

Application Number	15/01496/AS
Location	Land rear of the Kings Head, Woodchurch Road, Shadoxhurst, Kent
Grid Reference	97083/38002
Parish Council	Shadoxhurst
Ward	Weald South
Application Description	Residential development comprising 19 dwellings including 15 x 2 storey dwellings and 4 x 1 bedroom flats with associated infrastructure and services including garaging/provision for parking, open space, landscaping and a sustainable urban drainage system.
Applicant	Pentland Homes, The Estate Office, Etchinghill Golf, Folkestone, Kent, CT18 8FA
Agent	N/A
Site Area	1.46 hectares

Introduction

1. This application is reported to the Planning Committee because it is a major application.

Site and Surroundings

2. The site is located on the western side of the village of Shadoxhurst within the Landscape Character Area of Shadoxhurst Wooded Farmlands where the landscape objective is to conserve and reinforce. The site fronts onto Woodchurch Road. The site lies immediately adjacent to the built confines of Shadoxhurst and is a proposed housing allocation for up to 25 dwellings in the emerging Ashford Local Plan 2030 (policy S36).
3. The site wraps around the south of the Kings Head Public House (PH). The PH is a Grade II Listed Building. The land uses surrounding the site are primarily residential and existing dwellings comprise a mix of styles.

4. Adjoining the western boundary of the application site is 'Maytree Place', a small development of 4 detached units, with a private access road which also serves the pub car park.
5. There is a cul-de-sac development which adjoins the site to the south west, Nairne Close, which is terraced 2-storey housing and contains a small open space area (this used to include play equipment). The close is well screened from the site by a line of mature trees.
6. Further south and to the east of the site built development is mostly in linear form fronting Church Lane and Woodchurch Road.
7. Parts of the eastern and southern boundaries of the site adjoin the open countryside and there is a public right of way (PROW), which runs through the application site.
8. A plan showing the application site in relation to its surroundings is found below and also attached as **Annex 1** to this report.

