

Application Number	17/00937/AS		
Location	Land rear of 12 to 16 Jubilee Field, Wittersham, Kent		
Grid Reference	90172/27562		
Parish Council	Wittersham		
Ward	Isle of Oxney		
Application Description	Erection of 4 No. 3 bedroom semi-detached dwellings for local needs - Resubmission of application 15/00579/AS		
Applicant	Mrs Sharon Williams, Head of Housing, Ashford, Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL		
Agent	Mrs Elizabeth Mitchell, Corporate Property and Projects, Ashford, Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL		
Site Area	0.25ha		
(a) 24/1S	(b) -	(c)	KH&T - + EH (EP) - RAM - KCC PROW - X

Introduction

1. The application is being reported to Planning Committee as the applicant is Ashford Borough Council Housing Services.

Site and Surroundings

2. The application site is located on the edge of the built confines of Wittersham and forms part of a grassed buffer area between Jubilee Fields (a cul-de-sac of 35 dwellings of council/former council housing) and the countryside beyond. The site is located within landscape designated as an Area of Outstanding Natural Beauty (AONB). Along the boundaries of the buffer area is a strong hedgerow line with mature hedgerow trees, a group of which in the north eastern corner just outside the site are covered by a Tree Preservation Order (TPO). A public footpath runs through the buffer area to the south of the site in a NE-SW direction.

3. Jubilee Fields is largely characterised by terraces of two storey dwellings and bungalows arranged in seven blocks, five of which are around a central grassed area, each with their own front and rear gardens. Their elevations comprise a mixed pallet of red brick with painted render or weatherboarding at first floor level, plain tile walls, some uPVC cladding, plain tile roofs with chimneys and hipped and gable end roofs, white uPVC windows and doors and flat or pitched roof canopies over main entrances.
4. A site location plan is attached as Annex 1 to this report.

