

Application Number	16/01090/AS
Location	Land West of Shrubcote and South West of, Appledore Road, Tenterden Kent
Grid Reference	89099/33526
Parish Council	Tenterden Town Council
Ward	Tenterden South
Application Description	Erection of four detached dwellings, with associated landscaping, provision of new accesses onto Shrubcote Road and Appledore Road with private parking, and provision of a sustainable drainage system, and other ancillary works.
Applicant	Mr R Jarvis
Agent	West Waddy ADP, The Malthouse, 60 East St Helen Street, Abingdon, OX14 5EB
Site Area	1.31 hectares

1st Consultation

(a) 24/42R & petition with 199 signatories R	(b) Town Council R	(c) KH&T X, KCCD X, EA -, EHM X, PO X, KCC (Bio) X, SW X, KWT R, KRAG R, WKPS R
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2nd Consultation

(a) 42/24R & a petition with 259 signatories R	(b) Town Council R	(c) KH&T X, KCCD X, EA -, EHM -, PO X, KCC (Bio) X, SW X, HE +, KWT -, KRAG -, WKPS X
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Introduction

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

Site and Surroundings

2. The application site is located in Tenterden South within the grounds of Hales Place. The site which extends to some 1.31 hectares, is located on the south side of the B2080 Appledore Road and runs along the western side of Shrubcote. The site is located within the Tenterden Conservation Area on its periphery.
3. The site consists of an area of amenity grassland with scattered deciduous and coniferous ornamental trees and some remnant apple trees from the previous use as an orchard. The trees are not the subject of a Tree Preservation Order, but they are protected by virtue of their location within the Conservation Area. There is an existing pond towards the south of the site adjacent to Shrubcote. There is a gentle but gradual incline across the site. The information submitted confirms that the land levels increase gradually by approximately 3 metres from the south of the site to the north.
4. To the west of the site area lies Hales Place, a collection of listed buildings and gardens. The main building is an early 16th century timber-framed and partially bricked Grade II* listed house. Other listed buildings within the group include the 16th century Grade II brick archway leading into the grounds, an early 16th century red brick well house, a Grade II aisled timber barn dating from 17th century and two early 16th century octagonal red brick turrets linked with a garden wall. Tenterden High Street and East Hill also nearby have a number of listed buildings fronting onto them.
5. The land uses surrounding the site are primarily residential. To the west and south of the site lie the gardens belonging to Hales Place, comprising mainly of grassland with scattered ornamental trees as well as a walled garden area and private tennis court.
6. A plan showing the application site in relation to its surroundings is found below and also attached as **Annex 1** to this report.

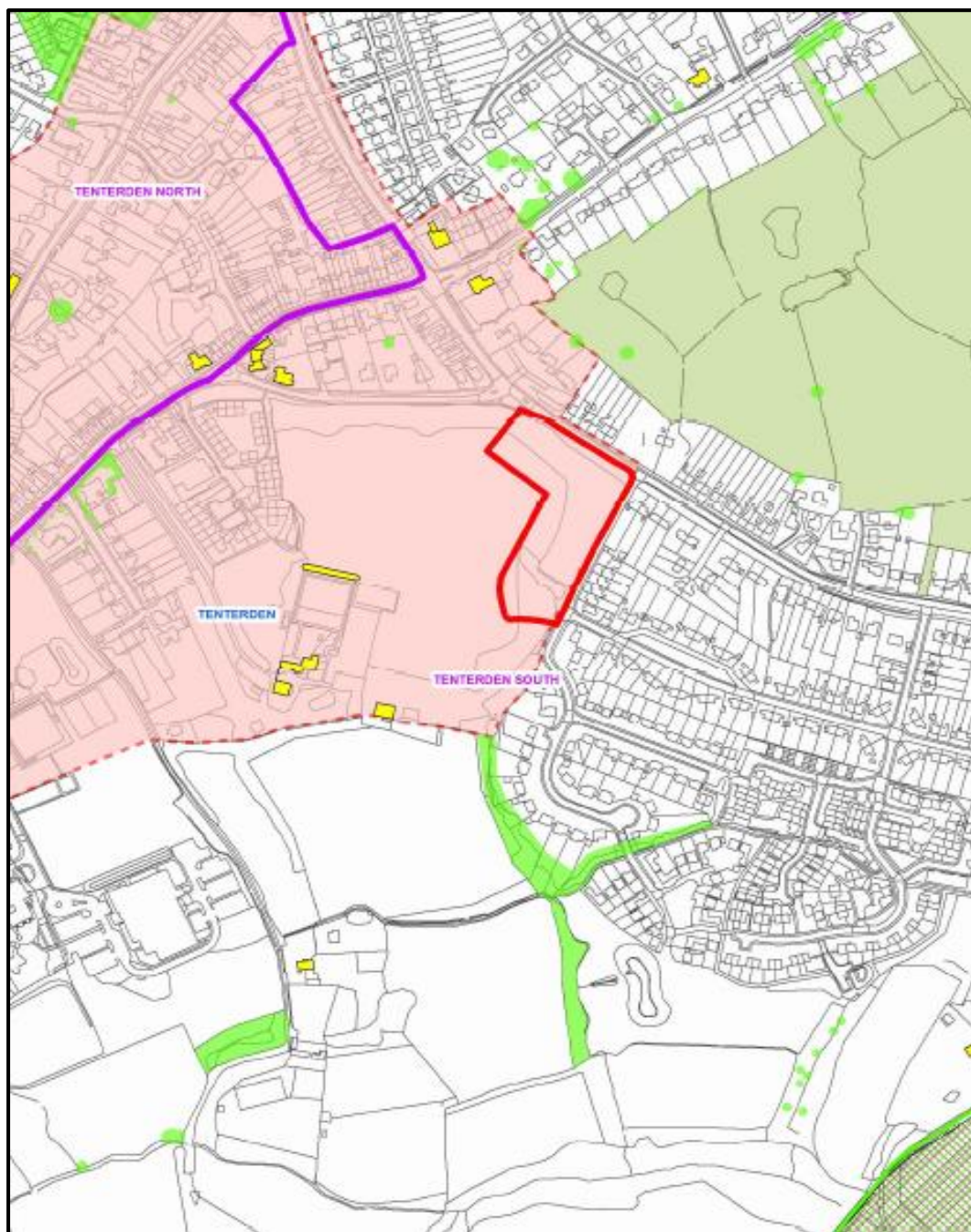


Figure 1 Site Location Plan

Proposal

The proposal is a full application. The application is for the erection of four detached dwellings. Each dwelling would have 5 bedrooms and a detached double garage. The dwellings would include dormer windows serving first floor accommodation and would also include dormer windows in the roof. The dormers within the roof do not serve any habitable accommodation at present.

7. Two vehicular access points are proposed. One onto Appledore Road serving plots 1 and 2 and one onto Shrubcote serving plots 3 and 4.
8. The submission includes a landscaping scheme which proposes the planting of replacement trees and a sustainable urban drainage system (SuDS) which involves the use of swales and a large pond. A gate to access the SuDS is proposed off of Shrubcote.
9. The application has been amended since its original submission, which proposed 6 detached dwellings each with their own individual access point. The dwelling numbers have been reduced from 6 to 4 and the number of access points from 6 to 2. This equates to a density of approximately 3 units per hectare.
10. The dwellings are of a traditional design with brick plinths. Each dwelling is an individual house type. The house types include a number of features common to the local vernacular such as bay windows, forward projecting gables, chimneys, and pitched roof dormer windows.
11. The palette of materials would include clay roof tiles, facing brick, tile hanging, timber windows and timber weatherboard.

