

<b>Application Number</b>	16/01198/AS
<b>Location</b>	Former Kent Highways Depot, Ashford Road, High Halden
<b>Grid Reference</b>	89083/37197
<b>Parish Council</b>	High Halden
<b>Ward</b>	Weald Central
<b>Application Description</b>	Demolition of existing buildings, walls and hard standing; erection of 25 residential units comprising 9 x 4 bedroom, 14 x 3 bedroom and 2 x 2 bedroom units; garages, parking and associated works (amended scheme to approval 12/01449/AS for 20 dwellings).
<b>Applicant</b>	Chartwell Land and New Homes Ltd, 5A Fircroft Business Centre, Fircroft Way, Edenbridge, Kent, TN8 6EN
<b>Agent</b>	Ms Andrews, Howard Sharp and Partners LLP, 125 High Street, Sevenoaks, Kent, TN13 1UT
<b>Site Area</b>	1.24ha
(a) 17/ 2R	(b) Parish Council R (c) KH&T X, PO(Drainage) X, KCC (Contributions) X, KASS -, SW X, EA X, Kent Police X, KWT -, NE X, CPRE -, HS X, EHM X, POS X, WKPS R, RA X, KPROW X, KCC(Bio) X

## Introduction

1. This application was originally reported to the Planning Committee on 15 March. Members resolved to defer the application to allow Officers to negotiate the inclusion of some affordable housing within the scheme.
2. Further discussion has taken place between officers and the applicant, and the outcome of these discussions is set out under the following sub heading "Whether Planning Obligations are Necessary".

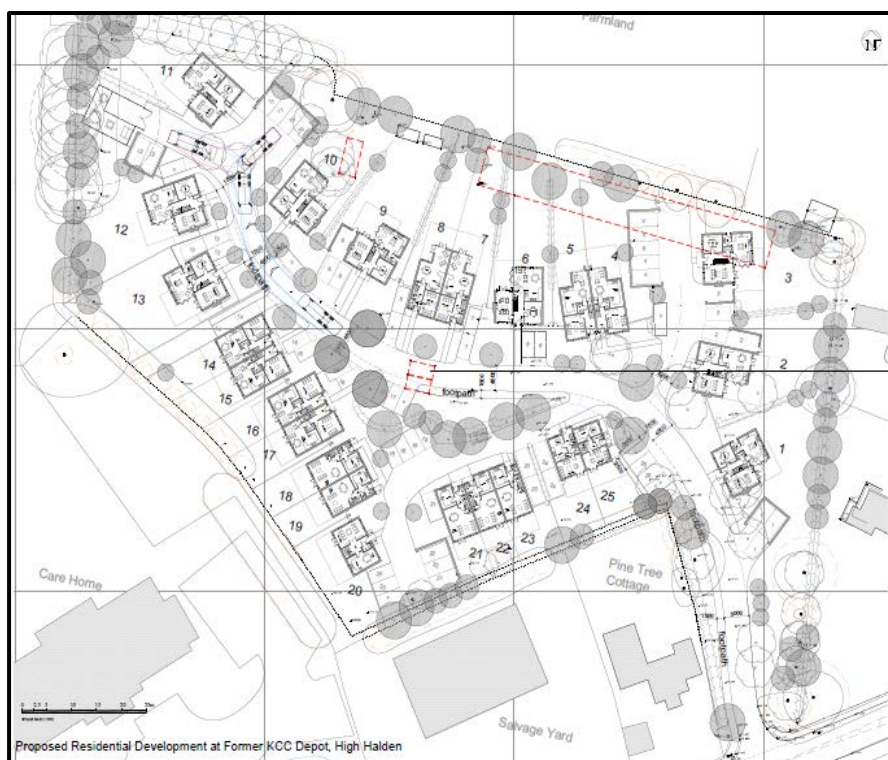
## Site and Surroundings

3. The site (formerly Kent County Council Depot) is located south of Hookstead Green which is at the western edge of the village of High Halden. An entrance avenue of approximately 50m leads from the A28 to the larger part of the site at the northern end, which consists of an irregular 5 sided area of land. The land generally slopes down towards the north with a change in level of approximately 6.5m over the whole width of the site. The site levels are currently rationalised into a number of terraces with concrete retaining walls owing to its former use. There are a number of utilitarian buildings remaining on the site.
4. Milchester House and Hookstead House back onto the eastern boundary of the application site. To the south Pine Cottage sits to the west of the entrance road into the application site. To the west of Pine Cottage and adjoining the southern boundary of the application site is a large salvage yard business. To the south west of the site is a recently developed three and a half storey residential care home. To the north and north west of the site a single large agricultural field wraps around the site boundary.
5. The site falls within the Biddenden & High Halden Farmlands Landscape Character Area (LCA). The countryside here is characterised as small scale, intimate landscape, enclosed by native hedgerows with mature hedgerow trees. Its condition and sensitivity is moderate. The objectives are to conserve and improve. Public Right Of Way (PROW) AT136 runs in a north west direction in the field to the north east of the application site where the land is relatively flat. There will be views of the site from both the PROW and Wrens Nest Lane to the north east.

## Proposal

6. The proposal is a full application. The application is for 25 residential units.
7. As stated above, the site levels are currently rationalised into a number of terraces with concrete retaining walls owing to its former use. There are a number of utilitarian buildings remaining on the site. The existing buildings will be demolished to accommodate the proposed development and there will be some cut and fill to address the variations in levels across the site.
8. Access to the site will remain in its current location, off the Ashford Road. An avenue of approximately 50m from the Ashford Road will lead to the larger part of the site where the new dwellings will be positioned on all sides of the new access road. It is proposed to construct a footpath within the site at a width of 1.5 metres.

9. The residential units would be available on the open market and would comprise a mix of 2 x two bedroom, 14 x three bedroom and 9 x four bedroom houses. It is proposed to provide 10 detached units, 6 pairs of semi detached units and 1 terrace of 3 units. All of the dwellings proposed would be two storeys in height with single storey additions and varied eaves heights, roof pitches and orientation. Architectural features such as entrance canopies, porches and bay windows would be incorporated into the scheme.
10. The palette of materials would include facing red brick, render, weather boarding and tile hanging. Roofing materials would include a mix of plain clay and slate tiles.
11. Boundary treatments are proposed to include brick walls and timber enclosures such as post and rail, picket and closed boarded fencing. Hardstanding's will include set paving and sealed gravel finishes.
12. Each dwelling would benefit from a minimum of 2 allocated car parking spaces. Parking includes the use of shared car barns. A total of 8 allocated car parking spaces are provided for visitors. A landscaping scheme has been submitted showing reinforced planting to the boundaries, and within the application site. The landscaping scheme includes areas of open space to the boundaries of the site. These areas are proposed for biodiversity enhancements and mitigation planting and are separated from gardens by a 1.2m post and rail fence.



