

Application Number	16/01512/AS		
Location	Land between Hinxhill Road and Hythe Road, Willesborough, Kent		
Grid Reference	04251/41740		
Ward	North Willesborough (Ashford)		
Application Description	Outline planning application with all matters reserved, except 'access' for a new link road to the rear of the William Harvey Hospital from the A20 and up to 207 dwellings together with associated open space, play equipment, landscaping, drainage, infrastructure and earthworks		
Applicant	Bellway Homes, Thames Gateway, The Observatory, 1st Floor, Osprey House, Crayfields Business Park Orpington, Kent. BR5 3QJ		
Agent	Barton Willmore, The Observatory, Osprey House Southfleet Road, Ebsfleet, Dartford, Kent. DA10 0DF		
Site Area	9.78 Hectare		
(a) 206/1R	(b) -	(c)	KHS X, PO (drainage) R KCC X, HM X, KC DCU X, PCT X. SSOT R

Introduction

1. This application for outline planning permission is subject to an appeal against non-determination. The appeal will be now dealt with by way of a Hearing starting on 25th July 2017 having previously been considered as an application needing a Public Inquiry. The purpose of this report is to agree the Council's appeal case to be presented at that Hearing.
2. The application site (9.78 hectares) is identified for residential development in policy U14 of the adopted Urban Sites and Infrastructure DPD and also policy S17 of the consultation draft Ashford Local Plan 2030.
3. The U14 allocation also includes the smaller Highmead House site (1.75 hectares) that is in different ownership and subject to a separate outline application ref 15/01550/AS for the construction of 28 dwellings. Members' resolved to grant planning permission for this development in March 2017

subject to the completion of a section 106 planning obligation agreement.
That agreement has yet to be signed.

4. The outline application subject of this report was submitted in October 2016. The application proposed to reserve matters of layout, appearance, landscaping and scale for future consideration with details of access to be approved at outline stage. The Council confirmed to the applicant within 28 days of deposit that it could not determine the outline application in the absence of some of these details, in particular details of layout. The applicant chose not to submit the details as requested and decided to appeal against non-determination as soon as it could.
5. As the application is proposing an “up to” number of dwellings with all matters reserved (apart from access) many of the design aspirations for the site can be dealt with through planning conditions. The final details (apart from access) and numbers therefore would be fixed at the detailed reserved matters application stage.
6. The applicant was originally proposing a reduced affordable housing provision of 10%, based on a submitted viability appraisal, compared to the adopted development plan policy compliant requirement of 30%. This proposition was assessed by the Council’s expert viability consultant who disagreed that such a level of reduced affordable housing provision was justified. Since that time, there have been further information provided and negotiations resulting in a revised offer of 20% affordable housing has been made by the applicant. The original objections to the scheme based on an unjustified lack of affordable housing have now been overcome. This is subject to the provision of required planning obligations and attachment of planning conditions to any permission that is granted by the Planning Inspectorate and which are listed further below in this report.
7. The applicant has also agreed to a planning condition in an outline planning permission restricting the number of dwellings able to be constructed up to a maximum of 192. This capacity figure is based on negotiations on a full application subsequently submitted by the applicant (mentioned in the following paragraph) which, ironically, provides the details originally requested by the Council to be considered at outline application stage. The applicant submitted a full detailed application 16/01722/AS (in November 2016) for a fixed 207 dwellings on the same site on which no decision has yet been made. This has been subject to negotiations including adjustments to the layout and potential amendments showing a lesser amount of dwellings (circa 192 at present). Negotiations with officers are on-going with amendments awaited.

Site and Surroundings

8. The application site comprises some 9.78ha of land and is located to the north east of Ashford Town. It directly abuts the eastern boundary of the built up area of Willesborough Lees which forms part of the Ashford urban area. The site area is irregularly shaped and narrows towards the centre where a seasonal watercourse separates the northern part of the site from the southern part. The site slopes upwards to the north from this point until it reaches the Hinxhill Road and also slopes generally upwards to both south and east with a high point on the eastern boundary.
9. The site is comprised of two fields in arable use and is currently accessed from The Street in Lacton Green (Lacton Green is a Conservation Area) by way of a field access adjacent to 124 & 126 The Street. There are no other points of access into the site and there are no public rights of way that cross it.
10. There is a significant change in levels on the southern boundary of the site, where it meets the A20 Hythe Road and where there is a steep embankment. This boundary contains substantial vegetation and trees, some of which are on the highway verge outside the site generally screening it from view. Where the southern boundary moves away from the A20 to the east it wraps round the rear of Highmead House which has a hedge boundary interspersed with trees, of which one is subject to a TPO. A very small section of the site runs behind the boundary to the Pilgrims Hospice to the east.
11. Breeches Wood defines the majority of the eastern boundary of the Site and comprises a substantial wooded area which is not publicly accessible. To the north and south of the woodland the site is defined by an agricultural fence. The northern boundary of the Site is also defined by a low agricultural fence and hedge which runs parallel with Hinxhill Road.
12. Boundary fences to long back gardens define a significant part of the western boundary. The residential dwellings they serve front onto The Street. On the southern part of the western boundary is Tolgate House (a substantial detached house) which sits sideways onto the site boundary and is positioned close to it. To the south of this is 154 The Street, a Grade II Listed detached house, which also sits sideways onto the site, but is positioned back from the site boundary. Towards the northern part of the western boundary is 124 & 126 The Street, which are also Grade II Listed and look north over the site. In addition there are further Grade II listed buildings nearby and along The Street, namely;
 - Eastern side - 130/132/134 and 146/148 The Street)

- Western side - 121/123 the street and 105 The street (little 107 The street forms a group which is of local interest)
13. Further towards Lacton Green there is Lacton Farmhouse, Oast house and Barn which all form a group. The grade 2 listed Blacksmith's Arms lies just beyond this group.
 14. The Lacton Green Conservation Area adjoins the western boundary of the site and runs through a small portion of the site on its north western boundary. The William Harvey Hospital lies to the north of the site, the Breeches Wood area of woodland to the east and the "village" of Lacton Green to the west.
 15. The landscape to the north of the site is undulating with dense mature hedgerows, copses and woodlands enclosing arable or pasture fields; this pattern of vegetation is reflected in the site. With a few exceptions, trees are restricted to the field boundaries, with dense tree belts to the boundaries with Lacton Green, Hinxhill Road, the A20 and Highmead House.

Proposal

16. The proposal is an outline one for up to 207 dwellings with all matters reserved for future consideration save for that of access. Access arrangements consist of the detail of the means of access to the site being submitted and not full details of accesses within the site or other access issues such as footpaths or cycleways (which are shown indicatively on the illustrative masterplan drawing number 2747-50). Details of the proposed access arrangements are shown in **Figure 1** below



Figure 1: Masterplan for 207 units showing access arrangements

Revised indicative plan showing 192 dwellings.

17. The applicant has submitted a revised masterplan showing 192 dwellings as part of the appeal. Despite the applicant's decision not to formally submit the requested details of reserved matters as part of the determination of this outline application, the plan is based on the current negotiations on the full planning application ref 16/01722/AS where details are to be provided.

In summary the changes included are:

- Reduction in number of dwellings from 207 to 192.
- Showing more active frontages along Hinxhill Road with an internal access link to allow local traffic on the closed off section.
- Reduced number of apartments.
- layout changes reducing prominent cul-de sac parking courts with substantial clusters of parking.

- Movement back of dwellings from Lacton Green away from retained boundary landscaping around Lacton Green.
 - Access detail updated to synchronise with Highmead site.
18. The full application as previously stated has not been determined or an amended scheme for 192 dwelling formally submitted for re-consultation. However, I have included a brief analysis of this and matters in relation to current negotiations on the full application. The plan for 192 dwellings submitted as part of the appeal is shown in figure 2 below. The applicant though will need to confirm and show this is an illustrative plan



Figure 2 Masterplan showing 192 units.

19. It is proposed that a mix of 1 to 5 bed properties are provided. The majority of the properties would be houses although there would be some apartments. The dwellings would comply with National Space Standards as well as local parking standards and external space standards. Overall, the development will generally be two storeys in height.

20. The parameter plan submitted with the application establishes key design principles/constraints which any future detailed reserved matters stage layout would need to respond to and include the following:

- The extent of the development area, which allows for open space, infrastructure and earthworks;
- A corridor through the site for the Link Road, which defines the principal vehicular access points into and out of the site from the A20 and Hinxhill Road.
- A zone for the access to be delivered to the boundary of the Highmead House site
- Garden buffer to the Conservation Area;
- New proposed native hedgerow along part of the western boundary between Breeches Wood and the boundary with the Hospice
- New 10 metre woodland buffer along the northern part of the western boundary between Breeches Wood and Hinxhill Road.
- Existing trees and hedge line cutting through the site and along Hinxhill Road to be retained where possible
- Garden buffer along the majority of the western edge with the Lacton Green Conservation Area
- Identification of constraints such as the Lacton Green Conservation Area and badger area exclusion zone which future detailed layouts will need to have regard to.

21. The application is supported by a number of documents and plans as follows:-

Planning Statement

- The site is allocated by Policy U14 of the USIDPD for a residential development with an indicative capacity of 200 dwellings including the neighbouring site at Highmead House. The principle of the development is therefore established through this policy allocation and the site contributes to the Borough Council's 5 year housing land supply. Further, the site is located in a sustainable location, with good access for future residents to local services via a range of transport options other than the private car.
- The outline planning application is supported by a comprehensive suite of technical reports, which demonstrate that the proposed development does not

give rise to any harmful environmental impacts. The parameter plans include features such as the creation of a garden buffer zone and the installation of new native boundary hedging, along with the retention of important hedgerows within and on the boundary of the site in order to fully mitigate the impact of the development.

