

Application Number	16/01841/AS	
Location	Land between The Hollies and Park Farm Close, Woodchurch Road, Shadoxhurst, Kent	
Grid Reference	97298/38130	
Parish Council	Shadoxhurst	
Ward	Weald South	
Application Description	Erection of 12 dwellings, the creation of a new access from Woodchurch Road, new landscaping and ancillary works	
Applicant	Jarvis Land LLP	
Agent	West Waddy ADP The Malthouse 60 East St Helen Street Abingdon Oxfordshire OX14 5EB	
Site Area	0.93 Hectares	
(a) 59/41R	(b) SPC - R	(c) KH&T+; PO Drainage X; KCC Drainage X; SW X; EA X; KWT- X ; KCC Heritage X; HS X; WKPS- R; CPRE- R

Introduction

1. This application is reported to the Planning Committee because it is a major application in accordance with the scheme of delegation.
2. A scheme for 15 units on this site was originally reported to the Planning Committee in 16 December 2015. The application was originally deferred at the request of the applicant to allow for further discussion with the Parish Council. The applicant then amended the scheme and it was refused at the meeting on 17th February 2016.
3. Officers were involved in informal discussions with the developer to advise on the design of a scheme that is more in keeping with the local area. This led to the submission of the current application.

4. The scheme is set out in the proposals section.

Site and Surroundings

5. This site forms a large green gap in the ribbon of residential development that runs along the northern side of Woodchurch Road from its junction with Tally Ho Road in the east to the Kings Head public house to the south west of the site. The Hollies, a chalet bungalow style dwelling set back from the road adjoins the site to the west, with the rear gardens of properties of Park Farm Close, a cul de sac of mostly detached two storey dwellings which were developed by the applicant some 40 years ago, bordering the site to the east. Residential properties also front the road opposite the site.
6. The site is part of a larger field used for grazing, which is level and laid to grass, with mature trees and hedging on its boundaries. A largely filled-in shallow pond is located in the north-eastern corner spanning the boundary with an adjoining garden outside the application site. The southern and western boundaries are marked by deep drainage ditches. Four mature oak trees which are the subject of a TPO are situated along the road frontage and form a particularly prominent and attractive feature in the streetscape. Field access is centrally positioned on the southern boundary with Woodchurch Road. A bus stop lies approximately 50m to the east, with hourly services to Ashford and Tenterden.
7. The site lies adjacent to but outside the built confines of Shadoxhurst as defined in the Tenterden & Rural Sites DPD 2010. It forms part of the Bethersden Farmlands Landscape Character Area defined as highly sensitive, with strong field boundaries and a sense of place with an overall policy to conserve and restore

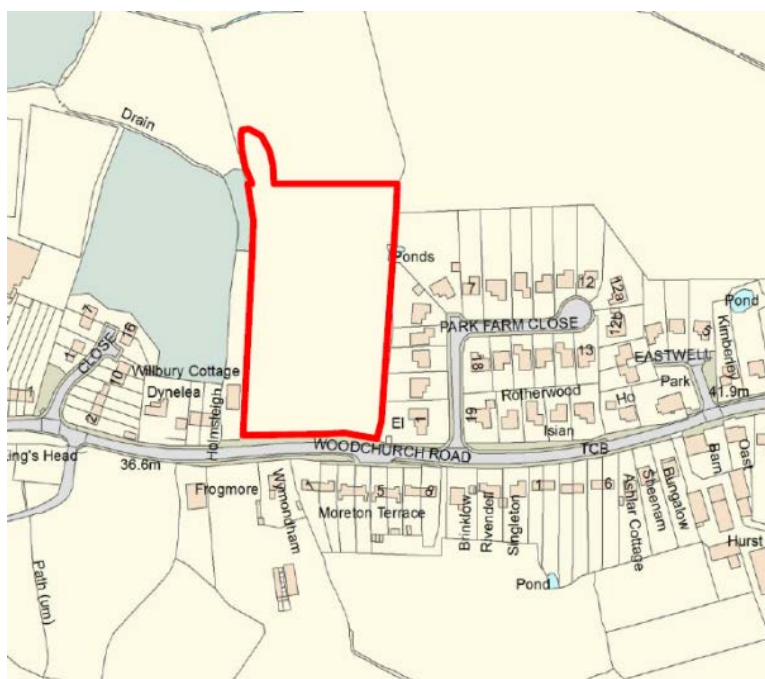


Figure 1: Site location plan

8. A site location plan is also attached to this report as annex 1.

Proposal

9. The application is for full planning permission for the erection of 12 dwellings together with car parking, new access and landscaping and distinctive sustainable drainage system on land between The Hollies and Park Farm Close. 8 dwellings will be general market properties and 4 of the dwellings will be affordable housing which are intended to be social rented accommodation. The proposed housing mix would comprise
- a) 3 x 5-bedroom detached houses
 - b) 5 x 4-bedroom detached houses
 - c) 4 x 2 bedroom affordable semi-detached houses.
10. The proposed density of development on the site would be approximately 12 dwellings per hectare which would be lower than the adjoining development at Park Farm Close which has an average density of 15 dwellings per hectare.
11. The proposed development would form a new rural village lane accessed via the existing agricultural access off Woodchurch Road. Rather than a standard

cul-de-sac the lane terminates with an attractive village green space. The proposals try to reflect the older informal rural character of the original settlement rather than just the more modern suburban style homes in the vicinity which comprises formal frontage development and dwellings accessed via suburban style cul-de-sacs. The development would be well designed to reflect the local Kentish vernacular with interesting building forms and materials. The dwellings would be two storey and traditionally designed comprising elevations of brick, tile hanging or weatherboard set under a traditionally pitched tiled roof with interesting hipped, half hipped, gable and catslide style forms. Timber casement windows are proposed.

12. The scheme is seeking to be a place with a distinctive rural character that resembles a cluster of rural style buildings loosely arranged in a similar manner to the way an informal rural hamlet would appear. The introduction of bold new landscaping and the retention of existing trees and hedgerows is therefore crucial to achieving this informal character.
13. Details of the proposed layout along with typical elevations are set out in figures 2 & 2 and 3 below:



Figure 2: Site Layout Plan



Proposed Woodchurch Road Streetscene – showing existing retained TPO trees
on right and proposed SUDs.



Figure 3 – Typical Elevations

14. All of the 4 and 5 bed units would have a minimum of 2 off street parking spaces as well as at least a double garage or car port. Many of the homes will be easily capable of providing over 4 parking space on plot and off the street. The four affordable units would each have 2 car parking spaces provided within a small rear courtyard arrangement. Six on street visitor parking spaces will be provided in safe and convenient places.
15. The affordable housing would be provided in one cluster (two pairs of semi-detached houses) in the heart of the site. The appearance of the affordable units in terms of built form, materials and landscaping will reflect the market housing to seek to ensure that it is well integrated with the general market housing and will appear tenure blind.
16. All perimeter tree and hedge planting is proposed to be retained. No trees are to be removed as a result of the proposed development. The existing planting would be protected during construction and a new substantial tree and shrub planting regime will feature to ensure the landscape as a whole is bolstered.

The scheme minor amendments

17. The minor changes to the scheme relate to the design of the width of the carriageway to ensure vehicles can pass safely and to ensure visitors can park responsibly without obstructing the lane.
18. Also there is confirmation that the inclusion of a small nib area to the north within the adjoining field (and same land ownership) is part of the application site. This is required as part of the sustainable drainage system but will remain grassed and open but will be slightly excavated to a depth of 300mm.

Supporting Documents

19. In support of the application the following documents have been submitted:

Design and Access statement : this sets out the history of Shadoxhurst and the settlement pattern in the vicinity of the application site which is characterised by small cul-de-sacs leading off Woodchurch Road. It also explains that the approach to the layout, design and landscaping.

The document assesses the nature and character of the landscape within which the development would sit and how the development would retain existing planting, follow the established field boundaries and follow the original pattern of development in the locality. It also states that there would be no harm to matters of ecological importance.

Supporting Planning Statement: This sets out the planning history, policy context and in particular the requirements of the NPPF with regard to Local Planning Authorities (LPAs) maintaining a five year supply of deliverable housing sites, which this statement does not consider can be currently demonstrated in the case of Ashford. It refers to Local Plan Policy S36, which refers to the site behind Kings Head pub in Shadoxhurst which the applicant feels justifies the principle of more housing in Shadoxhurst. It also refers to Policy TRS1 of the Tenterden & Rural Sites DPD (TRS DPD) which supports minor development or infilling within the built confines of Shadoxhurst if it's in proportion to the size of the settlement and is a sustainable pattern of development. The applicant considers the proposal of is of a size less than the proposed allocation for the village and the scale and quantity is in keeping with the village.

The applicant refers to the lack of 5 year housing land supply in the village, and sets out how previous reasons for refusal have been overcome as follows;

- Principle of location on an unallocated site is overcome by the current lack of 5-year housing land supply and that need to restrict housing has fallen away
- Unallocated site outside the built village confines and would be contrary to the Development Plan, but the applicants suggest that the NPPF para 7 gives a presumption in favour of sustainable development.
- Development would cause removal of an important undeveloped gap. The applicant's suggest this is overcome as this is a sustainable development and the need for housing set out in Council's own assessment of the site within its Ashford Borough Council Strategic Housing and Employment Land Availability Assessment (SHELAA) 2015/2016 – Appendix 5, Site WS17 (Housing sites remain in assessment in housing land supply). The applicant suggests this site is identified as being deliverable, achievable, suitable and available for the provision of 25 dwellings in keeping with the SHELLA site WS17.
- Development would domesticize and urbanise the appearance of the countryside to detriment of character and appearance of the village. The applicants claim this is overcome by need for housing and by landscape and visual impact evidence.

- The necessary planning obligation that was not entered into in so that the proposed development was unacceptable by virtue of failing to mitigate its impact and failing to meet demand that would be generated. The applicant has confirmed that to overcome this he has no dispute with the requested financial contributions from the LPA and will enter into an agreement with the LPA for these to be secured. A Unilateral Undertaking has been drafted and will be submitted to the LPA during the determination of this application, and this matter is therefore dealt with.

Urban Design Statement. The applicant has submitted the Urban Design Statement Of Case (August 2016) that relates to the current appeal and previous application rather than specifically to these proposals. The overarching themes are that

- Well designed and landscaped development
- this is a rigorous and well designed scheme
- promotes high quality and inclusive design
- high levels of design and character influence
- reflects the character and setting of the site and context of Shadoxhurst
- enhances the place for the future
- meets the undersupply and need for new homes
- helps the settlement continue to grow and meet housing need
- the development follows historic patterns of field plots being gradually filled in over time
- follows the pattern of development in the village create spine roads off Woodchurch road to create mixed tenures and completes the picture

Transport Statement: The original 2015 survey was submitted . This explains the site access and parking arrangements, together with the impact of the proposals on the operation of the existing highway network based on traffic survey and trip generation modelling. It states that the access has been tracked to accommodate a refuse collection vehicle and that on-site parking meets or exceeds in all cases the minimum requirements as set out in the Council's parking SPD. It sets out how pedestrian and cycling need are met.

Adequate visibility splays can be achieved at the point of access in both directions and Woodchurch Road has sufficient capacity to accommodate the additional vehicles generated by this development.

Landscape & Visual Impact Assessment: A copy of the Landscape and Visual Impact Assessment Statement of Case for the appeal was submitted. It looked at the reason for refusal regarding the remove an important undeveloped gap, urbanise the appearance of the countryside to the detriment of the character and appearance of the village ...and affect the visual amenity of the area as a whole. The statement concludes that;

- the proposals will not give rise to landscape harm;
- are consistent with the local landscape character defined by SPD
- As site is well-contained the development will not harm visual amenity
- the development is in keeping with this historical growth pattern.
- A key factor of the place is that the successful mix of building ages is the consistency of scale and roofscape, regardless of the age of the building and the proposals continue that theme of consistent scale and mass.
- the proposals are policy compliant and would not contravene planning policy.
- the proposed development is consistent with the aims of the SPD and would result in new housing consistent with the characteristics of the Landscape Character Area.

Space Standards Checklist: This provides data to suggest the minimum space standards are satisfied for all house types.

Ecological Scoping Survey: The original 2014 survey was submitted. It identifies a disused badger sett under the remains of an old lorry, which as it has been abandoned is no longer legally protected. It recommends that nest boxes (to encourage a range of birds to nest) are provided as part of any development here. Otherwise the study concludes that the site does not contain habitats suitable for dormice, reptiles or newts. The pond referred to on the site has been half filled in, has steep sides and is heavily shaded. The surrounding land is intensively farmed / grazed making both the pond and the surrounding land unsuitable habitat to support newts.

