

Application Number	16/01531/AS
Location	Land N of Bagham Road and SW of Berry House Lodge, Mulberry Hill, Chilham
Grid Reference	07556/53762
Parish Council	Chilham Parish Council
Ward	Downs North
Application Description	Erection of 2 No. dwellings with detached garages. Change of use of land to residential
Applicant	Mr M and Miss S Richardson / Fewins 14 Laurence Hamilton Lane, Repton Park, Ashford, Kent, TN23 3GY
Agent	Border Oak Border Oak Kingsland Sawmills Kingsland, Leominster, HR6 9SF
Site Area	0.49ha

(a) 10/29R , 8S (b) x (c) KCC Biodiversity X, Natural England X, KCC Drainage X, KHS X, SW X

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member.

Site and Surroundings

2. The site is located on the rural fringes of the village of Chilham. Chilham railway station lies within close proximity to the southeast of the site, along with other services. Residential properties lie to the north of the site. A new housing development also lies within close proximity to the south-west of the site.
3. A Grade II listed building 'Pilgrims' lies to the north-west of the site. The site lies within a 'source protection zone'. A single mature lime tree tree subject of a Tree Preservation Order, lies to the north-east of the site entrance. The land is grade 3 agricultural.

4. The site is undeveloped grassland with mature landscaping on the boundaries. There is an existing access onto Mulberry Hill. The entrance to the site is bounded by a low picket fence reinforced by native hedge planting. The North Downs Area of Outstanding Natural Beauty (AONB) bounds the site to the north/north-west. The surrounding countryside is characterised by the Old Wives Lees Orchard Landscape Character Area, an undulating landform within the immediate foreground to the Kent Downs AONB, characterised by extensive orchards, segregated into small, regular fields separated by tall poplar shelterbelts. The overall guidelines are to conserve the landscape and the setting of the Kent Downs AONB and avoid development on high and visually prominent ground.
5. A plan showing the application site in relation to its surroundings is found below and also attached as Annex 1 to this report.