- The proposals have been the subject of public consultation and significant pre-application discussions. The public consultation event attracted little public interest and those in attendance generally supported the proposals.
- The proposed development would offer public benefit through the delivery of the Link Road through the Site from the A20 to Hinxhill Road. This would reduce traffic on The Street and provide the opportunity for the provision of a secondary hospital access if required in the future.
- It is a key theme of the NPPF that there is a 'presumption in favour of sustainable development.' The applicant's case is that the application demonstrates compliance with the themes in the NPPF and is considered to represent a sustainable form of development.
- Therefore, it is concluded that the proposals are acceptable and will contribute towards creating a high quality environment. As such, the proposals should be supported and planning permission granted without delay (NPPF, para 14).

Design and Access Statement

- The proposed development would create an exciting residential area in what is already recognised as a desirable place to live. The outline proposals are supported by wide-ranging existing amenities, access to public transport and places to work.
- The illustrative layout would reconcile the opportunities and constraints presented in the supporting documents and would offer a solution that can be seen to maximise the potential of the new development.
- A high quality scheme is proposed with a mix of tenure that responds to an identified need and would provide significant planning benefits to the local area.
- The outline proposals are in accordance with the Council's adopted development plan and the requirements of Policy U14 of the Urban Sites and Infrastructure DPD. The access has been designed to accommodate traffic from the development and any future secondary access from the William Harvey Hospital.

- The intention is to provide a proportion of affordable housing to ensure that an appropriate mix of house types and tenure is delivered.
- Overall the proposed development is considered to represent a high quality, well designed and sustainable development on a site that has been identified by the Council as being suitable for residential development

Phase 1 Geo-Environmental Assessment

- A desk study site appraisal has been undertaken for the site.
- It is considered that the geotechnical and potential contamination (albeit slight) issues on this site can be dealt with by simple engineering methods which would be confirmed upon completion of the Phase 2 intrusive works. Furthermore, it is considered that land contamination issues are highly unlikely to form a material planning constraint. As such it suggested that the requirement for Phase 2 intrusive investigation is secured by planning condition.

Heritage Statement

- There are no designated or non-designated built heritage assets located within the site, however, a very small section to its northwest sits within the Lacton Green Conservation Area; this section is, though, considered to be of low significance and would, additionally remain as undeveloped land.
- There are varying degrees of intervisibility with the Lacton Green CA from the western boundary of the Site and intervisibility between the site with seven Grade II listed buildings, which sit on The Street to the west of the site
- There already exists a certain amount of natural buffering to the east of the CA, which will assist in mitigating any intervisibility between the site and the Conservation Area and the listed buildings. Additionally, the proposal incorporates gardens backing onto the site's western boundary line, tree screening and enhanced vegetation in order to reduce intervisibility between the site with these heritage assets.
- The applicant considers that the implementation of the mitigation measures would render the proposal neutral and thus acceptable in planning terms.

Noise Impact Assessment

- A 48-hour Environmental Noise Survey has been conducted for a proposed development.

- The survey was undertaken to enable mitigation advice to be provided including suitable glazing and ventilation specifications for properties affected by road noise.
- Subject to implementation of the mitigation proposals, such a glazing positioning on dwellings near A20, the applicant considers that there are no reasons why the development should be refused planning permission on the grounds of noise.

Landscape and Visual Impact Assessment

- A desk-top study site appraisal has been undertaken and a Landscape and Visual Impact Assessment of the site has been submitted
- The proposed development would not result in any significant adverse effects on either landscape character or visual amenity of the setting to the site.
- The character and appearance of the site would change but there is the potential to set development within a robust and attractive green framework, incorporating existing site vegetation, which would allow any development to be readily integrated into the existing urban fabric. The landscape treatments would also provide an enduring and logical new eastern boundary to the settlement.
- The Assessment concludes that the scheme could be accommodated without causing any substantial landscape impact beyond its own boundaries and therefore has merit

Archaeological Desk Based Assessment

- The study site can be considered to have a low archaeological potential for significant remains for all past periods of human activity.
- As no remains of national significance have been demonstrated to be present within the site, it is recommended that any further mitigation measures could follow the grant of planning permission secured by an appropriate archaeological planning condition.

Framework Residential Travel Plan (FRTTP)

- This FRTTP sets out proposals to be adopted in order to reduce the reliance on single car occupancy, to reduce demand for on-site car parking, and to maximise the use of more sustainable forms of travel such as walking, cycling, public transport and car sharing by future residents of the development. A Final Residential Travel Plan (based on the FRTTP) would be

prepared as part of a detailed planning application or application for approval of reserved matters following the grant of an outline planning permission

- The inclusion of a Travel Plan would be expected to be secured through a planning condition with costs associated with the monitoring and implementation of the Travel Plan to be met by the developer.

Flood Risk Assessment

- The information provided by the Environment Agency in July 2016 indicates that majority of the site is within Flood Zone 1 with a very small portion to the east located within Flood Zone 3. All built development is proposed within the Flood Zone 1.
- The use of permeable paving, swales and on-site attenuation storage will help reduce the risk of flooding by managing surface water run-off near its source and reducing the peak run-off rate and volume.

Ecological Appraisal

- Aspect Ecology has carried out an ecological appraisal of the proposed development, based on the results of a desktop study, Phase 1 habitat survey and a number of detailed protected species surveys
- No designations are considered likely to be adversely affected by the proposals.
- The extended Phase 1 habitat survey has established that the site is dominated by habitats of low to moderate ecological value and the proposals have sought to retain those features of greatest relative value.
- The proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals would result in significant harm to biodiversity.
- A separate confidential badger survey has also been provided recommending a 15m exclusion zone of built development in an area around part of Breeches wood

Residential Space Assessment

- These details have not been completed as the final details of the typologies would be provided at the reserved matters application stage. The document states that the details will accord with nationally described standards.

Arboriculture Impact assessment

- The current indicative proposals in principle necessitate the removal of 8no. category C trees and 1no. category C group to facilitate the construction of a proposed vehicular access with Hythe Road
- These removals are detailed below: T3 – T6 & T8 Sycamore, T7 Beech G1 Hawthorn.
- In addition, internally, the indicative masterplan framework necessitates the removal of one c.18m section of H4 to facilitate the proposed spine road linking Hythe Road and William Harvey Hospital
- Pursuant to the Council's policy requirements and current best practice in the context of proposed development, a BS5837:2012 survey and 'in principle assessment' has been prepared to inform the retention of significant and appropriate.
- A low number of trees would be removed to accommodate the proposals, all of which are low quality and within the applicants' control.
- Pursuant to the Council's preference to ensure appropriate tree retention during development, it is recommended that a detailed Arboricultural Method Statement is prepared which expands on Appendix D for approval, through a suitable planning condition.

Transport Assessment.

- The principle of development has been the subject of extensive transport and traffic analysis and the TA makes reference to the previous assessments undertaken by Jacobs (in 2010) and Parsons Brinckerhoff (in 2013).
- The TA has examined two development scenarios:
 - (i) Scenario 1 considers the proposed development with only the M20 Junction 10 in place; and
 - (ii) Scenario 2 considers the proposed development with both the M20 Junction 10 and the proposed new M20 Junction 10A in place, which includes the redistribution of base traffic flows on the A20 Hythe Road past the frontage of the application site.
- In both scenarios the capacity analysis presented shows that the proposed primary site access junction can operate within capacity without detrimental impact on the operation of the Tesco roundabout, which is considered to be the key constraint on the local highway network.

- The inclusion of the proposed Link Road to create a secondary access to The William Harvey Hospital and the closure in part of Hinxhill Road, would also lead to a reduction in vehicle through movements locally within Willesborough Lees, notably on the A2070 Kennington Road and The Street. The resulting redistribution of traffic arising from these proposals would again reduce traffic in these areas and improve safety.
- 2010 Jacobs study and associated capacity calculations of the primary site access junction with the A20 Hythe Road, assumed that 40% of existing Hospital traffic approaching from the M20 Junction 10 would transfer to the secondary access.
- To ensure that the development proposals do not prejudice the Hospital in the future, it is proposed to provide a crossroads junction arrangement for the secondary access to the development from Hinxhill Road in order that the Hospital may provide an appropriate means of access, should this be required. As such, it is considered that the proposed secondary site access junction would not prejudice the Hospital bringing forward an appropriate secondary junction arrangement in the future.
- Closing Hinxhill Road to through traffic, which would in turn be diverted through the proposed development via the proposed Link Road, would lead to a reduction in vehicle movements on The Street of approximately -321, -170 and -2,329 in the AM peak, PM peak and daily periods respectively. This would lead to improved traffic conditions locally and a safety benefit not only to the proposed new residents of the site, but also to the existing residents in the vicinity of Willesborough Lees.
- A review of trip rates has been undertaken and shows that the trip generation arising from the proposed development (with the inclusion of the Highmead House development) is comparable with the assessments undertaken by Jacobs in 2010 and Parsons Brinkerhoff in 2013.
- It is proposed to provide a 3.0m shared footpath / cycleway between the site access and the Tesco Roundabout. In addition, the proposed signal junction to the A20 incorporates staggered pedestrian crossing facilities which would tie in with the pedestrian and cycle facilities within the site.
- It is therefore considered by the applicant that the development proposals, including the proposed highway improvements, are sufficient to ensure that the residual cumulative impacts associated with the proposed development cannot be considered to be severe, as set out in NPPF paragraph 32 and are acceptable in transport terms.

Utilities and wastewater assessment.

- This report has been prepared to provide an overview of the servicing constraint and supply implications associated with the proposed development
- The content of the report relates to the site being developed to provide up to 250 residential dwellings and deals with provision electricity, gas, water supply, telecommunications and pipelines

Viability report

- A confidential viability report has also been submitted. .