Bat Survey: The original 2015 survey was submitted. Given the presence of large trees on site that offer potential bat roosting opportunities, an emergence survey was carried out of the trees. This concluded that common pipistrelle bats use the site for commuting and some foraging but are not resident. It is recommended that appropriate facilities are provided for bats as part of any development here. The scheme would have no direct impacts on the local bat population. A condition is suggested for further surveys before any arboricultural works are carried out to the trees.

Arboricultural Survey Report: The original 2015 report was submitted. It provides information to help ensure the effective protection of trees and other woody plants on the site, the appropriate management of trees and hedgerows, and advises on a landscaping scheme. The report identifies that no trees or hedges are required to be removed or cut back to facilitate this development. All boundary planting will be protected during construction and retained.

Surface Water Drainage Statement : A letter containing a SUDs and Drainage Assessment has been provided by Herrington Consulting. It states how SUDs can be integrated within the development in line with National Planning Policy, ABC's Surface Water Management Plan (SWMP) and Supplementary Planning Documentation on sustainable drainage.

It states the most suitable solution for managing surface water runoff from the development is via a connection to the watercourse to the north of the site. Also types B SUDs which promotes infiltration have been specified to help maximise this discharge of water directly to the ground.

The Council's SUDs SPD requires greenfield sites to drain at 4l/s/h or less. 2 flow control devices are proposed to ensure that this is the case with a single point of connection to the existing drainage ditch to the north western corner. Swales and filter drains, as supported through the SUDs SPD, are proposed as these are the most sustainable and environmentally friendly and will link to the proposed holding pond. Piped culverts will be used where these cross the rising main to address concerns of Southern Water who do not wish to see an open swale over the rising main. A second swale along the eastern boundary is also proposed. It is proposed that the run-off rates from the site can be controlled to 1.9l/h/s which exceeds the requirement of the Council's SPD whilst utilising the most sustainable SUDs features.

The strategy is to incorporate a series of above ground ponds and swales to store and attenuate the surface water runoff to be discharged from the site at a rate less than greenfield run off rate in accordance with national policy and

ABC's SPD. These SUDs systems are suggested will enhance groundwater recharge but maximising infiltration and improving biodiversity.

The strategy suggests the use of flow devices to limit the surface water runs off rate permitted into the ditch which runs along the western boundary. This is currently largely overgrown but it does connect to the wider drainage network which comprises a series of streams and ditches located to the north and west of the site. It is considered that this will be sufficient to serve the development without connecting to the public drainage system (foul and combined) which lie in close proximity to the site. Maintenance requirement to avoid blockages will be important and will be developed further at the detailed design stage. The strategy concludes surface water run-off arising from the site post development will not exceed the current situation and as such there will be no flooding issues in respect of surrounding land and property.

Planning History

20. In September 2014, a Tree Preservation Order (TPO 4/2014), was confirmed to protect the four oak trees along the Woodchurch Road frontage.
21. In April 2015 an application for the erection of 15 dwellings together with all necessary infrastructure, car parking, new access and landscaping was submitted. (Ref 15/00539/AS). This was refused at Planning Committee in February 2016. The applicant appealed against this decision in August 2016. It is still a live appeal with the Hearing date scheduled for 21st March 2017.

Consultations

Ward Members: One of the Ward members is a member of the Planning Committee. No written comments have been received from the other ward member.

Parish Council: Extensive objections are listed in Annex 2. The key points can be summarised as follows;

- Ashford Borough Council (ABC) did not identify the site for the development in the emerging Draft Local Plan for 2030
- This omission site is identified as WS17 in emerging Local Plan but is not yet part of the local plan.
- The 2015 SHELAA (Appendix 5) incorrectly states that the site is within the built confines of Shadoxhurst.
- Question the principle of the development.
- The application is far too premature and should go through the formal Local Plan process.

- Site is outside the Village 'Built Confines' and goes well beyond any recognisable existing building lines
- This strategic site is also part of a green corridor
- Size, scale and nature mean this is a large development on a green field site and is out of keeping with the rural character of the village
- Do not want site and village to become part of Greater Ashford
- Several other sites are likely to be developed in village
- There is no argument for need for housing as proposed in Shadoxhurst
- Affordable homes will be provided off site. Doubts over whether this site can be truly affordable to young people. There are no bungalows, 1 bed or 3 bed houses
- Development and site is not sustainable on social grounds.
- Sets a precedent and this development is just 'phase 1' for the land and a phase 2 will come forward soon as landowner has recently purchased adjacent land.
- There are no economic benefits to Shadoxhurst itself. Other than the pub.
- Highway capacity issues for local roads.
- Flooding in the area has not been given proper consideration
- The proposals will damage the only central green space on the north side of Woodchurch road,
- Conserving and preserving biodiversity is of paramount importance
- Original sustainable scoring of site was flawed and should be even lower
- Loss of views across the fields and open countryside
- Impact of lighting
- A survey of all villagers in 2016 wants to preserve the village and avoid large new housing.
- Risk of harm to health, welfare and the feeling of safety from traffic growth and lack of footways.
- Vision splay problems to the west
- As a wooded and agricultural parish, there is a threat to loss of farming land
- The site is in active use from the regular grazing of livestock and cutting for hay,. It is not 'just a field'.
- The Applicant relies on previous reports for 15 houses and these are confusingly also being used to support this application for 12 houses.
- The site is part of a wildlife corridor connecting green spaces, fields, conservation area and the Biodiversity Opportunity Area.
- Ongoing maintenance of ditches and drainage works is critical.
- Type and design is not at the heart of this objection. The loss of the field to development is the main issue to be addressed.
- A list of construction conditions were suggested

- If the scheme was supported the Parish Council would wish to be consulted in any discussions regarding the spending of s106 money on the site.

KCC Highways and Transportation: Initially objected on the following grounds:

- The proposed access road needs to be a minimum of 4.8 metres in width in order to allow a car to pass a large vehicle. Sections of the access road are currently 3 metres in width, which is unacceptable.
- Parking for plots 1, 2, 8-11 at the rear of these properties is likely to mean on-street car parking will take place on the main access road, which will reduce the access road to single file in width by these plots. Parking should be provided to the front of these dwellings.
- There is no requirement for a footpath to the west of the site access as there is no footpath provision on the northern side of Woodchurch Road further west towards Shadoxhurst village centre. Furthermore the location of the footpath here will encourage pedestrians to cross Woodchurch Road where there is limited visibility.
- The shared surface access road should be a block paved finish rather than a tarmac finish to give priority to pedestrians.

Following the submission of amended plans and additional information to specifically address the above comments of Kent Highways & Transportation the final formal confirmation of their comments are awaited. The draft views of KHT have indicated informally they will raise no objection to the revisions subject to conditions, and formal comments will be reported to Committee.

Southern Water: Commented but raised no objection:

- A foul rising main sewer crosses this site. The exact position of this must be determined on site by the applicant before the layout is finalised. It may be possible to divert this.

Project Office Drainage : Had no objections in relation to the surface water management proposals subject to the imposition of SUDs condition. They stated;

- The report provided give a clear proposal on the methods proposed to deal with surface water in compliance with the Ashford Borough Council Sustainable Drainage SPD at the discharge rates required for Greenfield 'Rest of the Borough'.

- The report provided give a clear proposal on the methods proposed to deal with surface water in compliance with the Ashford Borough Council Sustainable Drainage SPD at the discharge rates required for Greenfield 'Rest of the Borough'.
- It is my understanding that all elements of the surface water system proposed, including the existing ditch to which the system will discharge, are located within the red-line boundary and this will provide a more robust solution in relation to the future on-going maintenance within the scheme.
- Whilst some of the control points are discharging below 2l/s (Which is typically seen as the threshold for reducing blockages within a system) contingency in the form of an 'overflow weir' is currently proposed as mitigation to protect the proposed site. It is recommended that a regular and robust maintenance regime is put in place on all small orifice outlets to ensure they remain fully functional during major storm events.
- The system has been tested for both the 1:100+20%CC and 40% CC scenarios as required within NPPF, with the 1:100+40% CC scenario identified as continuing to have a lower site runoff rate than the existing 1:100, thus providing resilience in light of the current predicted climate change scenarios.
- It is noted within Southern Water's response within the Surface water drainage Statement by Herrington Consulting (dates September 2015) that there is currently insufficient capacity within the foul water network, and a potential to increase flood risk should the development be connected to the existing foul sewer without upgrades to the existing infrastructure. It is recommended that the LPA seeks an update on the current position from the applicant in relation to this potential issue as this may need to be taken into consideration. Should an alternative method for sewer disposal be requested by the LPA, or proposed by the applicant (Such as a Package Treatment Plant) that I am re-consulted as this could have an interaction with the proposed surface water system.

Following concerns raised by a resident about the integrity of a 100mm diameter foul rising main crossing the site, believed to be "high pressure" and of BAC slip-joint construction, and what would happen if exposed to construction ground pressures, vibration and land settlement during construction, particularly when land drainage will be radically changed. Also they raised a question about the amount of bridging and would it provide adequate protection if proposed?

The response from Project Office Drainage was;

- The Contractor will have to take reasonable measures to protect the pipe in questions and will have to account for it within their construction phase plan, the plan shows the easement remaining, but with some construction (Highways for example) over the main. Again, Southern Water do not appear to have objected on this basis and it would typically be expected that the applicant and the developer work closely with Southern Water to ensure the risk of failure on the rising main is minimised. Any damage to the main would be a matter to be resolved between Southern Water and the developer / Contractor, but they should be taking a co-ordinated approach to minimise the risk during the construction phase.
- During the detailed design phase of the project it is strongly recommended that the depth and condition of the existing rising main is investigated by the applicant in close liaison with the Statutory Undertaker (Southern Water). Within the site drainage plan provided it is noted that the swale is crossing the path of the pumped rising main. However, the drainage strategy presented in Figure 3 of the drainage strategy document shows that the drainage system is split with two drainage zones (Zone A & B). This clearly shows that the swale not crossing the easement of the pumped rising main, this is supported by the calculations which show two discharge points within the design for each drainage zone. Given the information provided in the drainage strategy it would seem a reasonable assumption that the 'Site Drainage Drawing' of Dec 2016 is accurate, this shows the connection of the swale (Across the pumped main) and also omits the connection between the southern attenuation pond and the existing ditch. This has also now been confirmed via the surface water drainage design consultant (Herrington Consulting). Therefore, from a drainage perspective the design is considered to remain feasible and there the position of no objection (Subject to the condition) remains.

KCC Flood and Water Management – Flood Risk Project Officer: Initially were unable to recommend that this proposal is approved in its present form.

They wanted confirmation that all of the surface water generated by the development proposed should be retained within surface water management features that sit entirely inside the site's red-line boundary, so it could be subject to the same degree of control or protection by way of Condition as the infrastructure within the red-line boundary. It was suggested the scheme should accommodate the identified attenuation volume entirely within the site's boundary.

Following the confirmation of the site boundary and extent of the SUDs the site now accommodates the entirety of the proposed SuDS scheme and they were able to withdraw their outstanding objection to these proposals.

They recognised the developer is sufficiently aware of the flood risk in the area and has proposed to manage the matters under their control appropriately and in accordance with planning policy.

They fully supported ABC Project Office Drainage Engineer on his position on this application and therefore recommend that the conditions he suggested, are attached to any permissions should you be minded to grant permission to this development.

KCC Heritage ; Raised no objection subject to a condition requiring an archaeological watching brief

ABC Housing Services: Comments as follows:

- I note that this development is over 0.5 hectares in size and is therefore subject to deliver 35% affordable housing, in this case 4 dwellings.
- It would be policy to request a 60% affordable rent to 40% shared ownership ratio in terms of tenure split. However in this case it would be my suggestion that we adopt a 50:50 ratio split in this instance, allowing plots 8 and 9 to for shared ownership and plots 10 and 11 for affordable rent.
- These units should be offered to a Council approved Registered Provider or indeed the Council may be approached with a view to delivering these units via its Affordable Housing Programme.
- I am satisfied that the affordable dwellings I have identified meet the Nationally Described Space Standards.

As a result of these comments the proposed affordable housing tenure was amended to include an equal split to give the two semi-detached unit pairs as differing tenures i.e. Affordable rent and shared ownership which in terms of dealing with our Housing Association partner or indeed delivering the units ourselves through the HRA more palatable.

Weald of Kent Preservation Society : Have objected on following grounds;

- Shadoxhurst is now suffering from major development overcrowding.

- The site to be filled is a valuable and particularly attractive green space, virtually the only one along that road.
- The site is not an allocated site

CPRE: Object stating this green gap in the centre of Shadoxhurst is an important feature of the village which should be preserved.

Environment Agency: Stated they had no comments to make on the application.

Kent Wildlife Trust: Had no comment to make on the application

ABC Street Scene & Open Spaces, Environmental and Contracts: For refuse collection I would only comment the turning head for a refuse vehicle at plots 3 & 7 provides sufficient turning.