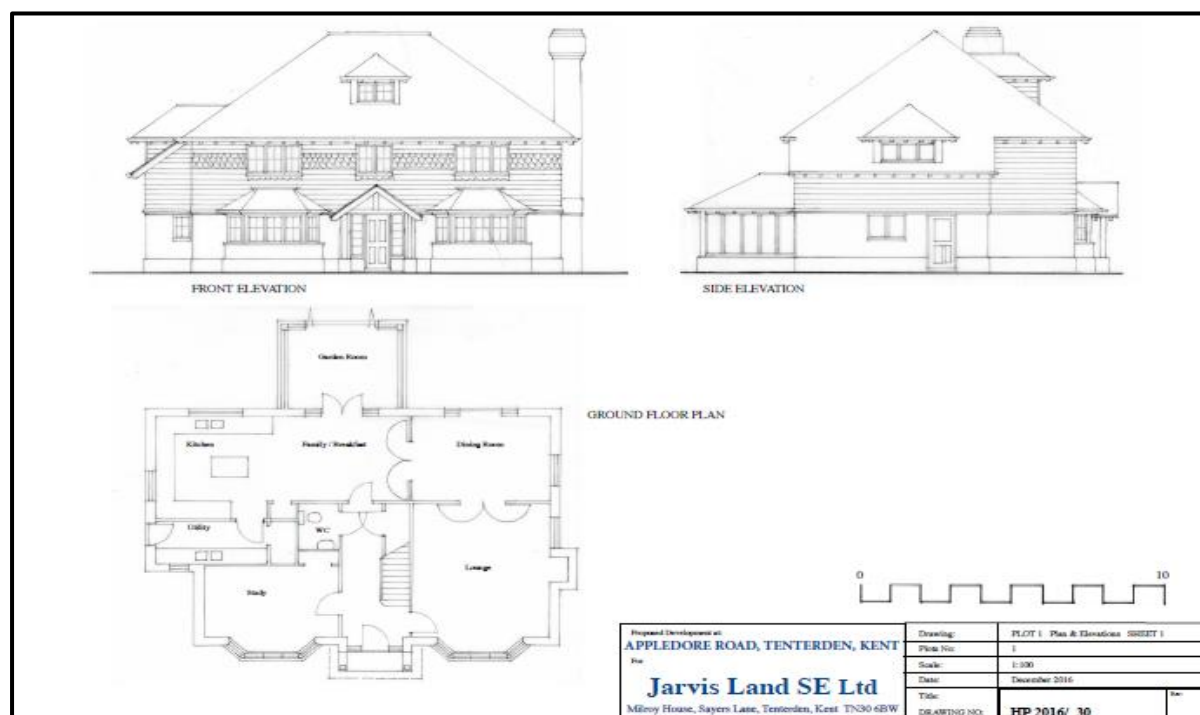


Figure 2 Plot 1



Figure 3 Plot 2



Figure 4 Plot 3

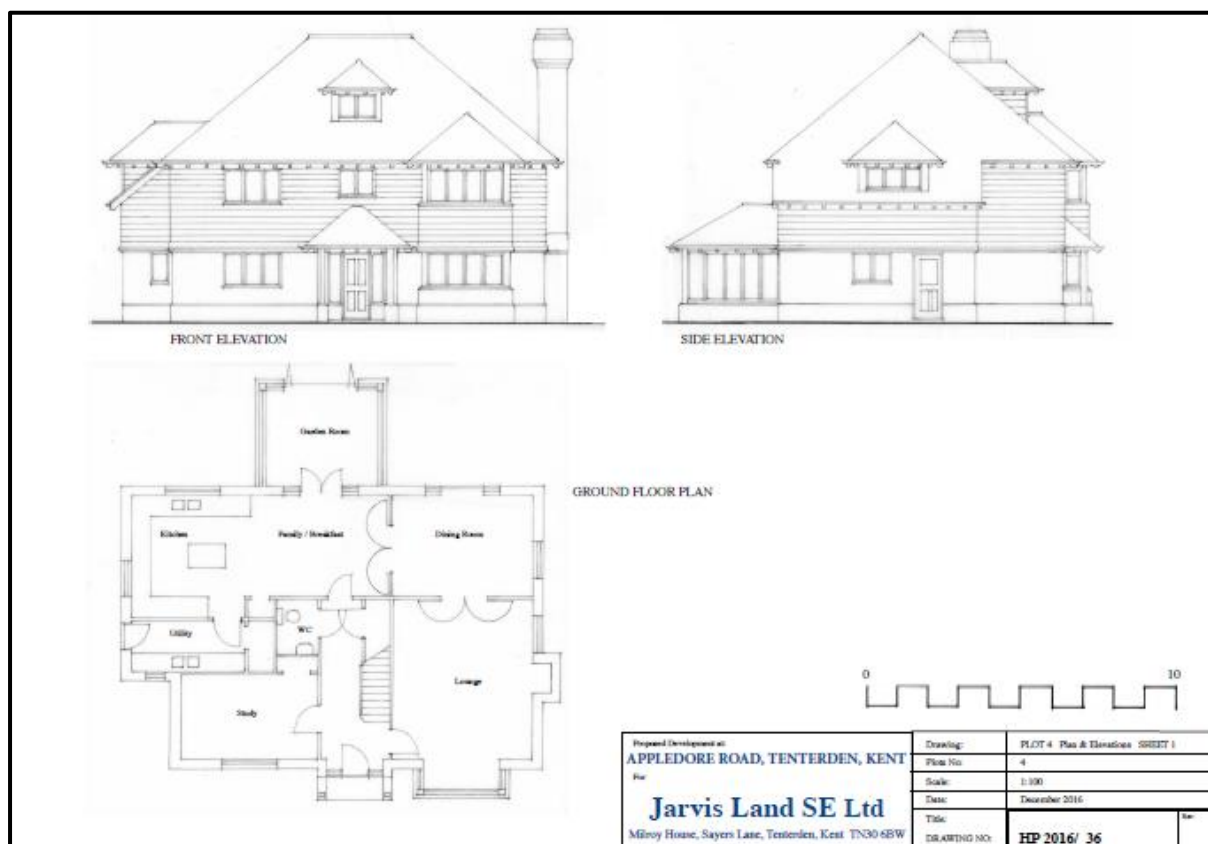


Figure 5 Plot 4



Figure 6 Proposed Layout



Figure 7 Proposed Site Layout

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

Design and Access Statement (DAS)

13. The DAS explains the concepts behind the development and how access issues have been addressed. The design response to the site is described including proposals for the approximate number and location of buildings; the scale and character of development and alterations to transport infrastructure.
14. The statement describes the detailed design and external appearance of buildings as well as the historic and vernacular context and the integration of the site with its landscape.
15. The DAS concludes that the proposal has been designed to reflect the existing architectural character of the area whilst providing a contemporary and high quality development. The DAS claims this is an opportunity to support high quality family housing, in a sustainable location for the future of Tenterden.

Planning Statement

16. This describes the site and sets out the policy context and in particular the requirements of the NPPF with regard to Local Planning Authorities (LPAs) maintaining a five year supply of deliverable housing sites. In the case of Ashford, the statement says this cannot be demonstrated. It refers to Tenterden sitting on the top of the settlement hierarchy as the Boroughs principle rural settlement. The statement concludes that:
- the development will enhance the character of the area; and will not adversely impact upon heritage or neighbours residential amenity;
 - ecological impacts are minimal and appropriate mitigation will result in net benefits;
 - a comprehensive landscaping scheme will enhance and compliment the proposed dwellings;
 - The proposals incorporate a sustainable urban drainage system in compliance with the adopted SPD.
 - The Transport Statement confirms that the proposed dwellings can be safely accessed from the highway network and parking provision is in accordance with the relevant standards.