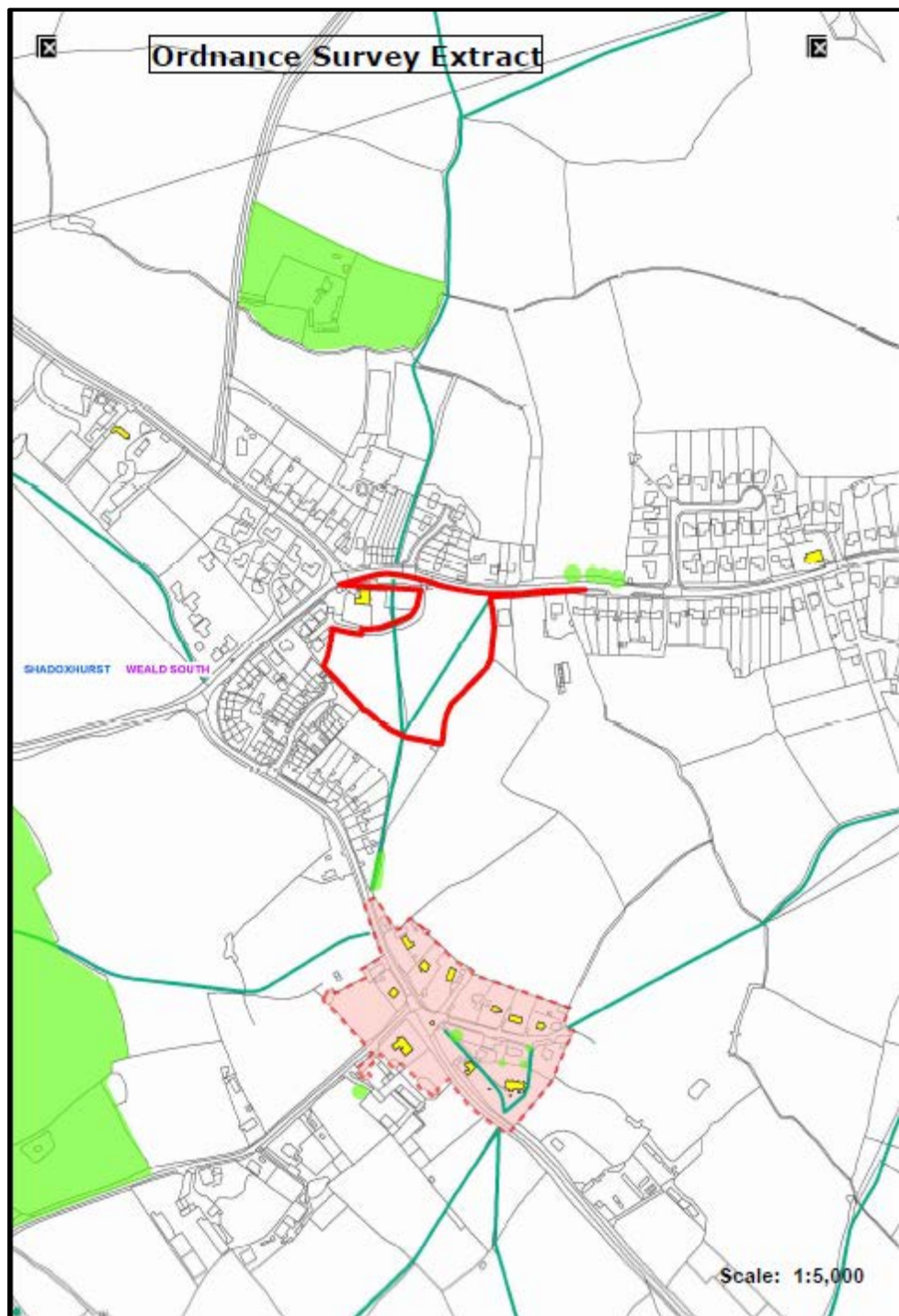


Figure 1 Site Location Plan

Proposal

- The proposal is a full application. The application has been amended since its original submission, which proposed 24 dwellings. Images of the previous layouts are copied below for comparison.



Figure 2 Layout subject to 1st consultation



Figure 3 Layout subject to 2nd consultation

10. The current scheme is for 19 dwellings and the amount of public open space on site has significantly increased. The proposals equate to a density of approximately 13 units per hectare.
11. Since the last round of consultation, officers have negotiated an increase in the number of affordable units on site, from 6 to 7. Whilst the overall number of units has not increased, some alterations have been made to the layout and dwelling types. In summary, the building blocks comprising one bedroom flats and a two bedroom dwellings (units 11-16) and the semi-detached pair of dwellings (units 17 & 18), have been replaced with a block of four one bedroom flats (units 11-14) a terrace of 3 dwellings (units 15-17) and a detached dwelling (unit 18). The images copied below illustrate the changes.



Figure 4 Layout already subject to consultation



Figure 5 Latest layout including minor amendments

12. In the context of the overall scheme, these amendments are considered relatively minor and so do not require full re-consultation in officer's view.
13. The 19 dwellings proposed comprise a mix of eight detached dwellings, two pairs of semi-detached dwellings, a block of four one bedroom flats and a terrace of three dwellings.
14. The dwellings would include a mix of 4 x one bedroom flats, 7 x two bedroom dwellings, 6 x three bedroom dwellings and 2 x four bedroom dwellings. The 4 one bedroom flats and terrace of 3 two bedroom dwellings are affordable dwellings.
15. All of the dwellings proposed would be two storeys in height. Plot number 2 would include accommodation within the roof. Architectural features such as entrance canopies, feature windows, chimneys and single storey additions would be incorporated into the scheme.
16. The palette of materials would include clay roof tiles, weatherboard, clay tile hanging, red multi-stock bricks and UPVC windows and doors.
17. Boundary treatments are proposed to include brick walls and timber enclosures such as closed boarded fencing. Hardstanding's will include block paving, and tarmac public footpaths and roadways. Vehicular access is proposed off Woodchurch Road. Each dwelling would benefit from allocated car parking spaces. Parking includes the use of private and shared car barns.
18. With the exception of plot 18, car parking is provided in accordance with the Councils Residential Parking SPD. The shortfall relating to plot 18 is discussed under the highway section of this report.
19. The SPD requires parking provision of 1 space per 1 bedroomed dwelling and 2 spaces per dwelling (of 2 beds or more) plus 0.2 spaces per dwelling for visitors. Parking is provided as follows:

One bedroom Flats

- | | |
|----------|--|
| Plot 11: | One space adjacent to building. |
| Plot 12: | One space within car barn to rear plus visitor space in front of car barn. |
| Plot 13: | One space within car barn to rear plus visitor space in front of car barn. |
| Plot 14: | One space within car barn to rear plus visitor space in front of car barn. |

Two Bedroom Dwellings

Plot 4:	Two spaces in total. One space within garage plus one space in front of garage.
Plot 5:	Two spaces in total. One space within car barn plus one space in front of car barn.
Plot 6:	Two spaces in total. One space within car barn plus one space in front of car barn.
Plot 7:	Two spaces in total. One space within car barn plus one space in front of car barn.
Plot 15 :	Two spaces in car barn to rear.
Plot 16:	Two spaces in total. One space within car barn plus one space in front of car barn.
Plot 17:	Two spaces in total. One space within car barn plus one space in front of car barn.