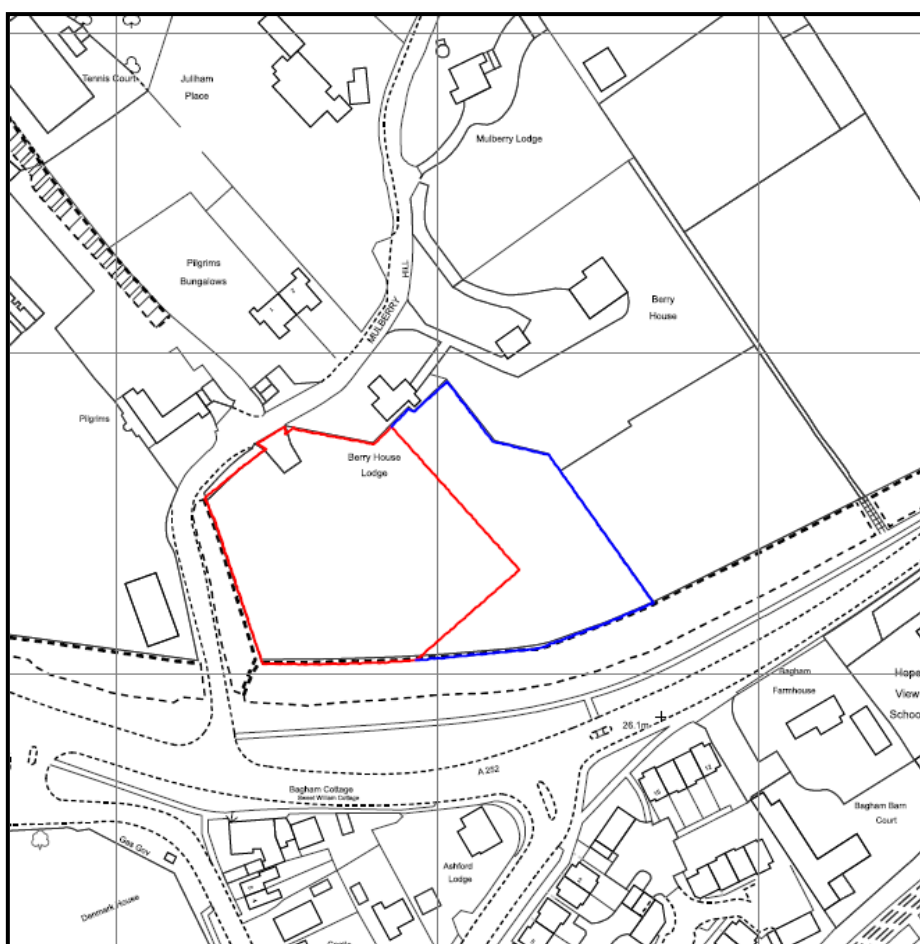


Figure 1: Site Location Plan

Proposal

6. The application is for full planning permission for the erection of 2 detached dwellings with two detached garages and the change of use of

the land to residential. Plot 1 to the east of the site is a four bedroom, two storey house. It has been designed to reflect a local timber framed cottage style incorporating a number of interesting design features including a chimney, timber porch, brick courses over windows, exposed rafters to the gable ends, detailed brick course and dormer windows within the roofslope, The dwelling is 13.5m long and 7.7m wide. This dwelling has been amended during the course of the application, removing a rear projecting gable end, reducing the size and simplifying the design.

7. Plot 2 to the east is a single storey, three bedroom, simply designed property with rooms in the roofslope. It is 6m in height, 15.5m in length and 5.9m wide and features stained weatherboarding to the elevations, a timber porch feature, simple fenestration details and rooflights in the roofslope.
8. The garages are two bay open car ports reduced from the original 3 bays. The proposal utilises an existing access directly from Mulberry Hill to the north of the site. Additional tree planting, reptile habitat and bat boxes are proposed within the site.