Heritage Statement (HS)

17. The HS states that its principle objective is to undertake a detailed assessment of the potential impacts of the development on the Tenterden Conservation Area and the nearby Listed Buildings at Hales Place. This includes an analysis of those important aspects of setting which contribute to the significance of the Listed Buildings and to the character and appearance of the Conservation Area, and whether, how, and to what extent, this historic character and significance may be adversely affected by the proposed development.
18. In summary, the HS concludes that the proposal includes retention of trees, hedges and grass verges, which are a key characteristic within this part of Tenterden Conservation Area. As such, and by using the materials found within the local area and designing in sympathy with the existing buildings, the proposal represents sympathetic, high quality design that reflects the local character of this part of Tenterden.
19. In relation to the setting of the Listed Buildings of Hales Place, the HS states that we must revert to national planning policy within the NPPF. From carefully assessing the site, the HS states that it is clear that due to the size of this tree covered site, and due to the situation of the Listed Buildings grouped to the south western corner of this piece of land, the proposed new development is unlikely to cause harm to the significance of the designated heritage assets of Hales Place.

Tree Constraints Report

20. The report states:

The site is dominated by a belt of semi-mature amenity/screen planting and over-mature apple trees. There is also a selection of mature trees surrounding the pond.

- Although the tree belt is closely spaced and some species would not typically grow well together, with proactive management, including thinning, it would be expected to form a significant amenity in the future.
- If development is, otherwise accepted/favoured by the Council it is recommended that layouts consider the better quality trees around the pond and accommodate the retention of individual trees, especially the Category A specimens, from the trees belt, those in G3 and G6. These can be located within private/communal gardens, where space allows. Consideration can also be given to the relocation of some of the smaller

specimens to allow their retention but without unreasonable constraint to viable layouts.

- With the retention of appropriate individuals from the tree belt the negative impacts associated with tree removals can be reduced.

Landscape Appraisal

21. The report assesses the landscape and visual impact of the proposed development within the application site and its surroundings.
22. The report identifies that the majority of existing trees of good quality (A & B categories) will be retained.
23. The report concludes:
 - The site is well-screened from long-distance views by existing residential and commercial properties and existing mature trees and hedges, in particular from the surrounding AONB and the setting of the listed buildings at Hales Place.
 - Any development would be visible from roads in the immediate vicinity but the impact of this could be reduced by retaining / replacing the existing hedges and additional native tree planting.
 - The existing grid of ornamental tree planting that will be thinned is not in keeping with the local landscape character of groups of trees within fragmented woods. The development provides an opportunity to improve the visual amenity and wildlife habitat in the area with new planting, whilst staying in keeping with the local character of the area with hedged boundaries and denser tree planting to the rear.

Flood Risk Assessment

24. The report confirms that the application site is located within Flood Zone 1 and therefore is located in the lowest possible flood risk zone. The site specific assessment shows that the risks from surface water run-off, groundwater flooding and reservoir flooding are also low.
25. The surface water management strategy states that surface water run-off from the entire site will discharge through a swale into a large storage pond. Surface water run-off within the pond will be discharged to the adjacent watercourse via a Hydro-Brake device at an attenuated rate.

26. The report concludes that it demonstrates that the development will meet the requirements of the NPPF and furthermore, will meet both the requirements of the Council (with respect to SuDs policy and policy CS20) and the National Technical Standards for SuDs.

Transport Statement August 2016

27. The statement concludes:
- The development is within a sustainable, accessible location close to Tenterden High Street and local amenities and within an acceptable walking distance of several bus stops providing access to 5 bus services.
 - The development would lead to a maximum of 3 two-way movements in the weekday AM and PM Peak. This is the equivalent of 1 vehicle movement every 20 minutes would not have a material impact on the local highway network.
 - Visibility splays in accordance with Manual for Streets 2 can be achieved for the plot access on Shrubcote and in accordance with Design Manual for Roads and Bridges (DMRB) on Appledore Road.
 - On-plot parking will be provided in accordance with Ashford Borough Council Parking standards, with adequate manoeuvring space to allow for vehicles to access and egress in a forwards gear. Cycle parking within the curtilage of each dwelling will also be provided in accordance with Ashford Borough Council Parking standards.
 - Development site access proposals can be delivered effectively without compromising highway safety and with a negligible impact on the local highway network in relation to traffic generation.

Ecological Assessment

28. The report concludes:
- The majority of the site is formed of common and widespread habitat types, the native intact species rich hedge has intrinsic ecological value. The mature boundary trees, standing water, and native intact species rich hedgerow will be retained where possible within the development. The proposal will support these retained habitats through strategic native planting and ecological features to enhance the biodiversity value of the site.

- Further surveys have confirmed that no roosting bats, GCN, reptiles or dormice are present on site. Therefore, providing the precautionary measures detailed are undertaken there are no known legal or planning policy issues relating to bats, GCN, reptiles or dormice for this development and no requirement for a Natural England European Protected Species Mitigation licence.

29. The report recommends a number of biodiversity enhancements.

Relevant Planning History

None

Consultations

Ward Member: No written comments have been received from the Ward Member, Cllr Knowles.

1st Consultation – Six detached dwellings

Tenterden Town Council – Objects to this application on the following grounds; -

- The site is a historic estate, lying within the Tenterden Conservation Area, and as such should be protected,
- The proposal defies planning policies EN12 and TRS1 (relating to the retention of private open space),
- The design was unsuitable at the location, - Permission could result in further undesirable development across the estate,
- The ecological assessment in the application is not sufficient - the area is prone to severe flooding, and has a number of significant trees.

Kent Highways Services – Raised concerns with regards to the access. Sight lines serving the access onto Appledore Road should accord with Design Manual for Roads and Bridges (DMRB) not Manual for Streets 2. The accident data analysis is acceptable and the proposed traffic generation for the development is agreed.

KCC Flood and Water Management - The application falls outside the definition of major development, and also falls outside of KCC's remit as statutory consultee.

Environment Agency – No comments received.

Environmental Health – No objection

Project Office Drainage – No objection subject to conditions.

KCC Ecology – Initially requested further information relating to habitat for Great Crested Newts (GCN) and impacts on foraging/commuting bats.

KCC have commented following receipt of additional information, and have not raised any objection.

KCC state that the precautionary mitigation approach detailed within the report must be implemented. Enhancements are required and details must be provided detailing how the SuDS will be created and managed in the long term.

Southern Water – Indicate the following:

- No development or new tree planting should be located within 3.5 metres either side of the public trunk sewers (525mm and 300mm) or within 3 metres either side of the public foul and surface water sewers (300mm, 225mm, and 200mm).
- A formal application for a connection to the public foul sewer is required.
- SUDS facilities are not adoptable by sewage undertakers.
- Recommend a condition requiring details of the means of foul and surface water sewerage disposal.

Kent Wildlife Trust – Object. The site's contribution to the mosaic of habitats on the Hales Place estate will be compromised.

The development will significantly diminish the value of the estate as an important element of Tenterden's green infrastructure.

Development along the northern boundary will isolate the established housing suburbs to the north and east from the wider countryside to the south and west.

The proposal does not represent the sustainable development of Tenterden and is likely to harm local biodiversity.

Kent Reptile and Amphibian Group (KRAAG) - Appropriate desk based assessments have not been conducted for protected Species.

In the case of Great Crested Newts no follow up surveys were undertaken and an EPS mitigation licence is not recommended. Follow up surveys for the species should be undertaken.

The cited low risk of encountering great crested newts within the site boundary, when there is connecting habitat, is a mistake.

Weald of Kent Protection Society (WKPS) – object stating - This development will intrude on the green space around Hales Place and will detract from the value of this part of the Tenterden Town Conservation Area.

Accesses onto Appledore Road are unsafe given the proximity to two road junctions especially plot 4.

This ribbon development will urbanise the approaches to the Tenterden Town Conservation Area.

Neighbours: 24 neighbours were consulted. A site notice was posted and the application was advertised in the press. Letters were sent allowing an additional 14 days following receipt of further information relating to transport.

42 representations were received objecting to/commenting on the application.

A petition has also been received signed by 199 persons including 5 couples objecting to the proposal. These objections/comments are summarised below.