**Figure 1 Proposed Site Layout**

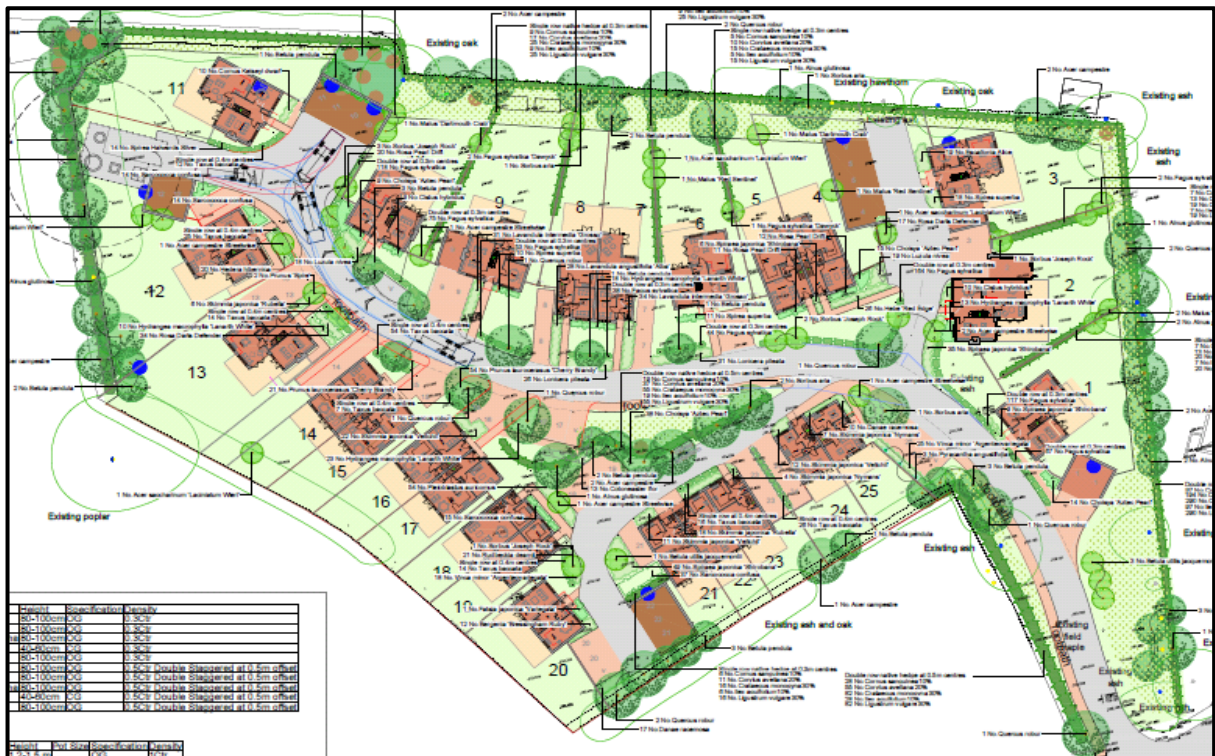


Figure 2 Landscaping Scheme



Figure 3 Perspective View



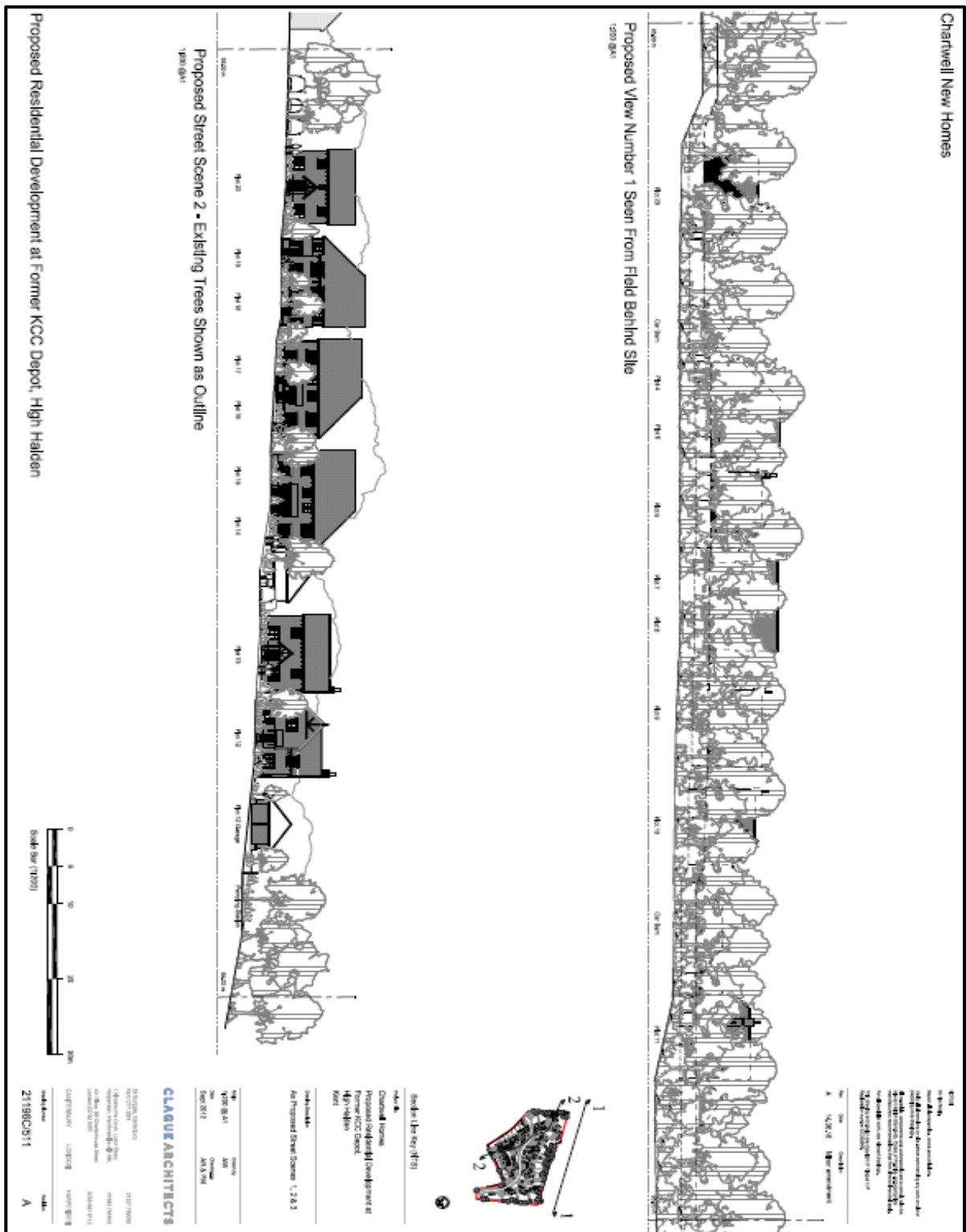


Figure 4 Proposed Street Scene 1, 2 & 3



Figure 5 Proposed Street Scene 3 and 4

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

**Design and Access Statement (DAS)**

14. This has carried out a detailed analysis of the site, immediate area and context and is supported by photos.
15. The DAS identifies a number of trees on site and discusses a number of opportunities and constraints including the levels on site, trees, green space and density.
16. Referring to the layout, house types, architecture materials and detailing, the DAS concludes that the development is considered to offer a significant enhancement to the visual appearance of the site both from within and from the wider countryside to the north.