Figure 2: Proposed layout plan

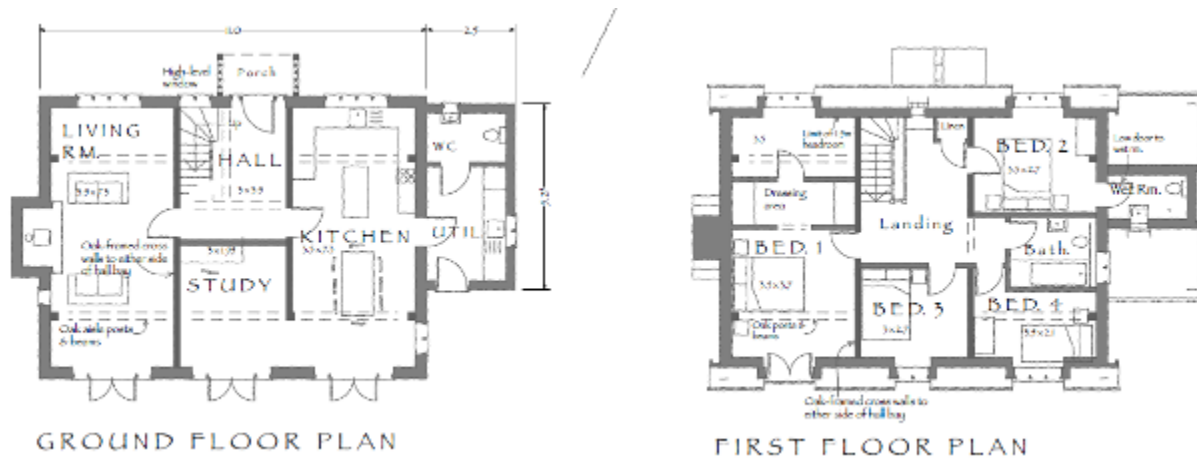


Figure 3: Proposed floor layout plans – plot 1

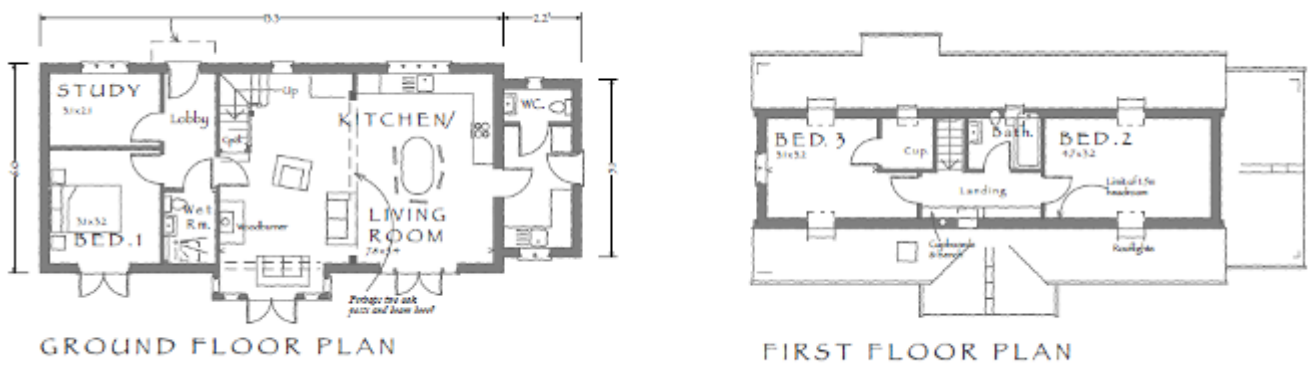


Figure 4: Proposed floor layout plans – plot 2



Figure 5: Proposed front elevation plot 1



Figure 6: Proposed rear elevation plot 1



Figure 7: Proposed front elevation plot 2

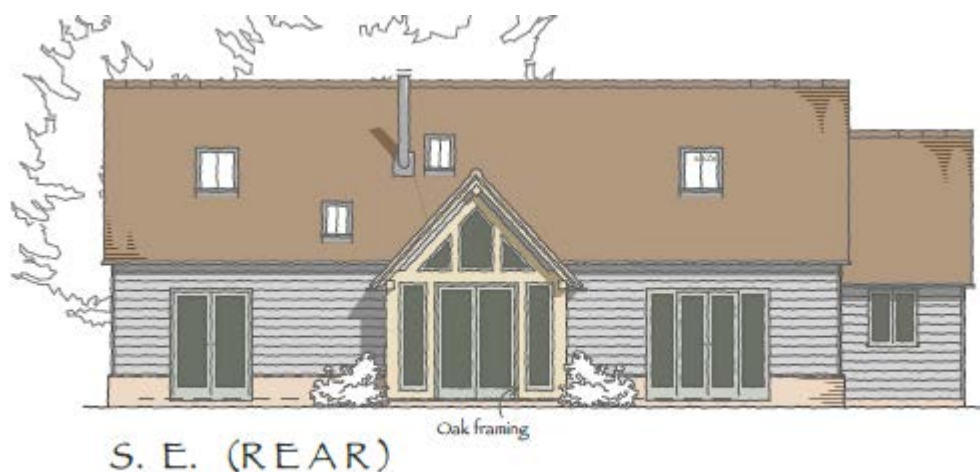


Figure 8: Proposed rear elevation plot 2



Figure 9: Proposed front elevation garage

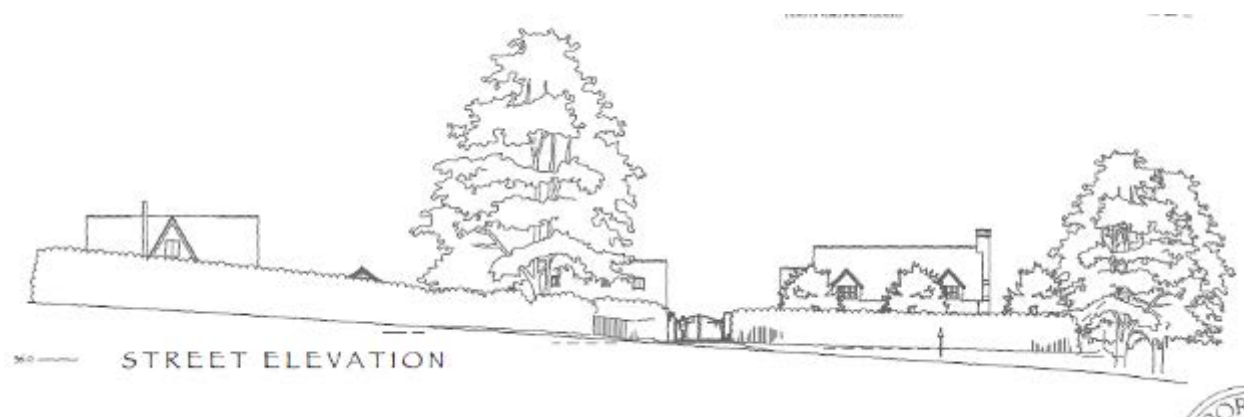


Figure 10: Proposed street scene elevation from Mulberry Hill

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

Planning Design and Access Statement

10. This has carried out an analysis of the site context and surroundings and is supported by photographs.

11. It is outlined that the properties have been designed to reflect properties found within the local area and is referenced within the Chilham Parish Design Statement. It is stated that the dwellings have been designed to sit well within the character of the local landscape and vernacular architecture. It is also stated that the site is not within an isolated location, with close links to Chilham Railway Station, on a main bus route and close to other shops and services.
12. The dwellings have been designed with an integrated approach to solar gain and the structure would be constructed using a SIPS construction (which won the 2005 Eco Self build house of the year award), utilising an oak frame and Structural Insulated Panel System (SIPS) which uses recycled material from the timber industry and possesses exceptional thermal insulating properties. The construction utilises 50% less wood than conventional timber framed buildings.
13. Hand made clay roof tiles and bricks are proposed to be used as well as a lime rich render to Plot 1.

Arboricultural Impact Assessment

14. This concludes that there are no trees of any landscape or arboricultural significance within the site. Internal hedgerows could be retained for screening or landscaping.
15. A number of mature trees are located on or immediately adjacent to the boundaries that contribute to the character of the site. The lime tree on the NE boundary of the site would not be affected by the development. There are no arboricultural constraints to development. There is considerable scope for new landscaping.