The petition objects on the basis that the development would create a precedent, represents a threat to trees, hedgerows and natural wildlife and will worsen traffic and parking problems.

The remaining objections include the following:

- Not an allocated site.
- The site should be pursued through the local plan process.
- Loss of an important green space.
- Bats present in the evening are prolific. JFA should recalibrate their analysis methodology so an accurate measurement is taken.
- 3 storeys is out of keeping with the existing neighbourhood.
- Highway and pedestrian safety.
- Cyclist safety.
- The Transport Statement is inadequate, inaccurate and the information within the Transport Statement relating to speed limit is false and misleading.

- Car parking.
- Increased traffic.
- Pollution/congestion from cars.
- Bus and emergency vehicle access.
- No mention within the application that the site is within a Conservation Area.
- Noise and disturbance caused by traffic.
- Precedent.
- Loss of Trees and hedgerow.
- Impacts on wildlife habitat including, newts, snakes, slow worms, hedgehogs, bats, owls, badgers, birds, flora and fauna etc.
- Loss of visual amenity.
- Disturbance during construction.
- The photos within the Design and Access Statement are misleading.
- The development fails to preserve or enhance the Conservation Area.
- Loss of privacy.
- TENT1 and the Tilden Gill site will provide sufficient housing for Tenterden.
- Drainage.
- Impact on services and facilities such as health services and schools.
- Impact on water supply.
- The houses are not affordable.
- Impact upon the setting of Hales Place.
- Increased urbanisation.
- The application should be considered by the Planning Committee.

- 2 houses have recently been approved in Shrubcote.

A number of comments have been made within the objections received including the following:

- Five year land supply is just one criteria to be taken into account.
- The grass verge is owned by Kent Highways and should remain within their ownership.
- Tree to remain should be covered by a TPO
- Retention of the hedge along the frontage should be enforced by condition.
- Traffic calming measures should be installed.
- Kent Highways should conduct a proper survey.
- Suggest the pond and immediate surrounding area is donated to the Town Council as a public open space so the neighbourhood can enjoy the beauty. If no donation is forthcoming, the council could serve a S106 condition.
- Contributions such as open space should be secured.
- An extension of time should be given for neighbours to comment on the applicants Transport Statement which was submitted close to the consultation expiry date.
- Housing design is of good quality and will compliment local housing stock.
- The plot size and positioning is good for the type of high end homes. This will maximise the chances to preserve flora and fauna.
- The site should be designated as a nature reserve.

2nd Consultation – Four detached dwellings

Tenterden Town Council – Copied their previous objection.

Kent Highway Services - The applicant has now demonstrated that adequate visibility splays can be provided along Appledore Road for the proposed accesses. The speed survey results have now been provided and the findings are acceptable. Adequate car parking is proposed on-site for residents. Therefore raise no objection subject to conditions.

KCC Flood and Water Management –The application falls outside the definition of major development, and also falls outside of KCC’s remit as statutory consultee.

Environment Agency – No comments received.

Environmental Health – No comment received.

Project Office Drainage – No objection subject to conditions.

KCC Ecology – No objection subject to conditions.

Southern Water – Copied their previous comments.

Kent Wildlife Trust – No comments received.

Kent Reptile and Amphibian Group (Krag) – No comments received.

Historic England - The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

WKPS - appreciates the reduction of dwellings from six to four on this site and recognises the need for well designed four and five bedroom family houses in Tenterden. If consent is granted it should not set a precedent for the further development of Hales Place orchard, which would be an unacceptable loss of trees and green space in the Tenterden Town Conservation Area.

Neighbours: 42 Neighbours were consulted. A site notice was posted and the application was advertised in the press. 24 representations have been received objecting to/commenting on the application.

A petition has also been received signed by 259 persons objecting to the proposal. These objections/comments are summarised below.

The petition objects on the basis that the development would create a precedent, represents a threat to trees, hedgerows and natural wildlife and will worsen traffic and parking problems.

The remaining objections/comments include the following:

- Properties in East Hill have been excluded from the consultation process and the time limit for making representations is too short.
- Highway and pedestrian safety.

- Impact on wildlife.
- Impact on the character and appearance of the conservation area.
- Impact on the setting of Hales Place.
- The houses are not affordable.
- Parking.
- A petition signed by 199 people has previously been submitted objecting to the proposal.
- Development should be on brownfield land.
- Precedent.
- Pond is dangerous for young children who may occupy the dwelling(s).
- Pollution.
- Flooding.
- Congestion.
- TENT1 and the Tilden Gill site will provide sufficient housing for Tenterden.
- 2 houses have recently been approved in Shrubcote.
- Building on this site would breach a legal covenant.
- Not an allocated site.
- Position of gate into the site off of Shrubcote.
- Officers should consider applying a TPO to the whole of the woodland site.

A local resident wrote to the Department for Communities and Local Government (DCLG) and has submitted a copy of the response letter from the DCLG. The thrust of the response letter indicates that the Government believes strongly that local planning authorities, working with communities and developers, should be free to decide the most sustainable sites for housing development - balancing the need for growth with other priorities.

Planning Policy

30. 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 8 weeks. Proposed changes to the draft Local Plan were approved for further consultation by the Council on 15 June 2017 and consultation has now commenced . At present the policies in this emerging plan can be accorded little weight.
31. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

GP10	Conserving and Enhancing Tenterden's Special Character
EN12	Private Areas of Open Space
EN16	Development in Conservation Areas
EN31	Important Habitats
EN32	Important trees and woodland

Local Development Framework Core Strategy 2008

CS1	Guiding principles to development
CS2	The Borough wide strategy
CS6	The rural settlement hierarchy
CS9	Design quality
CS11	Biodiversity and Geological Construction
CS13	Range of Dwelling Types and Sizes
CS15	Transport

CS20 Sustainable Drainage

Tenterden & Rural Sites DPD 2010

TRS1 Minor Residential Development or Infilling

TRS2 New Residential Development Elsewhere

TRS17 Landscape Character and Design

Local Plan to 2030

SP1 Strategic Objectives

SP2 The Strategic Approach to Housing Delivery

SP6 Promoting High Quality Design

HOU4 Residential Windfall Development within settlements

HOU12 Residential space standards internal

HOU13 Homes suitable for family occupation

HOU14 Accessibility Standards

HOU15 Private external open space

HOU18 Providing a Range and Mix of Dwelling Types and Sizes

EMP6 Promotion of Fibre to the Premises (FTTP)

TRA3a Parking Standards for Residential Development

TRA5 Pedestrians

TRA6 Cycling

TRA8 Travel Plans, Assessments and Statements

ENV1 Biodiversity

ENV3a Landscape Character and Design

ENV4 Light Pollution and Promoting Dark Skies

ENV5	Protecting important rural features
ENV7	Water Efficiency
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage
ENV13	Conservation and Enhancement of Heritage Assets
ENV14	Conservation Areas

Wye Neighbourhood Plan

N/A

Pluckley Neighbourhood Plan

N/A

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

Supplementary Planning Guidance/Documents

Landscape Character Assessment SPD 2011

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

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

Informal Design Guidance

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

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

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

Government Advice

National Planning Policy Framework (NPPF) 2012

33. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

- Paragraph 14 sets out presumption in favour of sustainable development
- Paragraph 49 which states that housing applications should be considered in the context of the 'presumption in favour of sustainable development'
- Paragraph 17 sets out the core planning principles including every effort should be made objectively to identify and then meet the housing needs of the area; and always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; encourage the effective use of land by reusing land that has been previously developed (brownfield), provided that it is not of high environmental value; contribute to conserving and enhancing the natural environment, conserve heritage assets.
- Section 4 requires developments that generate significant amounts of movement should be supported by a Transport Statement.
- Section 6 sets out about delivering a wide choice of high quality homes.
- Section 7 requires good design.
- Section 11 sets out conserving and enhancing the natural environment.
- Section 12 sets out conserving and enhancing the historic environment

National Planning Policy Guidance (NPPG)

34. Other Government Policy

Technical Housing Standards – Nationally described space standards

Assessment

35. The main issues for consideration are:

- Principle of the proposed development;
- Sustainability;
- Impact upon the Conservation Area and Listed Buildings;
- Design and Layout
- Impact on residential amenity;
- Other considerations including highway safety, ecology, trees/landscaping, drainage and flooding..