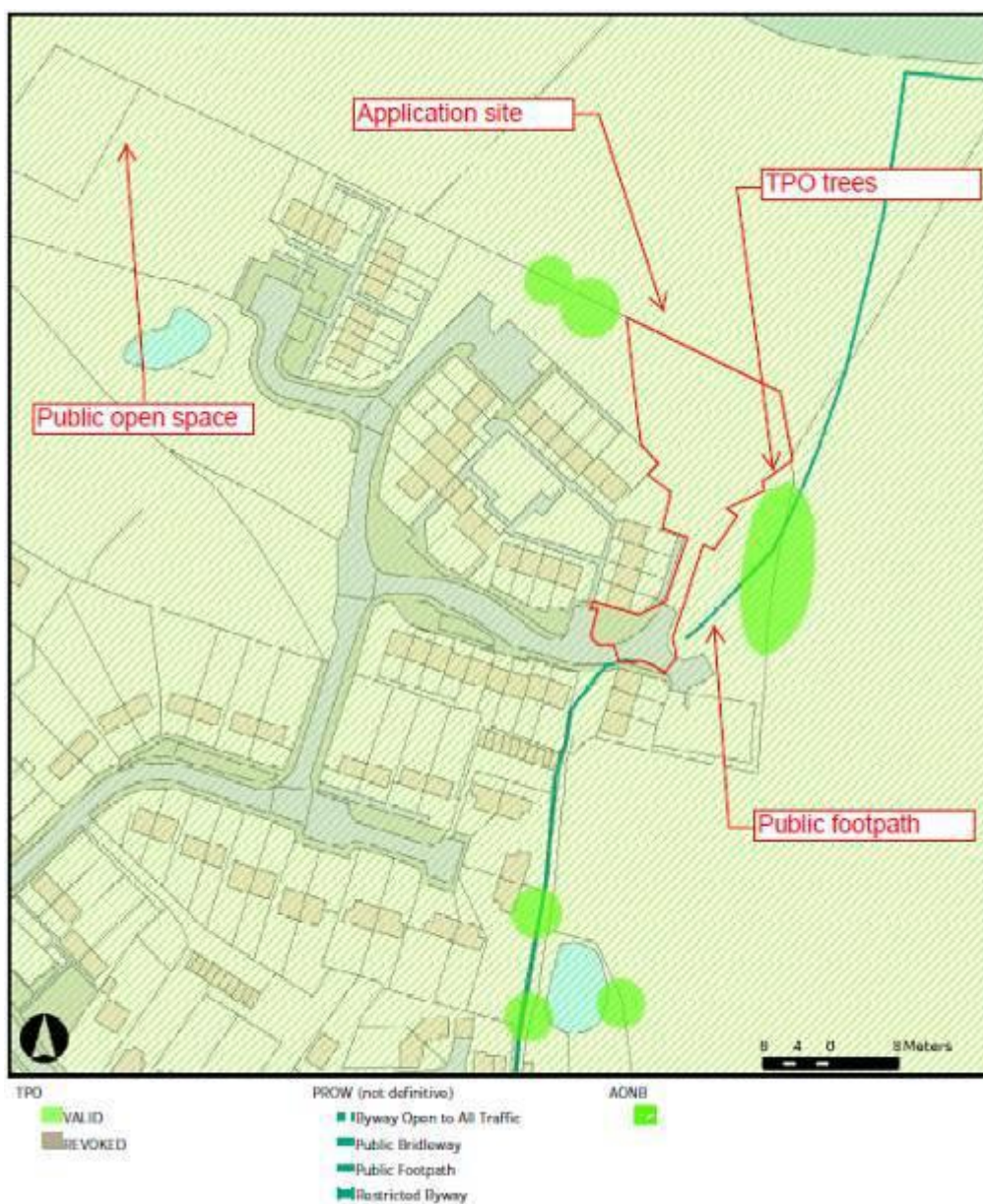


Figure 1: Site location plan

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- The site plan illustrates the layout of the National Museum of the American Indian. It features several large building footprints, including a central complex and a large rectangular structure on the right. The plan is annotated with numerous elevation markers (e.g., 20.00, 20.10, 20.20) and contour lines. Key areas are labeled, such as 'Main street', 'Parking lot', and 'Exhibiting space for the American Indian'. A legend on the right side identifies symbols for 'Existing topography or terrain lines', 'Newly double-lined boundary of the Museum', and 'Approximate boundary'. The plan also shows 'Proposed location of open space in future' and 'Detailed floor plan of the museum building'.

9.3



Figure 3: Site layout plan as proposed

7. The design and scale of the dwellings remains unchanged. The proposed dwellings would be two storey in form, arranged as two pairs of semi-detached houses. Their elevational treatment comprises red brick with contrasting brick plinth to the front and part side elevations, with Eternit cedral weatherboarding at first floor level on the remaining side and rear elevations. The roofs would be grey concrete tiles and incorporate photovoltaics. The windows would be grey uPVC or powder coated aluminium and monopitch roof canopies are proposed over the main entrances. Accommodation includes a hall, kitchen, WC/shower room, stores, and open plan living/dining room on ground floor level and three bedrooms and a bathroom at first floor. Wall mounted lighting is proposed to the front, side and rear elevations of the proposed dwellings.