Neighbours: 59 consulted, 41 objections were received and 1 later withdrawn. The objections included the following points:

- Village will already be overrun by housing as a result of the Chilmington Green development. Important that villages around Ashford retain their rural identity and do not become part of greater Ashford. Shadoxhurst is classified as a small village and should stay that way. There should be no further developments in Shadoxhurst until the effects of Chilmington are known.
- Premature in advance of the Local Plan. If this is granted in advance of the Local Plan 2030 then local residents will be denied their say in informing planning policy and where development should go.
- Site is not allocated in local plan and should wait until after local plan review process.
- This development is not proper 'infill'. This is defined as one or two houses. Here we are presented with 12. This is a major development with a large land footprint on a significant green space with no mitigation.
- Proposal would result in the loss of a vitally important green strategic gap.
- This field is in the green belt outside of village confines and is an important strategic gap
- There has already been a lot of housing permitted in the vicinity of this site.

- If this development is allowed, it sets precedents and applications will quickly follow from others, maybe to build west to Farley close, east to Lonefield as well as north on the remainder of this field.
- In 2005 Village Plan, residents answered questions regarding the building of new houses in the village
- Housing is unnecessary in terms of local need within community and there is no need to have more 4 and 5 bedroom houses
- There is no explanation about how the affordable housing element will work. Affordable to who? Managed by who? There is a big divide as to who can afford to buy houses in this area, and to us these are exclusive not inclusive.
- Size of development is out of proportion for the size of Shadoxhurst
- No planning consent should be agreed for Shadoxhurst until the completion of the Chilmington Green development.
- Proposal is not sustainable and sustainable assessment is flawed.
- There are more suitable brownfield sites that should be looked at first.
- The site is the last green gap on the northern side of Woodchurch Road and should remain undeveloped. The scheme will urbanise the appearance of the village.
- Shadoxhurst is one of the remaining breathing spaces in an increasingly urban landscape surrounding Ashford. Development here will open up village for further development and Shadoxhurst will become part of urbanised Ashford. No space between here and Chilmington Green if this and surrounding fields are developed. The site is a buffer to Chilmington Green.
- Open views of landscape are part of local identity, character and appearance of village
- The impact on the landscape and the long views of the countryside from this site make this site unsuitable for allocation
- There will be a loss of amenity as this is only open space on this side of Woodchurch Road

- Site extends beyond current northern, rear building line of this part of village with Park Farm Close houses
- Allowing the agriculture access to the field beyond that this is just an opening for future large scale building to the north of this proposed site. This scheme may even be part of a wider speculative venture.
- This site and the adjacent roads and properties have a history of flooding. This field is in a flood zone with regular standing water seen on site. Existing drains and gutters cannot cope with heavy rainfall.
- There is no plan for the permanent maintenance of the swales provided for potential future problems, both on site and off site
- The Drainage Strategy fails to analyse the actual ability of the site and adjacent areas to manage surface water disposal during periods of heavy rainfall. Although the strategy demonstrates the site can drain this is meaningless without investigation of the dispersal capacity beyond the site boundaries. Who will manage and maintain the ditches and the pond.
- There is a zone of high flood risk close to the site alongwith sewerage and foul water problems.
- No main gas to village and further local gas or oil systems will be hazardous. It will also generate need for tankers to service the new homes
- Village has limited access to services. There are limited medical, educational, recreational and local shopping facilities nearby and this will impact on the limited services that exist. No bus service to these services.
- Lack of infrastructure to serve development i.e. shops, schools, medical facilities. This will add to traffic on the roads and endanger pedestrians.
- Where are the needs and concerns of the existing residents being considered in this application? We contend that these have not been given any thought in the application.
- Concerns that the access is unsafe.
- There are inadequate parking spaces and is no regard to visitor parking

- The traffic survey was carried out nearly two years ago, this data will be out of date in relation to the increasing traffic levels we see and is not properly comparable
- Concerns over adequacy of roads to serve the development and potential damage to the roads.
- Will impact on road traffic. There are visibility problem with new junction on corner of the existing very busy road.
- The building of family homes with access off a busy road will make it dangerous for young children to cross.
- Concern that layout will inevitably lead to parking on Woodchurch Rd including for service deliveries to the three properties fronting the road.
- Footpaths are narrow along Woodchurch road and there will be a conflict between pedestrians and vehicles.
- The site does connect across the road with the last green space on the south side at the King's Head pub field.
- Cycling is very popular locally and Woodchurch road is narrow already and any reduction in road width through indiscriminate car parking will put cyclists at risk.
- The proposed buildings appear to have very high elevations which will impact on neighbours.
- Will have a harmful impact on the privacy of the occupiers of The Hollies and their ability to enjoy their own home.
- Will result in overlooking and loss of privacy to dwellings in Park Farm Close.
- Ecology report is based on insufficient analysis of the site, in particular, contrary to its surveys, badgers have been seen on site. Harm to wildlife and its habitat.
- Proposal will impact on biodiversity of green space and north-south green corridor with limited biodiversity surveys carried out. Site lies on a corridor for wildlife. There are many rare species on the site.

- Will lead to the loss of an important wildlife corridor with a wide range of invertebrates observed on this site.
- Access may harm mature trees.
- Destroying quality of life and rural way of life
- Light pollution.
- Loss of valuable farming land
- Archaeology issues
- Risk of rubbish
- Existing BT services are minimal.
- Limited broadband service.
- Increased risk of crime.
- Lowering of property values
- There will be noise and disturbance during construction
- Contractors will cause car parking problems
- Looking at the various application documents, there are a number of misleading statements and other points made give room for great doubt.

Planning Policy

22. 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.
23. The relevant policies from the Development Plan relating to this application are as follows:-

24. **Ashford Borough Local Plan 2000**

GP12 – Protecting the countryside and managing change

EN9 – Setting and entrances to towns and villages

EN12 – Private Areas of Open Space

EN30 – Nature Conservation

EN32 – Important Trees and Woodland

LE5 – Equipped public open space (policy formally saved but standards and thresholds superseded)

LE6 – Off site provision of public open space (policy formally saved but standards and thresholds superseded)

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 Construction

CS12 – Affordable Housing

CS13 – Range of Dwelling Types and Sizes

CS15 – Transport

CS18 – Meeting the Community's needs

CS18a – Strategic Recreational Open Space

CS19 – Development & Flood Risk

CS20 – Sustainable Drainage

CS21 – Water Supply & Treatment

Tenterden & Rural Sites DPD 2010

TRS1 – Minor Residential Development or Infilling

TRS2 – New Residential Development Elsewhere

TRS17 – Landscape character and design

TRS18 – Important rural features

TRS19 – Infrastructure provision to serve the needs of new developments

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

Supplementary Planning Guidance/Documents

Residential Space & Layout Standards SPD 2010

Residential Parking SPD 2010

Public Green Spaces & Water Environment SPD 2012

Sustainable Drainage SPD 2009

Sustainable Design & Construction SPD 2010

Affordable Housing SPD 2009

Landscape Character SPD 2011

Dark Skies SPD 2014

Other Guidance

Informal Design Guidance Notes 1- 4 (2015)

Government Advice

National Planning Policy Framework 2012

26. 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 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

National Planning Policy Guidance

Technical housing standards – nationally described space standard

Assessment

27. The main issues for consideration are:

- a) Principle of the development & 5 Year Housing Land Supply
 - b) Sustainable Development
 - c) Impact on countryside / landscape character
 - d) Design & Layout
 - e) Highway safety and parking
 - f) Surface Water Drainage
 - g) Residential amenity
 - h) Housing Mix & Affordable Housing
 - i) Ecology / Biodiversity
 - j) Whether Planning Obligations are Necessary
- (a) Principle of development in relation to 5 Year Housing Land Supply**

28. I regard the development to be a major development given it is more than 10 dwellings.
29. In the context of this application the relevant policies for housing supply, would include policies TRS1 and TRS2 of the Tenterden and Rural sites Development Plan Document.
30. Policy TRS1 states that minor development or infilling will be acceptable within the built up confines of Shadoxhurst subject to supporting criteria. Paragraph 7.4 of the preamble to policy TRS1 defines the built-up confines as *“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”*. For the purposes of an assessment against this definition, it is considered that the application site falls outside of the built-up confines.
31. Policy TRS2 of the DPD states certain ‘exception criteria’ that could allow development outside of built-up confines, but as the proposals are for mainly

market dwellings it would fail to meet any of the exception criteria under policy TRS2.

32. Paragraphs 2 and 210 of the National Planning Policy Framework (NPPF) state that planning law requires that applications for planning permission must be determined in accordance with the up to date development plan, unless material considerations indicate otherwise.
33. In accordance with paragraph 14 of the framework, relevant Development Plan policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
34. The Council accepts it does not have a 5 year supply of deliverable housing sites, at the current time as documented in the Annual Monitoring Report (AMR) (2015/16). Therefore by extension, paragraph 49 of the NPPF is engaged which states that

“relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a deliverable 5 year supply of housing”.

The Courts have determined that *“relevant policies for the supply of housing”* has a fairly broad meaning, so this would include policies which might seek to protect certain areas from development without expressly referencing housing development.

35. It is important to highlight that the Courts have also determined that where policies are “out-of-date” in the context of paragraph 49, it does not mean that such policies should have no weight in decision-making. However, what it does mean in practice is that a reliance on the simple principles embodied in those policies cannot be relied upon and just because a site is physically outside the built confines of a policy TRS1 settlement, is insufficient to justify refusal.
36. This being the case, I therefore 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.

37. The Authority cannot currently demonstrate a 5 year housing land supply. In these situations where the existing development plan policies have failed to secure a sufficient supply of deliverable housing sites, the framework (NPPF) seeks to ensure that the 'presumption in favour of sustainable development' is duly applied. If the positive impacts of the proposal significantly and demonstrably outweigh the negative effects, then planning permission could be supported. Paragraph 49 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development". 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.
38. The scale of the shortfall against a 5 Year Housing Land Supply is also a material consideration here. As the supply is low, there is more of a presumption in favour of the proposals and positive weight to be applied to the provision of this new housing.
39. The likelihood of a site actually delivering dwellings within the next 5 years is also material. As there are no infrastructure or land ownership constraints that might prevent this happening here, there is a positive weighting to be applied in terms of this housing delivery on this site for the 12 homes.
40. Given the need for additional housing in the borough and the significant weight in the NPPF in terms of the delivery of a wide choice of high quality homes (paragraph 50), the provision of additional residential units on this site should be considered. The starting point remains the adopted Development Plan policies. However, the presumption in favour of sustainable development reflected in paragraph 14 of the NPPF needs to be given considerable weight in the determination of this application. Unless any adverse impact of the development significantly and demonstrably outweighs this benefit, then in view of a presumption in favour of sustainable development, permission should be granted.
41. The site is unallocated for development and is not in the SHELAA which forms part of the evidence base of the new Local Plan; therefore it is a windfall site. As this is for 12 units, this is not a significantly large number of units and this modest growth can at first glance seem to be accommodated without an adverse impact on those matters. Although on balance of this evidence I consider the principle of the development to be a possibility the question of whether the proposals constitute sustainable development needs to be determined.

(b) Can the proposals be regarded as Sustainable Development?

42. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219 of the NPPF taken as a whole constitute the Government's view of what sustainable development in England means in practice.
43. Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development and this should be seen as a "golden thread running through decision-taking". The mechanism for applying the presumption in favour of sustainable development is set out in paragraph 14 and states that 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.
44. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
45. In legal terms, the starting point for determining planning applications is that this should be in accordance with the Development Plan unless material considerations indicate otherwise (NPPF, para 11). However, para.14 of the NPPF highlights the presumption in favour of sustainable development and for decision-making, when the Development Plan is absent, silent or out-of-date, granting permission unless any adverse impacts of doing so should significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate development should be restricted. This is sometimes referred to as the 'tilted balance'.

46. In essence, the task is to consider the relative social, economic and environmental pros and cons of a proposal as these are the 3 dimensions of 'sustainable development' described in para. 7 of the NPPF. For a major scheme as proposed the balance of impact is the negative impacts of the scheme do not outweigh the positive impacts in terms of their relative sustainability.

47. Whether the scheme is sustainable will come down to an assessment of the a wide range of factors that need to be balanced against one another. To help with this the criteria was used to assess the scheme in terms of whether it is sustainable development. The criteria set out below was based on internal advice on assessing applications where we don't have a 5 year housing land supply. The criteria is as follows;

- Physical isolation
- Distance to main local facilities / services
- Quality / number of those facilities / services
- Public transport connectivity
- Quality of pedestrian links to facilities / services
- Landscape quality
- Heritage quality
- Ecological / biodiversity quality
- Redevelopment of PDL / reuse of existing building
- Agricultural land quality
- Flood Risk
- Would realise an opportunity to deliver a wider social benefit to local community

I will assess each of these criteria.