Principle of the proposed development

36. The Local Planning Authority cannot currently demonstrate a 5 year housing land supply. Whilst the aim is to address this through the Local Plan 2030, until this has been through examination it can be afforded little weight.
37. The lack of a five year supply of housing land triggers paragraphs 49 and 14 of the National Planning Policy Framework (NPPF). Paragraph 49 of the NPPF states that housing applications should be considered in the context of the 'presumption in favour of sustainable development'. There are three dimensions to sustainable development: economic, social and environmental.
38. The mechanism for applying the presumption in favour of sustainable development is set out in paragraph 14 and states that for decision-taking this means:
 - approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

39. Footnote 9 sets out that specific policies which indicate development should be restricted including policies relating to heritage assets.
40. The assessment of the scheme in this context does not however remove the statutory obligation to determine applications for planning permission in accordance with the development plan. Whilst the NPPF is a significant material consideration the starting point remains the development plan and whether there is conflict with it, before moving on to consider whether there are any material considerations that indicate a decision otherwise than in accordance with the development plan. The NPPF is one such material consideration.
41. In the context of this application the relevant adopted policies for housing supply, would include policies TRS1 and TRS2 of the Tenterden and Rural sites Development Plan Document. Policy TRS1 states that “minor development or infilling will be acceptable within the built-up confines of Tenterden”. The preamble to policy TRS1 defines the built-up confines. For the purposes of an assessment against this definition, the application site would fall outside the built-up confines, albeit immediately adjacent to them. Policy TRS2 of the DPD states certain ‘exception criteria’ that could allow development outside of built-up confines, however, this proposal fails to meet any of these criteria. As such, the policies would either not be relevant (policy TRS1) or the development would be in conflict with (policy TRS2).
42. Notwithstanding the conflict identified in the paragraph above, due to the lack of a 5 year housing land supply, in my view, it is not open to the Council to refuse the application simply because the site lies outside the built-up confines and/or does not meet the exception criteria identified in policy TRS2. The application must instead be assessed to consider whether the proposal would generate harm and adverse impacts in NPPF terms which would significantly and demonstrably outweigh the benefits of the development, i.e. its ability to help meet the housing land supply shortfall.
43. Given the need for additional housing in the borough and the significant weight in the NPPF in terms of the delivery of a wide choice of high quality homes (paragraph 50), the provision of additional residential units on this site should be considered. The starting point remains the adopted Development Plan policies. However, the ‘presumption in favour of sustainable development’ reflected in paragraph 14 of the NPPF needs to be given considerable weight in the determination of this application, and unless any adverse impact of the development significantly and demonstrably outweighs this benefit, then in view of the ‘presumption’ permission should be granted.

Sustainability - Location of the Development

44. The NPPF seeks to resist isolated new homes in the countryside (para 55). This is consistent with the thrust of policies TRS1 and TRS2.
45. However, the site is not in an isolated location. The site is located immediately adjacent to the existing built confines of Tenterden which is identified as sitting near the top of the settlement hierarchy as the Borough's principle rural settlement offering a wide variety of services (para 5.15 of the Tenterden and Rural Sites DPD).
46. The site accesses directly onto the main road network (B2080). The site is accessible by walking, cycling and public transport modes. Tenterden High Street is within an 800 metre walk of the site, providing access to local amenities including a Health Centre, Post Office, Supermarket, a wide array of shops and services and nearby schools. There are good quality footways present on both Shrubcote and Appledore Road.
47. There are several bus stops within an acceptable walking distance of the site providing access to up to 5 bus services. The site is within easy access of National Cycle Route 18 which routes from Canterbury to Royal Tunbridge Wells via Tenterden.
48. The site is therefore very sustainable in terms of its location and this weighs in favour of the proposal.

Design and Layout

49. Policy GP10 of the Local Plan seeks to conserve and enhance Tenterden's special character by amongst other things, restricting development to minor development such as infilling. It also requires proposals to be assessed in terms of the impact that the development would have on the town's special character and its setting.
50. Policies CS1 and CS9 of the Core Strategy require good design. These policies are consistent with the NPPF.
51. Policy TRS17 of the Tenterden and Rural Sites DPD states in part that development in the rural areas shall be designed in a way which protects and enhances the particular landscape character area within which it is located, and, where relevant, any adjacent landscape character area.
52. The above policies are broadly consistent with the NPPF which attaches great importance to the design of the built environment and states that developments should respond to local character and history and reflect the

identity of local surroundings and materials. Paras. 62, 63 and 64 seek to ensure high standards of design that help raise the standard of design more generally, and that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.

53. The proposal is for four individual house types. The dwellings are arranged informally. The proposed buildings will be spacious detached properties set in generous plots with large landscaped gardens. The scheme has been amended to reduce the number of access points from 6 to 2. This was to address highway safety concerns and to respect the verdant setting by allowing for the retention of a greater proportion of the hedgerow positioned along the two frontages.
54. The density of development responds to the lower density of development on East Hill and opposite at Stace House (Grade II Listed) and within Stace Close. The proposal for an informal loose knit pattern of dwellings, combined with a robust landscaping scheme, will create an interesting and varied streetscene, and will enable a relatively soft transition to be retained between lower density development to the east of the site, and higher density development located on Appledore Road and Shrubcote, which lie to the north and west.
55. In my view, it would be inappropriate in this context to seek to replicate the architecture predominating in Listed Buildings nearby as this could erode their significance. Much like the predominant housing type, the proposed houses would all be of a traditional design. The houses are two storey and include dormer windows. Some dormers serve accommodation on the first floor. Those that do not serve the roof space. Accepting that the inclusion of dormer windows in the roof establishes the principle of some accommodation at second floor in the future. At present second floor accommodation is not proposed. The dormer windows are modest in size and are in proportion to the roofs within which they are positioned. Dormer windows are not an uncommon feature within the wider conservation area.
56. Proposed architectural features such as chimneys, canopies, bay and dormer windows, add interest and help to break up the massing so that the development will not appear incongruous. The chosen palette of materials are typical of the local Kent vernacular and are intended to respect the materials present on buildings located in historic parts of Tenterden. I consider that this proposal for well designed dwellings with traditional roof forms will help to reinforce local distinctiveness.

- 57. The garaging proposed would be subservient in scale to the dwellings they are serving, and are of a form and material which would assimilate with the proposed development and the local vernacular.
- 58. I consider that the proposed development in terms of both layout, appearance and landscaping is of a high design quality, and I am confident the proposals will represent an appropriate form of development that sits comfortably within its contextual setting. Therefore, in my view the design of the scheme is in accordance with Core Strategy policy CS9 and SP6 of the emerging local plan.

Impact upon the Conservation Area and Listed Buildings

- 59. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), it is the Council's statutory duty and obligation to have regard to the preservation and enhancement of heritage assets such as conservation areas and Listed buildings and their setting.
- 60. Policy EN12 states that private areas of open space should remain free from built development where they are undeveloped areas of land which provide visually important breaks between existing and proposed development; and where they are areas which make an important contribution to the setting of a town, village, conservation area or other group of buildings. Policy EN16 requires development to preserve or enhance the character or appearance of the conservation area.
- 61. Policy CS1 of the Council's Core Strategy sets out the Council's key planning objectives including the conservation and enhancement of the historic environment and built heritage.
- 62. Emerging policy ENV13 states that proposals which protect, conserve and enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported. Policy ENV14 states development or redevelopment within Conservation Areas will be permitted provided such proposals preserve or enhance the character and appearance of the Area.
- 63. These criteria are consistent with Government policy set out in the NPPF. The NPPF is supported by the Planning Practice Guidance (**PPG**). The Historic England Good Practice Advice notes provide information to assist in implementing the policies in the NPPF and the guidance in the PPG.