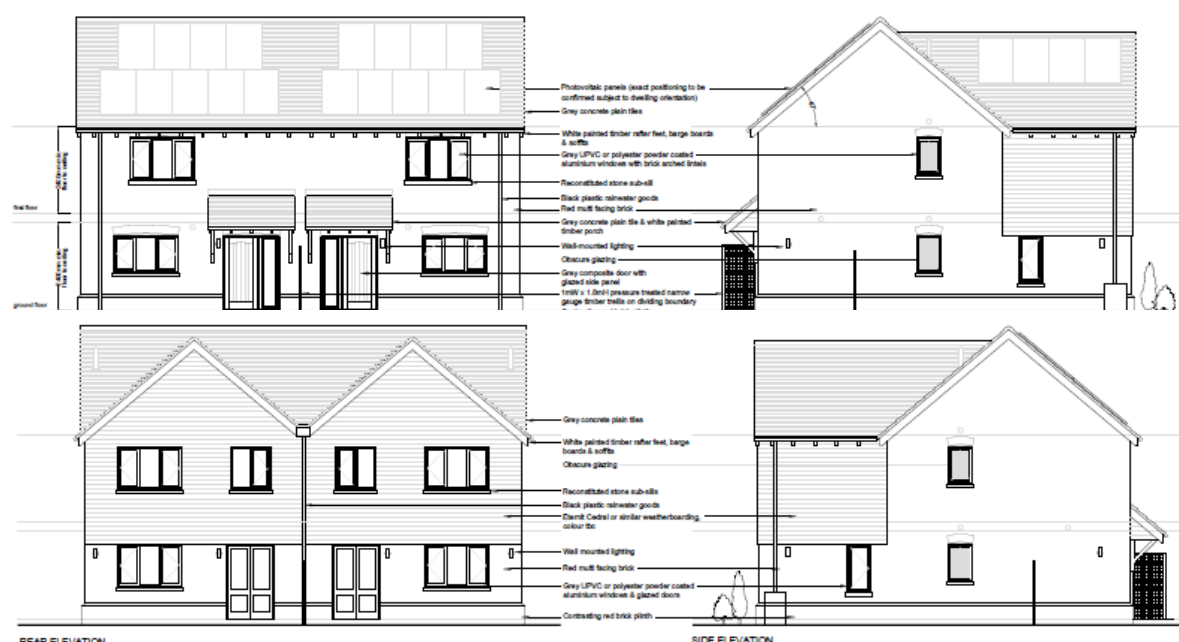


Figure 4: Proposed elevations

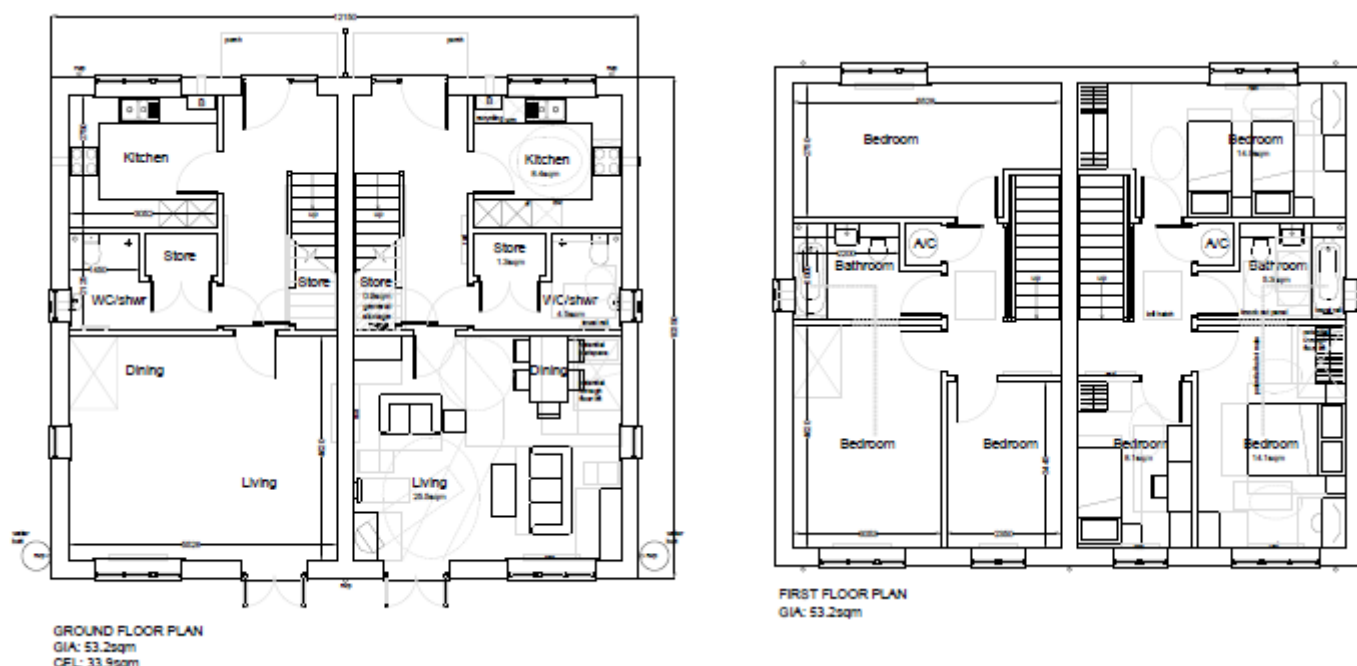


Figure 5: Proposed floor plans

8. The depth of the rear gardens of the units would increase to between 11m and 12.5m deep, enclosed by 1.8m high timber close boarded fencing, and each would contain a timber shed, including bicycle storage, and external bin storage to the side of the dwellings. The access to the site also remains unchanged and has already been constructed, laid from an existing turning head in the south eastern corner of Jubilee Fields. The scheme also includes the provision of 12 off-street parking spaces to serve the development and

existing residents (8 for the proposed dwellings and 5 for existing residents). This amount has reduced from 19 approved under the previous application and the reason for this is that the existing car park behind the rear of 33-35 Jubilee Fields, which is currently underused and has become overgrown, is to be improved - this car park has become more visible as a result of the new access road to the development, which should encourage it to be used, and its improvement is felt to be a better solution than laying of more hardstanding.