Three Bedroom Dwellings

Plot 1:	Five paces in total. Two spaces within car barn plus space for three vehicles on the driveway.
Plot 3:	Three spaces within garage/car barn
Plot 9:	Four spaces in total. Two spaces within the car barn plus two spaces on the driveway
Plot 10:	Three spaces in total. One space within the garage plus two spaces on the driveway.
Plot 18:	Two spaces in total. One space within the garage and one space in front of the garage.
Plot 19:	Four spaces in total. Two spaces within car barn plus two spaces in front of car barn.

Four Bedroom Dwellings

Plot 2:	Three spaces within garage/car barn
Plot 8:	Three Spaces in total. One space within car barn one space in front of car barn and one space to the front of the dwelling

20. A total of 11 car parking spaces are provided on street for visitors.
21. A landscaping scheme has been submitted showing planting to the boundaries, and within the application site. The landscaping scheme includes areas of public open space (POS). The POS proposed to the north (fronting Woodchurch Road), includes an attenuation facility for a sustainable urban drainage system (SuDS). The POS to south of the site includes an area for reptile mitigation. An ecological corridor is proposed to extend part of the length of the eastern boundary.



Figure 6 Proposed Layout 19 dwellings



Figure 7 Sketch View Looking South



Figure 8 Sketch View Looking Northward



Figure 9 Sketch View Looking in a North-westerly Direction



Figure 10 Typical house type Walmer SX plots 6 & 7 proposed elevations



Figure 11 Typical house type Walmer SX plots 6 & 7 proposed floor plans

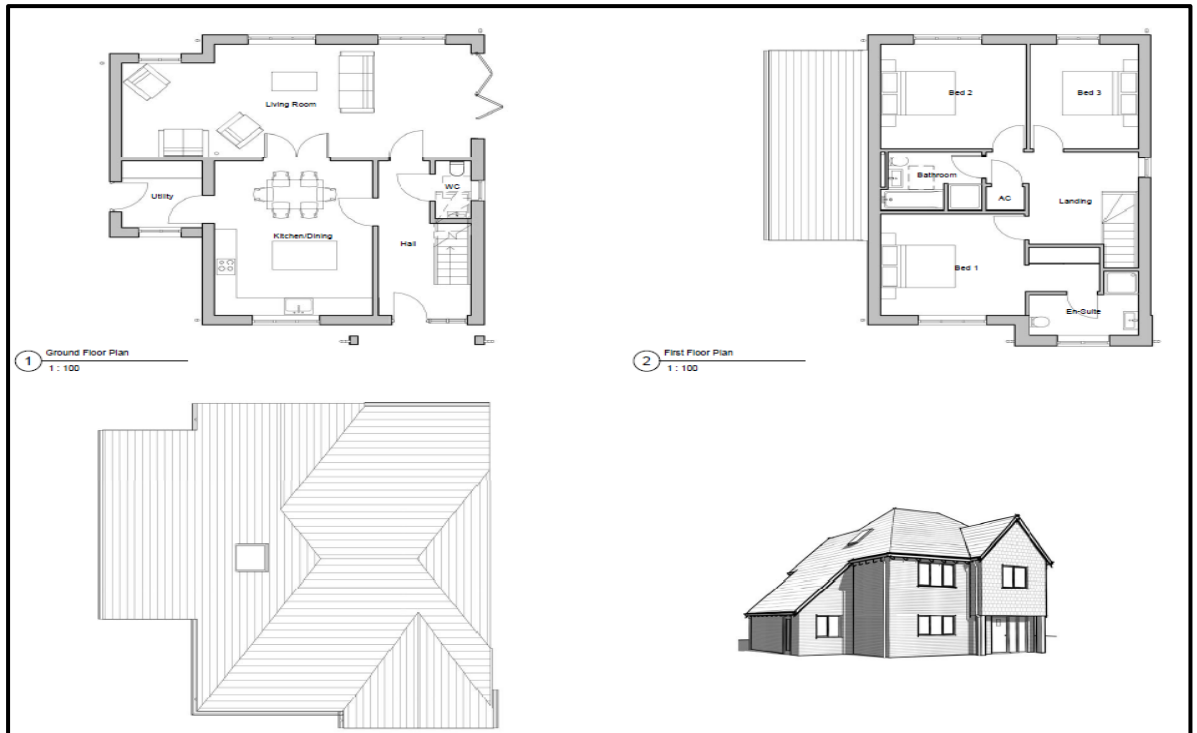


Figure 12 Typical house type Chichester 2 SX plot 9 proposed floor plans



Figure 13 Typical house type Chichester 2 SX plot 9 proposed elevations

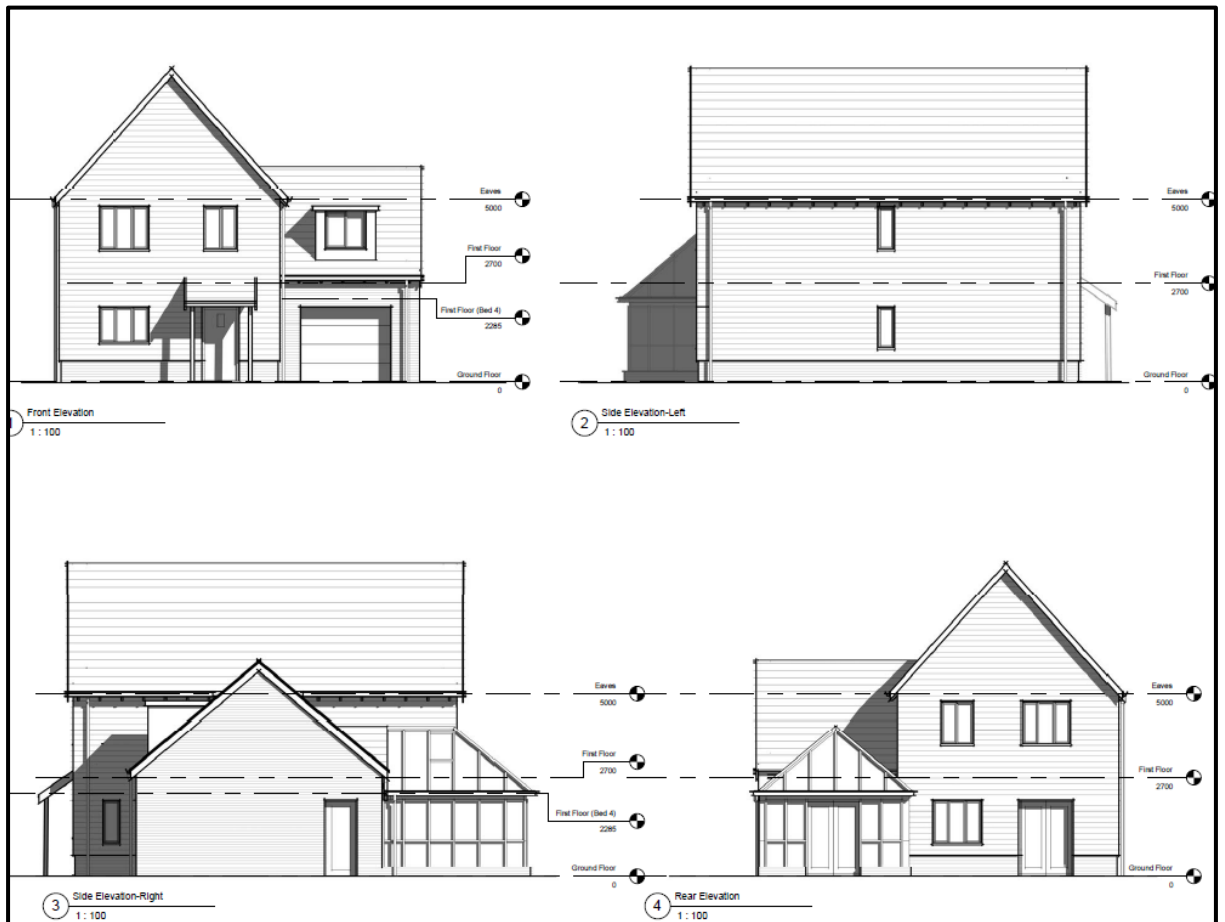


Figure 14 Typical house type Hever SX plot 8 proposed elevations



Figure 15 Typical house type Hever SX plot 8 proposed floor plans

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

Design and Access Statement (DAS)

23. The DAS concludes that this site represents a sustainable location for new housing as it strengthens the existing housing area which it lies adjacent to, forming a natural extension to it. The DAS states that as the site analysis sets out, it is very well contained visually due to the mature tree screen to the site edges. In addition, the DAS lists key advantages of the proposal which are copied below.
- Very 'deliverable' proposal ready to go without any major constraints.
 - Highly in demand area where people will want to live.
 - 30% Affordable Homes.