Planning History

- 15/01550/AS - Highmead House, located on the eastern boundary, forms part (approx. 2.23ha) of the wider Site allocation in Policy U14 and comprises a single detached house set within generous grounds which also contains a walled garden and Warren Lodge that is in ancillary residential use. It has been the subject of separate Outline planning applications for residential development of 28 dwellings plus continued residential use of the house itself. Outline Planning Permission was resolved to be granted on 15 March 2017.
- 15/01679/AS - On 22 December 2015 Bellway Homes submitted a Full Planning Application for the construction of a new access road from the Site onto the A20. The access would serve the future residential development on the Site. The proposals include a short section of road, details of earthworks and drainage necessary to facilitate the road works. The access is designed to be of a sufficient size to serve the whole allocated site and deliver a Link Road, connecting to the emergency access at the William Harvey Hospital. This application has yet to be determined.
- 16/00004/EIA/AS - An EIA Screening opinion was sought from ABC in respect of a residential development of approximately 250 dwellings. On 14 July 2016 the Council determined that an Environmental Impact Assessment was not required for this development.
- 16/01512/AS – Following pre-application discussions on 05 October 2016, an Outline application was submitted (the subject of this Appeal) with all matters reserved, except 'access' for a new link road to the rear of the William Harvey Hospital from the A20 and up to

207 dwellings together with associated open space, play equipment, landscaping, drainage, infrastructure and earthworks

- 16/01722/AS – On 23 November 2016, a Full application was submitted for a new link road to the rear of the William Harvey Hospital from the A20 and 207 dwellings together with associated open space, play equipment, landscaping, drainage, infrastructure and earthworks. The application is currently being considered by the LPA and has been consulted upon. Discussions between the Council and the Appellant have resulted in draft amendments that reduce the number of dwellings to 192. This application has yet to be determined and negotiations over layout and appearance plus viability continue.

The applicant entered into pre-application discussions with officers from December 2014 to June 2016. Detailed written and verbal feedback were provided to the applicant.

Consultations

Ward Members: no comments have been received from either Ward Member.

ABC Project Office (drainage engineer) - Raise a 'holding objection' as the whole strategy is heavily reliant on an assumed infiltration rate, one in which is not thought to be prevalent through the site, this could significant change how surface water in managed across the site, therefore the risk of this assumption is considered unacceptable without further information

ABC Environmental Health - no objection subject to conditions on protecting dwellings from noise and contamination.

KCC Ecological Services - Have reviewed the ecological information submitted in support of this application and advise that sufficient information has been provided to determine the planning application and require no additional information, however recommend that the suggested conditions are attached to any planning permission as follows:

"No development shall take place (including any demolition, ground works, site clearance) until a method statement for mitigating protected species impacts has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the following:

- Purpose and objectives for the proposed works;
- Detailed designs and/or working methods necessary to achieve stated objectives, informed by updated ecology surveys where necessary;

- Extent and location of proposed works shown on appropriate scale maps and plans;
- Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to oversee works.

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

Enhancements

“No development shall take place until an Ecological Design Strategy (EDS) addressing ecological enhancement of the site has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long term maintenance.
- i) Details for monitoring and remedial measures”.

A further representation was made on the submitted (confidential) badger report-made under the detail application ref 16/01722/AS advising that additional information is required prior to determination of any planning application. This includes ensuring that the 15 metre badger exclusion zone is adhered to in the submitted landscape plan, and does not include residential gardens, roads or buildings

KCC Highways and Transportation Comment;-

‘Thank you for the consultation on the amended information / updated plans. I can confirm that these plans have now addressed my previous concerns with the application. The application now includes the details of the link from the link road to the Highmead House application site and is shown in drawings, L571/204 Revision F and L571/211 Revision A and this meets KCC's design standards. The Hinxhill Road junction improvement is now included in the application, L571/208 Revision B. I now have no objections to the application subject to the following conditions being attached to any planning permission granted:

i) No development shall take place until a Construction Management Plan has been submitted to and approved by the Local Planning Authority in writing. This plan should include:

- (a) Routing of construction and delivery vehicles to / from the site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel, with the replacement of staff parking for the duration of construction;
- (c) Timing of deliveries;
- (d) Provision of wheel washing facilities;
- (e) Details of site access point(s) for construction;
- (f) Temporary traffic management/signage.

ii) No development shall take place until details of measures to prevent the discharge of surface water onto the highway have been submitted to and approved in writing by the Local Planning Authority.

iii) Provision and permanent retention of the vehicle parking facilities prior to the occupation of any of the buildings hereby permitted in accordance with details to be submitted to and approved by the Local Planning Authority. The parking facilities for the proposed development shall be provided in accordance with Ashford Borough Council's Residential Parking SPD for a suburban location or any adopted guidance or policy which may have superseded it.

iv) No development shall take place until details of the bicycle storage facilities showing a covered and secure space have been submitted to and 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.

v) The following works between that dwelling and the adopted highway shall be completed as follows in accordance with the details approved prior to first occupation of the dwelling:

(a) Footways and/or footpaths, 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 structures (if any).

vi) The occupation of the development authorised by this permission shall not begin until:

(a) The Local Planning Authority in consultation with the local highway authority has approved in writing a full scheme of works for the closure of Hinxhill Road to vehicular traffic as shown in drawing number L571/208 Revision B that will be provided immediately upon the opening of the link road running through the development site.

(b) the approved works have been completed in accordance with the Local Planning Authority's written approval and have been certified in writing as complete on behalf of the Local Planning Authority; unless alternative arrangements to secure the specified works have been approved in writing by the Local Planning Authority.

vii) The traffic signalled junction on the A20 (Hythe Road) shall be provided in accordance with plan number L571/204 Revision F prior to the occupation of development on site.

viii) The access connection on the eastern boundary to the Highmead site shall be provided in accordance with drawings number L571/211 A and 30583/AC/045D prior to the occupation of development on site

ix) The relocation of the bus stop on Hythe Road as shown in plan number L571/209 shall be carried out prior to the commencement of development on site.

x) The occupation of the development authorised by this permission shall not begin until:

(a) The local planning authority has approved in writing a full scheme of works for the Re-location of the existing 40mph speed limit on Hythe Road in an eastern direction approximately 100 metres upstream from the westbound stop and

(b). the approved works have been completed in accordance with the Local Planning Authority's written approval and have been certified in writing as complete on behalf of the Local Planning Authority; unless alternative arrangements to secure the specified works have been approved in writing by the Local Planning Authority.

xi) Provision of the link road through the development site by the completion a total of 100 residential units in accordance with details to be submitted to and agreed with the Local Planning Authority.

xii) Details of the proposed development phasing and corresponding access layouts (including allowance for any construction vehicles) shall be submitted to and agreed with the Local Planning Authority prior to commencement of any development on site.

xiii) Prior to the commencement of development on site a detailed travel plan shall be submitted to the Local Planning Authority. The travel plan shall include details of modal share targets, measures to ensure the modal share targets are met and also sanctions if the travel plan does not meet the modal share targets.

Notes:

A travel plan contribution of £5,000 is also required (£1,000 per annum) over a 5 year period so that KCC Highways can effectively monitor the travel plan. This should be secured through a Section 106 legal agreement.

The proposed adoptable roads will need to be subject to a Controlled Parking Zone to prevent any overspill car parking from the hospital within the site. Double yellow lines should be provided throughout the site where visitor parking bays are not provided. Where visitor parking bays are provided these bays should be controlled in the same format as the existing restrictions on The Street. The parking services department at Ashford Borough Council should therefore be consulted on these proposals and a Section 106 contribution be provided for these parking restrictions.

An SPG6: South of Transport Study payment is required for the proposed development due to the development being within a 5 minute isochrone of M20 Junction 10. Based on a total of 207 units, a contribution of 2.07 development units is required.

INFORMATIVE:

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained.

Applicants should contact Kent County Council - Highways and Transportation (web

www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.'

NHS Primary Care:

Seek a contribution towards improvements to the primary care infrastructure in order to support in the registrations of the new population arising from the development as it is expected to result in a need to invest in local surgery premises: Willesborough Health Centre – Willesborough – within 1 mile of the development. The Centre is within a one mile radius of the development at Hinxhill Road. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

Housing Manager: comments on the 20% level of affordable housing breakdown based on the typology tenure and selection as stated in the viability appraisal. The Housing Manager has agreed to this on grounds of the viability case that has been assessed by the Council's expert advisor and has now been accepted.

Cultural Services Manager: object and state;-

'It has not been shown that the suggested areas of public open space on the illustrative masterplan are sufficient in terms of amount of usable space provided. The LPA has provided advice on amendments for revised open space area provision in connection with the detailed scheme.

Further information is required to agree the inclusion of SUDS features as part of the open space requirement. The Public Open Space (POS) needs to be formed of one large area to be usable for the development. The current parcel of land showing the football area and badger sett is separated from the rest of the POS. It is considered that the parcel of land immediately to the north (plots 85 -94) of this area to be more suitable for POS and would be better joined up with the rest of the POS proposed. It would be more acceptable for housing to feature where the football pitch is currently shown due to the levels of the area. It has not been shown that the current open

space area sufficient in terms of size and ability to be used for this purpose. There are no level plans provided, however, where there are levels of more than 18% gradient between areas it will not count as usable POS. Gradients of more than 18% cannot be mown and are difficult for residents with mobility issues to use and enjoy. The areas within the public open space to be used for play areas and informal games should be level. Some small parts of the open space around it could however be designed to include slopes and undulation to create interest and varied play experiences. Where the usage of SUDS is employed on the POS the gradients should be no more than 18%, again for the same reasons as point 2. The usage of swales of up to 1m deep as SUDS features would be acceptable within open space areas however would not be counted towards the total amount of usable public open space. (Martin would need to comment of the gradient into a swale but I was thinking a 1:3 gradient as a maximum)

The current illustrative proposals show a total of 1.689 hectares of open space. From the open space SPD a total of 1.24 hectares of usable POS would be required on-site for the development of 207 units (split into 1.00 hectares of informal/natural and 0.24 hectares for play space). However it is considered that the current illustrative proposal is unworkable due to the large breaks between the POS areas. Where the kick about area is located there is a change in levels which would mean kicking a ball on a gradient which would be unsuitable. Currently the masterplan gives an overall scope for open space but does not give clear detail or breakdown of how usable open space and SUDS features will sit alongside each other. We require a detailed plan of the POS and SUDS which shows the measureable amounts of usable POS and SUDs and their relationship between layout and the built environment. Also a detailed breakdown is required of profiles across levels to show how levels between usable POS and SUDs features will be achieved as presently this information hasn't been put forward for consideration

The Landscape and Visual Impact Appraisal drawn up by Allen Pyke Associates point 4.4 notes there will be a kick about area and equipped play area on the open space.