9. In support of the application the following have been submitted:

Wittersham Housing Needs Survey: this states that the local needs housing survey carried out by Wittersham Parish Council in January 2012, concluded that overall, a need for up to 17 affordable homes (for 3 single people, 5 couples without children and 9 families (families having the greatest need)) was identified in the parish. A pre-application consultation process was also undertaken with residents of Jubilee Fields in June/July 2013 and then November/December 2013 and examples of the responses have been provided, which expressed the following mixed views:

- perfect size for young families;
- concerns with location in terms of blocking views into countryside beyond and lights from vehicles using the access road into the rear gardens of nearby properties;
- reasonable use of redundant land;
- acceptable provided existing infrastructure is sufficient;
- in keeping with scale of existing properties;
- affordable housing essential for local people wanting to stay in the area;
- devaluation of neighbouring properties and reduction the quality of life of existing residents;
- design not in keeping with existing properties;
- excellent design; and,
- additional parking welcomed.

A feasibility study was then carried out and this showed that the buffer area had capacity for up to 16 dwellings, however this was reduced following discussions with the Ward Member and Kent Highways, the latter who could only support a maximum of 4 dwellings due to heavy amounts of on-street parking at the access via Forge Meads.

10. The phase 1 Contamination Report, Ecological Report and Arboricultural Report have not been submitted again as all matters relating to these have been dealt with through the discharge of conditions relating to application 15/00579/AS.

Planning History

11. **15/00579/AS:** full planning permission granted by the Planning Committee for 'Erection of 4 no. dwellings for local needs'. Permitted and subsequently implemented.

Consultations

Ward Member: The Ward Member is the Chairman of the Planning Committee.

Wittersham Parish Council: No comments received to date.

KCC Highways and Transportation: comment that the application does not meet the criteria to warrant their involvement.

Ramblers Association: No comments received to date.

Environmental Health: No comments received to date.

KCC Public Rights of Way: Raise no objection.

24 Neighbours: One representation received, supporting the application on the grounds that there is a need for these dwellings in a good location and well-appointed for families with a sensible sized garden and the plans appear reasonable.

The closing date for representations is not until 20 July 2017, which is the day after the meeting. Any further representations will be updated at the meeting. Should Members ultimately decide to permit, they will need to delegate this to officers to do so, subject to no representations being received raising new material planning considerations that were not considered at the meeting.

Planning Policy

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.