48. The site is not in an isolated location and being within an established settlement has access to a moderate range of facilities for a modest sized village. The village has a public house, a village hall, a church, a play area and park and is served by a rural bus service. A small shop is located 1.6 kilometres away. I therefore do not regard the site as being physically isolated from services and I consider that the site has a neutral impact in terms of the social sustainability criteria.
49. The distance to main day to day facilities such as shops, schools and doctors surgeries is well beyond a kilometre but as other community facilities exist in the village there is a modest negative impact in terms of social sustainability criteria.
50. In terms of public transport connectivity criteria the site is within easy walking distance of a regular rural bus service to both Ashford and Tenterden which runs for between 7-12 hours a day depending on whether it falls within school term time. I consider this has a positive impact on social sustainability.
51. The site is not subject to any strong landscape protection measures and there are no designated heritage assets on the site, so the scheme does not have a detrimental effect on environmental sustainability criteria.
52. The site has no recognised ecological or biodiversity qualities that would be adversely affected by the proposals and with the proposed SUDs features and rich landscape scheme would be expected to benefit the ecological biodiversity of the area.
53. This application site is a greenfield site and in this respect the development of the site would have slightly negative impact in terms of environmental sustainability criteria in this instance. However the agricultural land 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). I therefore do not consider the development of this grade 3 agricultural land to be an adverse environmental sustainability criteria as there will be neutral net effect for the loss of this working farmland. Overall taking into account the whole range of environmental sustainability criteria, there are grounds to conclude that the net effect is that the scheme results in a positive sustainable impact.

54. The site is not located within a flood zone and is deemed to have a positive effect on environmental sustainability criteria. In terms of delivering a wider social benefit the provision of some affordable housing and the inclusion of some small green open spaces will make a positive impact in terms of social sustainability in terms of community value and wellbeing as well as environmental terms.
55. The overall scale of the housing provision is another major factor in favour of these proposals. The scheme of 12 residential units contributes towards meeting the Council's overall housing requirements. The accessibility to a decent range of local services and facilities is acceptable and the scale of housing is in proportion to the size and services of a settlement.
56. The other key site specific issues that determine whether this is sustainable development include good design and highway access. In terms of good quality design the NPPF makes it clear that "good design is a key aspect of sustainable development" (para.56). I deal with the design of the scheme later on in this assessment section, but I consider the scheme to be of an exceptional design and would be in keeping with sustainable development principles. The ability to provide a safe vehicular access on this site has been agreed with Kent Highways and is dealt with later in the assessment section. This is a relevant consideration, since a poor access would undermine the case of the development being regarded as a sustainable development.
57. The focus of sustainable development is far broader than just the environment or access to services. It is important to balance issues with a wide range of other different, and often competing issues. I consider that the proposed development will help towards creating a new community and lead to a unique and interesting place to live which may promote personal wellbeing, social cohesion. The development could boost demand for existing services. The proposals do have environmental benefits also and there are likely to be benefits for small local businesses and the local economy. In conclusion for a major scheme of this nature the positive impacts relating to social, economic and environmental benefits significantly outweigh the negative impacts in terms of the sustainability criteria. I consider the proposals to be sustainable development.
58. The following sections of this report assess the proposal in terms of whether it generates significant harm which would significantly outweigh the benefits of this sustainable development.

(c) Impact on Countryside and Landscape Character.

59. 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.
60. 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 feature.
 - h) Any relevant guidance given in an AONB Management Plan or in a Landscape Character SPD.
61. 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.
62. 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.

63. 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 the hedgerows and mature trees.
64. The proposed housing layout is spacious with gaps between the units allowing some views still through the development to the mature tree and countryside beyond. The proposals fall within a single field boundary and the density and pattern of the layout of the proposed development is appropriate for this edge of village location.
65. The proposal is for a cluster of informally arranged dwellings set back from the Woodchurch Road street frontage behind a prominent green space. The arrangement of buildings successfully seeks to mimic a traditional farmstead and rural hamlet that is well integrated with its natural landscape. The traditional Kentish form of house design approach adopted here is also appropriate since it incorporates chimneys, exposed rafter feet, entrance porches, bay windows, dormers etc. The informal style of rural lane design for the street with generous levels of tree and shrub planting and soft materials will complement the architectural style and will provide strong visual interest to the development. The proposed mix of materials is also appropriate in this location.
66. The proposed development for 12 units would have less visual impact than the development of 15 units that was recently refused. The proposed built development would be set back from the existing field boundary hedgerows and ditches and along the frontage will be set back behind a green space around the protected trees, thereby allowing for their retention. I consider the proposed development is acceptable in terms of its overall visual impact within the landscape being sited close to the built confines of Shadoxhurst to help complement the original historic agriculture character of the earliest properties in the village.
67. Whilst the site currently forms a green gap in the streetscape of Woodchurch Road this space is not a planned part of the original rural character of the place. It is a field between modern suburban housing that was never well integrated within the landscape when it was originally built. The attractive trees on three sides is the most distinctive feature of the site and during the summer there is a glimpse through the trees to the distant mature tree line to the north of the site which acts as a pleasant visual backdrop.

68. The site lies within the Bethersden Farmlands Landscape Character Area which is defined and characterised by undulating mixed farming with pasture and arable in medium to small size fields generally bounded by a strong pattern of high hedgerows with mature trees interspersed with woodland blocks, streams and ditches. The landscape character area is considered to be sensitive and the guidelines for this area are to conserve and restore woodlands, hedges and habitats of high ecological value.
69. The layout of the proposed development has taken these constraints on board and proposes a scheme that would be set back from the existing field boundary hedgerows and ditches thereby allowing for the retention of these attractive boundaries. Also the design and layout features the introduction of new planting to provide interesting views along a landscaped rural lane containing a pleasing cluster of spacious rural style buildings. Furthermore, the proposed landscaping proposals would help any development to integrate into its surroundings when viewed from Woodchurch Road.
70. The consideration of retaining interesting glimpses of the wider countryside setting beyond will enhance the sense of place for this part of the village and will also create a high quality place to live.
71. I consider that the proposed landscaping scheme also provides a soft boundary where it adjoins the open countryside to the north. I therefore advise that a condition is attached to any permission requiring the provision of a landscape along this northern boundary with the open countryside to ass a positive visual softened edge to the wider countryside. The use of close boarded fencing on the fringes of the site will be carefully controlled to ensure alternative softer garden enclosures more sympathetic to the rural setting is provided.
72. In conclusion, I consider that the proposed development would not cause significant and demonstrable harm to landscape character_or visual amenity.. I therefore consider that the proposals to be in accordance with policies TRS17 and TRS18 of the Tenterden and Rural Sites DPD and with saved policy GP12 of the Ashford Borough Local Plan, as the wider countryside setting will be enhanced. Since the design of the development and its associated landscaping is considered to be very well designed the scheme is considered to also be in keeping with policy CS1 of the Core Strategy, which requires protection for the countryside since this scheme will avoids the adverse impacts of growth. I think the landscaping is acceptable and will positively

strengthen the development and its relationship to its landscape in a manner that will enhance the overall rural setting.

73. In respect of the development's impact upon trees, the arboricultural assessment demonstrates that no trees or planting along the perimeter of the site will be adversely affected by the development. The landscaping will also be significantly bolstered by the proposed landscaping and Suds drainage system for the site and would be introduced as part of the detailed landscaping scheme to be approved by condition should planning permission be granted. The 4 oak trees that are subject to the TPO along the frontage of the site are all A category trees and would be retained and protected during the construction. The dwellings would all be outside of the root protection area of these trees and set far enough apart so as there would not be conflict or pressure for removal in the future. Only the access road would pass through the root protection area of these trees and in a gap between them where the existing access is. The arboricultural method statement sets out how roots will be safeguarded during construction i.e. excavation by hand or under supervision of an arboriculturalist to ensure that these trees would not be adversely affected. I am satisfied that the scheme genuinely seeks to retain the vegetation on the site and this will also be covered by condition.

(d) Design & Layout

74. 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.
75. I consider the proposals to be of a very high design quality in many respects. The architectural designs, the design of the street to appear as an informal village lane, the landscaping, sustainable drainage system and the different green spaces areas help to soften the appearance of the development. I am convinced the proposals will create a distinctive Kentish rural character with a strong sense of place.
76. The dwellings are clustered informally within the streetscene to attempt to create a sense of enclosure and a distinctive identity. However the scheme has been designed to create a spacious rural feel at a low density at an overall average of 12 dwelling per hectare which is lower than the density of the suburban housing scheme at Park Farm Close which has an average density of 15 dwellings per hectare.

77. The lane running through the scheme has been specifically designed to reflect the rural setting of the site, by avoiding looking like a main urban highway. Instead the impression of a narrow twisting rural lane is proposed which will vary in width and will create some narrow carriageway pinch points to slow vehicles. The street design also cleverly integrates swales, verges, overhanging trees to impose strong sense of an informal rural character. The previous scheme's large tarmac cul de sac with a very open and wide turning head at the northern end of the site was deliberately avoided. Instead these proposals include a pleasant village green style area as an elegant setting and outlook for the detached homes around it.
78. The proposed buildings will be spacious mainly detached properties set in generous plots to provide large rear gardens and some small enclosed front gardens. The proposal for well designed distinctive roof forms, chimneys, canopies, bay windows and complementary sensitive materials will help emphasise the rural characteristic of the place in a sensitive and sympathetic manner for the village.
79. The proposal for an informal loosely knit pattern of dwellings combined with some carefully clustered dwellings creates an interesting and varied streetscene. The design of private driveways and parking courts secured by attractive walls, fencing and hedges would be typical of high quality historic rural hamlets and I have no doubts this proposed scheme will benefit from having an impressive appearance and character. The properties would be made from traditional Kentish materials which are intended to respect the landscape and the original historic parts of Shadoxhurst.
80. The green space at the entrance is designed to give the scheme a welcoming appearance from the Woodchurch Road and retain a soft appearance rather than simply propose more ribbon development along Woodchurch Road along the frontage of the site. This green space should act as a legible and memorable landmark within the village and provides an attractive outlook for the existing dwelling to the west known as The Hollies.
81. The proposed new place to live has been designed holistically so that the buildings, lanes and open space all complement each other. I am confident the proposals will represent an exemplar local scheme that sites well in its local surroundings and will enhance the character and impressions of the village.

82. The design of the scheme is in accordance with Core Strategy policy CS9 and SP6 of the emerging local plan as I consider that the proposed development is of a high design quality.

(e) Highway Safety & Parking

83. There is an existing agricultural access into the site from Woodchurch Road which would be utilised and widened. The traffic generated by the proposed development would result in a significant intensification of use of this access over the existing situation for occasional agricultural access only. The access has been designed to meet KH&T requirements with adequate visibility provided in both directions to ensure vehicles can leave the site safely.
84. The Highway Statement (2015 figures) showed the link capacity is shown to be 1350 vehicles per hour on each lane. The largest hourly peak period volume recorded was 196 vehicles which demonstrates that Woodchurch Road is currently operating at 14%. A modest proposed development of 12 homes on this site would generate traffic levels that can easily be accommodated and would lead to be an unperceivable increase along Woodchurch Road. The road at this point is subject to a 40mph speed limit and the visibility is acceptable.
85. The width of the access roads have been designed in strict accordance with advice from KH&T. The road has been tracked and shown to be able to accommodate a refuse collection vehicle with adequate on site turning available so that it can exit the site in forward gear. A footway is provided through the site to link with the footpath that connects the site the village / bus stop to the east. A new crossing point over Woodchurch Road with associated tactile paving will be provided immediately to the west of the new access upon the advice of KH&T. It will improve safe opportunities for pedestrians and is also important for disability access reasons.
86. The scheme exceeds the requirements of the Council's Parking SPD and has sufficient visitor parking needs accommodated conveniently within the proposed new street.
87. KH&T has considered the proposal and following the resolution of early concerns about the convenient siting of garages to encourage use and planting to avoid indiscriminate parking, they do not raise any objection subject to conditions. The proposal is therefore considered acceptable in terms of impact on highway safety.

(f) Surface Water Drainage

88. A drainage strategy and drainage management plan has been submitted in support of the application. This demonstrates that surface water drainage can be attenuated on site through use of an attractive SUDs features to ensure that surface water run-off from the site amounts in accordance with the requirements set out in the Council's adopted SPD. A copy of the drainage plan is set out below:



Figure 4 – Proposed Drainage Strategy Plan

89. The scheme proposes to introduce a substantial area for a new SUDs attenuation pond close to Woodchurch Road with interconnected swales along the proposed rural lane. It will also continue to clear out and utilise the drainage ditch to the western boundary which in turn feeds into the wider drainage network.

90. The swales and ditches will be shallow and their form and shapes will be subtly sculptured to complement the streetscape and landscape. The swales and ditches will feed into an attenuation pond to the north west edge which will allow water flows into the surrounding drainage network. Piped culverts

are proposed within parts of the swale where it crosses under the driveways and mains rising through the site. The Swales and ponds will significantly enhance the appearance of this place and once established will be expected to support biodiversity.