64. The general approach to considering applications is set out in para.132 of the NPPF, and states, *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional."*
65. The application site is located within the grounds of Hales Place which comprises a group of Listed Buildings including a Grade II* house and Grade II barn, oast house, well house, turrets and arch. The house (Hales Place), archway and oast House are located close to each other at the entrance to the site. The turrets, identified as Towers on historic maps, are located to the north of the house but are attached to Hales Place by a brick garden wall. The Well House is set away from the group to the corner of the northern garden. The barn is located away from the other structures in a semi-rural setting.
66. The application site is located to the far north east of Hales Place. The Heritage Statement advises that many of the trees present within the grounds (including within the application site), were planted in the 1960's. The trees have reduced the visibility of the listed buildings from public view points. Trees within the application site comprise deciduous and coniferous trees and some over mature apple trees. The site is bounded on the northern and eastern edge by an existing hedgerow, which provides some low screening at street level. When standing in Appledore Road, Shrubcote and at the junction of Appledore Road with East Hill, the Listed Buildings are not visible through the dense tree cover. In addition, the Heritage Statement confirms that houses on Shrubcote cannot be seen from the listed barn which is the closet building within the group to the neighbouring dwellings and also that there do not appear to be wide views of the developed surroundings from the Listed Buildings. This is supported by photographic evidence. The Heritage Statement identifies that the enclosed setting which exists for these Listed Buildings is important to preserve their special architectural and historic interest as well as their significance, as there do not appear to be wide views of the developed surroundings from the Listed Buildings.
67. The Listed Buildings are grouped to the south west of the application site in excess of 166m away. The large plot sizes offer greater landscaping opportunities. The rear of the houses will face Hales Place but will be mostly screened by tree coverage. The information submitted states that to the east of Hales Place, near to the swale and the southern most edge of the development there will be greater tree planting, this is also true of the north east corner and the north west corner. This will provide a natural cover

between the development site and the listed buildings. The larger plot sizes will also provide the opportunity to continue to glimpse into the site and beyond into the grounds of Hales Place and so this will still be a defining characteristic of the Appledore and Shrubcote Roads.

68. Given the distance maintained between the proposed development and Hales Place and the tree coverage it is unlikely to be possible to view the development in direct context with the Listed Buildings. This is supported by the Landscape Appraisal, which has assessed some key public vantage points. On this basis I am satisfied a sense of enclosure will remain around the Listed Buildings and their setting will not be adversely affected and no harm would be caused.
69. In addition to its location within the grounds of Hales Place, the application site is located within the conservation area albeit that it sits on its periphery. The character of the conservation area here is very different to the character of central Tenterden, the area is predominantly residential and is less dense. The site provides a green edge to the Appledore Road which together with the managed tree lined street with a grass verge, results in this area having a more suburban/rural fringe feel.
70. The application relates to a greenfield site and so any form of development would represent a visual change. As already set out in the report the design of the dwellings proposed and the layout and density are acceptable in this context, responding to the character and layout of nearby buildings existing within the conservation area.
71. The proposal will result in the loss of a number of trees; however, the trees located within the site are not of the quality they could be due to lack of management. The proposed dwellings would sit comfortably amongst the trees identified for retention and the low density of development will ensure that the majority of the site is retained as private open space. The dwellings will be set back from the road and additional planting is proposed to seek to maintain and replicate the leafy green character. With the exception of the points of access, the existing hedgerow will be retained. The dense planting to the rear will be maintained and enhanced. Providing the retained and replacement trees are well managed, (which can be secured by condition), the development has the potential to be largely subsumed back into the landscape particularly once the trees mature. As a consequence the former condition of the site as a tree covered private open space, will remain legible and that the leafy green character will predominate with only glimpses of built development through the tree planting.

72. For the reasons set out above, I am satisfied that the proposed development will preserve the character and appearance of the conservation area. In a scenario where it may be possible to glimpse the dwellings in context with Listed buildings within the grounds of Hales Place, I consider that this would result in no harm/less than substantial harm to their setting and even if any minimal harm were to arise then this would be outweighed by the public benefit identified previously.

Impact on Residential Amenity

73. Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
74. The distance maintained between the proposed and adjacent buildings coupled with the new buildings orientation would ensure that the dwellings would not cause demonstrable harm to neighbours amenity or to each other through loss of light, immediate outlook or by having an overbearing presence.
75. With regard to the impact upon neighbours and one another, there are no windows serving habitable rooms that would overlook neighbouring dwellings or gardens at close quarters. As such, I am satisfied that the proposal will not result in a loss of privacy to neighbouring properties or future occupiers.
76. The gardens are of a size which considerably exceed the Council's Residential Space and Layout SPD which is entirely appropriate in this sensitive context and the internal accommodation exceeds the National Space Standards.
77. Given the above, I consider that the development would not result in harm to the residential amenity of neighbouring or future occupiers in accordance with the NPPF.

Highways

78. Policy CS15 of the Core Strategy relates to transport impacts, and amongst other things states, that developments that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development.

79. The Transport statement confirms that the development would not generate significant traffic movements. The development would lead to a maximum of 3 two-way movements in the weekday AM and PM Peak. This is the equivalent of 1 vehicle movement every 20 minutes which is unlikely to have a material impact on the local highway network.
80. Visibility splays in accordance with Manual for Streets 2 can be achieved for the access on Shrubcote and in accordance with Design Manual for Roads and Bridges (DMRB) on Appledore Road.
81. Adequate levels of car parking are proposed on-site, together with a useable layout sufficient for turning, to allow vehicles to enter and exit the site in a forward gear.
82. A number of representations have been received claiming that the Transport Statement is inaccurate. In particular, reference has been made to the measurement of speed along the Appledore Road. However, KCC Highways have reviewed the proposals including the Transport Statement. Following the reduction in the number of access points and confirmation that visibility splays in accordance with DMRB standards are achievable, they raise no objection to the proposed development on highway safety grounds.

Ecology

83. Policy EN31 of the Local Plan states that development which significantly affects semi natural habitats will not be permitted unless measures have been taken to limit impact and long term habitat protection is provided where appropriate.
84. Policy CS11 of the core strategy states that development should avoid harm to biodiversity and geological conservation interests. Policy TRS17 of the Tenterden and Rural Sites DPD requires development to have regard to the type and composition of wildlife habitats. These policies are consistent with the NPPF which indicates that the planning system should contribute to and enhance the natural and local environment
85. The site and surrounding areas within 250m of the site boundary supports five ponds. All of these ponds underwent a habitat suitability assessment (HIS) for Great Crested Newts (GCN). Of these five, two demonstrate potential to support GCN including the pond on site. However, due to the limited connectivity and because the site has limited suitable terrestrial habitat present (it is heavily grazed) there is reduced potential for GCN to be present within the site. Consequently, provided the precautionary mitigation approach detailed within the report is adopted, there should be no adverse impacts arising from the proposed development.