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

Ashford Borough Local Plan 2000

GP12 - Protecting the countryside and managing change

HG3 - Design in villages

EN31 - Important habitats

EN32 - Important trees and woodland

Local Development Framework Core Strategy 2008

CS1 - Guiding Principles

CS2 - The Borough Wide Strategy

CS9 - Design quality

CS11 - Biodiversity and Geological Conservation

CS20 - Sustainable Drainage

Tenterden & Rural Sites DPD 2010

TRS2 - New residential development elsewhere

TRS4 - Exception sites for local needs housing

TRS17 - Landscape character and design

Local Plan to 2030

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

HOU2 - Local needs/specialist housing

HOU5 - Residential windfall development in the countryside

HOU12 - Residential space standards internal

HOU15 - Private external open space

ENV1 - Biodiversity

ENV3 - Landscape Character and Design

ENV4 - Light pollution and promoting dark skies

ENV7 - Water Efficiency

ENV9 - Sustainable Drainage

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

Supplementary Planning Guidance/Documents

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011

Dark Skies SPD 2014

Government Advice

National Planning Policy Framework 2012

14. 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 the presumption in favour of sustainable development;
- Paragraph 17 sets out the 12 core planning principles, including delivering the homes that the country needs, identifying the housing needs of an area, securing high quality design, conserving and enhancing the natural environment and seeking to secure a good standard of amenity for all existing and future occupants of land and buildings;
- Section 6 sets out that housing should be considered in the context of the presumption in favour of sustainable development and that Local Planning Authorities should identify the size, type, tenure and range of housing required in particular locations that reflect local demand.
- Section 7 requires great importance to be attached to the design of the built environment;
- Section 11 sets out conserving and enhancing the natural environment, minimising impacts on biodiversity and encouraging opportunities to incorporate biodiversity in and around developments, giving great weight to conserving landscape and scenic beauty in landscapes such as Areas of Outstanding Natural Beauty (which have the highest status of protection) and taking account of ground conditions such as contamination and any proposals for mitigation including land remediation.

Assessment

15. The main issues for consideration are:

- (a) Principle
- (b) Visual Amenity
- (c) Residential Amenity
- (d) Parking and Highway Safety
- (e) Other Issues, ie. PROW, trees, contamination, ecology and SUDs/sustainability
- (f) Whether planning obligations are necessary

Principle

16. There has been some change in Development Plan policy in the last year since the previous application was approved in that the Local Plan to 2030 has been drafted, however the policies in this emerging plan can be accorded little weight at this current time. In any event, these policies are broadly consistent with those of the adopted Development Plan and there has been no change in central government guidance.
17. The site lies on the edge of the village but outside the built confines where under Development Plan policies, general market housing is not normally permitted. The NPPF refers to Local Planning Authorities being responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.
18. Policies TRS2 and TRS4 of the Tenterden & Rural Sites DPD are consistent with the NPPF approach and deal with proposals specifically designed to meet local housing needs. It states that they will be permitted on unallocated sites within or adjoining rural settlements listed in the DPD as 'exceptions' to policies restraining housing development provided that all the following criteria are met:
 - a) the local need justification has been clearly evidenced;
 - b) the site does not include any general market housing;
 - c) the subsequent occupancy of the housing is managed and controlled to ensure the property is retained for local needs housing in perpetuity;
 - d) the development is well designed and would not result in a significant adverse impact on the character of the area or the surrounding landscape; and,
 - e) there would be no significant impact on the amenities of any neighbouring residential occupiers.
19. The application is supported by clear evidence of need in the locality and is proposed to be restricted to those occupants who can meet the local needs criteria adopted by this Council, which gives priority to those people who have a close connection with the Parish. It is proposed that this element should be controlled by way of an obligation under S106 of the Town and Country Planning Act 1990. The proposal therefore meets the first three criteria of policy TRS4. The development therefore remains acceptable in principle.

Visual Amenity

20. The only change in the appearance of the development is the siting of the dwellings. Their location remains broadly the same, albeit they have moved slightly east and been re-orientated to face in the same direction with the western-most pair setback from the other pair. This would result in limited visual change to the approved scheme. The hedge and tree screening to the north would remain with the change in siting of the approved dwellings, meaning that the development would not visually prominent from the countryside and in any event, any views that are obtained would be seen against the existing backdrop of the houses in Jubilee Fields.

Residential Amenity

21. The re-siting of the dwellings has taken account of the relationship with existing residential properties. The change in orientation means that the units would no longer look directly towards the rear of the nearest dwellings 7-12 Jubilee Fields and the western-most pair would be set further away from their rear boundaries and rear elevations by 12m and 22m respectively. These separation distances, along with the orientation, would mean existing residents would not be unreasonably overlooked nor would the development appear unacceptably overbearing or oppressive when viewed from their properties and gardens.
22. In terms of the residential amenity of potential occupiers of the dwellings, the internal accommodation and external amenity space still complies with the Council's residential space standards. Whilst they have been moved slightly closer to the eastern boundary, the dwellings and gardens would not be unacceptably overshadowed by the retained TPO trees and boundary planting.

Parking and Highway Safety

23. Although the amended scheme only makes provision for 12 off-road parking spaces to serve the future as well as existing residents, rather than 19 as previously approved, this complies with the Council's Residential Parking SPD and together with the improvements to the existing car park behind 33-35 Jubilee Field formalises the sporadic informal car parking that currently takes place. The scheme retains an adequate turning head and the development can still be properly serviced for purposes of refuse collection. The proposal would not displace parking onto the surrounding public highway but formalises the parking that takes place on this grassed buffer currently. The proposal raises no highway safety issues.