**Planning Statement**

17. This describes the application site and the development proposed with reference to the extant outline planning permission and pre-application advice received from Officers prior to the submission of this application.
18. The statement concludes that the development is submitted to accord with the provisions of the Development Plan. As a consequence, the presumption in favour of this sustainable development as set out under paragraph 14 of the NPPF can be applied and planning permission granted.

**Arboricultural Impact Assessment (AIA)**

19. This document concludes the following:
- The removal of 12 individual trees and five small groups is required. All but two of these are BS category C trees. The two BS category B trees are Ash and at risk of succumbing to Ash Dieback, with one of the two only having amenity value from within the site.
  - The key boundary trees for screening are retained and proposals include for extensive new tree planting around the site boundaries and internally.
  - Robust tree protection measures and utilisation of existing surfacing to minimise root impacts will ensure that retained trees are appropriately protected.

### **Flood Risk Assessment**

20. This concludes the following:

- The proposed development site is located in a low risk flood zone and is considered not to be at risk of flooding from fluvial sources, overland flow, groundwater emergence or infrastructure failures.
- It is proposed that a surface water drainage strategy incorporating sustainable drainage techniques (SuDS) will be implemented. This will ensure that the proposals would not increase the flood risk to the proposed developments on site or to downstream catchments and will ensure that there will be no increase of surface water runoff for storm return periods up to the 1 in 100 year event.
- A drainage strategy of this development will incorporate the use of attenuation measures, including permeable paving without infiltration and cellular attenuation tanks.
- The application site is sequentially appropriate in accordance with the requirements of the Sequential Test, as the application site is located within Flood Zone 1 – little to no risk of fluvial or tidal flood risk.

### **Transport Assessment Addendum**

21. Following comments received from Kent Highways and Transportation updated crash statistics were provided.
22. The site access arrangement and visibility splays were agreed as part of the recent outline planning permission. The proposals use the same access arrangement as previously agreed. The existing access will be upgraded with improved surfacing, and visibility splays will be maximised on land within the site boundary.
23. With regard to the net impact compared to existing site use, the TS states that the proposed residential use will result in a significant reduction in trips to the site and thereby an increased safety benefit to the highway network. The proposed development, when compared to the previously consented scheme would generate an additional 27 two-way vehicle movements across an entire weekday.
24. The TS concludes that it is considered that there is an established access with the potential for a higher level of use and therefore the proposed scheme with lower vehicle flows should be acceptable. In addition, net impact compared to the consented use of the site is also very low.



### **Remediation Strategy Report Reference 11496/RS January 2016**

25. A programme of waste segregation and classification would need to be implemented at source, to ensure that any contaminated soils are managed and disposed of appropriately.
26. Discrete locations of elevated concentrations of hydrocarbons were identified within the made ground and the soil stockpile. The only areas on site which could present a pollutant to receptor pathway would be the private gardens and other soft landscaped areas. The use of site won, or imported (appropriately certified) clean growth media to such areas will sever the linkage and the remaining risks to future site users would be considered to be low.
27. Any topsoil/subsoil currently present on site that may be suitable for use will require analytical testing to confirm its suitability as growth media and its compliance with the relevant SGVs.
28. There may be a requirement for contamination resistant service pipes and for service trenches to be backfilled with inert aggregate.
29. Following the remediation highlighted above, the site would not pose any potential risk of significant harm to human health.

### **Ecological Appraisal**

30. The report indicates the following:
  - Further survey work is required for Badgers;
  - All four buildings are considered to have negligible potential to support roosting bats. One tree on site has features suitable for roosting bats. Under current plan proposals the tree is being retained;
  - Suitable habitat to support reptiles and Great Crested Newts (GCN) was recorded. Three ponds within 250m of the site and to the north of the A28 recorded a low population of smooth newts.
  - Condition 16 of permission 12/01449/AS stipulates that the habitats should be removed using a precautionary approach whereby all potential reptile and GCN habitat is removed under the direct supervision of a suitably qualified herpetologist;

- Any vegetation clearance or building demolition works on site should be undertaken during the period October to February (inclusive) to avoid the bird-nesting season;
- Site clearance is due to proceed in early spring 2016.

31. Biodiversity enhancements are recommended.

32. (**JDCM comment:** At the time of my site visit the site had been cleared).

### **Badger Survey Report**

33. The findings of the badger survey have identified a likely absence of the species on site. Therefore, the report concludes that badgers do not pose a constraint on the proposed development plans and the proposed development works will not negatively impact the local badger population.
34. The report advises that if the proposed development works are not carried out within the next 12 months, then an updated badger survey will be required as this would give the species ample time to colonise the site.

### **Relevant Planning History**

35. 07/01101/AS - Outline application for the creation of a construction skills training centre with erection of accommodation containers, construction arena and material storage area. Refused 05.10.2007.

12/01449/AS - Outline application for demolition of existing buildings, walls and hard standing; erection of 20 residential units comprising 7 x 4 bed detached; 8 x 3 bed semi-detached; 3 x 3 bed terrace and 2 x 2 bed semi detached dwellings; garages and parking spaces; associated works.

### **Consultations**

**Ward Members:** No written comments have been received from the Ward Members, Cllr Pickering and Cllr Mrs Bell. Cllr Pickering attended the Planning Committee when the application was last discussed.

**Parish Council:** The Parish Council objects to the application on the basis that the number of houses is an over-development of the site and parking provision is inadequate. The Parish Council state that justification for the lack of affordable housing should be verified by qualified, independent experts.

**KCC PROW:** State that they do not wish to make any comments.

**Environment Agency (EA):** The EA state their response to the outline application (12/01449/AS) remains valid. At that time no objection was raised subject to a condition restricting the development to be carried out in accordance with the recommendations in the FRA, and a further condition regarding contamination which should reference the submitted remediation strategy.

**Southern Water:** Cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system. The developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system.

There are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal into a public foul sewer.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities.

Conditions are recommended to address these issues.

**Kent Police:** Request a condition requiring the integration of measures to prevent crime.

**Ramblers Association:** No objection.

**KCC Ecology:** No objection subject to a condition requiring an updated Badger survey if works have not commenced within 12 months of the date of the High Halden Badger Survey Report.

**Natural England:** State that they have no comments to make.

**Kent Wildlife Trust:** Did not submit any comments.

**Campaign to Protect Rural England:** Did not submit any comments.

**KCC Development Contributions:** Request funds towards secondary education. £2359.80 per applicable house (x25) totaling £58,995 is requested towards Homewood Secondary School Phase 2 extension.

£1200.40 is requested for Libraries towards the additional bookstock required to meet the demands of the additional borrowers from this development

A condition is recommended relating to broadband.

**Kent Adult Social Services:** Did not submit any comments.

**Kent Public Rights of Way:** State they do not wish to make any comments.

**Kent Highways and Transportation:** Originally recommended refusal based on a poor parking layout, lack of visitor parking and the inadequate width of the footway. It was also noted that the crash statistics were not detailed or up to date.

Following negotiation and minor amendments to the layout Kent Highways and Transportation offer the following additional comments:

The latest revised layout (drawing no. 21196C/100 R) is much improved. The removal of the rear parking court area is welcomed and relocation of parking associated with the northern end of the development far more suitable.