- 86. Reptiles were not recorded during the presence/likely absence surveys.
- 87. A number of trees on site were determined as having some potential to support bat roosts as they possessed potential roosting features. The information submitted by the applicant's ecologist confirms that the proposed development will result in a loss of a proportion of the foraging and commuting habitat available in the wider area. However, the adjacent habitat will continue to provide foraging and commuting opportunities for bats. In addition, at least 3ha of grassland/orchard habitat will be retained to the west of the site and the landscape strategy includes retention of trees where possible, planting of replacement trees, a new SUDs swale and pond to be planted with native species and new native hedge planting to the boundaries of the residential properties. Overall, this new planting is considered sufficient to offset the loss of foraging and commuting habitat to the development.
- 88. No dormice or evidence of dormice was found during the visual search.
- 89. The application has been subject to consultation with KCC Biodiversity who raise no objection subject to conditions..
- 90. Based on the information submitted, I am satisfied that the LPA has fulfilled its duty to appropriately assess the development under Regulation 9(5) of the Conservation of Habitats & Species Regulation 2010 and that subject to conditions, the proposed development will not result in any adverse impacts on matters of ecological importance in accordance with the relevant policies set out in European and UK law as well as in the development plan and NPPF.

Trees/Landscaping

- 91. Policy EN32 of the Local Plan states that permission will not be granted for development which would damage or result in the loss of important trees or woodland.
- 92. It is proposed to retain the majority of trees that are of good quality and those that are lost are of a lesser value. As such, I find no conflict with policy EN32. The erection of protective fencing during construction would minimise harm to retained trees.
- 93. A landscaping plan has been submitted which identifies a number of appropriate species of trees to be planted throughout the site. New hedgerow are also proposed. Subject to conditions securing the submission of a detailed landscaping scheme and requiring maintenance, I am satisfied that landscaping will help to soften the impact of the development and assist it further in assimilating into its setting / context.

Flooding and Drainage

94. The report confirms that the application site is located within Flood Zone 1 and therefore is located in the lowest possible flood risk zone. The site specific assessment shows that the risks from surface water run-off, groundwater flooding and reservoir flooding are also low.
95. A drainage strategy including details of management has been submitted in support of the application. This demonstrates that surface water drainage can be attenuated on site through use of an attractive SUDs features to ensure that surface water run-off from the site amounts in accordance with the requirements set out in the Council's adopted SPD.
96. The surface water management strategy states that surface water run-off from the entire site will discharge through a swale into a large storage pond. Surface water run-off within the pond will be discharged to the adjacent watercourse via a Hydro-Brake device at an attenuated rate. The strategy identifies additional opportunities for SuDS which include permeable paving and water butts.
97. Based upon the strategy submitted and subject to the imposition of a detailed SUDs condition including maintenance, I am satisfied that the proposal will not worsen flooding on the site or on adjacent land. I therefore consider that the proposal would accord with the provisions of Policy CS20 of the core Strategy.
98. In terms of foul water drainage the proposed development seeks to connect to the existing sewerage network in the vicinity of the site. This is a matter that can be controlled by condition should planning permission be granted.

Human Rights Issues

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

Working with the applicant

100. 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

101. The land lies outside of the built confines of Tenterden and does not constitute one of the exceptions listed under policy TRS2. The proposal is therefore contrary to the development plan. That said, Paragraph 14 of the NPPF requires that planning permission is granted where relevant policies in the development plan are out of date unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.
102. Relevant policies in the development plan are out of date by virtue of the lack of a five year housing land supply and so the tilted balance of the Framework is triggered. The site is in a highly sustainable location and as such could not be resisted as a matter of principle simply because it lies outside of the built confines of Tenterden. In the case of this application, there are also specific policies that indicate development should be restricted, in particular in relation to the historic environment, if they would generate harm to the significance of the heritage asset.
103. I have concluded that the proposed development is of a high design quality, an appropriate density and layout and will add visual interest. I am confident the proposals will represent an appropriate form of development that sits comfortably within its contextual setting in accordance with policy GP10 of the Local Plan, CS1 and CS9 of the Core Strategy and TRS17 of the Tenterden and Rural Sites DPD.
104. In terms of the impact of the development on the setting of the Listed Buildings within the grounds of Hales Place, and the impact on the character and appearance of the conservation area, it is likely that no harm would arise in accordance with policies EN12 and EN16 of the Local Plan, CS1 of the Core Strategy and policies ENV13 and ENV14 of the emerging Local Plan to 2030. Even if it considered that the mere presence of built development on this site results in some harm I would consider this to extremely minimal and certainly less than substantial (NPPF test). Any limited harm would be outweighed in this case by public benefits which include the provision of housing units in the absence of the Council having a five year housing land

supply and the benefit of this being located close to the centre of the second most sustainable settlement within the borough.

105. I have further concluded that there would be no material harm to neighbouring or future occupier's amenity, highway safety or ecology, and the proposals would comply with the Council's technical standards for drainage. I am therefore satisfied that the proposal accords with policies EN31 and EN32 of the Local Plan, CS11, CS15 and CS20 of the Core Strategy and TRS17 of the Tenterden and Rural Sites DPD. The proposal raises no adverse issues in terms of contamination.
106. In conclusion, whilst the proposal fails to accord with the development plan as a whole, the areas where it is in conflict with it do not result in any harm and even if there is deemed to be some harm this would not significantly or demonstrably outweigh the benefits of the scheme to justify a refusal of planning permission in this case and as such I recommend that planning permission should be granted.

Recommendation

Permit

Subject to the following conditions and notes:

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

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

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

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

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

Reason: In the interests of visual amenity.

4. Before any works above foundation level are carried out the following details shall be submitted to and approved in writing by the Local Planning Authority:

Details and location of rainwater goods;

- a) Details of any flues, grilles and vents to be installed including location dimensions, colour and material;
- b) Details of electricity and gas meter boxes and any external pipe work including their location on the buildings;
- c) Details and sections through eaves, porches/entrance canopies, chimneys, dormer windows and plinths; and
- d) Details of all windows including recess depth of glazing

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

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

Reason: In the interest of visual amenity.

6. The windows in all of the buildings hereby permitted shall be timber.

Reason: In the interest of visual amenity.

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

Reason: To protect the amenity of local residents.

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

- a) parking for site personnel, visitors and operatives;
- b) details of areas for the loading and unloading of plant and materials, and provision on-site for turning for construction vehicles including HGV's;

- c) details of areas for the storage of plant and materials;
- d) Details of the form and location of any proposed temporary works compounds; and
- e) details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances;

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

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

9. The vehicle parking spaces/garages and turning shall be provided in accordance with details approved on drawing number HP 2016/ 21, HP 2016/ 38 and HP 2016/ 39 before any dwelling is occupied, and shall be retained for the use of the occupiers of, and visitors to, the development. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to the reserved parking, bicycle and refuse facilities.

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

10. The first 5 metres of the accesses from the edge of the highway shall be surfaced in a bound material.

Reason: To prevent the deposit of loose material onto the highway in the interest of highway safety.

11. Before any dwelling is occupied the proposed accesses shall be completed in accordance with details approved on drawing number HP 2016/ 21 and the accesses shall thereafter be maintained.

Reason: In the interest of highway safety.

12. The access gradient shall be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

Reason: In the interest of highway safety.

13. No dwelling shall be occupied until the visibility splays identified on drawing numbers 152048/A/09 Revision C and 152048/A/10 Revision B contained in the Transport Statement dated January 2017 have been provided at the accesses. The area within the visibility splay shall be permanently maintained thereafter with no obstructions over 0.9 metres above carriageway level within these splays.

Reason: In the interest of highway safety.

14. Construction of the development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water” and such approved works shall be carried out before occupation and appropriately retained and maintained in perpetuity.

Reason: To avoid pollution of the surrounding area.

15. No development shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site’s surface water has been submitted and approved by Ashford Borough Council. This should be based around the principles and details identified in the following documentation;

“Flood Risk Assessment for the Proposed Development at Land West of Shrubcote, Appledore, Tenterden, Kent” by Herrington Consulting – July 2016.

16. The final drainage plan for the scheme will be approved by Ashford Borough Council to ensure that surface water runoff from the site is being dealt with appropriately and in line with Ashford Borough Council’s Sustainable Drainage SPD providing a site runoff rate of no greater than 2l/s as required within the aforementioned document.

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.

Surface water runoff should be dealt with within the application boundary via suitable methods approved by Ashford Borough Council.