91. Based upon the drainage strategy and plan, and that ABC, Southern Water, Environment Agency and KCC Drainage raise no objection, subject to the imposition of a detailed SUDs condition including maintenance, I am satisfied that the proposal will not worsen flooding on the site or on adjacent land. I consider that the proposal would accord with the provisions of Policy CS21 of the core Strategy and as such agree, subject to conditions, that the proposed sustainable drainage system is acceptable in this regard.
92. In terms of foul water drainage the proposed development seeks to connect to the existing sewerage network in the vicinity of the site. This is a matter that can be controlled by condition should planning permission be granted.

(g) Residential Amenity (Existing Residents)

93. The application site is a deep one with lengthy lateral boundaries and back to back gardens provided where possible. The layout ensures that the development does not harm the living conditions of the occupiers of neighbouring dwellings to the east and west in this instance. While concern has been expressed by residents the distances between the proposed dwellings and the existing properties to west are a minimum of 25m away and to east are well over 30metres apart. In addition, since the application was submitted two garages serving plot one and two have moved further away from the eastern boundary.
94. Whilst the development will clearly alter the outlook from these dwellings, the right to a view is not a material planning consideration. The separation distances are such that the development would not be unacceptably overbearing of give rise to unacceptable levels of overlooking.
95. Tree planting along this boundary is to be retained and bolstered which will mitigate any impact further.
96. The green open space at the front edge of the site has been designed specifically to ensure this property still offer an attractive outlook.

97. The dwelling that would be impacted upon the most is The Hollies which lies along the western boundary of the site. The dwelling is set approx. 2.5m from the boundary with the site and has windows at both ground and first floor that overlook the site currently. The change to the outlook from this dwelling as stated above is not a material planning consideration. The layout has been designed as such to ensure that no buildings are set immediately adjacent to this dwelling and the house proposed for plot 12 has been set back from the Woodchurch Road frontage in order to set it further away. The offset siting of the proposed dwellings along with the generous separation distances would mean that the development would not be unacceptable and there would be no risk of overlooking as the two properties are offset from one another.
98. The proposed parking areas for some units (Plots 8-11 and 12) would be over 5 metres away from the side of The Hollies. There could be a risk of a noise and disturbance from the two parking areas however the vehicle movements associated with this would be limited to those 4 dwellings and therefore not intensive. A combination of strong landscaping and an attractive boundary wall could be erected along the common boundary to ensure that there would be no unacceptable impact from car headlights / noise and will be dealt with by condition.
99. I do not consider that the proposal would have an unacceptable impact upon the residential amenity of the occupants of adjacent properties to warrant refusal in that respect.

(h) Housing Mix and Affordable Housing provision

100. As set out in the proposals section the scheme proposes 3 x 5-bedroom detached houses, 5 x 4-bedroom detached houses and 4 x 2 bedroom affordable semi-detached houses. This represents a good housing tenure mix for the village and I consider it meets the requirements of policy CS13.
101. The inclusion of four affordable housing units represents a rate of provision of 33% of the development as a whole. This closely accords with policy CS12 of the Core Strategy which seeks 35% quota provision. The housing will be secured as affordable housing in perpetuity through a S106 Agreement.
102. The mix of affordable housing would also normally need to be provided in accordance with Policy CS12 which requires a 60:40 tenure ratio split between social rented (60%) and shared ownership affordable housing (40%). However as overall housing numbers on the site is modest, the 4 affordable homes are provided will be provide on a 50;50 tenure ratio split between

social rented and shared ownership. This would make it more palatable and easier in terms of dealing with the Council's Housing Association partner or indeed delivering the units ourselves through the HRA. This matter will be addressed in the legal agreement, and for the reasons set out above I consider the proposals to be acceptable in this respect.

103. The affordable housing is accessed from a communal driveway and includes a shared off road parking court. Although set out as a pair of semi-detached houses, they have been designed to appear as an integral part of the development.
104. In light of the above I consider that the proposed housing mix and the affordable housing element provided is acceptable and also well integrated so as to warrant the support of this application in this respect.

(i) Ecology / Biodiversity

105. 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.
106. The ecological surveys undertaken for the site demonstrate that the proposals will not harm protected species and present opportunities for habitat enhancement. Conditions will be required for the provision of nest boxes for birds including house sparrows and landscape features to improve habitat connectivity on the site with the remainder of the field to the north. Conditions also will require the additional provision of bat boxes in accordance with the recommendations of the Bat Survey. This aspect of the proposals is therefore considered acceptable.
107. In view of the assessment of the ecological impacts of this proposal, the proposal accords with Policy CS11 of the Core Strategy. I am able to

conclude that subject to condition this proposal would not cause harm to the ecological interest of the site.

(j) Whether planning obligations are necessary

108. 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
109. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission on the basis that the development complies with policy TRS1. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.	<p>Affordable Housing</p> <p>Provide not less than 35% of the units as affordable housing, comprising 60% affordable rent units and 40% shared ownership units in the locations and with the floorspace, wheelchair access (if any), number of bedrooms and size of bedrooms as specified. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement</p>	<p>4 affordable rent units</p> <p>2 shared ownership units/ 2 affordable rent</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>
2.	<p><u>Informal/Natural Green Space</u></p>			

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
Contribution towards the provision of improved parking and access to play facilities at the Recreation Field, Hornash Lane	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	Before completion of 75% of the dwellings	<p>Necessary as improvements to the informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use informal/natural green space and the space to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				maintenance period is limited to 10 years.
3.	<p><u>Children's and Young People's play</u></p> <p>Contribution towards the provision of Community Exercise Equipment at the Recreation Ground, Hornash Lane</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as children's and young people's play space is 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</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				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.
4.	<p><u>Outdoor Sports</u></p> <p>Contribution towards the drainage project for the recreation ground, Hornash Lane</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>		<p>Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				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.
5.	<p>Primary Schools</p> <p>Extension at the John Wesley Primary School</p>	£3,324 per dwelling	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> <p>To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)</p>	<p>Necessary as no spare capacity at any primary school in the vicinity and pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, saved Local Plan policy CF21, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>Directly related as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
6.	<p>Secondary Schools</p> <p>Extension to Homewood School (Modulars)</p>	£2359.80 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as no spare capacity at any secondary school in the vicinity and pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, saved Local Plan policy CF21, Developer Contributions/Planning Obligations SPG, Education Contributions</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <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>
7.	Libraries			
	Contribution for additional	£48.02 per dwelling	Half the contribution	Necessary as more books

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	bookstock at libraries in the Borough		upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>required to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings.</p>
8.	<p>Monitoring Fee</p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary	<p>Necessary in order to ensure the planning obligations are complied with.</p>

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

Human Rights Issues

110. 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

111. 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

112. 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 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.
113. 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.
114. 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 the treatment of the open boundary by way of a planning condition. I am also of the view that this scale of development, does not harm the visual amenity of the area.
115. On the issue of ecology the development will have no detrimental impact on wildlife or ecological habitats. In terms of flooding I am 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.

116. 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 minimal environmental harm would arise as a consequence of residential development here, any incremental harm can be easily mitigated. 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.
117. In arriving at this conclusion, I have also taken into account the public benefits of additional development here and 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 to mitigate the impact of the development upon community infrastructure.
118. In respect of matters relating to residential amenity, highway design, highway safety, trees, SUDs and drainage, ecology, housing layout and housing mix the proposal is not considered unacceptably harmful to warrant refusal on any of these grounds.
119. In this instance although the scheme is contrary to the development plan there is an adequate justification to support the scheme based on five years housing supply numbers on the basis that this is a sustainable development. Since the design of this development would protect and enhance the character of the countryside I therefore wish to recommend the scheme is approved.

Recommendation

Permit

(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, children's and young people's play space, informal/natural green space, libraries, outdoor sports pitches, primary schools and secondary schools,
- b) Monitoring fee

as detailed in table 1, in terms agreeable to the Head of Development Strategic Sites and Design or the Development Control Managers in consultation with the 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) Subject to the following conditions and notes:

Implementation Period

- 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

Archaeology

- 2 Prior to the commencement of the development the applicant, or their agents or successors in title, will secure the implementation of an archaeological watching brief 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.

Highways

- 3 Full details of all highway and footway designs including pedestrian crossing of Woodchurch Road, all carriageway and footway materials, including all associated detailing and landscaping shall have been provided to the satisfaction of the Local Planning Authority and thereafter maintained for the duration of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of visual amenity.

- 4 (A) Prior to the commencement of development the following details shall be submitted to and agreed in writing with the Local Planning Authority. These approved details 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 Woodchurch Road, with no obstructions over 0.6m above footway level,

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

(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.

- 5 The area shown on the drawing number (SH2016/01 RevC) including 6 on street vehicle parking spaces, garages and turning areas shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the development and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users

- 6 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.

Trees

- 7 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.

- 8 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.

- 9 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.

- 10 All trees planted shall be protected against stock and rabbits when planted and such protection shall be maintained for the first five years from the date of the first occupation.

Reason: In the interests of good forestry and amenity.

- 11 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.

- 12 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 boundaries 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.

- 13 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.

- 14 The details of soft landscape works required in condition 13 immediately 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.

- 15 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.

- 16 Details of the design of all gates, boundary walls and fences to all front, side and rear boundaries and open space within the development 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 in strict accordance with the approved details unless previously agreed in writing by the Local Planning Authority. Thereafter these approved boundaries shall remain in perpetuity unless agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity

- 17 Details of an enhanced boundary treatment within the shared parking court for units 8-11 and the private parking area of unit 12 along the west boundary edge adjacent to the existing property known as 'The Hollies', to reduce disturbance from cars being parked, shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out and maintained in accordance with these details.

Reason: In the interest of residential amenity

Lighting

- 18 Details of a lighting strategy for the site shall be submitted to and approved in writing by the local planning authority. Any associated external lighting that is provided shall be fitted with a timer control system to ensure that the lighting

system is switched off at times to be agreed in writing with the Local Planning Authority.

Reason: To protect the appearance of the area, the environment and wildlife and local light-sensitive development from light pollution

Sustainable Drainage

- 19 No development shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface water have been submitted to and approved in writing by the Local Planning Authority. This should be based around the principles and details identified in the following documentation – '*Surface Water Drainage Statement for the Proposed Development at Woodchurch Road, Shadoxhurst, Kent– BY Herrington Consulting - Dated 19th December 2016*'.

The final drainage plan for the scheme will be approved by Ashford Borough Council to ensure that surface water runoff from the site is being dealt with appropriately and in line with Ashford Borough Council's Sustainable Drainage SPD.

The submitted system shall comprise retention or storage of the surface water on-site or within the immediate area in a way which is appropriate to the site's location, topography, hydrogeology and hydrology.

The submitted system shall be designed to

- (i) avoid any increase in flood risk,
- (ii) avoid any adverse impact on water quality,
- (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010.
- (iv) promote biodiversity,
- (v) enhance the landscape,
- (vi) improve public amenities,
- (vii) return the water to the natural drainage system as near to the source as possible and
- (viii) operate both during construction of the development and post-completion.

The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance). The approved system shall be provided in accordance with the approved timetable. The approved system shall be maintained in accordance with the approved details and shall be retained in working order until such time as the development ceases to be in use.

Permission for discharging of surface water into the existing land drainage system, or ditch, should be received via formal written confirmation from either Kent County Council or the Internal Drainage Board, new structures (including outfall structures) will require land drainage consent. Evidence should be provided that the legal owner/s of the receiving watercourse (If not the applicant) agree to any modifications. A written specification for the responsibilities of each party in relation to management of the surface water ditch should be provided for use throughout the lifetime of the development.

A plan indicating the routes flood waters will take should the site experience a rainfall event that exceeds the design capacity of the surface water drainage system, or in light of systems failure (Designing for exceedance) including appropriate mitigation measures and emergency response procedures. This should include evidence that the system is capable of withstanding the critical 1:100 storm event + 40% Climate Change allowance.

Reason: In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Core Strategy Policy CS20.

Sewerage

- 20 Before construction commences details of proposed sewage disposal system shall be submitted to and agreed in writing with the Local Planning Authority in consultation with Southern Water. None of the dwellings shall be occupied until the sewage disposal works have been completed in accordance with the submitted plans.

Reason: To ensure the satisfactory disposal of sewage and avoid the risk of pollution.

Ecology

- 21 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 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 within 6 months of the first occupation, 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.

Architecture

- 22 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

- 23 Details of the design of all key architectural elements of the buildings and gardens including windows; doors; bay windows; chimneys; porches; canopies; eaves; fascias; garages; car ports 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 in strict accordance with the approved details.

Reason: In the interests of visual amenity

- 24 Details of the location of flues, vents, stacks, extractor fans or meter boxes shall be provided in writing and should be avoided on the most prominent elevations to the streets, on any of the units.