The applicant has provided up to date crash statistics. These do not cause concern in relation to the traffic generation connected to the proposed development.

The track drawing demonstrating turning for a refuse vehicle is satisfactory.

No objection on behalf of the local highway authority subject to conditions.

**ABC Housing:** Require affordable housing in accordance with policy CS12 of the Core Strategy and have recommended eight affordable homes including six 2 bed (4 person) of which four would be for rent and two for shared ownership and two 3 bed (5 person) homes for rent.

**ABC Project Office (Drainage):** No objection subject to conditions.

**ABC Cultural Services:** Request a financial contribution towards public open space.

**Environmental Health:** No objection subject to condition.

**Neighbours:** 17 neighbours were consulted. A site notice was posted and the application was advertised in the press. 3 Letters have been received objecting to the application on the following grounds:

- Insufficient sight lines at the access.
- Highway Safety - Increased heavy vehicle traffic from Homeleigh Builders Merchants and increased heavy truck traffic on the A28 makes this entrance a potential danger /hazard to road users and pedestrians.

- Location of footpath.
- Noise and light pollution.
- Additional pressure on the drainage network.
- Developer profit.

In addition to the above, the Weald of Kent Protection Society (WKPS) objects to this application for the following reasons:

- Cramped as a result of 5 more houses. Garden sizes have been reduced. Nose-to-tail parking is likely to result in parking on the access road.
- Five additional houses will add to the risks entailed with the access onto a fast and busy main road.
- Need in this area is for smaller cheaper houses. Only two 2 bedrooomed units are proposed.
- In view of the increase by 25% of the number of dwellings and the level of contamination, the viability argument is unacceptable. We are unconvinced by the analysis presented by the applicant in the 'High Halden Viability Report' and consider that a thorough scrutiny of this document should be carried out. If exemption was to be granted a disturbing precedent would be set for other developers.

## **Planning Policy**

36. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013 and the Wye Neighbourhood Plan 2015-30. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016 and has now closed. At present the policies in this emerging plan can be accorded little or no weight.
37. The relevant policies from the Development Plan relating to this application are as follows:-

### **Ashford Borough Local Plan 2000**

GP12            Protecting the countryside and managing change



EN31	Important Habitats
EN32	Important trees and woodland
LE5	Equipped public open spaces (policy formally saved but standards and thresholds superseded)
LE7	Play facilities (policy formally saved but standards and thresholds superseded)
LE9	Maintenance of open spaces
CF21	School requirements for new housing developments

#### **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
CS20	Sustainable Drainage

#### **Tenterden & Rural Sites DPD 2010**

TRS1	Minor residential development or infilling
TRS7	Retention of existing employment sites and premises
TRS17	Landscape character and design
TRS18	Important rural features

TRS19 Infrastructure provision to serve the needs of new developments

**Local Plan to 2030**

SP1 Strategic Objectives

SP2 The Strategic Approach to Housing Delivery

SP6 Promoting High Quality Design

HOU4 Residential Development in the rural settlements

HOU12 Residential space standards internal

HOU13 Homes suitable for family occupation

HOU14 Accessibility Standards

HOU15 Private external open space

EMP6 Promotion of Fibre to the Premises (FTTP)

TRA3a Parking Standards for Residential Development

TRA5 Pedestrians

TRA6 Cycling

TRA7 The road network and development

TRA8 Travel Plans, Assessments and Statements

EMP2 Loss or redevelopment of Employment site or Premises

ENV1 Biodiversity

ENV3 Landscape Character and Design

ENV4 Light Pollution and Promoting Dark Skies

ENV5 Protecting important rural features

ENV6 Flood Risk

ENV7 Water Efficiency

ENV8 Water Quality, Supply and Treatment

ENV9 Sustainable Drainage

ENV12 Air Quality

COM1	Meeting the Communities Needs
COM2	Recreation, Sport, Play and Open Spaces
IMP1	Infrastructure Provision
IMP2	Deferred Contributions

**Wye Neighbourhood Plan 2015**

N/A

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

Supplementary Planning Guidance/Documents

Affordable Housing SPD 2009

Landscape Character SPD 2011

Residential Space & Layout Standards SPD 2010 - External Space Standards Only

Residential Parking SPD 2010

Public Green Spaces & Water Environment SPD 2012

Sustainable Drainage SPD 2009

Sustainable Design & Construction SPD 2010

Village Design Statements

Deferred Contributions Policy

**Government Advice**

National Planning Policy Framework 2012

National Planning Practice Guidance (NPPG)

**Informal Design Guidance**

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

Informal Design Guidance Note 2 (2014): Screening containers at home

Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2012

39. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
40. Paragraph 14 sets out presumption in favour of sustainable development.
- Paragraph 17 sets out the core planning principles including every effort should be made objectively to identify and then meet the housing needs of the area; and always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; encourage the effective use of land by reusing land that has been previously developed (brownfield), provided that it is not of high environmental value; contribute to conserving and enhancing the natural environment, conserve heritage assets.
  - Section 4 requires developments that generate significant amounts of movement should be supported by a Transport Statement.
  - Section 6 sets out about delivering a wide choice of high quality homes, including plan for the needs of different groups in the community including older people.
  - Section 7 sets out requiring good design.
  - Section 8 seeks to promote healthy communities including ensuring the adequate provision of social, recreational, and cultural facilities and services the community needs.
  - Section 11 sets out conserving and enhancing the natural environment.
- National Planning Policy Guidance (NPPG)
41. Other Government Policy

Technical Housing Standards – Nationally described space standards

## Assessment

42. The main issues for consideration are:

- Principle of the proposed development;
- Visual impact of the development;
- Impact on residential amenity;
- Other considerations including highway safety, ecology, landscaping, drainage, flooding and contamination;
- Whether planning obligations are necessary.

## Principle

43. On 13 October 2015 outline planning permission was granted for the redevelopment of the site with 20 residential units. Consequently, the loss of this employment site and its re-development for residential use has previously been judged to be acceptable on the basis that it was demonstrated through marketing, that there was no reasonable prospect of the continued use of the site for employment in accordance with the requirements of policy TRS7 of the TRSDPD and, also that the proposals represented residential infilling within the built-up confines in accordance with policy TRS1 of the TRSDPD, which for this application, is the relevant policy for housing supply.

44. The outline planning permission remains extant.

There have not been any changes to the relevant adopted Development Plan policies or to the NPPF since the previous grant of planning permission.

45. Policy TRS1 of the Tenterden & Rural Sites DPD refers to minor residential development or infilling within the built up confines of Tenterden and named villages including High Halden. 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 site*'. Existing buildings on site extend hard up against the northern boundary. The application site is bounded on either side, and to the south, by existing residential development. As such, in my view, the site is within the built-up confines for the purpose of an assessment against the relevant definition. Therefore, the proposed re-development of the site for residential remains acceptable as a matter of principle.