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

The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance).

The approved system shall be provided in accordance with the approved timetable. The approved system shall be maintained in accordance with the approved details and shall be retained in working order until such time as the development ceases to be in use. A plan indicating the routes flood waters will take should the site experience a rainfall event that exceeds the design capacity of the surface water drainage system, or in light of systems failure (Designing for exceedance), including any appropriate mitigation measures.

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

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

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

18. Removal of trees shall be undertaken in accordance with the approved document titled 'Proposed Site Layout with Tree Survey' numbered HP 2016/22 submitted on 6 July 2017. No other trees shall be removed and no pruning or other works shall be carried out until details of the proposed works have been submitted to and approved in writing by the Local Planning Authority.

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

19. Before any works commence on site, a survey of the development site as existing shall be submitted to the Local Planning Authority concurrently with the submission of the site layout drawings and shall include, a numbered tree condition schedule with proposals for removal of trees and for surgery or other works (where applicable), to retained trees.

Reason: For the avoidance of doubt and in order to protect and enhance the amenity of the area.

20. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the buildings for their permitted use.
- a. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned, thinned or reduced other than in accordance with plans and particulars approved in accordance with **condition 16** without the written approval of the Local Planning Authority.
 - b. If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
 - c. All retained trees shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations). Such tree protection measures shall remain throughout the period of demolition and construction.
 - d. (No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
 - e. No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
 - f. No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
 - g. Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall

not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

- h. No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

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

- 21. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. Any existing hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority.

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

- 22. A landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before any development above foundation level. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

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

- 23. No dwelling shall be occupied until a landscape management plan, including management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning

Authority. The approved landscape management plan shall be adhered to unless previously agreed otherwise, in writing by the Local Planning Authority.

Reason: To ensure the new landscaped areas are properly maintained in the interest of the amenity of the area and to maximise the scope of their ecological value.

24. 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.

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

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

26. No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity of adjoining residents.

27. Prior to works commencing (including vegetation clearance) a GCN mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include:

- Aims/objective of mitigation strategy
- Review of ecological surveys to inform mitigation strategy
- Details of current site conditions/management
- Details of the proposed methodology to implement mitigation
- Time table of proposed works.

The development shall then be carried out in strict accordance with the approved strategy.

Reason: To ensure that the proposed development will not have a harmful impact on protected species, habitats and wider biodiversity.

28. Prior to the occupation of the development hereby approved, an ecological enhancement plan detailing what enhancements will be incorporated in to the site and how these will be managed shall be submitted to and approved in writing by the Local Planning Authority. The enhancements shall include native species planting and the SUDs area shall be designed to benefit biodiversity. The enhancements shall be provided in accordance with the approved details and maintained thereafter.

Reason: To ensure that the proposed development will not have a harmful impact on protected species, habitats and wider biodiversity.

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

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

Notes to Applicant

1. Working with the Applicant

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

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,

- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
 - was provided with pre-application advice,
 - The applicant was provided the opportunity to submit amendments to the scheme to address highway issues.
 - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
2. "A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".
 3. The applicants attention is drawn to the comments received from Southern Water a copy of which can be viewed on the Councils website at <http://planning.ashford.gov.uk/>.
 4. 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.
 5. Due to the proximity of a highway tree, no development should take place until the highway tree has been safeguarded / the design for the vehicular crossover has been approved by the Local Planning Authority. It is strongly recommend that the applicant does not commence any part of the development until permission for the vehicular crossing has been received.
 6. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly

established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land> The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

7. In respect of condition 23 above, the applicants is advised that the external lighting scheme should be designed in accordance with the Bat Conservation Trust's Bats and Lighting in the UK guidance a summary of which is set out in KCC Ecology's comments dated 17 August 2016.
8. The applicant is advised that the removal of mature trees should be carried out outside of the bird nesting season (March – September inclusive). If this is not possible than areas for removal should first be inspected by a suitably qualified ecologist to identify that any nests present have had eggs hatched and that young birds have fledged.

Background Papers

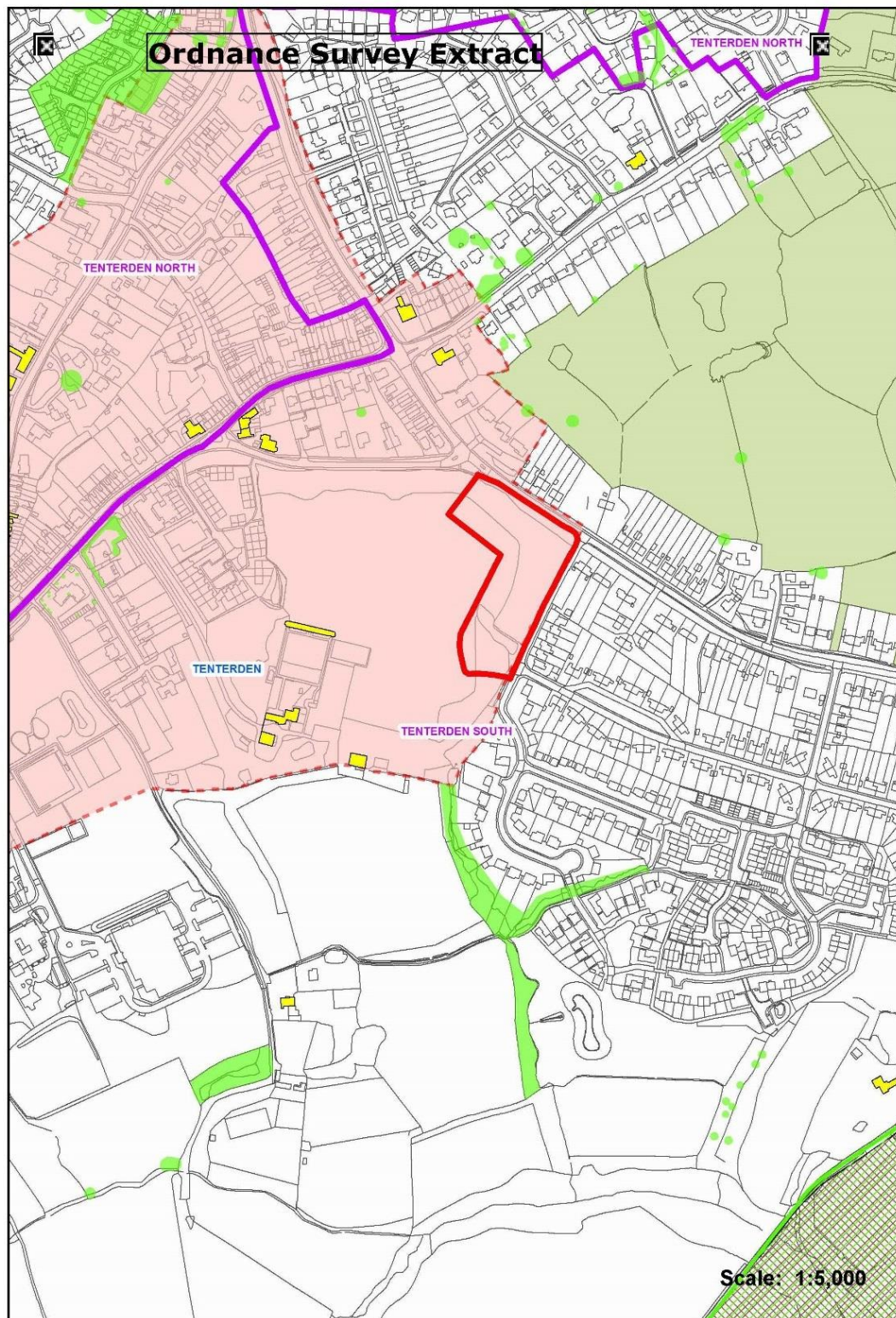
All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 16/01090AS.

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Annex 1



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