Reason: In the interests of visual amenity

Lifetime Homes

- 25 All new dwellings shall be constructed to Lifetime Homes Standards or any subsequent equivalent standard unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of future occupiers of the dwellings on the site

Sustainability

- 26 Each dwelling shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State.

No dwelling shall be occupied unless the notice for that dwelling of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 (as amended) has been given to the Local Planning Authority.

Reason: In order to set a higher limit on the consumption of water by occupiers as allowed by regulation 36 of the Building Regulations 2010 and increase the sustainability of the development and minimise the use of natural resources pursuant to Core Strategy policies CS1 and CS9 and guidance in the NPPF.

- 27 Details showing the provision of a water butt to all dwelling houses and any single flats provided with a private amenity space, shall be submitted to and approved in writing by the Local Planning Authority no less than one month before the first occupation of that property and the water butts shall then be installed in the agreed places and before the occupation of the associated property.

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

Ecology

- 28 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

- 29 No works to trees that may affect bats shall be commenced until a mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the existing population of bats and to improve the habitat for bats on the site..

Construction

- 30 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.

- 31 Prior to works commencing on site, full details of off road parking for site personnel, contractor delivery vehicles 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.

- 32 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 (excluding bank holidays and Sundays)
 - 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 or

- vi) A system should be in place used to notify vehicles when space is available to notify vehicles when delivery space is available on the site to ensure no delivery vehicles park or deliver from any of the surrounding roads.
- vii).On-site supervision including a dedicated access and parking control supervisor.
- viii) Strict noise levels for working and piling are to be agreed
- ix) Measures for the suppression of dust to avoid problems for neighbouring residents
- x) Regular Contractor / Developer / ABC communications with local community and Parish Council to enable proper monitoring and enforcement and the feedback on problems.

Once agreed in writing , these matters approved shall then be implemented as approved.

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

Agricultural Access

The access to the field at the rear northern boundary of the site, identified on the layout plan as an 'agricultural access', shall remain for the exclusive use of the land owner for the purposes of an agricultural access only and shall not be used as a public right of way

Reason: In the interests of residential amenity.

Car Barns

- 33 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.

Disabled Access

- 34 The layout details (together with any other plans and sections as may be necessary) shall demonstrate the provision of level thresholds to all dwellings (and/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.

Residential Use

- 35 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

Compliance & Build Quality

- 36 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.

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 was informed/ advised how the proposal did not accord with the development plan, that no material considerations are apparent to outweigh these matters and provided the opportunity to amend the application or provide further justification in support of it.
- 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. High Speed Fibre Optic Broadband connection:

Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project.

Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design.

Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband.

We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk

Background Papers

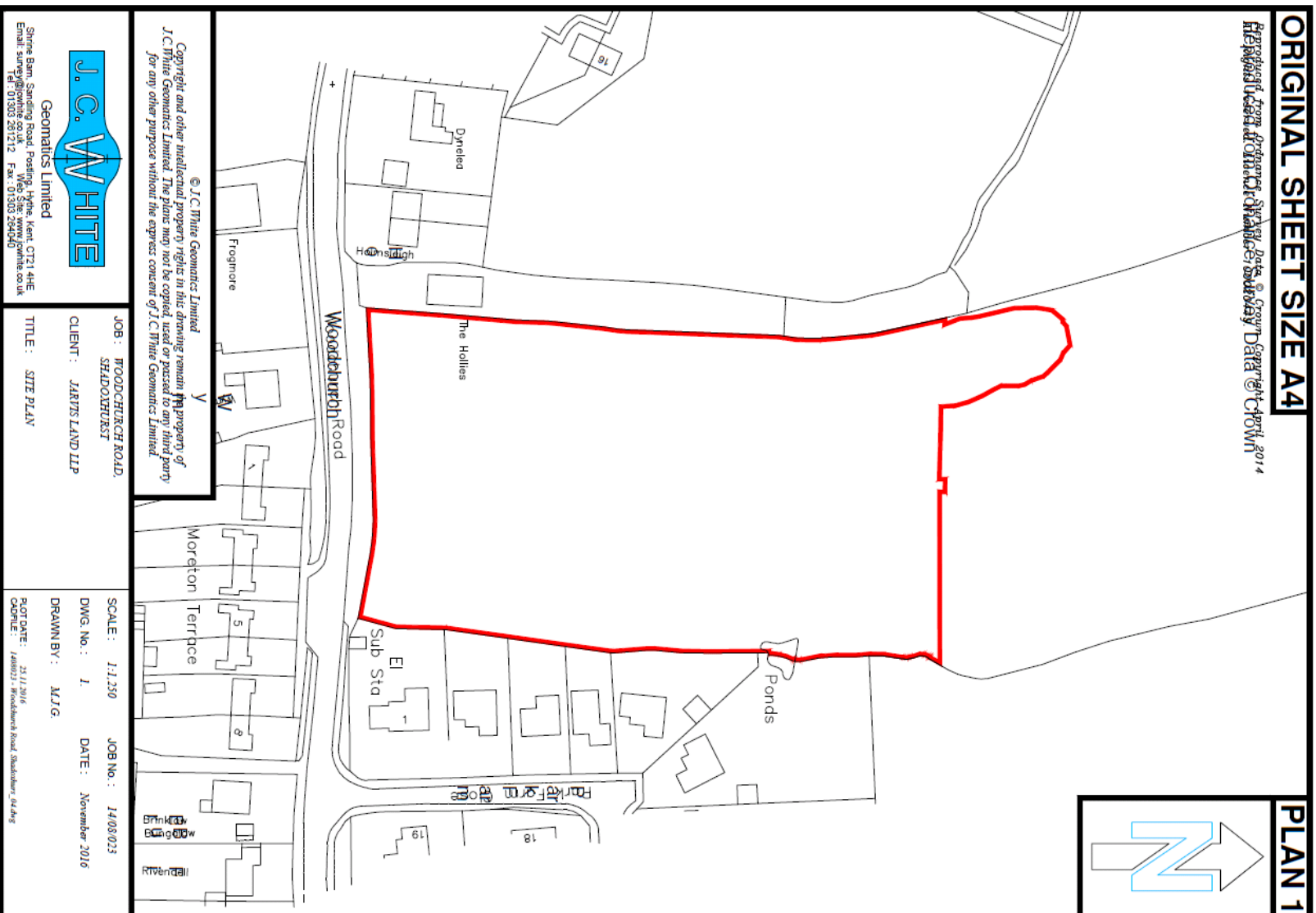
All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk) . Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 16/01841/AS)

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Annex 1 Site Location Plan



List of Parish Council Comments Object stating:

- Weight should be given to the fact that Ashford Borough Council (ABC) did not identify the site for the development in the emerging Draft Local Plan for 2030 which went out for public consultation in June 2016.
- Nothing in terms of principle has changed since previous application
- This omission site is identified as WS17 in emerging Local Plan but is not yet part of the local plan. As part of its evaluation it needs to be subject to a period of consultation, and considered as part of the Local Plan evaluation.
- The overall of not developing this land needs to be addressed as the first and only issue.
- The number and layout of houses is a secondary consideration to the determination of the principle.
- The Applicant relies on both on previous reports as well as new reports designed to defend the position for the appeal with 15 houses and these are confusingly also being used to support this application for 12 houses.
- the application is far too premature to discuss any detail and we respectfully ask that this application be refused until the designation of the site itself is decided through the formal Local Plan process.
- Consider the village to be the gateway to the countryside, we do not want to become absorbed into the hinterland, nor part of Greater Ashford
- We want to remain a village with a vibrant community and sense of place using our village identity to develop small scale tourism and a self-employed business community. This would become lost in a homogenous urban suburb
- This by its size, scale and nature is a large development on a green field site and is totally out of keeping with the rural character of the village
- As well as seeking to enhance and not destroy green spaces, this strategic site is also part of a green corridor connecting with a Biodiversity Opportunity Area (BOA) in the village to the south
- Conserving and preserving biodiversity is of paramount importance and this development destroys the last green space on the north side of this road
- There is no argument for need for housing as proposed in Shadoxhurst
- Any needs the village may have are not addressed by the Applicant or the development
- A substantial amount of housing will be built between Shadoxhurst and Ashford and there is no local need for any more large developments in the village. The site is on Woodchurch Road which is becoming a 'rat run' for people wanting to avoid the A28. With the large growth of houses nearby, this will dramatically increase, an important point not considered in the application
- With four local flooding incidents in the last 20 years, actual flooding in the area has not been given proper consideration, merely looking at the probable EA projections

- Importantly, the proposed development is OUTSIDE the Village 'Built Confines'
- The development also goes well beyond any recognisable existing building lines
- There is already recently completed housing on a large site, not all units are sold yet
- The application site was not included in the previous Core Strategy for 2008
- The site was specifically omitted from inclusion from the emerging Draft Local Plan for good reason, that it is not sustainable. We will argue that the scoring at the time was flawed and should be even lower
- Loss of views across the fields and open countryside
- Lighting would undermine the rural character
- A survey of all villagers in 2016 gave a virtual 100% response in favour of keeping village rural, retaining green space and retaining buffer zone.
- 62% didn't want extra houses, Of the 38% of people that did want extra housing they only wanted small developments in keeping with our rural village and to be affordable for young people to enable them to stay in the area.
- Sufficient housing is being built in vicinity of the village which takes away need for housing to be built in the village
- Additional journeys being generated by all this new housing will impact directly on the roads of Shadoxhurst
- The roads through Shadoxhurst already is a popular through route to Woodchurch and Tenterden for those wishing to avoid the A28. This route goes right past the application site and cumulative traffic growth has not been given any consideration in the application documents.
- The impact upon Stubbs Cross and the local shop that serves Shadoxhurst will also be enormous.
- The present road infrastructure in and around Shadoxhurst and Stubbs Cross have not even had cursory consideration in the application.
- The harm to health, welfare and the feeling of safety from just the traffic growth will be considerable and damaging to the village.
- There is a lack of footways and some of the ones we have are narrow.
- We are fearful that whilst rightly considered rural, urbanisation from edge of Ashford is happening as Chilmington Green extends into the Parish.
- Very small windfall sites in the village will be judged on their merits, but it is widely accepted in the village that large development sites such as the application site are not suitable or appropriate.
- traffic levels increase through the village, these are set to dramatically increase with the housing proposed
- As a wooded and agricultural parish, there is a threat to loss of farming land to yet more house building

- Residents who moved here to live in a rural village, yet be close to Ashford, are also seeing their reasons for moving here being eroded.
- Document SPC1 (see annex 2) illustrates land that has previously been cited for development which shows a real threat to the village. Some of these are speculative it is a concern to parishioners. Accompanying table lists the ten sites (this includes the current application site(12 houses), 1 live site for 24 units (current frozen) , 3 sites not accepted in Local Plan by ABC; 1 site not in Local Plan but an omission site (80-90houses), 3 windfall sites either recently completed or under construction (total 26 houses), a site where owner has made know a potential site(approx 30 houses).
- We consider that if all the proposed development goes ahead Shadoxhurst village will cease to exist, becoming a dormitory suburb of Ashford rather than a rural community with its own vibrancy and identity.
- The proposed development opens a gateway to further development northwards.
- We are inclined to believe that this development is just 'phase 1' and development is proposed for part of the field only (beyond the existing rear building lines)
- It is believed the landowner has recently purchased adjacent land.
- Granting planning permission on this site would makes it more likely that the rest of the field and beyond will be developed, and establishes an unwelcome precedent.
- Farley Close could be converted into a through road to connect further north for further housing
- With development from here pushing north and development in Chilmington Green pushing southwards, Shadoxhurst risks losing its separation from urban Ashford.
- We stand to lose our village identity, our unique rural characteristics and become part of Greater Ashford. In effect, we will no longer be a village. No one in the village wants this
- This is a very important strategic site for us, both for the public open views from within the village and for preventing 'development creep' and losing our buffer zone.
- Need for housing is not proven with 7600 houses proposed nearby.
- The need for affordable housing for the young people living in the village will be addressed with house building within two miles.
- What is the need for expensive four and five bedroom houses, when there are houses at Oak View still remaining unsold (including the affordable housing)?
- Parish Council accept that Ashford Borough Council wish to share some of the development in rural locations, but we contend that being so close to the large amount of housing, we should be made a special case to be exempt

from further development unless there are exceptional circumstances or brownfield sites come forward. The application site is neither of these.