46. The NPPF seeks to avoid isolated new homes in the countryside (paragraph 55). The application site is located within easy walking distance of the centre of the village, where there are a number of local services and facilities including a local convenience store, a public house and a primary school. There are bus stops located within walking distance of the site which offer regular services into Tenterden and Ashford.
47. In conclusion, the site is located within the built-up confines in accordance with TRS1, and is well located in terms of its proximity to local services and facilities. The site is therefore sustainably located. For these reasons I am of the view that the principle of residential development remains acceptable,

### **Visual Impact**

48. The NPPF attaches great importance to the design of the built environment and states that developments should respond to local character and history and reflect the identity of local surroundings and materials. Paras. 62, 63 and 64 seek to ensure high standards of design that help raise the standard of design more generally, and that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
49. Policy GP12 of the Local Plan seeks to protect the countryside for its own sake including for its landscape and scenic value. This criteria is echoed and expanded upon in policy TRS17 of the Tenterden and Rural Sites DPD which states that “development in the rural areas shall be designed in a way which protects and enhances the particular landscape character area within which it is located, and, where relevant, any adjacent landscape character area. Policies CS1 and CS9 of the Core Strategy require good design. These policies are consistent with the NPPF.
50. The proposed layout is broadly consistent with what has previously been approved under the outline application. The layout for the outline scheme is illustrated in the figure below.



**Figure 6 Approved Layout 12/01449/AS**

51. Similarly to the outline, the proposed layout is essentially a cul-de-sac with access maintained in its current location off of the Ashford Road. An avenue of approximately 50m from the Ashford Road will lead towards the rear of the site where the site opens up to accommodate new dwellings on all sides of, and fronting, the proposed access road.
52. The layout has been revised to address issues with the parking layout. The rear parking court adjacent to units 13 and 14 has been removed resulting in the loss of one double car barn and a car barn large enough to accommodate 4 vehicles. Whilst this will result in some additional parking on the frontage, it will also result in a reduction in built form via the loss of the car barns. The revised hard and soft landscaping plan demonstrates that sufficient space will remain to provide a robust landscaping scheme. As such, on balance this trade-off is acceptable.
53. Similarly to the approved scheme, the density of development is higher than that of the residential development immediately adjoining the application site. In my view, the density proposed within the application reflects the density of development present at the northern end of Hookstead and in The Chennells located to the north east. Upon completion of the development, it will be possible to view the properties located in Hookstead in context with the new dwellings from the public footpath to the north of the application site.

54. Whilst the number of dwellings has increased by 5, the size of the properties proposed remain generous and the plot sizes are relatively spacious with adequate circulation space around each of the buildings, which assists to ensure that the properties do not appear cramped within their contextual setting. The density of development on the southern side of the new access road is greater than that on the north. This allows for the enclosure of the back of the commercial property fronting Ashford Road, whereas the larger plots and elongated rear gardens to the north of the access road, allow for a greater amount of on-site landscaping, providing a softer transition and better green connections with the open countryside which lies beyond the northern boundary.
55. For the reasons set out above, the layout and density of development are considered to be appropriate and would not result in any demonstrable harm to visual amenity or to the character and appearance of the wider landscape area.
56. Much like the predominant housing type, the proposed houses would all be traditional two storeys with pitched roofs. A number of the larger dwellings would include single storey additions. Architectural features such as entrance canopies, porches and bay windows have also been incorporated into the scheme. These features add interest and help to break up the massing so that the development will not appear incongruous. Together with the chosen palate of materials which are typical of the local Kent vernacular, the development would sit comfortably within its setting and is sympathetic to its location adjoining the open countryside. Moreover, together with the improvements to the landscaping on site, the proposed development would result in a significant improvement to the visual amenity of the area when compared to the appearance of the site in its current condition.
57. Concern has been raised regarding light pollution. The Council's Dark Skies SPD provides guidance relating to external lighting, suggesting that lighting should be carefully directed and sensitively designed so as to reduce obtrusiveness. The applicant has not provided any detail of external lighting. However, this can be secured by condition and will ensure the delivery of an appropriate lighting scheme.
58. For the reasons above, I am satisfied that the development can be accommodated on the site without harm to the visual amenity of the area in accordance with development plan policies.

### **Impact on Residential Amenity**

59. Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. One of these principles is that planning

should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

60. The most immediately affected neighbours are Hookstead House, Milchester and Pine Tree Cottage.
61. In the case of all of these properties, a minimum distance of approximately 20 metres is maintained between the new dwellings and the nearest wall of the affected properties. This distance, together with the separation between the new dwellings and their orientation in relation to the affected neighbours, is sufficient to ensure that the proposed development would not cause demonstrable harm to neighbours or future occupier's amenity through loss of light, immediate outlook or by having an overbearing presence.
62. Milchester is positioned closest to the new dwellings with a distance of approximately 20 metres maintained between the nearest wall and proposed unit 1. It is noted that at the time of my site visit the nearest wall of Milchester has no windows in the first floor elevation facing the proposed development. Hookstead House and Pine Tree Cottage maintain further distances from the new dwellings. Views of neighbouring windows and their private amenity areas will be obtainable from the windows of the proposed new properties. For clarification, private rear amenity space is generally considered to be the first 5 metres from the rear wall of a dwelling house. For the most part obtainable views will be at an oblique angle, and from an acceptable distance away (in excess of 20 metres space). Where a direct view exists, (for example between unit 3 and Hookstead House and units 24-25 and Pine Tree Cottage), in excess of 25 metres is retained from the private rear amenity space and even further from the nearest wall of the affected neighbours dwelling house. Therefore, in my view, acceptable levels of privacy are retained. Boundary treatments of an appropriate height and nature would mitigate against any unacceptable levels of overlooking from ground floor windows. Such measures could be secured by condition.
63. The internal accommodation proposed within the new dwellings complies with the Nationally Described Space Standards. With regards to gardens sizes, with the exception of units 20-23, the gardens are of a size which complies with the Councils Residential Space and Layout SPD.
64. The gardens of units 20, 21 and 23 have a rear depth of 7-8 metres, contrary to adopted standards which requires a minimum depth of 10 metres. However, these units also benefit from side gardens. Although unit 22 does not benefit from a side garden the depth of its garden is 8 metres, and it is south facing, as are the gardens to units 20,21 and 23. On balance, the amount of garden provided together with the quality of the garden space in terms of its orientation and the amount of sunlight/daylight it is likely to

receive, is considered to be of an acceptable standard and so will not result in any demonstrable harm to the living conditions of future occupiers. It is noteworthy that, the gardens to these units are broadly consistent with the size of the gardens approved for units 14-18 under the outline permission.

65. Concern has been raised regarding noise pollution. In my view, the noise and activity associated with the re-development of the site for residential use, is unlikely to exceed that associated with the former use as a Highway Depot or indeed, the continued use of the land as an employment site.
66. Given the above, on balance, I do not consider that there are any justifiable grounds for refusing the application on the basis of harm to the residential amenity of neighbouring or future occupier. In my view the scheme accords with the requirements of the NPPF.