- Fully compliant highways strategy.
 - Trees retained where possible.
 - Low to medium density layout of family homes with generous private gardens and attractive public realm spaces and tree planting.
 - Good quality architecture with careful attention to proportion, materials and detailing.
24. The DAS finishes by stating that Perhaps most importantly, the proposals set out are driven by the desire for “place-making”. These will result in a well designed scheme, with a characterful layout and a real sense of place. The DAS states that on this basis the proposals reflect Local and National Planning Policy Guidance and should be approved.

Planning Statement

25. The Planning Statement sets out the Planning Policy context against which the application should be determined.
26. The statement concludes that Ashford has a significant short fall in its five-year housing land supply. The statement indicates that in such circumstances, the NPPF should be the basis for consideration of housing applications and applications for ‘sustainable development’ should be determined in accordance with the presumption in favour of sustainable development.
27. The statement ends by stating that the development proposed fully accords with all relevant technical criteria, is of high quality design and layout and constitutes sustainable development which will contribute to the vitality and viability of the settlement of Shadoxhurst. Therefore it is respectfully requested that this application be granted planning permission.

Assessment of Five Year Housing Land Supply May 2015

28. This report examines the housing targets set by Ashford Borough Core Strategy (2008) and the Ashford Borough Strategic Housing Market Assessment (SHMA) (2014) and compares these to the estimates of housing potential prepared by Ashford Borough Council. The report concludes that Ashford has a significant shortfall in its five year housing land supply.

Flood Risk Assessment (FRA) May 2015

29. The FRA identifies that the site is located in flood zone 1 above any local 1 in 1000 year flood risk levels. It is currently a rough grass field and housing is proposed. This will generate much more surface water runoff and this will be stored on site to enable the outflow rate to be limited in accordance with

DEFRA's guidance document for new surface water flows from developments. The FRA states that new surface water flows will require an in principle storage volume of 484m³. The FRA states that the site is not at risk from other sources of flood risk.

Heritage Impact Assessment (HIA)

30. The HIA concludes the following:
31. "The sense of place, local character and history and integration with the historic environment have been steadily eroded during the last forty years in this part of Shadoxhurst. In contrast, although there will not be any physical impact on the listed building itself, there will undoubtedly be a change in its setting. At present, the large open green space around the building is a positive feature and makes reference back to its historic use as a farm, even though there is now no functional connection between the building and the land.
32. It is clear that as a public house in a prominent location, the Kings Head group of building acts as an important local cultural focus for social and community events in the village as well as being economically beneficial. This function is unlikely to be affected adversely by the proposals, nor is the buildings separation from the countryside, by virtue of the buildings remaining grounds, which are in themselves substantial and adequate to protect its setting and retain a sense of openness when viewed from Woodchurch Road. Conversely there could be an argument that more custom will be generated by the occupants of the new housing, thus ensuring that the business survives.
33. This in turn will help to preserve the building itself as a heritage asset. Thus the development will establish a strong sense of place both within the new development and for the adjacent listed building, the latter also reinforcing local distinctiveness. The form of development, its scale, density and material is considered to respond to local character whilst permitting innovation in terms of internal living standards and environmental qualities. The key historic connections between the village and the public house and the wider countryside have been protected and enhanced by virtue of minor realignment and through the creation of new landscape places and connections to existing adjacent residential development which previously did not exist.
34. This report has considered the historical and aesthetic significance of the listed building formerly known as Watch House Farm and now as the Kings Head public house, with specific reference to its setting.
35. It is considered that the proposed development meets the current Historic England and NPPF guidance".

Pre-Development Tree Survey and Report

36. This report sets out the following:

- The application site is not located within a conservation area. The site is not subject to any TPO's.
- The effects of the proposed development are not envisaged to have any detrimental effect on the amenity value of the trees to be retained or surrounding landscape providing all advice given in this report is adhered to.
- The height, spread and orientation of the trees subject to this report have all been given due consideration and are not considered to pose any serious constraint on development proposals.
- Conventional construction processes (i.e. strip foundations) are deemed to be appropriate for this site as all building footprints are to be excavated outside of all calculated root protection areas (RPA's). There is no need for any demolition.
- The main site access road will comprise of a highway grade construction that will eventually be used by a wide range of vehicles. Such is the importance of T24 (English Oak) as a potential veteran tree, a proposal is made to utilise a no-dig methodology where the access road, and driveway and footpath pass within its RPA.