Normally the threshold for delivery of an onsite contribution for children's play in the SPD is at 415 units. The nearest play area is some considerable distance away and so, although the number of houses on this site would not normally generate a need for on-site play provision it is considered in the interest of residents, an exception should be made in this case. The plans submitted do not show any formal play provision.

The area of the recommended new POS area (plots 85 -94) should contain the layout for the play area and kick about area. The make up for the kick about area would be a level grass area with any mark up. The largest suggested FA size is 25m x 42m x 3m plus run off which comes to 0.1426 hectares, minimum size is 15m x 25m plus 3m run off . The council would be seeking a play area for ages 0 to 12 years old. The play area will need to be fenced due to proximity to the road with a

path leading from the path to the play area. It should have two yellow self closing gates. Minimum size of 22m x 35m with a range of play activities including swings, climbing frame and roundabout, etc. The play equipment will need to be from an approved play area company as agreed with the Play and Open Spaces Project Officer.

The badger sett area as outlined below could be accepted part of the POS. The badger sett 15 metre exclusion zone overlaps the development and requires changes to the illustrative layout. An additional area of POS could be considered in the area near to Lacton Green around plots 56 -58 which the Council considers should be removed as part of layout and design changes. The small area of land in the south eastern corner plus the entrances are not considered to be usable areas of POS and as such will not count as part of the calculations for working out the on-site contribution of POS.'

Neighbours: 1 letter of objection received making the following comment:

These are the main objections to the development submitted by Bellway Homes. Plots 58/59 shown on the Roof top plan infringe on the conservation area. Plots 57,58,59 and 104 Have a detrimental effect on the setting of a listed building 124/126 The Street overlooking the site.

The whole development will have a detrimental effect on the character and surrounding of the area. Too many houses in too small an area will make for a very condensed outlook.

The developer states the development will go ahead without junction 10A being approved .This will cause a hazardous environment for pedestrians and driver alike. The development is totally inappropriate to the area.

The application states that no new footpaths will be built. But the plans show two new footpaths merging into one and exiting on the junction of Hinxhill Rd and The Street

This would cause disturbance to the residents in the area and must not go ahead without consultation. The line of sight that has been integrated into the plan is there to allow an unhindered line of sight but vehicle parking places have been placed along the road way.

The vehicles parked would obstruct this view. There are also twelve other properties that restrict this view Plots 70 to 74,22 to 26 and 100/95 Disturbance higher traffic flow to and from the hospital ,noise and light disturbance from emergency vehicles sirens and warning lights.

The development will also have a detrimental effect on nature conservation as it will destroy greenfield arable land on which flora and fauna thrive. Bats and barn owls to

name two. The properties are mostly family orientated which will impact on the already overstretched school system.

This will also impact on the very congested roadways in the local area. Which area already overstretched as there is a large superstore in the area operating 24 hours / day. Just cut to the chase the whole development has been planned by people who do not know and or understand the local Willesborough area and are just motivated by financial greed.

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, the Chilmington Green AAP 2013, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016 and closed after 6 weeks. At present the policies in this emerging plan can be accorded little or no weight.
23. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

EN32 - Important trees and woodland.

TP6 - Provision of cycle parking

Local Development Framework Core Strategy 2008

CS1 - Guiding principles for sustainable development.

CS2 - The Borough wide strategy

CS4 - Ashford urban area

CS8 - Infrastructure contributions.

CS9 - Design quality

CS10 - Sustainable design and construction.

CS11 – Biodiversity

CS12 - Affordable housing.

CS15 - Transport

CS18 - Meeting the community's needs.

CS19 - Development and Flood risk.

CS20 - Sustainable drainage

CS21 - Water supply and treatment

Urban Sites and Infrastructure DPD 2012

U0 - Presumption in Favour of Sustainable Development

U23 - Landscape Character and Design

Policy U14 - Land at Willesborough Lees (site specific policy) "The site to the south east of the William Harvey Hospital is proposed for residential development with an indicative capacity of 200 dwellings. Development proposals for this site shall:

- a) provide a new signal-controlled junction, including a pedestrian crossing on the A20 at the point shown on the Policies Map;
- b) provide a road through the site to act as a secondary link to the hospital at the point shown on the Policies Map;
- c) make improvements to the existing emergency access to the Hospital, and Hinxhill Lane, to accommodate a new link road and junction, and close Hinxhill Lane to traffic south of the hospital access. A restricted access shall remain on Hinxhill Lane for emergency vehicles, pedestrians and cyclists only;
- d) include a phasing programme to be agreed with the Borough Council, local Highway Authority and Highways Agency that will include the construction and opening of the access road from the A20 to the hospital and the closure of Hinxhill Lane;
- e) provide new pedestrian and cycle routes throughout the development and connections to existing urban and rural routes and local services;
- f) Fund the implementation of suitable on-street parking restrictions via a new traffic order, restricting non-residents parking on the roads of the new development;

g) be designed and laid out in such a way as to protect the character and setting of the adjoining Conservation Area and neighbouring listed buildings;

h) retain the woodland (Breeches Wood) in the north east of the site and extend the tree boundary between the woodland and the hospital, to screen the development of the site from the north;

i) include a full flood risk assessment prepared in consultation with the Environment Agency;

j) ensure that any land contamination issues are satisfactorily resolved or mitigated.

k) contribute towards the monitoring of the traffic situation on The Street to enable an assessment to be made of the need to secure amendments to the existing access arrangements and to deliver those amendments if required; and,

l) provide a connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water, and ensure future access to the existing sewerage system for maintenance and upsizing purposes”

U24 – Infrastructure provision to serve the needs of new developments

Consultation Draft Local Plan to 2030

SP1 – Strategic Objectives

SP2 – The Strategic Approach to Housing Delivery

SP6 – Promoting High Quality Design

HOU1 – Affordable Housing

TRA3b – Parking Standards for Non Residential Development

TRA6 – Provision for Cycling

TRA7 – The Road Network and Development

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

ENV10 – Renewable and Low Carbon Energy

COM1 – Meeting the Community's Needs

COM2 – Recreation, Sport, Play and Open Space

IMP1 – Infrastructure Provision

S17 – Land at Willesborough Lees - S17 brings forward the current site policy U14 Urban Sites and Infrastructure DPD as follows:-

“The site to the south east of the William Harvey Hospital is proposed for residential development for up to 200 dwellings .

Development proposals for this site shall:

- a. provide a new signal-controlled junction, including a pedestrian crossing on the A20 at the point shown on the Policies Map;
- b. provide a road through the site to act as a secondary link to the hospital at the point shown on the Policies Map;
- c. make improvements to the existing emergency access to the Hospital, and Hinxhill Lane, to accommodate a new link road and junction, and close Hinxhill Lane to traffic south of the hospital access. A restricted access shall remain on Hinxhill Lane for emergency vehicles, pedestrians and cyclists only;
- d. include a phasing programme to be agreed with the Borough Council, local Highway Authority and Highways Agency that will include the construction and opening of the access road from the A20 to the hospital and the closure of Hinxhill Lane;
- e. provide new pedestrian and cycle routes throughout the development and connections to existing urban and rural routes and local services;

f. Fund the implementation of suitable on-street parking restrictions via a new traffic order, restricting non-residents parking on the roads of the new development;

g. be designed and laid out in such a way as to protect the character and setting of the adjoining Conservation Area and neighbouring listed buildings;

h. retain the woodland (Breeches Wood) in the north east of the site and extend the tree boundary between the woodland and the hospital, to screen the development of the site from the north; i. include a full flood risk assessment prepared in consultation with the Environment Agency; j. ensure that any land contamination issues are satisfactorily resolved or mitigated; k. contribute towards the monitoring of the traffic situation on The Street to enable an assessment to be made of the need to secure amendments to the existing access arrangements and to deliver those amendments if required; and, l. provide a connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water, and ensure future access to the existing sewerage system for maintenance and upsizing purposes

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

Supplementary Planning Guidance/Documents

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011

Sustainable Design and Construction SPD April 2012

Public Green Spaces & Water Environment SPD 2012

SPG6 - Providing for transport needs arising from South Ashford Study

Dark Skies SPD 2014

Other Guidance

Informal Design Guidance Notes 1- 4 (2015)

Government Advice

National Planning Policy Framework 2012

25. 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.
26. The NPPF states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise [para 11]. The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system [para 6]. Para. 7 states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
 - an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.
 - a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations [ABC emphasis]; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being

Assessment

- (a) The main issues for consideration are confirmation of the Council's case to be presented at the appeal including planning conditions and obligations in the event of the appeal being allowed. The NPPF outlines that Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The matters relevant to this are:
 - (i) 5 year housing land supply
 - (ii) The principle of housing development

- (iii) Overview of revised masterplan for 192 dwellings.
- (iv) The access arrangement and impact on the surrounding highway network.
- (v) The design of the scheme, the impact on the visual character of the surrounding
- (vi) Other planning matters such as flooding, ecology, contamination, noise etc
- (vii) viability and affordable housing