## Highways

67. Policy CS15 of the Core Strategy relates to transport impacts, and amongst other things states, that developments that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development.
68. The site access arrangement and visibility splays were agreed as part of the outline planning permission. This application proposes the same access arrangements and includes improved surfacing, and visibility splays. The Transport Statement confirms that the splays can be accommodated on land within the site boundary.
69. The Transport Statement states that the proposed development, when compared to the previously consented scheme would generate an additional 27 two-way vehicle movements across an entire weekday. The statement indicates that this represents a significant reduction in trips to the site in comparison with the current use of the site and thereby represents an increased safety benefit to the highway network.
70. The proposed development includes the provision of a footpath which connects with the footpath running alongside the Ashford Road. The width of the footpath has been increased to 1.5 metres to satisfy the Local Highway Authority.
71. The access has been tracked to allow delivery vehicles and refuse collection vehicles to access the site and turn so that they can enter and leave in forward gear.



72. Space has been allocated within the site to accommodate parking for occupiers and visitors in accordance with the Councils Residential Parking SPD. The parking layout has been amended to the satisfaction of KCC (see paragraph 52).
73. KCC have reviewed the proposals including the plans Transport Statement and relevant crash statistics and together with the amendments to the footpath width and parking layout, KCC raise no objection to the proposed development on highway safety grounds.

### **Ecology**

74. Policy EN31 of the Local Plan states that development which significantly affects semi natural habitats will not be permitted unless measures have been taken to limit impact, and long term habitat protection is provided where appropriate.
75. Policy CS11 of the core strategy states that development should avoid harm to biodiversity and geological conservation interests.
76. The NPPF clearly indicates that the planning system should contribute to and enhance the natural and local environment by.....minimising impacts upon bio diversity and providing net gains in bio diversity where possible. Paragraph 118 of the Framework states that *“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity”*. The Framework lists a number of principles via which this is achieved.
77. The application is accompanied by an Ecological Appraisal and a Badger Survey Report. These have been subject to consultation with Kent County Council Biodiversity Officers.
78. Since the grant of planning permission in 2015 the site has been cleared and KCC have advised that in its current state the site does not appear to be of any ecological interest. Based on the information submitted, KCC are satisfied that Badgers do not pose any constraints on site at present. However, both the submitted survey and KCC advise that Badgers are highly active and that if, works have not commenced within 12 months of the survey date of the High Haden Badger Survey Report an updated badger survey must be carried out. This can be secured by condition.
79. Biodiversity enhancements are recommended within the submitted surveys and these can be secured by condition.

80. Subject to conditions, I am satisfied that the proposed development will not result in any adverse impacts on ecology.

### **Landscaping**

81. Policy EN32 of the Local Plan states that permission will not be granted for development which would damage or result in the loss of important trees or woodland.
82. There is no requirement to remove important trees of significant amenity value. Retained trees would be protected throughout the construction process.
83. A detailed landscaping scheme has been submitted comprising a number of appropriate species of trees and hedgerow to be planted throughout the site. The trees to the south of the site are to be bolstered with additional planting. The existing planting to the remaining perimeters of the site is to be managed and bolstered with additional trees/planting to soften the impact of the development from the countryside. Within the site, the landscaping includes planting of trees and hedgerow to the front of residential properties which will help to soften the appearance of verges and areas of off road parking.
84. For the reasons I have detailed above, I am satisfied that the proposed development will not result in any adverse landscape impacts.

### **Flooding and Drainage**

85. The submitted Flood Risk Assessment states that the application site is sequentially appropriate as it is located within Flood Zone 1 where there is little to no risk of fluvial or tidal flooding. The application has been subject to consultation with the Environment Agency who raise no objection to the application on this basis.
86. The scheme incorporates details of a drainage strategy, the design of which is considered to be compliant with the Ashford Borough Council Sustainable Drainage SPD and uses a combination of attenuation tanks and permeable paving (parking areas). In terms of surface water runoff, the proposal is considered to be a betterment in comparison to the existing situation on site. Consequently, the Councils Drainage Engineer has raised no overall objection to the scheme.
87. Southern Water indicates that they cannot accommodate the development within existing sewers. However, they have stated that the developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system.

Southern Water recommends the imposition of a condition requiring details of the disposal of foul water.

### **Contamination**

88. With regards to the presence of contamination on the site, subject to the imposition of conditions to secure remediation works, the Environment Agency and the council's Environmental Health Officers raise no objection to the scheme.

### **Whether Planning Obligations are Necessary**

89. 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

### **Affordable Housing**

90. Policy CS12 of the Core Strategy seeks the provision of 35% affordable housing within developments of 15 or more dwellings or on sites in excess of 0.5ha. The policy indicates that only in very exceptional circumstances will contributions to make equivalent provision elsewhere be acceptable.
91. The proposed development which is for market housing does not include any on site provision for affordable housing. In order to seek to justify this, the applicants have submitted a Viability Appraisal. Since being reported to Planning Committee in March, this document has been re-appraised by external consultants on behalf of the Council.
92. Based upon the information submitted, it remains the case that the development would not be financially viable if affordable housing is provided on site in accordance with Policy CS12. However, the viability assessment is an assessment of the current financial situation and costs and values change over time. The Council recognised this issue in 2009 when it adopted its deferred contributions policy (DCP). The policy enables the Council to seek deferred contributions in the event of an increase in the achieved sales values of the housing units, compared to the values assumed in the viability appraisal.

93. Based upon the information submitted by the applicant, and the advice received from the Council's external consultants in response to this, officers continue to recommend the application of the Council's DCP.
94. The DCP indicates that the amount payable as a deferred contribution will depend on the agreed percentage whereby any uplift in sales value would be apportioned between the Council and the Developer. In this instance, it is recommended that the deferred contribution to be paid to the Council would equate to 40% of the increase. It is noteworthy that this 60/40 split in favour of the developer, was agreed within the terms of the S106 Agreement securing deferred contributions from the previous outline permission for 20 residential units.
95. In addition to agreeing to pay deferred contributions, since March Planning Committee the applicant has offered to increase the level of developer contributions that they are initially prepared to pay by £20,000.00 to £200,000.00. Officers have revisited all of the developer contributions and in terms of CIL compliant projects these are now limited to KCC contributions of circa £60,000.00 and a contribution to the Parish Council of circa £47,000.00 to upgrade sports provision. This leaves some £93,000.00 which the applicant has confirmed may be made available for off-site affordable housing. A confidential annex on Pink paper is attached which explains the background to this. This is confidential due to containing commercially sensitive information.
96. In circumstances where a development cannot meet the full range of contributions required by policy it is necessary to consider whether the development should be allowed notwithstanding. In my view the delivery of housing is a material consideration given government policy and the 5 year housing land supply position. To wait until viability improves on this brownfield site could weaken that position still further. I therefore consider this outweighs the harm of not delivering affordable housing at this time – the collection of a commuted sum and use of the DCP if sales values improve aims to mitigate this harm.
97. Policies CS8 and CS18 of the Core Strategy, Policy TRS19 of the Tenterden and Rural Sites DPD and the Council's Public Green Spaces and Water Environment SPD provide clear policy support for seeking financial contributions towards infrastructure requirement and meeting community needs generated by the wider development. The Green Space audit carried out in 2008 shows there to be insufficient provision of outdoor sports pitches, informal/natural green space, children's and young people's play space and allotments to provide for the existing needs of the local community, as well as the needs generated by the development itself. Consequently, the LPA can consider whether an application in a settlement with assessed and

demonstrated public open spaces needs is unacceptable in planning terms unless it contributes towards meeting its own demands upon those facilities. It should be noted that any funding sought is not to contribute to pooled funding pots intended to fund general infrastructure in the wider area but would be used to fund specific improvements or additions to these elements of infrastructure within the parish.