Other Issues, ie. PROW, trees, contamination, ecology and SUDs/sustainability

PROW

24. The development would not affect the public footpath to the south and KCC Public Rights of Way raise no objection.

Trees

25. With their re-siting, the footprint of the dwellings would still be located outside the RPA of the TPO trees to the east and a limited part of the garden serving Unit 4 would be under the canopy of this group of trees, minimising any potential for overshadowing and property damage from falling debris and subsequent future pressure to prune or fell the trees. Furthermore, the hedgerow along the rear boundaries of the site would still be retained and any gaps would be filled in as per the approved landscaping condition. Notwithstanding this, tree protection measures are required during construction and this can be secured by condition. The development would not therefore result in the loss of any trees on the site.

Contamination

26. This was dealt with by a condition attached to the previous permission, which has since been discharged. The submitted site investigation report found no significant contamination but identified an issue with land gases. However, subject to the recommended precautions being applied, Environmental Health raised no objection.

Ecology

27. The presence/absence surveys and Extended Phase 1 Habitat Survey report submitted with the previous application found medium populations of great crested newts in ponds surrounding the site. As conditioned under the previous permission, works have begun under an EPS licence from Natural England and a program for these works and mitigation/compensation measures were agreed by them. Given the minor change in the siting of the approved dwellings and the fact that works have already begun on site, no further survey work in respect of ecology is required.
28. The recommendations made by the Extended Phase 1 Habitat Survey report in respect of amphibians, birds and reptiles during site clearance submitted under the previous application can again be controlled by condition. In addition, this survey concluded that there is potential for badgers to use the site and as conditioned under the previous permission, a pre-construction badger survey was carried out and this recorded no sett or evidence of

foraging/commuting badgers. This report also detailed some precautionary mitigation, which was considered reasonable.

29. Details of biodiversity and ecological enhancement measures were also required by a condition attached to the previous permission and again, this condition was discharged as the details submitted were considered acceptable.
30. Given the above and subject to conditions, I consider that the development would not be harmful to protected species.

SUDS/Sustainability

31. The dwellings are to be connected to a foul sewer close to the site. This will require the agreement of Southern Water and is controlled by condition.
32. The dwellings are to be connected to the existing mains surface water drainage in the vicinity of the site. A condition requiring a drainage scheme to be submitted was attached to the previous permission and this has since been discharged as the submitted drainage scheme incorporated sustainable urban drainage features to deal with surface water run-off and minimises the use of the public sewerage system. The site is not in an area at risk of flooding and the development would not materially increase surface water run-off to adjoining land.

Planning Obligations

33. 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
34. I recommend the planning obligation in Table 1 be required should the Committee resolve to grant permission, which is required to restrict occupation of the dwellings to those satisfying the local needs criteria set out in the table. I have assessed it against Regulation 122 and for the reasons given, I consider it is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development. Accordingly, it 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><u>Local Needs Housing</u></p> <p>The housing shall only be occupied by local people and shall remain affordable in perpetuity. That housing shall be let at rents that comply with the HCA target rent. That housing shall be constructed to such standards and other particulars as the Council specifies. That housing shall be managed by a registered provider of social housing approved by the Council, who must also be a party to the agreement.</p>	4 social rented units		<p>Necessary as the benefit of providing affordable housing to meet local needs, which justified permission being granted, must be secured pursuant to Tenterden and Rural Sites DPD policy TRS4 and guidance in the NPPF.</p> <p>Directly related as policies restricting housing in such locations mean that permission would not otherwise be granted for the development.</p> <p>Fairly and reasonably related in scale and kind as no housing of any kind would otherwise be permitted on the application site.</p>

Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the council web site in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs.

If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.

Human Rights Issues

35. 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

36. 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

37. The principle of the development has been accepted under the previous permission and this application simply seeks to amend the siting of the approved dwellings to provide the minimum acceptable distance between the western-most dwelling and the existing overhead power line cutting across the site to the rear of 11 Jubilee Field. The revised siting is broadly similar to that approved and would result in limited visual change. The development has still been designed and sited to take account of the relationship with residential properties and would not be overbearing on or result in unacceptable levels of overlooking of neighbours. In addition, the scheme would still provide adequate space for car parking for the proposed dwellings, as well as formalising spaces for use by existing residents. There has also been no change in terms of the impact of the development on trees and protected species, subject to condition. It is therefore considered that the scheme represents sustainable development and complies with the Development Plan and the NPPF. I therefore recommend the scheme for approval.