Preliminary Ecological Appraisal

16. This concluded that the site might have potential to support reptiles and therefore as a precaution it is recommended that phased vegetation and metal piles removal be completed under an ecological watching brief. It recommends the installation of bat and bird nesting boxes and the creation of log piles as biodiversity enhancement measures.

Planning History

DC	OA	00/00229/A S	4 bedroom house and a 2 bedroom bungalow	WITH	15/03/2000
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DC	OA	99/01551/A S	Outline application for a 5 bedroom house and garage and a 2 bedroom bungalow and garage	WITH	01/12/1999
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Consultations

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

Chilham Parish Council - No objection provided adequate pedestrian access is provided onto the adjacent A252 footpath and adequate sightlines are provided for traffic in both directions on Mulberry Hill.

Drainage (KCC) – No objection but recommends condition regarding the submission of details of a suitable SUDs Drainage scheme.

Kent Highways and Transportation –Whilst the development does not meet the usual threshold for their involvement ,following receipt of a speed survey and sight line plan from a third party have advised informally that they are not concerned regarding the proposals as there is an existing double-width access which has been in use without problems and the visibility is adequate; two houses represents low traffic movements; vehicle speeds on the road are low and there are already houses within this location such that pedestrians in the road would not be entirely unexpected.

Environment Agency - This site is underlain by the Lewes Nodular Chalk Formation, which is classed as a principal aquifer. It is also located within a Source Protection Zone 1 for a groundwater abstraction used for potable supply, and is therefore in an extremely sensitive location from a groundwater protection point of view. Conditions are recommended regarding contamination and drainage systems as well as an informative relating to foul sewerage and above ground storage of oils, fuels or chemicals.

Southern Water – Sewer crosses the site – offers guidance in respect of this and condition/informatives recommended.