98. In light of the above, I recommend the planning obligations in Table 1 be required should committee resolve to grant permission.
99. I have assessed the requirements against Regulation 122 and for the reasons given consider the contributions sought are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development.

**Heads of Terms for Section 106 Agreement**

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1	<p><b><u>Affordable Housing</u></b></p> <p>Contribution towards provision of affordable housing elsewhere in the borough.</p> <p>Deferred contributions mechanism</p>	<p><b>£93,000.00</b></p> <p><b>To be capped at £969,545.00 which is the total amount payable as a commuted sum in lieu of provision of affordable housing on site.</b></p>	<p>Upon commencement of development.</p> <p>Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.</p>	<p><b>Necessary</b> as the commuted sum collected would provide housing off site 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><b>Directly related</b> as it has been demonstrated that it would not be financially viable to deliver affordable housing units on site.</p> <p><b>Fairly and reasonably related in scale and kind</b> based on the viability appraisal submitted by the applicant and external advice sought from the Council's Viability Consultants</p>
2	<p><b><u>Outdoor Sports Pitches</u></b></p> <p>Contribution towards provision of or improvements to outdoor sports pitches and associated facilities and</p>	<p><b><u>Capital</u></b></p> <p>£1,589 per</p>	<p>Before completion of 75% of the</p>	<p><b>Necessary</b> as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	<p>maintenance thereof Project to be confirmed.</p>	<p>dwelling</p> <p><b><u>Maintenance</u></b></p> <p>£326 per dwelling</p> <p><b><u>Total</u></b></p> <p>£1915 per dwelling</p>	<p>dwellings</p>	<p>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 &amp; Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
3	<p><b><u>Secondary Schools</u></b></p> <p>Contribution towards the extension of a secondary school within Tenterden</p> <p><b>Project:</b> Homewood Secondary School Phase 2 extension.</p>	<p>£2,359.80 per applicable house</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on</p>	<p><b>Necessary</b> as no spare capacity at any secondary school in the vicinity and pursuant to Core Strategy policies CS1, CS2 and CS18, saved Local Plan policy CF21, Tenterden and Rural Sites DPD policy TRS19, Developer</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
			occupation of 50% of the dwellings	<p>Contributions/Planning Obligations SPG, KCC Guide to Development Contributions and the provision of Community Infrastructure and guidance in the NPPF.</p> <p><b>Directly related</b> as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> 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>
4	<p><b><u>Library Facilities &amp; Community Learning</u></b></p> <p>Contribution towards library service capacity in mobile and fixed libraries</p>	£48.02 per	Half the contribution upon	<p><b>Necessary</b> as there is an assessed shortfall in Library book stock in Tenterden</p>



	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	<p>in the borough and to provide additional book stock and equipment</p> <p><b>Project:</b> Fund library book stock in the Tenterden library.</p>	<p>dwelling</p> <p>Total</p> <p>£1200.40</p>	<p>occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.</p>	<p>which is below the County average and below both the England and total UK figures respectively. Pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use library facilities.and the County Council will have to provide library books to meet the additional demand.<b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because amount calculated based on the number of dwellings.</p>
5	<p><b><u>Monitoring Fee</u></b></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£1000 per annum until development is completed</p>	<p>First payment upon commencement of development and on the</p>	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
			anniversary thereof in subsequent years	<p>connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.</p>
<p><b>Notices</b> 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 <b>index linked</b> (normally from the date of the Committee’s resolution) in order to ensure the value is not reduced over time. The <b>costs</b>, expenses and disbursements of the Council’s Legal and Planning Departments incurred in connection with the negotiation, preparation and completion of the deed are also payable. The Kent County Council will also require payment of their legal costs.</p>				

## Human Rights Issues

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

## Working with the applicant

101. 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

102. The site already benefits from outline planning permission for redevelopment with 20 residential units. This permission remains extant and a fall-back position. Consequently, the loss of employment and residential infilling has previously been judged to be acceptable in principle. There has been no change in planning policy since the grant of this permission, and as such, there is no justification in my view to take a contrary view.
103. The layout and scale of the development fits within the context of the site and protects the long range views from the countryside to the north. The development would not cause unacceptable visual harm nor would it be unduly prominent when viewed from the north.
104. There would be no adverse impacts on the residential amenity of neighbouring or future occupiers.
105. The site can accommodate residential development incorporating SUDS features, to ensure that surface water run-off and site drainage is not worsened over the current position and improved where possible.
106. There would be no adverse impacts on ecology and there is scope for additional planting both within the site and around the perimeter to ensure that the development is softened and better assimilated into the landscape.
107. The access is safe in highway safety terms and the parking provision meets the required standards. Conditions will ensure that these standards are met.

108. A section 106 agreement is required in order to make the development acceptable and mitigate the impact of the development.
109. The proposals fail to comply with Policy CS12 of the Core Strategy by virtue of the fact that it is not proposed to provide any affordable housing on site. However, in my view the delivery of housing is a material consideration given government policy and the fact that the Council cannot currently demonstrate a 5 year housing land supply. In addition to the fact that the proposals are compliant with all other relevant development plan policy criteria, I consider that the benefits from permitting this scheme clearly and demonstrably outweigh the harm of not delivering affordable housing at this time. The use of the DCP aims to mitigate this harm if sales values improve. For the reasons set out above, it is recommended that planning permission is granted.

## Recommendation

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

**(B) Permit**

### Subject to the following conditions and notes:

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

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

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

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

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

**Reason:** In the interests of visual amenity.

4. Before any works are carried out the following details shall be submitted to and approved in writing by the Local Planning Authority:
- a) Details and location of rainwater goods;
  - b) Details of any flues, grilles and vents to be installed including location dimensions, colour and material;
  - c) Details of electricity and gas meter boxes and any external pipe work including their location on the buildings;
  - d) Details of all windows including recess depth of glazing; and
  - e) Details of eaves including overhang.

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

**Reason:** In order to maintain the design quality of the development and protect the visual amenity of the locality.

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

**Reason:** In the interest of visual amenity.

6. No development shall take place until details of the existing ground levels of the site and land immediately adjoining the site, proposed ground levels of the site and the ground floor slab level of each building have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

7. No site clearance, preparation or construction works shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday, Public and Bank Holiday.

**Reason:** To protect the amenity of local residents.

8. No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction and Transport Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Management Plan shall include the following:

- a) parking for site personnel, visitors and operatives;
- b) details of areas for the loading and unloading of plant and materials, and provision on-site for turning for construction vehicles including HGV's;
- c) details of areas for the storage of plant and materials;
- d) Details of the form and location of any proposed temporary works compounds; and
- e) a programme of works (including measures for traffic management);
- f) details of any temporary fencing/hoardings to be provided behind any visibility splays;
- g) details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances;
- h) measures to control the emissions of dust and dirt during demolition and construction; and
- i) Confirmation that a banksman will be provided in the event that it is necessary for HGVs to reverse onto the highway

The approved Management Plan shall be adhered to throughout the duration of the demolition and construction period.