Ecology Assessment

37. The Ecological Assessment concludes the following:

- There are not considered to be any significant adverse effects on any statutory or non-statutory sites of nature conservation interest from any development proposals.
- The creation of new areas of species-rich grassland and the planting of new native hedgerows and trees will mitigate for losses to the areas of semi-improved grassland and will diversify the habitats present within the Application Site.
- No trees within and adjacent to the Application Site were considered suitable to support roosting bats, on account of the lack of suitable features.
- Only common bird species were recorded during the surveys. The planting of new trees and hedgerows as part of the proposals (including

fruit/berry-bearing species) will provide new foraging and nesting opportunities for birds, while the provision of new bird boxes on new or retained trees/buildings within the Application Site, will provide new roosting and nesting opportunities for birds.

- Further recommendations have been made to safeguard other protected and notable species present within the site. Recommendations have also been made to achieve ecological enhancements for such protected/notable species wherever possible.
38. The assessment concludes that through the implementation of the safeguards and recommendations set out within the report the development proposals will accord with planning policy with regard to nature conservation at all administrative levels.

Engineering Statements

39. This report assesses the engineering requirements for the proposed redevelopment of the site. It identifies the areas of Transport and Highways; Drainage Strategy with SuDS Strategy and Utility Statement.

Transport Statement (TS)

40. The Transport Statement identifies that the Woodchurch Road at the front of the site has plenty of capacity to accommodate the additional traffic from the site. The proposed new access provides full visibility requirements for a 40mph speed limit and the 85th percentile speeds measured locally. The TS also confirms that there is easy access to public transport in the form of an existing bus shelter opposite the site, which allows ready access to Ashford and the International Station as well as to Tenterden and surrounding villages. The TS states that the internal road layout can accommodate Refuse Vehicles and Fire Engines with a suitable turning space within the internal junction, which in combination with acceptable reversing and bin drag distances ensures that the site is serviceable within current guidelines.

Drainage Strategy (DS)

41. The Drainage Strategy confirms that Southern Water has been consulted about foul water disposal and there are suitable connection points within the site. The DS also confirms that a Southern Water Capacity Assessment for the original idea of 35 units revealed that there might be the need for off site improvements to the drainage infrastructure. The DS identifies that the current proposal is for the significantly lower number of 19 dwellings and this reduced load has been discussed with Southern Water. The DS states that they have identified that for 19 units an element of offsite improvement may still be required, in theory. As additional flows are so low it has been agreed that flow measurements will be taken in the system to identify actual flows and this should reduce need for off

site improvements. This does not change the fact that there is a suitable outfall for the development.

Sustainable Surface Water Drainage System Strategy (SuDS)

42. The SW/SuDS Strategy identifies that the site is not suitable for soakaways or other soakage based solutions. In response to concerns stated by consultees and local residents, the proposal now includes a system of oversized pipes to accommodate up to a 1 in 30 year storm event with any more severe events utilising the 'dry pond' attenuation feature within the green space in the development. The system discharges to the existing SW outfall in the northeast corner of the site with that discharge limited to less than greenfield runoff rates in accordance with Ashford Borough Council Drainage SPD. The 'dry pond' will be a reduced level of open grassed area suitable for general amenity use in all but the wettest of times. The formation of a simple 'dry pond' arrangement is all in keeping with local and national SuDS strategies as it maximises the use of existing features whilst minimising the use of hard features. The strategy concludes that proposed run off rates will significantly reduce flood risk for the area.

Utility Strategy

43. All utilities, with the exception of mains Gas are available to the site and there should not be significant issues with provision of utility to the site. There is sufficient space within the adopted highway and at the edge of private highway to accommodate utility services.

Site Investigation

44. The report concludes the following:
- Ground water was encountered during the site works.
 - It is likely that foundation depths would generally be in the order of 1.00m but slightly deeper around the edges of the site where the remaining trees may have an influence.
 - Due to the nature of the soils encountered the sides of any excavation may become very unstable during periods of wet weather. The bottoms of foundation trenches should be left above formation level and only bottomed out when concreting is imminent.
 - All floors slabs should be suspended in accordance with NHBC guidance.
 - Low concentrations of soluble sulphate were found within the sample tested.
 - The results of the soakage tests carried out on the site show a very low to no soakage potential. Conventional chamber soakaways are unlikely to be effective on this site. Consideration should be given to dispose of surface water off site.