(i) 5 year housing land supply

- 27. The site forms part of the wider allocation identified under site U14 of the adopted Urban Sites and Infrastructure DPD 2012 for residential development (indicative 200 dwellings) to enable a secondary access point. Paragraph 49 of the NPPF sets out that where a deliverable 5 year housing land supply cannot be demonstrated, any relevant policies for the supply of housing should be deemed out of date.
- 28. Since April 2016, it has been accepted that the Council cannot demonstrate a deliverable 5 year housing land supply. At a recent planning appeal in Smarden earlier this year (APP/E2205/W/16/3159895) the Council's up to date housing land position was agreed as 3.28 years.
- 29. Since the Smarden appeal, the Council has published proposed revisions to the Regulation 19 draft Local Plan to 2030. This proposes to amend both the housing target for the Local Plan and the number of housing sites allocated to address this target. Consequently, the housing land supply position will also have changed.
- 30. In planning for growth, the housing targets of the adopted Ashford Core Strategy required the delivery of 16,770 homes within the plan period to 2021 (with an additional 10% contingency). As is the case in many local authorities areas, housing completions over the plan period have fallen well below the level required. This is not surprisingly largely attributed to the effects of the national economic recession together with the difficulties associated with bringing forward major sites where S106 contributions agreed prior to the recession affected viability and the lack of major infrastructure investment required to trigger house building.
- 31. The under delivery in Ashford should however be considered within the proper context. That being that the Borough was subject to substantial housing targets due to its growth area status within the South East Plan. Substantial urban extensions were therefore allocated in the Core Strategy 2008 to

deliver the large majority of the growth however with the onset of the recession there was little market appetite to deliver the planned large scale growth. House prices also fell. Development in Ashford is also reliant on major infrastructure and junction capacity improvements at J10 of the M20. This lack of capacity has constrained the ability for some of the larger allocations to come forward. In light of these constraints, a primary cause of the failure to deliver the overall housing target in recent years lies largely outside of the Council's control rather than a failure to allocated sufficient land.

32. The housing delivery targets contained within the emerging Local Plan to 2030 are based on a fundamentally different basis. With the revocation of the South East Plan, the emerging Plan is based on the guidance in the NPPF which requires the identification of objectively assessed housing needs for housing market areas. The housing target in the emerging Local Plan is set to meet the most up to date objectively assessed housing need for the borough.
33. Following the proposed changes to the emerging Local Plan, it is now calculated the Council could demonstrate a deliverable 4.2 year housing land supply based on the 'Sedgefield' method of recovering any shortfall in housing delivery over the next 5 years. However, if the shortfall were to be recovered over a slightly longer period, then a 5 year housing land supply is achieved.
34. It is accepted that the emerging Local Plan is still at a relatively early stage and the housing target and the draft allocations have yet to be examined however, the proposed revisions to the emerging Plan reflect up to date evidence on housing need and indicate a clear strategy for meeting both the overall need and the need for a deliverable 5 year housing land supply. As such, it is reasonable to give some weight to this aspect of the emerging Plan when considering this application.
35. The current lack of a 5 year housing land supply triggers paragraph 49 and 14 of the NPPF, such that relevant policies for the supply of housing are not considered to be up to date and that planning permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development would be should be restricted.
36. The assessment of the outline application for site U14 in the context of the 'tilted balance' within paragraph 14 of the NPPF does not however remove the statutory obligation to determine the applications in accordance with the development plan, unless material considerations indicate otherwise, therefore the starting point is the Development Plan. However, a recent judgement in Crane vs SSCLG (2015) made clear that any out-of-date development plan policies should not be ignored and the weight attributed to them is a matter for the decision maker. The Supreme Court in Suffolk

Coastal DC v Hopkins Homes [2017] UKSC 37 effectively endorsed this approach. It emphasised the primacy given by statute and policy to the development plan, even where paragraph 14 of the NPPF is engaged: [21]. In applying that paragraph, the weight to be given to various policies in the development plan is purely a question of planning judgment for the decision maker: [56]. It is irrelevant whether or not a policy is a 'relevant policy for the supply of housing' under NPPF paragraph 49: see [59] and [65], in which the Supreme Court characterised an inspector's efforts to make this distinction as "inappropriate and unnecessary".

37. It is clear that the development plan policies, even when out of date, should be the primary determining factor when a decision maker decides on whether to grant planning permission or not. Paragraph 14 is an important material consideration, but it is not the primary framework for decision making. It can only lead to a different outcome if that is appropriate in all the circumstances of the case. Consideration of those circumstances must include the weight to be given to any 'out of date' development plan policies and also whether the scheme clearly delivers sustainable development within the scope of the NPPF itself.
38. As stated above, the steps that the Council is making to rectify the 5 year housing land supply position (together with the broader demands of sustainability and good planning) therefore represents a further reason why any current development plan policies which may be deemed out of date should nevertheless be given weight.
39. In the context of the outline application subject of the appeal, the application is allocated for development in the development plan and the allocation is proposed to be continued in the emerging Ashford Local Plan. The key is that of the ability of the applicant to meet the Core Strategy policy compliant level of affordable housing. As I identify further below in this Assessment, this issue has been the subject of a viability case that the Council's expert advisors have considered and accepted. As the Council does not have a 5-year housing land supply, this is a material consideration for accepting a reduced level of affordable housing and thus enabling delivery of an already allocated residential development site. Furthermore, the level of affordable housing that is proposed represents an improvement on the applicant's initial proposition.
40. The Council must consider if the development would result in harm or other adverse effects which would significantly outweigh the benefits of the development (an example of which would be its ability to help meet the housing land shortfall). The following sections of this report will consider the other wider impacts of the proposed development and my conclusion on the issue of the acceptability of the quantum of affordable housing proposed and whether the grant of outline planning permission should be opposed at the appeal or the viability tested proposition be accepted.

(ii) The principle of housing development

41. The proposal is for residential development and would provide a signalised junction to A20 and secondary access point for the William Harvey hospital. The U14 site allocation also includes the smaller area around Highmead House where the Council resolved to grant planning permission subject to a section 106 planning obligation agreement for 28 dwellings in March 2017. The two sites have come forward separately as they are in different ownership (although there has been liaison between both and the Council over the access arrangements that is mentioned in the access section below).
42. The U14 policy does not require the holistic development of the whole a site and allows for the separate development of the Highmead site as long as it does not prejudice the delivery of the main signal controlled junction. The scheme is therefore acceptable in principle delivering residential development and a secondary link to the hospital

(iii) Overview of revised masterplan for 192 dwellings.

43. As part of the analysis of the issues it important to give a brief overview of the revised masterplan submitted for (up to) 192 dwellings as this forms part of the appeal proposals and is an amendment from the original masterplan showing up to 207 dwellings. The masterplan changes are a result of negotiations between officers and the applicant on the full application for 207 dwellings that has not formally been determined yet. The layout has addressed some of my concerns/objections raised on the 207 dwelling layout.
44. The revised layout is now showing more active frontages along Hinxhill Road to avoid the road which is to be closed to through traffic becoming a 'dead street'. I did not agree that the hedgerow in this location further beyond the more substantial trees around the Lacton Green area was substantial enough to provide screening/security as part of the rear boundary of dwellings and it was therefore likely to result in prominent rear fences facing the road.
45. The movement back of dwellings from the Lacton Green area helps provide a less cluttered and enhanced green space to the prominent listed building 124/126 The Street. In addition a better relationship between the proposed dwellings nearest Lacton Green and the substantial boundary vegetation that is to be retained and backs onto their rear gardens. For the 207 dwelling scheme I had concern about pressure to remove this vegetation in view of its close proximity to these dwellings and gardens. A dwelling on the Breeches Wood boundary has been moved to provide a better relationship with the woodland to avoid adverse impacts on light.
46. There is a reduced number of apartments removing the one on the boundary near Tollgate house, the prominent listed building 156 The Street and

conservation area. The 207 scheme had a number of large cul-de sac parking courts with substantial clusters of parking. These have now reduced significantly.

47. The general layout of the public open space is acceptable in principle but only in two areas - a green wedge from Lacton Green through to Breeches Woods and a further area by Breeches Wood and the through road containing equipped play and informal kickabout area. This is subject to confirmation of further detail as outlined below. Most of the dwellings have rear gardens backing onto conservation area and/or space for a 5m planting strip in this location.
48. This is a summary of the general changes however there are still some outstanding issues to be dealt with. The drainage strategy needs to be updated based on the tested infiltration rate. This is critical to show an acceptable drainage scheme and how it impacts on the public open space area where SUDS features area shown.
49. The public open space area needs to show 1.15 hectares of useable open space. Only two areas are acceptable in principle as POS – the green wedge from Lacton Green to Breeches Wood and the area that would contain play / kick around areas by Breeches Wood. Other peripheral areas shown as open space are not accepted for this purpose). This gives a potential public open space area of around 1.3 hectares whereas 1.15 hectares is required. However this must be usable as POS and this cannot be confirmed until the drainage strategy is provided showing how SUDS features shown within the POS area will work. Deeper SUDS in the POS would not be counted as part of the usable POS. In addition the play/ kickabout area is on a gradient. This is required to be flat and levels are needed to show how this works. The badger sett exclusion zone in this area can double up as public open space but will need any access road, dwelling and its curtilage area moved from outside this area.
50. The parking plan is required to show that the scheme is compliant with the council's parking standard in particular the on street parking provision that will be subject to a CPD. At present it appears there may be a shortfall which will need to be addressed in an acceptable way.
51. Refuse tracking is required to show that a vehicle can access properties with the collection point outside the dwellings to avoid communal collection points. The original 207 dwelling full application scheme showed communal refuse areas within the POS which is unacceptable.
52. A number of changes to the design of the typologies (including integral car port design) have been requested. Further details of some typologies are required to show that certain tight relationships work. For the outline

application the matters of scale, layout and appearance are not being determined but are reserved matters. Some design changes to the main access road have been requested.

53. In view of these outstanding and important details the applicant agreed to a condition restricting the number of dwellings to an up figure - 192 dwellings to allow these issues to be acceptably dealt with. Overall the general framework of the 192 masterplan is much improved from original 207 dwelling masterplan.