Environmental Services – no objection

Natural England – has no comments to make leaving it to the Local Planning Authority to determine consistency with national and local policies on the natural environment.

KCC biodiversity officer – No objection but recommends conditions as follows:

- If the proposed plans change and works are required on any of the mature trees in the northeast corner, then a further bat roost assessment will need to be carried out prior to any tree works, to assess the potential of the trees to support roosting bats.
- Applicant to follow the recommendations set out within the submitted ecological report advising to follow the Bat Conservation Trust's Bats and Lighting in the UK.
- All works must be carried out outside of the bird breeding season (March – August inclusive). If
- If the above is not possible an ecologist must examine the site prior to works starting and if any breeding birds are recorded all works must cease until all the young have fledged.
- If any reptiles are observed during development, works have to stop immediately and the applicant must contact their ecologist for further advice.
- If the vegetation is left unmanaged we advise undertaking the same submitted precautionary approach (called "watching brief" in the report and details paragraph 5.12 of the ecological report).
- The enhancement recommendations detailed in paragraph 5.14 of the ecological report to ensure the development will lead to a net gain in biodiversity

Neighbours – 29 letters of objection, 8 letters of support.

Objection comments as follows:

- Change of status of this parcel of land from agricultural to development land.
- The site is well away from the centres of both Chilham village and Old Wives Lees.
- Poor access and egress onto Mulberry Hill. Narrow road and unsafe, sight lines not in the ownership of applicant; no street lighting. The current lack of a footpath on this road is already a hazard to pedestrians and major improvements for all road users would need to be made should the development be approved.
- Poor quality homes. Orientation is poor for solar gain, no energy reduction information, should be all electric with photo voltaics and solar thermal, linked air source or passive cooling and heating system. Bio mass for back up and effect. The amount of waste and energy a home produces and uses should be the

leading requirement for planning. No reference to three phase electrical supply for EV charging.

- Impacts on school places and other facilities

(JDCM comment: The scale of the development does not meet the threshold for this provision).

- Wish to retain scenery and peacefulness of the village.
- Enforcement action on the site to restrict tractors being stationed on the site.
- Impact on TPO with works to access.
- Overlooking of Berry House Lodge.
- Block views of the surrounding properties.
- Will detract from the tranquil nature of the surrounding area. Development is substantial in an area of outstanding beauty and not in the interest of the public. It would increase the density of properties on the outskirts of a medieval village. Development at the end of village where the density naturally decreases.
- Affect on medieval Chilham Conservation Area.
- There was a local poll, organised by ABC, at which further development on Mulberry Hill was not favoured. ABC did not choose Mulberry Hill for development. Favour sticking to the ABC plan.
- There has already been significant development in terms of the sawmills development and thus no further housing is needed in the area.
- Ecological impacts including bats.
- Setting of precedent.
- Negative impact on tourism and local economy.
- Car ports are too large.
- Setting of Listed building. One resident has submitted a speed survey and visibility splays which has been undertaken by RMB Consultants (Civil Engineering Ltd). This outlines that sight lines can be achieved for the access, but that the applicants do not own the road frontage to one side of the access road, therefore it is not possible to deliver sight lines considered safe by the Manual for Streets in this location.

Support comments as follows:

- The site is not located within an isolated or unsustainable position, is easily accessed from the village and has the benefit of the trains and buses which run close by.
- High quality design with low roof lines, will be sympathetic to the surrounding area. Would not affect the Areas of Outstanding Natural Beauty, but could possibly enhance it
- Low traffic along Mulberry Hill Road so two more houses will not make any difference.
- There is a shortage of housing in the Old Wives Lees area and the proposed development will enhance the housing opportunities in the village.
- The Local Plan 2030 supports the principle of self and custom build development as an opportunity to bring choice to the housing market and enabling local people to design and build their own home
- The entrance to this site is large, clear and well established which stands to remain.
- The driveway is very open and visible to other road users. The access point is not on the bend. There are, other entrances along that road that are in far less desirable positions than this one. Rural communities need a good supply of quality family homes, with families using the nearby facilities and local services. As local residents, the applicants will continue to live and work in the community, keeping family life thriving.
- The plot is well sheltered from the view of passers by.