Relevant Planning History

45. None

Consultations

Ward Members: The Ward Members are Cllr Bradford and Cllr Hicks. Both Cllr Bradford and Cllr Hicks are members of the Planning Committee. Neither Ward Member have made any formal representations.

1st Consultation for 24 dwellings

Shadoxhurst Parish Council: Object for the reasons summarised below:

- Too many houses for the size of the site.
- Inadequate parking.
- Inappropriate access and poor sight lines.
- The green area serves no purpose and will flood in heavy rain.
- Proposed surface water drainage system is inadequate.
- Loss of biodiversity.
- The sewerage system in the village will not cope with the extra houses.
- Loss of permissive footpaths.
- Loss of village amenity.
- There will be a further draw on an already inadequate broadband infrastructure in the village.

ABC Housing: With regard to the application for 24 dwellings the site should be providing 8 units of affordable housing. Two terraces are shown as grouped together in one corner of the site. The scheme should be redesigned to enable greater integration of the affordable housing across the whole site. The provision of 2 bedroom 4 person houses is acceptable. The dwellings fail both the national space standards and Ashford BC space standards.

ABC Environmental Health: A watching brief should be maintained during the initial ground works and in the event of any localised contamination being identified the LPA should be advised, and a remedial method statement prepared and submitted for approval.

ABC Refuse: No objection, providing properties have sufficient space for storage of required refuse and recycling wheeled bins. A vehicle tracking plan is required to confirm accessibility for waste collection vehicles.

ABC Cultural Services: Require financial contributions towards the provision of outdoor sports facilities, informal/natural space, play space, allotments, strategic parks and cemeteries.

The SPD requires informal open space for sites of under 50 dwellings to be off-site. The on-site provision shown on the layout and landscape plans could be considered to be of sufficient public benefit to be accepted as meeting the developer's obligation – as could a smaller area at this very prominent location.

ABC Drainage: Raise a holding objection pending the submission of further information. Support the comments made by KCC Drainage.

KCC Drainage: Raise a holding objection pending the provision of further information including further details of outfall, off-site flows and future maintenance of the existing drainage ditch.

KCC Highways: Object to the application on the following grounds:

- Insufficient parking,
- Vehicle tracking for refuse vehicles has not been provided
- A service plan has not been provided.
- The middle houses in the row of the 3 and 4 house terraces do not have rear access to the proposed cycle store.

KCC Heritage: No objection subject to conditions.

KCC Public Rights of Way: Object. The application makes reference to the Public Rights of Way across the site however, it does not adequately identify how it is proposed to deal with these.

KCC Ecology: Require additional information to be provided clarifying why the ecologist is satisfied that the reptile population will be retained within the development. Confirmation is required as to the measures that will be put in place to ensure the hedgerows will be retained for the lifetime of the development.

With regard to dormice, nut hunts alone have not provided ABC with sufficient information to assess if dormice are present within the site. KCC advise that additional information is provided detailing why a specific dormouse survey was not carried out. If the information is not sufficient KCC advise that there may be a requirement for a dormouse survey to be carried out prior to determination of the planning application.

A bat activity survey was carried out and recorded low numbers of foraging bats. ABC need to be satisfied that the survey covered the whole site. A map including the route of the transect survey must be submitted prior to determination of the planning application.

KCC Development Contributions: Request funds towards secondary education. £2359.80 per applicable house (x24) totaling £56,635.20 is requested towards Homewood Secondary School Phase 1 extension.

Funds towards primary education. £2360.96 per applicable house (x24) totaling £56,663.04 is requested towards the expansion of John Wesley Primary School.

£1152.38 is requested for Libraries towards the additional book stock required to meet the demands of the additional borrowers from this development

A condition is recommended relating to broadband.

Southern Water: Indicate the following:

- Following initial investigations, Southern Water cannot accommodate the needs of this application without the development providing additional local infrastructure.
- No development or new tree planting should be located within 3 metres either side of the centreline of the public sewers.
- Existing infrastructure should be protected during construction.
- A formal application for connection to the public foul sewer is required.
- SUDS facilities are not adoptable by sewage undertakers.
- Recommend conditions requiring details of the methods to protect public foul sewers and the means of foul and surface water sewerage disposal.

Kent Wildlife Trust: Raise a holding objection for the reasons summarised below:

- It is not clear from the Illustrative Landscape Plan what is being proposed at some of the boundaries.
- Details have been provided for close boarded fencing and brick walls, but it is not possible to see a clear boundary treatment plan in order to establish where these will be placed.
- Brick walls or close boarded fencing at the end of residential gardens that back onto the retained wildlife features, such as hedgerows are not recommended.
- More information needs to be provided regarding the mitigation for protected species. Wider enhancement for wildlife and any species mitigation plans need to be secured by condition.
- Considering that there is habitat on site with the potential to support dormice, it is concerning that the usual survey requirements for this species has not been carried out.
- Lack of a breeding bird survey.