(iv) The access arrangement and impact on the surrounding highway network

54. Details of access are proposed to be determined at this stage. The proposed signalised junction to A20 is located in the indicative position shown on the U14 proposals map and constrained by land ownership as it does not include any of the Highmead house site. It would be constructed through a steep embankment up to 3m high and result in the loss of trees and vegetation which is an unavoidable consequence of the development. The Transport Assessment accompanying the proposals has looked at scenarios of both M20 Junction 10a either being (or not being) in place. In both scenarios the capacity analysis presented shows that the proposed primary site access junction can operate within capacity without detrimental impact on the operation of the Tesco roundabout, which is considered to be the key constraint on the local highway network.
55. The TA is based on the assumption that 40% of existing hospital traffic approaching from the M20 Junction 10 would transfer to the secondary access. At present the hospital are not upgrading the access point which is outside the applicant's control. The junction at Hinxhill Road has therefore has been designed to not prejudice the Hospital bringing forward an appropriate secondary junction arrangement in the future. The proposals would include the closing off of Hinxhill Road beyond the access towards Willesborough Lees in order to prevent traffic going through Willesborough Lees, which is a requirement of the U14 policy.
56. The relationship with the Highmead site is important as the U14 policy only allows one access junction to A20. The Highmead proposals therefore included an internal east/west link with this site in order to be able to gain access to the signalised junction once constructed. The applicant was party to the negotiations to ensure that the details of this link would work for both schemes. It is imperative that this link is shown. The applicant has therefore provided an amended plan showing the updated access details. Kent Highways have therefore no objection subject to planning conditions and obligations

57. The scenario of the Highmead House site being developed first served by its own priority junction is dealt with under the Highmead site application. This will require the priority junction to be stopped up and reinstated once the signal controlled approved under this application is in place.
58. Parking provision would need to be in accordance with the Council's Residential Parking SPD ('suburban standard') that would be the subject of a condition requiring submission at reserved matters stage. The site would also be the subject of a controlled parking zone (extension of the existing scheme in place at Willesborough Lees) in view of the proximity to William Harvey hospital. This would be secured through the section 106 agreement/unilateral undertaking.

(v) The design of the scheme, the impact on the visual character of the surrounding

59. The Council also recognises the social and economic benefits of providing housing in terms of meeting need and generating investment and jobs and in particular the provision of specific tenures of affordable housing in meeting identified housing needs. Future residents would buy goods and services in the local economy providing economic benefits to the locality. The development would result in the loss of countryside adjoining the build-up area of Ashford. The site is allocated for housing in the adopted development plan and this harm needs to be balanced against the need for more market and affordable housing in the area. A suitably designed scheme would provide benefits of additional public open space, play area, ecological mitigation and SUDS features, amongst other things.
60. The proposal is for an 'up to' number so the final figure, whether 192 or less, would be determined at the reserved matters stage including details of scale, layout, appearance and landscaping. Amongst other things, I would wish to ensure that the detailed scheme achieves:
 - The final quantum and design of public open space to ensure that it is useable for its intended purpose
 - The design and capacity of SUDS features and how these impact on public open space quantum and its usability.
 - Active street frontages to add interest to public realm
 - The setting of listed buildings and views from the Conservation Area are not compromised – the compatibility of some detailed design points with the character of the area needs to be resolved at detailed application stage.
 - Ecology mitigation matters, principally the badgers sett.

- Buffer planting quantum and details; retention of existing vegetation.
 - Waste collection arrangements.
 - Footpath links.
61. These matters can be dealt with at reserved matters stage and through suitable planning conditions. The scale of development is not being decided as part of the outline application but the applicant's details with the outline application make reference to 2-storey development only and I have commented to the applicant that I consider that 3-storey development would be inappropriate. It is an edge of settlement location surrounding by two storey existing development and this should be the scale context followed through at detailed application stage.

(vi) other planning matters

Ecological matters

62. There are no designations on the site. The phase 1 survey confirms that the site is dominated by habitats of low to moderate ecological value. Mitigation measures can be secured by suitable planning conditions. The confidential badger survey has been assessed by KCC ecological officers who have no objection subject to a planning condition requiring the badger exclusion zone. I have no objection subject to conditions to provide these mitigation measures.

Flooding and SUDS

63. The majority of the site is within flood zone 1 and all build development is purposed within flood zone 1 where there is a low risk of flooding. The use of permeable paving, swales and on-site attenuation storage is proposed to reduce the risk of flooding by managing surface water run-off near its source and reducing the peak run-off rate and volume.

Since the submission of the outline application there has been further progress on drainage matters under the detailed scheme with infiltration tests undertaken. The drainage strategy plan will need to be updated to reflect these rates that were different to those originally submitted and show how attenuation measures such as swales are provided on site and have an acceptable relationship with the public open spaces area in which they are sited. For the full application still being considered by the Council these details are still awaited and are critical not only to provide the required attenuation on the site but also to show the relationship between the attenuation measures i.e. SUDS located in proposed public open area are useable as public open space for this application these matters can be conditioned and dealt with

under the reserved matters application to comply with NPPF policy requirements and the Council's sustainable drainage DPD.

Contamination

64. A desk study site appraisal has been undertaken for the site. It is considered that land contamination issues are highly unlikely to form a material planning constraint. As such it would be typical for the requirement for Phase 2 intrusive investigation to be secured by planning condition. The Environmental Health Officer has raised no objection subject to condition to deal with any contamination issues that may be found on site. I agree with this approach.

Noise

65. A Noise survey was undertaken that recommend mitigation measure for dwelling affected by noise by A20 such as double glazing. The environmental health manager has no objection subject to a planning condition to secure appropriate mitigation and, again, I agree with this approach.

(vi) Viability and affordable housing

66. The Council's statement of case when the application was identified as being likely to be the subject of an Inquiry confirmed there that were two remaining substantive issues. Firstly, in the absence of an executed s106 obligation, the scheme did not currently secure the necessary mitigation in terms of community impacts (details of the contributions required are attached) and it thus was contrary to adopted Development Plan policies. CS1, CS2, CS8, CS12, CS15 and, CS18 of the Local Development Framework Core Strategy 2008, policies UO, U14 and U24 of the Urban Sites and Infrastructure DPD 2012, policies HOU1, COM1 S17 and IMP1 of Consultation Draft Ashford Local Plan to 2030 and the National Planning Policy Framework. The application is now to be considered by the Planning Inspectorate at a Hearing. Prior to the Hearing, I will provide a CIL compliance statement justifying all the contributions being sought. I consider that this issue could be covered by the execution of a satisfactory s106 unilateral undertaking prior to the Hearing. As far as the Council is aware the appellant is willing to make contributions in respect of all of the matters raised. The NHS contributions which had not been requested as part of the full application I do not consider complies with the regulation 122 test.
67. Secondly, the appellant's viability appraisal originally sought to justify a reduction from the policy requirement for 30% affordable housing, down to only 10% affordable housing. The Council's viability expert considered that the reduction sought by the appellant had not been adequately justified by an acceptable viability appraisal. The particular issues in relation to the appellant's appraisal relate to the assessed benchmark land value relied on

by the appellant, and the abnormal development costs being cited. The Council's SHMA identifies an acute need for at least 40% of all houses to be built to be affordable homes.

68. There is acute need for Affordable Housing in the Borough which is reflected through policy CS12 of the adopted Core Strategy and the emerging policy HOU1 of the Draft Ashford Local Plan. These policies are consistent with Paragraph 50 of the NPPF. Therefore there is a firm policy base to request Affordable Housing, but I recognise (consistent with Development Plan policies and the provisions of the NPPF) that any genuine viability issues will need to be considered and reductions may have to be accepted where appropriate.
69. Following further negotiations and receipt of additional information the appellant has agreed to 20% affordable housing provision. The Council's viability consultant has agreed that this figure is now justified. Although below the required policy level of 30%, the NPPF makes provision for market conditions to be taken into consideration. The lesser provision of affordable housing needs to be balanced against the delivery of further market housing on what is an allocated site. I consider that 20% affordable housing is acceptable on this basis and is in accordance with the requirements of the NPPF when balancing the merits of development against policy compliance difficulties as a result of development viability. The split would be 60% shared ownership and 40% affordable rented.

Planning Obligations

70. 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
71. I recommend the planning obligations in Table 1 be required should the Committee resolve that they would have granted outline planning permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. The obligations comply with the CIL regulations on pooling and the applicant is willing to pay for these. 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>Adult Social Care</p> <p>Contribution towards the Age UK community resource day centre for the disabled at Farrow Court, Ashford</p>	£47.06 per dwelling	Upon occupation of 75% of the dwellings	<p>Necessary as additional social care facilities required to meet the demand that would be generated pursuant to Core Strategy policy CS18, Urban Sites and Infrastructure DPD policy U24, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use adult social care and the facilities to be provided would be available to them</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings</p>
2.	Provide not less than 20% of the units as affordable	For a 20% on 192 unit scheme(= 39	Affordable units to be constructed and	Necessary as would provide housing for those who are not able

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	housing, comprising 60% shared ownership and 40% affordable rented units. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units 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	units rounded up) we would expect there to be 60% shared ownership and 40% affordable rented units, property types should be as follows 25 -30% 1 bed , 35-40% 2 bed , 25-30% 3 bed 5-10% 4 bed	transferred to a registered provider upon occupation of 75% of the open market dwellings	to rent or buy on the open market pursuant to Core Strategy policy CS12, the Affordable Housing SPD and guidance in the NPPF. Directly related as the affordable housing would be provided on-site in conjunction with open market housing. Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided
3.	Allotments Up to £30,000.00 towards infrastructure improvements at Gas House Field Allotments and up to £19,536.00 towards infrastructure improvements at Henwood Allotments (based on 192 dwellings) for infrastructure	£258 per dwelling for capital costs £66 per dwelling for future maintenance	Upon occupation of 75% of the dwellings	Necessary as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Public Green Spaces and Water Environment SPD and