- Local pressure from residents was able to reduce the number of houses built from 11 to 4 units.
- Cumulative effect of nearby housing schemes for 4 houses granted in Blindrooms Lane, and a frozen, application at the King's Head Field for 24 houses, requires careful consideration.
- The NPPF talks of avoiding stagnation in villages and there is certainly no stagnation in Shadoxhurst and with the completion of the 17 houses in Oak View, it brings the total in the village to above 500.
- With the 11 more houses under construction or in the pipeline, all are small developments and appears to be of the type envisaged by the majority of respondents to the survey that were happy to accept some housing in the village. It is important to note that these are all 'windfall sites' helping ABC meet targets set for windfall sites.
- The application site is a major one and does not fit with the majority of villager's wishes for only small development.
- The application site was not in the previous Core Strategy Local Plan, and Ashford Borough Council clearly believed that with the weak scoring in sustainable development terms, it was ruled out of the emerging Local Plan 2030.
- There is no justification to include this site in the Local Plan but now it has also come forward as an omission site for double the number of houses in this application indicating the intention of the Applicant that the underlying desire is simply to make money.
- The Parish Council will continue to oppose it as it is wholly unsuitable for development.
- Whilst there may still be a shortfall on the overall land brought forward, the Draft Local Plan believes that this shortfall will be met through windfall sites across the Borough, and we in Shadoxhurst are already contributing to this.
- Fulfilling 'need' in terms of Borough allocation, means having to consider sites that are suitable, the application site is not a suitable site as it fails to meet many tests set within the Tenterden and Rural Sites DPD, the Draft Local Plan and the NPPF itself.
- Any 'need' to develop this site appears to be one of pure 'financially motivated speculation'.
- The proposals will damage the only central green space on the north side of Woodchurch road,
- The development would harm the last green corridor connecting to important green space to the south,
- This application will damage the setting, resulting in urbanising the heart of the village

- The development will harm the sense of place
- The application site has natural biodiversity value from various species and the brief ecology survey does not do full justice to the very last green space on this side of the village.
- Residents report seeing mammals on the site such as visiting deer and foxes, reptiles and a wide variety of birds and insects.
- The application site links the landscape and fields to the north with the fields and the Biodiversity Opportunity Area (BOA) to the south.
- The site is part of a wildlife corridor connecting green spaces, fields, conservation area and the Biodiversity Opportunity Area.
- Removal of green space destroys the rural character of the village as it is of strategic importance.
- The green space is very valuable as it stops the total urbanisation of the village by providing a much needed visual break from all the houses along Woodchurch Road.
- Treating this as an infill site means urbanisation and visual harm and equals destruction of the green space itself.
- Infill is defined as one or two houses, this is not infill this is a major development.
- A backdrop of a housing estate through the four mature Oak trees on the southern boundary, the setting is destroyed and will prevent the opportunity for leading the eye north to the countryside views beyond which is a welcome break.
- The green space is a reminder of the views of the countryside that is beyond and ensures the rural character is maintained.
- Supporting statements (Landscape & Urban Design Appeal Statements) fail to refer to the sense of place and are wholly written to trivialise the importance of this field.
- The sense of place is a vital ingredient and should not be ignored by applicant
- Shadoxhurst is a rural village and open green space with views into the surrounding countryside is what makes up the character of this village.
- The application is detrimental to the local community and character of the village and harm far outweighs need.
- The application strays a long way to the north of the building lines on the east and west. It is therefore a large development, that ignores both the proper village 'built-up confines' and the building lines. The application site sits beyond the village 'built confines' (see aerial photo/diagram below).

Current Build Confines on Woodchurch Road.



- Park Farm Close was built in the 1970's outside the confines when planning controls were different to now.
- The King's Head Pub field across the road is outside the Village 'built confines'.
- Viewing the land from Woodchurch Road, it is part of the countryside that is seen with long views to the north, including the North Downs.
- The 'agricultural access can easily be converted into an access road for a second phase development closer to Chilmington Green coming south and is not acceptable.
- Rear gardens to the Park Farm Close development were extended in size by 30m in 1990's which exaggerates the extent of the built confines.
- Any concentrated outflow from the site's proposed integral SUDs will considerably heighten the offsite risk of flooding to the west and at worst be at Farley Close
- We have not seen any documents to show that this will solve any flooding in this part of the village.
- No consideration has been given for the drainage potential impact on downstream effects.
- The viability of any onsite scheme depends totally on the credibility of ongoing maintenance (contract) of ditches and drainage works.
- We note that KCC Flooding Department are still objecting as the issues have still not been fully addressed.
- If downstream water backup is caused through lack of maintenance and by inundation from the subject field then this proper dispersal will fail, and flooding worsened.

- There is concern about the high pressure sewer that crosses the site, there is no information about how this will be protected both during and post construction periods.
- The effects of the proposed swales to be constructed and the long term protection of this pipe also have not been addressed.
- Road safety was rather down played in the application and we are very concerned that the issues have not been properly addressed.
- Vision splay problems to the west exacerbated by large vehicles from nearby haulage yard.
- Document SPC2 which looks briefly at key paragraphs in the Tenterden and Rural Sites DPD. These include;-
 - Para 7.1. SPC accepts windfall definitions.
 - Para 7.2. SPC notes Shadoxhurst fortunately was not identified as fitting in with this range (tier 3 rural settlements) in the DPD
 - Para 7.3 SPC accepts statement on windfall sites
 - Para 7.4 – Built Confines - SPC Shadoxhurst is a smaller village and the built-up confines are particularly important. Scale and quantity are key too. We have accepted new recent housing within the village confines, but this falls outside the confines. The Planning Committee Report that led to the refusal of the previous application confirmed “The site lies adjacent to but outside the built confines of Shadoxhurst as defined in the Tenterden & Rural Sites DPD 2010.” This development which is outside the proportion for the village and the site is therefore considered to be major therefore does not comply with this Policy Paragraph. Oak View of 17 houses, whilst major in size, was wholly on a brownfield site and was within the built-up confines of the village.
 - Para 7.5 – Minor residential development in rural settlements - The village is small and has few facilities which compromises the sustainability of the development. The sustainability matrix is critiqued in Document SPC3 and found to be flawed therefore does not comply with this Policy Paragraph.
 - Para 7.6 – Sites not identified in this policy. SPC accepts this.
 - Para 7.7 – Controlling windfall proposals. SPC The village envelope has not yet been formally defined, however we are clear that the development sits outside the accepted village ‘built-up confines’. On the north of Woodchurch Road, Park Farm Close was built in the 1970’s and the Hollies as a single dwelling predates this. To the west of the Hollies, two houses were subject to two planning appeals and were eventually built with permission in the last 12 years, between Dynelea and The Hollies. Farley Close further west was built in the last 20 years. Importantly the ABC Planning Committee report referred to “This site forms a large green gap in the ribbon of residential development” and a previous appeal decision

(APP/E2205/A/02/1087219 for Dynelea stated in paragraph 8 “The undeveloped land to the east of the Hollies and on the either side of Frogmore create a noticeable break in development along Woodchurch Road and separate the western and eastern halves of Shadoxhurst.” The photograph in paragraph 52 in this submission clearly shows the line of the built-up confines at this part of Woodchurch Road.

- Para 7.8 - This is not a small gap suitable for infilling. The Applicant has taken significant advantage by proposing a scheme that goes north well beyond all building lines and garden areas. Clearly the ‘built-up confines’ do not include this agricultural field as it is separate from the continuous and contiguous development on the northern side of Woodchurch Road, and has been said above, the field is a significant beak separating the east and west elements of the village. The Parish Council is emphatic that this gap must be maintained to prevent the final joining of the two halves that would result in harm to the rural character of the village, urbanising it. Indeed it is an open field part of the Landscape Characteristics designated Bethersden Farmlands in the SPD.
- Para 7.9 – Countryside Gap -SPC Ironically this IS the very gap we seek to preserve and the proposal will remove this important space and gap forever. Residents are emphatic in retaining the rural nature of Shadoxhurst in the face of development from Chilmington Green and the various Kingsnorth proposed sites. Context, design, scale and appearance have been compromised in proposing 12 houses filling the green gap and removing the existing views into the countryside that make this part of the village unique. These will be lost forever and essentially creates an urban ribbon of development from Tally Ho Road to Oak View.
- Para 7.10 – Active uses – SPC The site is in active use from the regular grazing of livestock and cutting for hay, plus active use includes services enjoyed by the local community in this instance, the views of the countryside to the north with the gradual changes with the seasons. It is not ‘just a field’.
- TRS1 Minor development infill –
 - a) Harm is created in the loss of amenity to the closest residents from houses overlooking their property. There can be no improvement with the development, only harm. There are problems in terms of infrastructure with respect to poor broadband, questions over sewerage capacity and very limited facilities. Also unanswered questions relating to the creation of additional flooding to the village.
 - b) To the east are five houses that back on to the site, to west just one. The proposal takes development far beyond any

building lines and therefore the layout, scale, design and appearance are all far beyond what might be considered acceptable in character and density.

- c) It displaces the visual character which clashes with the community use of the countryside views.
 - d) It most certainly would result in the loss of the one open space that provides the final gap in the housing ribbon. It is considered vital that this gap remains a gap. On this aspect alone it will not meet TRS1, but we assert that it doesn't meet the others either.
- The proposal is a large development as more than 10 homes and if built, it will further increase the size of the village by 3%. The village is small (approx 2,000 acres). Since 2004 the village has increased in size by 20% with 438 households rising to 510 in 2017. At least 20 of those houses coming on stream in the last 12 months, some of which meet the 'affordable' criteria.
 - With the current pricing of housing in the Ashford area we question whether any housing on this site can be truly affordable to young people.
 - There will always be a need for houses for rent for those that are unable to buy.
 - There are presently existing unoccupied 'affordable' houses in the village.
 - Concerned that 'affordable homes' they will only be available to some who can 'afford' them, to the exclusion of others.
 - High end priced houses should be built in the village as the land take up with house and garden footprint will be greater and such need has not been established by the applicant.
 - The well-being of existing residents is also important and has not even been considered.
 - Site is seen as a vital green space and corridor and serves people's well-being as it provides an attractive focal point and feature, enhancing the social equity of village life, breaking up the ribbon of housing with a view to the countryside beyond. There must be a balance of houses and country views in every village.
 - The appearance is still one of a small housing estate, overall urbanising the centre of the village and destroying any feeling of openness.
 - Future of bus service is not assured and should not be relied upon as a sustainable transport indicator.
 - As shop in Stubbs Cross is hard to access it should not be relied upon as a sustainable indicator.
 - The long term future of the pub cannot be relied on as a sustainable indicator.
 - We contend that the proposal as it stands is not sustainable on social grounds.

- Habitat loss and the further fragmentation of the natural diversity on the site is unacceptable.
- There is no environmental renewal being proposed, it is simply a building exercise that will hard surface much of the site.
- Putting up close boarded fencing for example excludes species and over time cannot be controlled by conditions effectively as householders make changes to property.
- The environment of the central core of the village will be irreparably damaged if this application is allowed.
- The environment in the middle will be totally destroyed by the construction of houses, the soil and the wildflower seeds, insects, worms and much more will be eliminated.
- Scheme totally disregarded the needs and well-being of the rest of the village.
- Chilmington Green will displace wildlife towards Shadoxhurst and it is vital that biodiversity is correctly managed with this in mind.
- The important green corridor that crosses the centre of the village will be totally lost if this application is granted.
- The application site is not sustainable on environmental grounds.
- There appears to be no plan or desire to allow any villagers the option to take any of the 'affordable homes'.
- Proposals are not sustainable as it will bring some 50 plus more people into the village that didn't live here before, but there is very little employment, limited leisure facilities, no shop, school or medical provision, so all new residents will need to drive out of the village to access all services, school and work.
- Village will have to continue to suffer poor levels of broadband and mobile phone signal, for example. This is not acceptable.
- The application does not demonstrate that there is any specific economic benefit to Shadoxhurst itself. Perhaps there may some benefit to the custom of the pub, but this will not benefit the village as a whole, and thus does not make the development economically sustainable.
- ABC's assessment for emerging Local Plan scored the development site at zero and as a result it was not considered sustainable enough to be considered in the emerging Local Plan. The site has however been the subject of an omission site application by the Applicant. Its contended that not only was the ABC scoring incorrect, but our corrections put the sustainability of the site even lower. The full assessment matrix is critiqued and found in Document SPC3 . These further comments are covered in the comprehensive comments of the Parish Council but the following extra points have been highlighted
 - the Shadoxhurst meadows are increasingly being nurtured to the south. This forms part of the connection through land at the King's

