude their use for the parking of vehicles without the prior permission of the Local Planning Authority in writing.

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

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

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

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

Use Class C3 of the Town and Country Planning Use classes Order 1987 as amended.

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

42. If unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2.

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

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

43. Prior to the commencement of development herpatile exclusion fencing shall be erected on site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The fencing shall thereafter be retained as an effective barrier preventing the movement of herpatiles and shall remain in situ until the completion of the development.

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

44. Prior to the commencement of development, a scheme for protecting the dwellings / development hereby approved from noise from The Charter Hall in accordance with the Noise Report submitted with this application shall be submitted to and approved in the Local Planning Authority. The approved protection measures shall thereafter be completed before the approved dwellings / development are occupied, and thereafter shall be retained as effective protection.

45. **Reason:** In order to protect the occupiers of the dwellings from undue disturbance by noise. Before development commences, details shall be submitted for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to all dwellings. This shall provide sufficient capacity to cater for all the development. The infrastructure shall be laid out in accordance with the

approved details and at the same time as other services during the construction process.

Reason: To help future proof the development

46. 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.

Notes

1. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affects the way in which the property may be used.
2. Working with the applicant

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

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

In this instance:

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,

- the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted
 - The applicant was provided with the opportunity to submit amendments to the scheme/ address issues.
 - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
3. This grant of permission does not give any legal right to carry out the development on, over or under the land of another person or contrary to the rights of any such person. If there is any doubt, the applicant should seek his/her own independent legal advice before implementing the planning permission.
 4. This grant of permission does not give any legal right to disturb or divert any Public Right of Way at any time without the express permission of the Highway Authority. No furniture may be erected on or across the Public Right of Way without the express consent of the Highway Authority.
 5. In accordance with BS5489, in new streets where trees are to be planted the lighting should be designed first and planting sites fixed afterwards. However no lighting is required in unlit rural areas.
 6. Any works that have the potential to affect an existing water course or ditch's ability to convey water will require the formal written consent of KCC. It is advised that the applicant contacts flood@kent.gov.uk prior to undertaking any works that may affect and watercourse/ditch/stream or any other feature which has a drainage or water conveyance function.
 7. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the 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.
 8. With respect to Broadband, the BT GPON system is currently being rolled out in Kent by BDUK. This is laid fibre optical network offering a single optical fibre to multi point destinations ie. fibre direct to premises.

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 16/01515/AS.

Contact Officer: Katy Magnall

Telephone: (01233) 330259

Email: katy.magnall@ashford.gov.uk

Annex 1



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