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	improvements at both sites including improving fencing and gates improving water and electricity supplies to each site and the provision of outdoor furniture at both sites. Up to £12,672.00 (based on 192 dwellings) for maintenance of improvements at either site.			<p>guidance in the NPPF.</p> <p>Directly related as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
4.	<p>Cemeteries</p> <p>Contribution of up to £54,528.00 (based on 192 dwellings) to support the development of a new cemetery within the borough. With a commuted sum of up to £33,792.00 (based on 192</p>	<p>£284 per dwelling for capital cost</p> <p>£176 per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings	Necessary as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Public Green Spaces

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	dwelling(s))			<p>and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use cemeteries and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years</p>
5.	<p>Community Learning</p> <p>Contribution towards additional equipment, namely IT dongles, mobile projector and tablets at Ashford Adult Education Centre, Ashford Gateway, Ashford</p>	£34.45 per dwelling	Upon occupation of 75% of the dwellings	Necessary as additional community learning resources required to meet the demand that would be generated and pursuant to Core Strategy policy CS18, Urban Sites and Infrastructure DPD policy U24), KCC Guide to Development Contributions and

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>the Provision of Community Infrastructure and guidance in the NPPF</p> <p>Directly related as occupiers will use community learning facilities and the resources to be funded will be available to them</p> <p>Fairly and reasonably related scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings</p>
6.	<p>Controlled parking zone</p> <p>Contribution towards the making and implementation of a traffic regulation order for the site</p>	£20,000	On first occupation of the development	<p>Necessary pursuant to policy U14 of the Urban Sites and Infrastructure DPD in order to protect residential amenity and in the interests of highway safety as visitors to and staff at William Harvey Hospital would park on the site</p> <p>Directly related as William Harvey</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>Hospital is only a short distance away</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development</p>
7.	<p>Libraries</p> <p>contribution towards the reconfiguration of part of the Ashford Gateway to increase Library capacity</p>	£208.93 per dwelling	Upon occupation of 75% of the dwellings	<p>Necessary as as no spare library space available to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use library facilities and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				extent of the development and because amount calculated based on the number of dwellings
8.	Outdoor Sports Pitches Contribution towards a new outdoors activity zone and associated outdoor furniture at the Julie Rose Stadium Ashford and maintenance thereof	£1,589 per dwelling for capital costs £326 per dwelling for future maintenance	Upon occupation of 75% of the dwellings	<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, Urban Sites and Infrastructure DPD policy U24 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 scale and kind considering the extent Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be maintained</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 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 scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be</p>
9.	Primary Schools Contribution towards the provision/construction of the new primary school at North Willesborough/Kennington Ashford	£ 1,134 per flat £ 4,535 per house £0 for any 1-bed dwelling with less than 56 m2 gross	Upon occupation of 75% of the dwellings	Necessary as no spare capacity at any primary school in the vicinity and pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 saved Local Plan policy CF21, Developer Contributions/Planning Obligations

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>SPG, Education Contributions Arising from Affordable Housing SPG, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF</p> <p>.</p> <p>Directly related as children of occupiers will attend primary school and the facilities to be funded would be available to them</p> <p>.</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</p>
10.	Secondary Schools Contribution towards the Phase 1 Norton Knatchbull School expansion	<p>£589.95 per flat</p> <p>£2,359.80 per house</p>	Upon occupation of 75% of the dwellings	Necessary as no spare capacity at any secondary school in the vicinity and pursuant to Core Strategy policies CS1, CS2 and

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
		£0 for any 1-bed dwelling with less than 56 m2 gross internal area		<p>CS18, Urban Sites and Infrastructure DPD policy U24 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> <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</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				and because no payment is due on small 1-bed dwellings
11.	Junction 10A Contribution towards construction of junction 10A of the M20 To be paid through an agreement with Highways England under section 278 of the Highways Act 1980 Based on a total of 207 units, a contribution of 2.07 development units is required £3487.12 per dwelling	£669, 527.04 (for 192 dwellings) £721,833.84 (for 207 dwellings)	Section 278 agreement to be completed before the grant of planning permission. Payment of the contribution as per the section 278 agreement	Necessary in order to meet the demand generated by the development and in the interests of highway safety pursuant to Core Strategy policies CS1, CS2, CS15 and CS18, Urban Sites and Infrastructure DPD policy U24, and guidance in the NPPF Directly related as occupiers will travel and the new junction will be available to them. Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has been calculated based on the estimated number of relevant trips.
12.	Strategic Parks Contribution towards capital works for outdoor storage solutions for sporting	£146 per dwelling for capital costs. £47 per dwelling for	Upon occupation of 75% of the dwellings	Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	equipment, toilet and wash-down facilities and provision of outdoor furniture such as improved fencing and gates at Conningbrook Lakes Country to enable more use of Conningbrook Lakes.	future maintenance		<p>to meet that demand pursuant to Core Strategy policies CS1, CS2, CS18 and CS18a, Urban Sites and Infrastructure DPD policy U24 , Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
13.	<p>Youth Services</p> <p>Contribution towards conversion works of a garage</p>	£27.91 per dwelling	Upon occupation of 75% of the dwellings	Necessary for youth service space available to meet the demand that would be generated and pursuant to Core Strategy policy CS18,

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	at Ashford North Youth Centre and additional equipment at that location to accommodate additional attendees and increase capacity of facility.			<p>Urban Sites and Infrastructure DPD policy U24, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use youth service facilities and the facilities to be funded will be available to them</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users 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>
14.	Monitoring Fee Contribution towards the	£1000 per annum until development is	First payment upon commencement of	Necessary in order to ensure the planning obligations are complied

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	Council's costs of monitoring compliance with the agreement or undertaking	completed	development and on the anniversary thereof in subsequent years	<p>with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>
15.	Children's and Young People's Play Space	<p>On basis of 192 dwellings, a minimum of</p> <p>(a) 0.22 hectares including an open area suitable for a 5 aside pitch to be provided on site. (15m x 25m min)</p>	Scheme to be approved by the Council prior to commencement	Necessary as additional equipped open space and play facilities required to meet the demand that would be generated pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Ashford Town Centre AAP policy TC27 (if applicable), Public Green Spaces and Water Environment SPD and guidance in

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	<p>Equipped Public Open Space and Play Facilities</p> <p>Size of space:</p> <p>(a) children's playing space: 0.6 – 0.8 ha per 1,000 population, and</p> <p>(b) outdoor playing space for youth and adult use: 1.6 – 1.8 ha per 1,000 Population</p> <p>Play facilities to be provided:</p> <p>(i) Sites of 100 – 199 dwellings to provide a 'neighbourhood play area';</p>	<p>(b) 0.93 hectares</p> <p>On basis of 192 dwellings, a minimum 1.15 ha of space to be provided on site to meet (a) and (b) .</p> <p>On basis of up to 192 dwellings, provide 'neighbourhood play area' on site minimum of 35 x22m.</p>	<p>Scheme to be approved by the Council prior to commencement</p> <p>Scheme to be approved by the Council prior to commencement</p> <p>Scheme to be approved by the Council prior to commencement</p>	<p>the NPPF.</p> <p>. Directly related as occupiers will use equipped public open space and play facilities and the open space and facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	<p>Equipped open play space and facilities and children and young persons play space to be used as such and nothing else once provided.</p> <p>Scheme for ongoing management of equipped open play space and facilities and children and young persons play space to include details of management entity. Scheme to include details of constitutional documents of management entity which must ensure owners of dwellings are members of the entity, that they can fully participate in strategic decisions regarding the maintenance of the equipped open play space and facilities and children and young persons play space and that the entity is accountable to</p>	As per saved Local Plan policy LE5	<p>Approved scheme for provision of Children's and Young People's Play Space and Equipped Public Open Space and Play Facilities to be fully implemented prior to the first occupation of 50% of the Dwellings. Ongoing planning obligation from provision of facilities.</p> <p>Ongoing obligation</p>	

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	the owners for the management thereof. Scheme must also include details of ongoing funding/endowment of management entity to ensure it is financially sustainable and details of any mechanism for securing such ongoing endowment		<p>Scheme to be submitted to and approved by Council prior to the Commencement of the development. Management entity to be created using constitutional documentation approved by the Council prior to the occupation of the first dwelling.</p> <p>Land on which equipped open play space and facilities and children and young persons play space located to transferred to</p>	

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
			management entity by the occupation of 50% of the Dwellings.	

Human Rights Issues

72. 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

73. 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

74. I consider the reduced level of affordable housing at 20% is now justified and is no longer a ground for the Council to object to the scheme. In addition the agreement with the applicant to limit the number of dwellings to up to 192 (which is a result of the negotiations on the full planning application that provided some of the detail originally requested for this outline scheme) is such that I do not consider there are grounds to object to the grant of outline planning permission at appeal.
75. The applicant at present has not formally progressed the submission of amended plans for the full application and has chosen to appeal the outline.
76. The removal of my objections to the grant of outline planning permission is dependent on the completion of a section 106 agreement /unilateral undertaking and also matters being addressed through planning conditions. The unilateral agreement is in the process of being submitted by the applicant before the Hearing based on the matters set out in Table 1 above.
77. It will be important to secure appropriate conditions to secure an acceptable reserved matters scheme dealing with issues such as highways access/parking, public open space provision, drainage (SUDS), ecology, noise and landscaping. I have listed these below and the intention is to have an agreed set of planning conditions with the applicant (in addition to the Statement of Common Ground) with the Planning Inspectorate in advance of the scheduled Hearing.

Recommendation

- (A) Subject to the applicant entering into a Section 106 agreement/undertaking in respect of planning obligations as detailed in Table 1, in terms agreeable to the Head of Development Strategic Sites and Design in consultation with the Director of law and Governance, with delegated authority to the Head of Development, Strategic Sites and Design to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional planning conditions or deleting conditions), as she sees fit, .
- (B) Raise no objection to the granting of outline planning permission on appeal subject to the following planning conditions and notes

Time conditions

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

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

2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

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

Materials & Visual amenity

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

Reason: In the interests of visual amenity.