Planning Policy

17. 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, the Chilmington Green AAP 2013 and the Wye Neighbourhood Plan 2015-30. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016 and has now closed. At present the policies in this emerging plan can be accorded little or no weight.

18. 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

EN10 - Development on the edge of existing settlement

EN31 – Important Habitats

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

CS15 - Transport

CS20 – Sustainable Drainage

Tenterden & Rural Sites DPD 2010

TRS1 - Minor residential development or infilling

TRS2 - New residential development elsewhere

TRS17 - Landscape and character and design

Draft Ashford Local Plan 2030

SP1 - Strategic objectives

SP2 - The strategic approach to housing delivery

SP6 - Promoting high quality design

HOU4 – Residential development in the rural settlements

HOU5 – Residential windfall development in the countryside

HOU12 – Residential Space Standards Internal

TRA3a – Parking standards for residential development

ENV1 - Biodiversity

ENV3 – Landscape character and design

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

Supplementary Planning Guidance/Documents

Landscape Character Assessment SPD 2011

Residential Space and Layout SPD 2011 (now external space only)

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Public Green Spaces and Water Environment SPD 2012

Informal Design Guidance

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins

Chilham Village Design Statement

Government Advice

National Planning Policy Framework (NPPF) 2012

19. 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, para. 14 is of particular relevance and is set out below.

20.

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

National Planning Policy Guidance (NPPG)

21. Conserving and Enhancing the historic environment, design, natural environment, rural housing, transport evidence bases, use of planning conditions.

Assessment

22. The main issues for consideration are:

- Principle of the development
- 5 year housing land supply and the consequential impact of NPPF advice
- Landscape Character and Visual Amenity
- Residential amenity
- Landscape/Trees

- Highways
- Heritage
- Ecology/Biodiversity

Principle and 5 year housing land supply

23. When determining a planning application the Council is required to make the determination in accordance with the Development Plan unless material considerations indicate otherwise (Section 38(6) PCPA 2004 and Section 70(2) TCPA 1990). The National Planning Policy Framework (NPPF) is a key material planning consideration.
24. Following a recent appeal decision which considered five year housing land supply, the Council's adopted development plan policies relating to housing supply are considered to be out of date having regard to the provisions of Paragraph 49 of the National Planning Policy Framework. This does not mean that they should be accorded no weight, but the presumption in favour of sustainable development in the NPPF needs to be balanced against them.
25. As a consequence, it is necessary to consider whether the proposal constitutes sustainable development in the context of Paragraph 14 of the NPPF.
26. Paragraph 14 of the Framework states that at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a "golden thread running through decision-taking". For decision-taking this means:
 - 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.

27. The starting point, therefore, for the determination of this application is the fact that the Authority does not have a 5 year housing land supply, and the proposed development would contribute towards meeting the housing needs of present and future generations. This needs to be set against the environmental issues raised by the application, including its relationship to existing property and their occupiers and the quality of the environment that would result.
28. In this particular instance, the proposal would have the benefit of providing two new homes and is therefore considered to be acceptable in principle, being a sustainable form of development, where the benefits of the scheme outweigh any potential harm, as detailed within the report below when assessed against the NPPF and the relevant policies of the Development Plan.
29. The proposal site is located on the rural fringes of the village of Chilham. Chilham railway station lies within close proximity to the south-west of the site, along with other services. As the site is located outside of the built-up confines of the village, the proposal does not fit easily within the criteria of local development plan policies TRS1 or TRS2. The supporting paragraphs to policy TRS2 echo the principle aims of the Core Strategy and paragraph 55 of the NPPF which seek to protect the countryside from unnecessary and inappropriate development and to restrict new housing development in the countryside which is only appropriate in very limited circumstances.
30. Balanced against this policy are the aims of the NPPF and Core Strategy policy CS1 which seek to achieve sustainable development, with a presumption in favour of sustainable development unless material considerations indicate otherwise. Whilst the site is located outside of the village centre, it is not in an isolated location, being very close to Chilham railway station and directly on the main bus routes between Canterbury and Ashford. Furthermore, there is a farm shop close-by and access to the village centre is possible on foot, with local services such as a primary school, post office, church and doctor's surgery provided just over a kilometre away. I therefore consider the location to be sustainable from an environmental point of view. The principle of development is therefore considered to be acceptable.