**Reason:** In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in the interest of the amenity of local residents.

9. No dwelling shall be occupied until the visibility splays identified on drawing number 162114/SK/02 Revision A contained at Appendix B of the Transport Statement have been provided at the access. The area within the visibility splay shall be permanently maintained thereafter with no obstructions over 0.9 metres above carriageway level within these splays.

**Reason:** In the interest of highway safety.

10. No dwelling shall be occupied until the following works have been completed between it and the adopted highway
- a) Footways, with the exception of the wearing course
  - b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway furniture(if any).

**Reason:** In the interests of Highway Safety

11. No development shall take place until details of the bicycle storage facilities showing a covered and secure space have been submitted to an approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to occupation of the development and shall thereafter be retained.

**Reason:** To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.

12. The vehicle parking spaces, car barns, garages and turning shall be provided in accordance with details approved on drawing number 21196C/100 Revision R before any dwelling is occupied, and shall be retained for the use of the occupiers of, and visitors to, the development. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to the reserved parking, bicycle and refuse facilities.

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

13. Prior to the commencement of development, A detailed remediation scheme to ensure that the site is suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the

natural and historical environment) must be submitted to and approved in writing by the Local Planning Authority. The scheme must describe all the relevant works to be undertaken including, the proposed remediation objectives and performance criteria, a schedule of works and site management protocols.

The scheme must deliver a site that will not qualify as 'contaminated land' under Part 2A of the Environmental Protection Act 1990, having regard to the intended use of the land after remediation.

The approved scheme shall thereafter be carried out in accordance with its approved terms, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be notified at least two weeks prior to commencement of the remediation scheme works.

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

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

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

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

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



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

**Reason:** To avoid pollution of the surrounding area.

16. 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 has been submitted and approved by Ashford Borough Council.

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.

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 any appropriate mitigation measures.

Permission for discharging of surface water into the existing land drainage system, or ditch, should be received via formal written confirmation / consent from Kent County Council, including land drainage consent for new structures where applicable. Permission for discharging into receiving watercourse should be provided from the legal owner. 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

**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 Sustainable Drainage.

17. No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed prior to the first occupation of any dwelling on site or in accordance with a timetable previously agreed in writing with the Local Planning Authority. The boundary treatment shall be provided in accordance with the approved details and shall be permanently maintained.

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

18. Details of walls, fences and railings to be erected within the development shall be submitted to and approved by the Local Planning Authority before the development commences. The walls and fences shall then be erected in accordance with such approved details.

**Reason:** In the interests of visual amenity

19. 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 buildings for their permitted use.
- 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. All retained trees shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations). Such tree protection measures shall remain throughout the period of demolition and construction.
- d. (No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
- e. No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- f. No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
- g. Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
- h. No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

**Reason:** In order to protect and enhance the appearance and character of the site and locality.

20. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. Any existing 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 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 with the Authority.

**Reason:** To ensure the continuity of amenity afforded by existing hedges or

hedgerows.

21. The hard and soft landscaping works shall be carried out in accordance with the approved scheme detailed on approved drawing number 2068/16/B/1B. The soft landscaping scheme shall be implemented in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants whether new or retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The hard landscaping shall be provided prior to the first occupation of the dwelling to which it relates.

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

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

**Reason:** In the interests of good forestry and amenity.

23. No dwelling shall be occupied until a landscape management plan, including 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. The approved landscape management plan shall be adhered 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 and to maximise the scope of their ecological value.

24. Prior to the commencement of the development, a scheme for providing biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include bat and bird boxes, the planting of native species hedgerows required by condition 21, green corridors, and wildflower planting within and around the perimeter of the site (wherever possible) together with a plan for their implementation and management. The approved enhancement measures shall be fully implemented prior to the occupation of the final dwelling and maintained thereafter in accordance with the approved management plan.

**Reason:** To protect the existing populations of protected species and to improve their habitat on the site.

25. If works have not commenced within 12 months of the survey date of the High Haden Badger Survey Report dated 22 December 2016, an updated badger survey must be undertaken. The results of the badger survey and details of any mitigation required must be submitted to and approved in writing by the Local Planning Authority prior to any demolition and construction works commencing on site. Any mitigation required shall be carried out in accordance with the approved details.

**Reason:** To protect the existing populations of protected species.

26. The development shall be constructed so that carbon emissions are reduced by 10% through Low and Zero Carbon ("LCZ") technologies once energy efficiencies have been applied.

Unless otherwise agreed in writing by the Local Planning Authority, no work on a dwelling shall commence until the following details for that dwelling has been submitted to and approved in writing by the Local Planning Authority:

A feasibility study to establish the most appropriate local low and zero carbon ("LZC") technologies to install

Standard Assessment Procedure ("SAP") calculations from a Competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed

Details of the LZC technologies to be used to achieve the 10% reduction in carbon emissions.

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

The approved LZC technologies shall thereafter be retained in working order unless otherwise agreed in writing by the Local Planning Authority.

Unless otherwise agreed in writing by the Local Planning Authority, no Dwelling shall be occupied until SAP calculations from a competent person have been submitted to and approved in writing by the Local Planning Authority for that dwelling stating:

- (i) the actual amount of carbon emissions from energy demand with the LZC technologies that have been installed and what the emissions would have been without them; and
- (ii) the actual amount of residual carbon emissions.

**Reason:** In order to (i) achieve zero carbon growth and ensure the construction of sustainable buildings and a reduction in the consumption of natural resources, (ii) seek to achieve a carbon neutral development through sustainable design features and on-site low and/or zero carbon technologies and (iii) confirm the sustainability of the development and a reduction in the consumption of natural resources and to calculate any amount payable into the Ashford Carbon Fund, thereby making the development carbon neutral, all pursuant to Core Strategy policy CS10, the Sustainable Design and Construction SPD and advice in the NPPF

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

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

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, no car barn shall be altered through the addition of further doors or any other structure that would preclude their use for the parking of vehicles.

**Reason:** To ensure that 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.

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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 by Use Class C3 of the Town and Country Planning Use Classes Order 1987 as amended.

**Reason:** To ensure that car parking provided within the development remains adequate to meet the needs of the occupiers of the development and to protect the amenities of future occupiers of the development.

30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A - E of Part 1 and Classes A- B of Part 2 of Schedule 2 of that

Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

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

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

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

### Notes to Applicant

#### 1. Working with the Applicant

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

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

In this instance

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

- The applicant was provided the opportunity to submit amendments to the scheme to address highway issues.
  - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
2. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.
  3. It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

4. 'The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrow grove , Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)' in order to progress the required infrastructure.
5. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be



found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 03303030119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

6. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990.
7. In respect of condition 27 above, the applicants is advised that the external lighting scheme should be designed in accordance with the Bat Conservation Trust's Bats and Lighting in the UK guidance a summary of which is set out in KCC Ecology's comments dated 17 August 2016.
8. The applicant is advised that the removal of mature trees should be carried out outside of the bird nesting season (March – September inclusive). If this is not possible than areas for removal should first be inspected by a suitably qualified ecologist to identify that any nests present have had eggs hatched and that young birds have fledged.

## Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://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 16/01198/AS.

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Annex 1



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