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

Reason: In the interests of the visual amenity of the surrounding area

5. Details of final levels for the development including slab levels of the building shall be submitted to and approved by the Local Planning Authority prior to the commencement of works and the development shall be carried out in accordance with the approved levels.

Reason: In the interests of the visual amenity of the surrounding area

Highways

6. No development shall take place until a Construction Management Plan has been submitted to and approved by the Local Planning Authority in writing. This plan should include:

- (a) Routing of construction and delivery vehicles to / from the site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel, with the replacement of staff parking for the duration of construction;
- (c) Timing of deliveries;
- (d) Provision of wheel washing facilities;
- (e) Details of site access point(s) for construction;
- (f) Temporary traffic management/signage.

The development should be carried out in accordance with the Construction Management Plan.

Reason: In the interests of highway safety and the amenities of neighbouring residents.

7. No development shall take place until details of measures to prevent the discharge of surface water onto the highway have been submitted to and approved in writing by the Local Planning Authority.

Reason: So the Local Planning Authority can be satisfied as to the details of the proposal

8. The details submitted in pursuance of Condition 1 shall show adequate land, reserved for parking or garaging to meet the needs of the development and in accordance with the Council's adopted Residential Parking and Design guidance SPD or any adopted guidance or policy which may have superseded it. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and reenacting that Order), shall be carried out on the land so shown as to preclude vehicular access to this reserved parking area

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to parking inconvenience to other road users, be detrimental to amenity and in order to compensate for the loss of existing on-road parking.

9. 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.

10. The following works between that dwelling and the adopted highway shall be completed as follows in accordance with the details approved prior to first occupation of the dwelling:

(a) Footways and/or footpaths, 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 structures (if any).

Reason: In the interests of highway safety.

The occupation of the development authorised by this permission shall not begin until:

(a) The Local Planning Authority in consultation with the local highway authority has approved in writing a full scheme of works for the closure of Hinxhill Road to vehicular traffic that will be provided immediately upon the opening of the link road running through the development site.

(b) the approved works have been completed in accordance with the Local Planning Authority's written approval and have been certified in writing as complete on behalf of the Local Planning Authority;

unless alternative arrangements to secure the specified works have been approved in writing by the Local Planning Authority.

Reason: In the interests of Highways Safety and in accordance with policy U14 of adopted urban sites and infrastructure DPD

11. The traffic signalled junction on the A20 (Hythe Road) shall be provided in accordance with plan number L571/204 Revision F prior to the occupation of development on site.

Reason: In the interests of highway safety.

12. The access connection on the eastern boundary to the Highmead site shall be provided in accordance with drawings number L571/211 A and 30583/AC/045D prior to the occupation of development on site.

Reason: In the interests of highway safety and to provide a connection to the Highmead site in accordance with policy U14 of the adopted Urban sites and Infrastructure DPD .

13. The Relocation of the bus stop on Hythe Road as shown in plan number L571/209 shall be carried out prior to the occupation of development on site.

Reason: In the interests of highway safety

Details of the proposed development phasing and corresponding access layouts (including allowance for any construction vehicles) should be submitted to and agreed with the Local Planning Authority prior to commencement of any development on site.

Reason: In the interests of highway safety.

14. The occupation of the development authorised by this permission shall not begin until:

a The local planning authority has approved in writing a full scheme of works for the Re-location of the existing 40mph speed limit on Hythe Road in an eastern direction approximately 100 metres upstream from the westbound stop

and

b. the approved works have been completed in accordance with the Local Planning Authority's written approval and have been certified in writing as

complete on behalf of the Local Planning Authority; unless alternative arrangements to secure the specified works have been approved in writing by the Local Planning Authority.

Reason: In the interests of Highways Safety.

15. Prior to the commencement of development on site a detailed travel plan shall be submitted to the Local Planning Authority. The travel plan shall include details of modal share targets, measures to ensure the modal share targets are met and also sanctions if the travel plan does not meet the modal share targets.

Reason: in order to realise a sustainable pattern of development.

Environmental protection

ABC Environmental Health Manager

16. Prior to the commencement of development, a scheme for protecting the dwellings/development hereby approved from noise from (A20) shall be submitted to and approved in the Local Planning Authority. The approved protection measures shall thereafter be completed before the approved dwellings/development are occupied, and thereafter shall be retained as effective protection.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise.

17. No development shall be commenced until:

(a) site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a suitably qualified or otherwise competent person, and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority.

Prior to the first occupation of the development hereby permitted or, where the approved scheme provides for remediation and development to be phased, the occupation of the relevant phase of the development:

(c) the approved remediation scheme shall be fully implemented (either in relation to the development as a whole or the relevant phase, as appropriate), and

(d) a Certificate shall be provided to the Local Planning Authority by a suitably qualified or otherwise competent person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: To prevent pollution of the water environment and to avoid risk to the public, buildings and the environment when the site is developed.

Ecology

18. Details of the measures to enhance biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works and shall be implemented prior to occupation of the development and thereafter maintained.

Reason: In order to enhance biodiversity of the site in accordance with the NPFF and Core Strategy Policy CS11.

19. Prior to the commencement of development, including site clearance, a detailed badger mitigation methodology will be submitted to the Local Planning Authority for approval. This is to include the results of a recent survey, the location of any work exclusion zones around setts / commuting routes and details of the associated landscaping. All works to proceed in accordance with the approved scheme of mitigation.”

Reason: In the interest of protecting badgers in line with the protection of badgers act 1992

20. No development shall take place (including any demolition, ground works, site clearance) until a method statement for mitigating protected species impacts has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the following:

- Purpose and objectives for the proposed works;
- Detailed designs and/or working methods necessary to achieve stated objectives, informed by updated ecology surveys where necessary;
- Extent and location of proposed works shown on appropriate scale maps and plans;
- Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;

- Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to oversee works.

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

Reason: In the interest of protecting matters of ecological importance

21. No development shall take place until an Ecological Design Strategy (EDS) addressing ecological enhancement of the site has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) Persons responsible for implementing the works.
 - h) Details of initial aftercare and long term maintenance.
 - i) Details for monitoring and remedial measures.

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

Reason: In the interest of protecting matters of ecological importance

Archaeology (KCC)

22. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

Environment Agency

23. A byelaw margin of at least 8m from the banks of the Aylesford Stream (Old Mill Stream), a designated main river, should be maintained to allow access.

Reason: To ensure access to Main River watercourses to carry out inspections and maintenance works.

Landscaping

24. 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.

25. The details of soft landscape works required in condition [24] 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.

26. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority; and any trees or plants whether new or retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

27. 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 or any phase of the development, whichever is the sooner, for its permitted use. 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.

Broadband

28. Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community. This shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction

Reason: in the interests of providing good broadband connections

crime

29. The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The

approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of Security, Crime Prevention and Community Safety in accord with Policies of Ashford Borough Council Core Strategy Plan 2008

Monitoring

30. The development 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 site (e.g. as a result of departure from the plans hereby approved and/or the terms of this permission).

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

Development restrictions

31. The details to be submitted pursuant to Condition 1 shall provide for no more than a maximum of 192 dwellings within the application site

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

32. 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

33. The development 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 site (e.g. as a result of departure from the plans hereby approved and/or the terms of this permission).

Reason: In the interests of ensuring the proper planning of the locality and the protection of amenity and the environment, securing high-quality

development through adherence to the terms of planning approvals, and ensuring community confidence in the planning system

Refuse

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

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

Sustainable design and construction

35. The development shall be carbon neutral. Each dwelling hereby approved shall be constructed and fitted out so that:
- a) 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;
 - b) carbon emissions are reduced by 15% through Low and Zero Carbon Technologies once energy efficiencies have been applied.

Unless otherwise agreed in writing by the Local Planning Authority, no work on each dwelling shall commence until the following details for those dwellings have been submitted to and approved in writing by the Local Planning Authority:

- a) 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.
- b) Details of the LZC technologies to be used to achieve the 15% 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. No dwelling shall be occupied unless the notice for that dwelling required by the Building Regulations 2010 (as amended) of the potential consumption of wholesome water per person per day has been given to the Local Planning Authority.

Reason: In order to (i) ensure the construction of sustainable buildings and a reduction in the consumption of natural resources, (ii) seek to achieve 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 all pursuant to Core Strategy policy CS10, the Sustainable Design and Construction SPD and advice in the NPPF

Drainage

36. No development shall commence until plans and particulars of a sustainable drainage system for the disposal of the site's surface water by the Local Planning Authority

The final drainage plan and strategy for the scheme will be approved by Ashford Borough Council to ensure that surface water runoff from the site is being dealt with appropriately. The final surface water design should be in accordance with Ashford Borough Council's Sustainable Drainage SPD providing a site runoff rate of no greater than 4l/s/ha.

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.

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.

Evidence should be provided demonstrating that the surface water system is capable of accommodation rainfall up to the critical climate change adjusted 1:100 scenario (40% CC allowance). All water is to be retained on site at the given discharge rate of 4l/s/ha without any on-site property flooding and without exacerbating off site flood risk.

Surface water runoff generated by the site should be dealt with within the application boundary via suitable methods approved by Ashford Borough Council, this includes any new outfall structures. Suitable access should be provided to any new structures to allow for any ongoing maintenance of the structure to be completed in a safe manner.

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).

Where infiltration methods are to be proposed, test results should be provided and undertaken in accordance with requirements from BRE Digest 365, with test locations identified.

No drainage systems for the infiltration of surface water drainage into the ground should occur without the express written consent of Ashford Borough Council.

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.

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.

Southern Water

37. Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: In the interests of providing proper foul disposal

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 of the request for submission of further reserved matters details 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 applicant choose did not provide these details and appealed against non-determination
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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 16/01512/AS.

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Annex 1