Landscape Character and Visual Amenity

31. Whilst the development would be visible to a degree from the Area of Outstanding Natural Beauty, a mature hedgerow exists along the northern boundary of the site, and also within the site which would shield the development to an extent. Furthermore, mature landscaping exists on or adjacent to the other site boundaries. The existing landscaping should be

retained in perpetuity and replanted if it dies, and this should be secured by condition.

32. The design of the proposed houses is considered to be of a high quality in accordance with Core Strategy policies CS1 and CS9 and emerging Local Plan policy SP6. The scale of the houses at one and one and a half storeys is considered to be acceptable and the houses sit within the plot comfortably.
33. The proposals are considered to sit within the plot comfortably and respect the scale of neighbouring properties and be in keeping with the established pattern of development. It is therefore considered that the houses would not cause harm to the landscape and scenic beauty of the neighbouring AONB or the established character of the countryside..
34. Given the mature landscaping on the boundaries of the site, the site would be reasonably well screened from public viewpoints. I am satisfied therefore that the proposal would not adversely affect the visual amenities of the area.

Residential Amenity

35. I am satisfied that there are no issues in relation to residential amenity in connection with the proposal. The houses would have sufficient internal space to comply with the nationally described internal space standards and they have large gardens such that the proposal complies with the Council's adopted residential space standards in terms of garden size.
36. There would be no issues in respect of overlooking, overbearing or overshadowing as a result of the proposal.

Highway Safety

37. I understand that the current access has been in place for some 16 years and been used for the regular maintenance of the land. Concerns have been raised by residents that the visibility would not be satisfactory at the access and that the proposal would lead to highway safety concerns.
38. The applicant has provided information in respect of the previous use of the site and the adequacy of the existing access. Kent Highway Services has advised informally that they have no concerns regarding the proposals as there is an existing double-width access which has been in use without problems and the visibility is adequate; two houses represents low traffic movements; whilst there is no public footpath along Mulberry Hill vehicle speeds on the road are low, there are already houses within this location such that pedestrians in the road would not be entirely unexpected.

39. I am therefore satisfied that there would be no harm to highway safety as a result of the proposal.
40. The plots provide for sufficient off road parking spaces per dwelling in accordance with parking standards. There is also adequate turning space. The driveways are proposed to be a permeable material which will provide for suitable sustainable drainage.

Landscaping/Trees

41. Survey work notes that trees on the site are on the boundaries and that there are no trees of any landscape or arboricultural significance within the site. I am satisfied that the proposal will not impact upon existing trees or landscaping but conditions should be imposed to require tree protection measures for the TPO tree and to require the existing landscaping on the boundaries and within the site to be retained.
42. The submitted drawings show new fruit planting to the front of plot 1 and a new magnolia tree within the front garden of plot 2 as well as the provision of a post and rail fence between the two properties with native species hedge planting either side. The remaining garden areas would be left as grass. A detailed landscaping scheme can be controlled by condition.

Heritage

43. I am satisfied that the proposal would not have an adverse impact upon the heritage asset "Pilgrims" to the north west. The proposed houses are set well back from Mulberry Hill and this property and will be relatively well screened by existing hedgerow planting. The proposed houses are of a high quality design and will preserve the setting of the Listed building.

Ecology

44. The ecological appraisal concludes that there would be no adverse impact on protected species but there was the potential for the site to support reptiles and therefore recommendations have been made to safeguard this as well as in relation to biodiversity enhancement measures. KCC ecology is happy with the information provided and that all matters can be secured by way of conditions.

Source protection zone

45. The site lies within a Source Protection Zone 1 and a condition should be imposed on any planning permission to require details of SUDs drainage to be submitted for approval as well as the conditions suggested by the Environment Agency.