Head to the south to the Biodiversity Opportunity Area of the 'Low Weald

- TPO trees must not be removed for visibility
- this is the one green corridor left in the village connecting the older part of the village to the south and has not had proper consideration. There was an insufficient biodiversity study carried out which gives very limited information. A nearby site has had to return to have a more thorough in depth study following criticism from consultees.
- A road traffic survey done for the application shows the 85th % for traffic at this point to be 43.5 mph which is the fastest point on this road.
- The bus service runs hourly on weekdays. Less frequently in evenings and on weekends
- Hamstreet Surgery, Woodchurch Surgery and Kingsnorth Surgery all accepting patients This was at the time of the survey in 2014. Has the applicant confirmed that this is still the case? We have recent information that Kingsnorth Surgery has refused new Shadoxhurst patients (new Oak View residents)
- Shadoxhurst is a small village without many services. Nearest District centre would be Park Farm/Kingsnorth. This is in the region of 3 miles away, necessitating a car journey.
- This site scores poorly on the access to services as Shadoxhurst. This, in itself, makes the development unsustainable.
- We do not agree with this assertion '*site scores well in the environmental, heritage and biodiversity sections as there are no constraints on the site*'.as it will remove vital green space and damage biodiversity, it has also been incorrectly assessed resulting in lowering of the score.
- We agree with the comment that 'the impact on the landscape and the long views of the countryside from this site make this site unsuitable for allocation'. In protecting this green gap we are stating categorically that it is outside the village built confines and an important part of the rural landscape.
 - No, in our view overall score should be -9 not 0.
- Woodland' (BOA). Similarly we would seek the extension to the BOA to the northern meadows should the opportunity arise.
- The application letter and Appendix 1 Supporting Planning Application from West Waddy has been critiqued by the Parish Council in their accompanying Document SPC4. Again much of their concerns are reflected in their comprehensive comments listed in this section but one or two have been included below;
 - The site forms part of the Bethersden Farmlands Landscape Character area. It is in the countryside and outside of the built confines of the

- village. Its defined as highly sensitive with strong field boundaries and a sense of place.
- We argue that there are a number of economic, social and environmental benefits that will arise from not implementing this proposal.
 - This is the only remaining undeveloped gap north of Woodchurch Road, in this important Heart of the village with clear sense of place. It really matters to people in Shadoxhurst, it is a connection to the countryside. It's part of our culture, part of the unique rural characteristics and setting of our small village. Developing this long established green gap would be harmful to our wellbeing.
 - The 2015 SHELAA (Appendix 5) incorrectly states that the site is within the built confines of Shadoxhurst.
 - It would seem that the 1 in 1000 year event is a gross underestimate.
 - KCC flood and water management say that they are unable to recommend the proposal. We contend that this issue has not been properly addressed and that the developer has played it down in his application.
 - We contend that the balance truly is the other way. Harm and loss to the village has been trivialised and minimised in the application. The feelings and wishes of the people in the village have never been sought or considered.
- There are some misleading statements published in the Applicant's Design and Access Statement which is discussed in Document SPC5. The Parish Council concerns set out in SPC5 are reflected in their comprehensive comments listed in this section but further points have been included below
 - "this site should be the next organic infill of the historic field boundaries". This is an outrageous statement.
 - WE ARE NOT AN URBAN VILLAGE. We already have a natural transition ... to rural fields to the north...at the existing gate to the field on Woodchurch Road. Standing there...with the development built we will NOT see the rural fields, only an estate of houses. This will urbanise the centre of the village, something we do not want.
 - We note that there are no 1 bedroom and 3 bedroom houses, is there a particular reason?
 - The development does NOT follow the six principles of planning for biodiversity.
 - What plan is in place for the period following the 5 years? This is not detailed.
 - NR 18 is largely on rural roads subject to the national speed limit, this does not suit all types of cyclist. Woodchurch Road has a measured 85th% of 43.5mph at the appeal site. This coupled with the route being


used for large lorries can make cycling uncomfortable for some. This can discourage families and nervous cyclists from venturing far.

- The supporting Landscape and Visual Impact Assessment, was clearly prepared for the appeal to the previous application. This is discussed and critiqued in Document SPC6. The photographs submitted with their comments are set out in annex 4. Further comments not included in this section so far are;
 - The application site in fact falls under two landscape categories. In the Studio Engleback 2005 landscape character study it is 'Bethersden Farmlands', then further sub-divided into BF6 / E41. In the 2009 Jacobs study, it is landscape character area 21, 'Shadoxhurst Wooded Farmland'. Both these two studies formed the evidence base for SPD 2011 landscape character. So the committee report referred to, is not referring to area 12 Bethersden mixed farmland.
 - There are a significant number of bungalows in Shadoxhurst which help to define it. We note that there are NO bungalows to be found in the Application site as proposed.
 - We do not agree that an eclectic mix of architecture means the village is less sensitive to new development. What is the key ingredient is the green buffer separating east and west in Woodchurch Road. This is simply the wrong place for development.
 - Type and design is not at the heart of this objection. The loss of the field to development is the main issue to be addressed.
 - The overall harm caused by the loss of this greenfield buffer is certainly not outweighed by the 'enhancements' proposed.
 - Landscape is about Places and People. This is the only remaining gap, north of Woodchurch Road and it contributes to the unique rural characteristics of Shadoxhurst. It plays an important role in villagers' lives, just by being there, a tranquil place in the important heart of our community. It contributes to our sense of identity and our well-being.
- The supporting Urban Design Statement of Case was prepared for the appeal to the previous application. We are offended that it relates to 'Urban Design', when Shadoxhurst is a Rural Village, and are keen to retain it as a rural parish. The document is discussed and critiqued in accompanying Document SPC7. The photographs submitted with their comments are set out in annex 4. Further comments not included in this section so far are; .
- The Parish Council have put forward construction conditions should the scheme be supported in the situation that another adjacent site were being constructed at the same time. These are set out in SPC8 and include
 - Consultation with Southern Water on village sewerage system
 - Contractors delivery vehicles should be provided on site only.
 - Contractors should be bussed in from a suitable parking place outside the village.

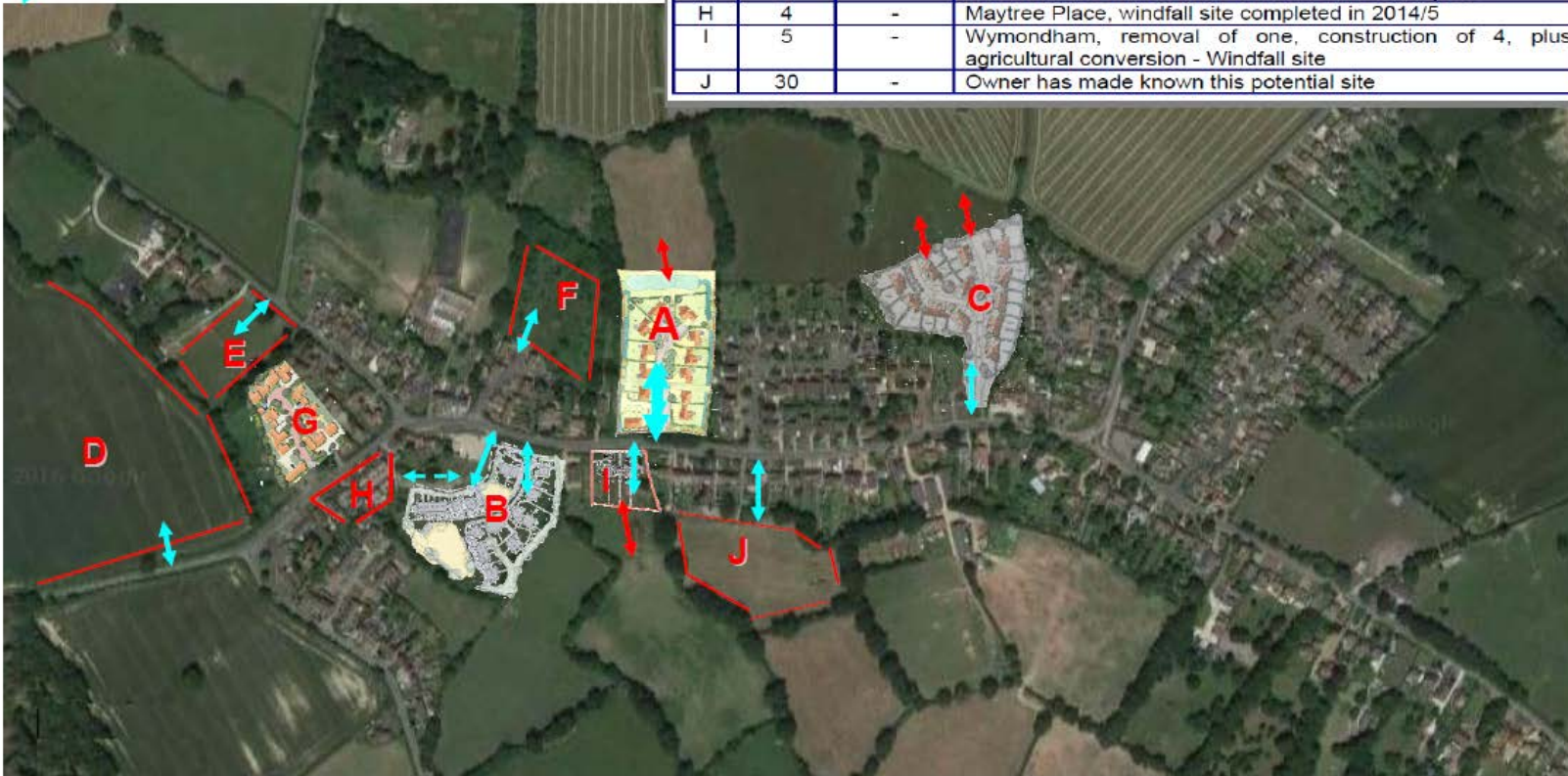
- No contractor vehicles should park on surrounding roads and a radio system used to notify vehicles when space is available
- On-site supervision includes a full time dedicated access and parking control supervisor.
- The routing of lorries must be agreed with Ashford Borough Council and Shadoxhurst Parish Council before any work commences. Any transgressors should be fined.
- Hours of work must be agreed and adhered to at all times, including no Sunday and Bank Holiday work
- Strict noise levels for working and piling must be applied
- Shadoxhurst Parish Council must be consulted on all proposed planning conditions
- Regular Contractor / Developer / ABC meetings must involve Shadoxhurst Parish Council Members and local residents to enable proper enforcement and feedback on problems.
- The roads must be kept clean of mud and dust during construction
- Immediate neighbouring properties must be fully protected from dust being blown off site
- Mitigation for wildlife and tree protection must be maintained throughout the construction phase.
- Financial and legal penalties must be applied to the Appellant, land owner and any contractors and sub-contractors that damage or fail to protect the four Oak Trees on the site that are beside Woodchurch Road.
- The access to the rear of the field is for the exclusive use by the land owner and no other person. It shall be used of agricultural access only and shall not be a public right of way.
- If the scheme was supported the Parish Council would wish to be consulted in any discussions regarding the spending of s106 money on the site.

Shadoxhurst Parish Council Evidence to Planning Appeal APP/E2205/W/16/3157395
 Woodchurch Road, Shadoxhurst
 Attachment to Statement of Case
SPC1 – APPEAL SITE IN CONTEXT

 Potential Access for future dev

 New Access to Woodchurch Road

Site	No. of Houses	DLP Site ref	Status
A	15	WS17	Appeal Site, + added as an Omission Site but for 24 houses
B	24	WS21	Live application, currently 'frozen'
C	24	WS70	Design in place, not put in LP by ABC
D	80-90	WS33	Not put in LP by ABC, but added as an Omission Site 2016
E	12	WS18	Criol Barn Farm, not put in LP by ABC
F	10	WS19	Land North of Farley Close
G	17	-	Oak View, Brownfield site / Windfall almost complete
H	4	-	Maytree Place, windfall site completed in 2014/5
I	5	-	Wymondham, removal of one, construction of 4, plus agricultural conversion - Windfall site
J	30	-	Owner has made known this potential site



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Annex 3 Shadoxhurst Parish Council SPC1



We have provided our own photographs here and elsewhere in this document, which show the regular use of the field to graze sheep and the importance of the views.

Annex 4 Shadoxhurst Parish Council SPC6



This screening may appear more pronounced in the summer, but winter views are not so hampered. It should be noted that they are equally valuable at any time of the year. See photograph below which was taken on the western side across the hedgeline.

Annex 4 Shadoxhurst Parish Council SPC6



We contend that the landscape treatment will do nothing whatsoever to mitigate for a view onto a housing estate. There will be a very significant change in their outlook causing far more harm than any mitigation can provide.but this is a small number of households affected. Does that make it acceptable then...? We think not. How many neighbouring households would be 'required' to make this important?

This photograph below was taken from the eastern side and shows that the view is present along the whole length of the streetscape on the southern boundary with the road.

Annex 4 Shadoxhurst Parish Council SPC6



This is the current view showing the magnificent trees to the north, including Oaks, the fields beyond and the North Downs on the horizon, all lost to villagers when built on, all that will be seen is houses.

Annex 5 Shadoxhurst Parish Council SPC7



Any damage to these trees protected by TPOs during any pruning for the construction work should the development be approved, will be closely monitored. This photograph shows the trees either side of the access, and it can be seen how narrow this access is. Both trees will have to cut back to allow access to lorries. A tractor trimming the hedge on the 19th January 2017 has damaged the left hand tree by cutting a branch (scar seen on the far left). In spite of assurances to the contrary, we are very worried about the potential damage.

Annex 5 Shadoxhurst Parish Council SPC7