Recommendation

- (A) **Authority is delegated to the Head of Development Strategic Sites and Design or the Joint Development Control Managers to Permit, subject to:**
- (B) **No receipt of additional representations on or before 20th July 2017 which raise new material planning consideration that were not previously reported to and considered by the planning committee**

- (C) the applicant first entering into a Section 106 agreement in respect of the matter detailed in Table 1 of the report, in terms agreeable the Strategic Sites and Design Manager or the Joint Development Control Manager in consultation with the Head of Legal and Democratic Services, with delegated authority to either the Strategic Sites and Design Manager or the Joint Development Control Manager to make or approve minor changes to the planning obligations and planning conditions, as they see fit.**

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 details of external materials approved under 15/00579/CONA/AS unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

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

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

4. The parking and bicycle storage provision as shown on approved Drawing No. JUBL01-004 Rev D and shall be provided before the development to which it relates is brought into use and it shall thereafter be retained for ancillary parking of motor vehicles and bicycles and access to the facility shall not be precluded.

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

5. The development shall be carried out in accordance with the details of drainage works approved under 15/00579/CONB/AS unless otherwise agreed in writing by the Local Planning Authority and the works shall thereafter be maintained in accordance with the approved details.

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 CS2o.

6. The development shall be carried out in accordance with the details of parking for site personnel and visitors approved under 15/00579/CONA/AS unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be retained throughout the duration of the construction of the development.

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

7. The development shall be carried out in accordance with the details by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site approved under 15/00579/CONA/AS unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be retained throughout the duration of the construction of the development.

Reason: To ensure that no mud or other material is taken from the site onto the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety and the amenities of local residents.

8. The development shall be carried out in accordance with the details for the disposal of sewage approved under 15/00579/CONB/AS unless otherwise agreed in writing by the Local Planning Authority and such approved works shall be appropriately retained and maintained in perpetuity.

Reason: To avoid pollution of the surrounding area.

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

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

10. No construction activities 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 in accordance with Policy CS1 of the Local Development Framework Core Strategy.

11. 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 a single dwelling house 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.

12. The development shall be carried out in accordance with the details of landscaping approved under 15/00579/CONA/AS unless otherwise agreed in writing by the Local Planning Authority. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

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

13. The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:
- (a) All trees to be preserved 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) and in accordance with the approved Tree Protection Plan and any approved Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction.
 - (b) No fires shall be lit within the spread of branches or downwind of the trees and other vegetation.
 - (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation.
 - (d) 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.

- (e) 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.
- (f) 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: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

14. The development shall be carried out in accordance with the proposed mitigation/compensation measures and program for these works granted an EPS licence from Natural England unless any variation has been otherwise agreed in writing by Natural England.

Reason: In the interests of protected species.

15. The development shall be carried out in accordance with the recommendations outlined in the approved Ecological Appraisal by Ecus dated June 2015 approved under application 15/00579/AS unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protected species.

16. The development shall be carried out in accordance with the details of the badger survey and mitigation approved under 15/00579/CONA/AS unless otherwise agreed in writing by the Local Planning Authority. All works should then proceed in accordance with the approved strategy with any amendments agreed in writing.

Reason: In the interests of protected species.

17. The development shall be carried out in accordance with the details of the enhancement of biodiversity on the site approved under 15/00579/CONA/AS unless otherwise agreed in writing by the Local Planning Authority. All works should then proceed in accordance with the approved strategy and thereafter be retained and maintained with any amendments agreed in writing.

Reason: To protect and enhance existing species and habitat on the site in the future.

18. 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. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990, which affects the way in which the property may be used.
2. 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:

- was provided with pre-application advice,
- the application was acceptable as submitted and no further assistance was required,

- the application was dealt with/approved without delay, and
- 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 17/00937/AS.

Contact Officer: Stephanie Andrews

Telephone: (01233) 330669

Email: stephanie.andrews@ashford.gov.uk

Annex 1



Ashford Borough Council



TPO
VALID
REVOKED

PROW (not definitive)
Byway Open to All Traffic
Public Bridleway
Public Footpath
Restricted Byway

ACNS

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