Human Rights Issues

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

Working with the applicant

47. 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

48. The site is located outside of the village confines 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.
49. 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. Whilst the site is not strictly within the village confines, the site is not isolated being very close to Chilham railway station and the main bus routes between Canterbury and Ashford. Furthermore, there is a farm shop close-by and access to the village centre is possible on foot, with local services such as a primary school, post office, church and doctor’s surgery provided just over a kilometre away. I therefore consider the site to be sustainable.

50. As set out in my report it is considered that the layout, design and scale of the proposal is appropriate and would not cause harm to the visual amenities of the area, the neighbouring AONB or the setting of the nearby Listed building. The proposed development would not cause harm by way of overlooking or overbearing development and the proposed level of parking provision is acceptable.
51. Kent Highway Services are satisfied regarding the highway aspects of the proposal in terms of the safety of the access and highway safety generally.
52. 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 indicates that there would be no harm. 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.

Recommendation

(A) Permit

Subject to the following conditions and notes:

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

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

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

Reason: In the interests of visual amenity.

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

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

4. 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.

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

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

6. 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.

7. 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) and such approved works shall be appropriately retained and maintained in perpetuity.

Reason: To avoid pollution of the surrounding area.

8. 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 dwellings are 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.

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel washing facilities

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

10. The landscaping details as submitted shall be carried out in their entirety. The approved planting on the north-eastern boundary of the site shall be carried out fully within the first planting season following the commencement of the development and the remainder of the landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously

damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: in the interest of visual amenity and to ensure the earliest re-establishment of the frontage hedge and trees.

11. All existing hedges, hedgerows and trees within the site and on the site boundaries 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: To ensure the continuity of visual and biodiversity amenity afforded by existing hedges, hedgerows and trees.

12. 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.

13. 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.

14. Prior to the occupation of the dwellings, the biodiversity recommendations and enhancements as outlined within the supporting Ecological Appraisal (to include the installation of bat and bird boxes, reptile habitat and to follow the Bat Conservation Trust's Bats and Lighting in the UK) shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

If the proposed plans change and works are required on any of the mature trees in the northeast corner, then a further bat roost assessment will need to be carried out prior to any tree works, to assess the potential of the trees to support roosting bats.

All works must be carried out outside of the bird breeding season (March – August inclusive). If that is not possible an ecologist must examine the site prior to works starting and if any breeding birds are recorded all works must cease until all the young have fledged.

If any reptiles are observed during development, works have to stop immediately and the applicant must contact their ecologist for further advice. If the vegetation is left unmanaged, the same submitted precautionary approach shall be undertaken in respect of reptiles.

Reason: To protect and enhance existing species and habitat on the site in the future and to ensure the development will lead to a net gain in biodiversity.

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

Reasons: To prevent pollution of controlled waters and comply with the National Planning Policy Framework. Where infiltration drainage (such as soakaways) are proposed for anything other than clean roof drainage in a SPZ1, we will require detailed information on the type and design of the system and the pollution prevention measures incorporated into the design to demonstrate that pollution of groundwater will not occur.

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

Reasons: To prevent pollution of controlled waters and comply with the National Planning Policy Framework. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

17. 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.

Note to Applicant

1. Working with the Applicant

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

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

- 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 was provided the opportunity to submit amendments to the scheme/ address issues.
- the applicant/ agent responded by submitting amended plans
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

2. **Drainage**

The following points should be noted wherever infiltration drainage (such as soakaways) is proposed at a site:

- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods.
- No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.

- A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.

Above ground storage of oils, fuels or chemicals - Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest.

All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

3. **Southern Water**

Southern Water has provided a plan of the sewer records, showing a sewer crossing the site. In this respect:

- No development or new tree planting should be located within 3 meters either side of the centreline of the foul sewer.
- No new soakaways should be located within 5 meters of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer. The applicant is advised to discuss the matter further with Southern Water on 0330 3030119 or www.southernwater.co.uk.

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 16/01531/AS.

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Annex 1