Natural England: No objection.

Environment Agency: State they have no comments to make.

Neighbours: Neighbours have been notified by letter, site notices have been posted and the application has been advertised in the press. Four letters of comment and 32 letters of objection were received. Representations are summarised and the end of the consultation section.

2nd Consultation for 24 dwellings (Amended Layout)

Shadoxhurst Parish Council: Provide details of the history of the application site and submit comments summarised below:

- Critical sewerage capacity in the village and flooding have not been adequately addressed.
- The construction process needs to be strictly managed and controlled.
- The design must reflect the importance, setting and close proximity of the Grade II listed building.
- Too many houses are proposed and this will destroy the outlook and setting.
- The field has been used as public open space for generations.
- The field is still used by those walking the definitive PROWs and the well-trodden paths that exist.
- The field is still an asset to the village.
- The Parish Council have made written submissions objecting to the draft allocation of the site within the emerging Local Plan to 2030. This has included challenging, the sustainability matrix.
- A much larger village green needs to be provided on Woodchurch Road.
- There should be no houses fronting Woodchurch Road.
- The green space should extend from Woodchurch Road the length of Maytree Place to properly enhance the setting of the public house.
- The proposed road is not welcome as it breaks up the green open space we wish to retain. Subject to a gated access, the residents of Maytree Place would be happy for the development road to go off their road.
- There are concerns about the green space beside Nairne Close, residents do not want any 'play equipment' there as this gave rise to problems in the past
- The design could incorporate houses around the village green.
- There are concerns about the roadway at houses 16 and 17 where there could be an easy future access to the field to the south.
- Street lighting, brick walls and close boarded fencing should not be incorporated in the development.

ABC Housing: No comments received.

ABC Environmental Health: State their earlier comments remain relevant.

ABC Refuse: No comments received.

ABC Cultural Services: No comments received.

ABC Drainage: Raise a holding objection stating that the comments made by KCC in their role as lead local flood authority are supported and further information / clarification is requested before the application is determined.

KCC Drainage: Require further clarification on matters relating to discharge rates, off-site flow contribution to the network, flood risk from ordinary watercourses and future maintenance.

KCC Highways: Object to the application on the following grounds:

- Lack of visitor parking
- The footpath in front of parking for plots 3 and 4 should be tarmac rather than a block paved surface to give priority to pedestrians using it.
- Vehicle tracking needs to be provided for a refuse vehicle.
- The width of parking bays abutting soft landscaping is inadequate.
- An adoption plan needs to be submitted showing the proposed extent of adoption by KCC Highways and Transportation.

KCC Heritage: No comments received.

KCC Public Rights of Way: object for the same reasons stated previously.

KCC Ecology: The redesign of the proposed development site has resolved our previous concerns about the size and location of the receptor site.

Details of the reptile mitigation have been provided and we are satisfied with the proposed mitigation. In the event that the development does not commence in 2017 (if granted) we advise that there is a need for updated reptile surveys to be carried out to inform the detailed mitigation strategy. To address this concern we advise that a reptile mitigation strategy is submitted as condition.

A dormouse nest tube survey has since been carried out, and although it was carried out late in the season, we are satisfied that the conclusions of the survey provides sufficient information to determine the planning application.

The proposed site plan has since been changed and the hedgerows will no longer be incorporated into the residential gardens. This reduces the potential for future residents to remove/intensively manage the hedgerows and will allow the hedgerows to be retained and managed appropriately as part of the site wide management plan.

A site wide management plan should be secured by condition.

KCC Development Contributions: No comments received.

Southern Water: The proposed site layout plan suggests that the applicant is proposing to divert sewers not shown on public records. Southern Water requests a formal application for sewer diversion under S185 of Water Industry Act 1991 in order to divert any public sewer.

Southern Water state that all previous comments remain unchanged and valid for the amended details.

Kent Wildlife Trust: It is now clear where the boundaries of private gardens end and the retained hedgerow begins. It is also noted that these retained hedgerows have been removed from private ownership and will be included in the site conservation management plans. The conservation management plan should be secured by condition.

It appears that the garden boundaries have now been replaced with close boarded fencing. Brick walls or close boarded fencing at the end of residential gardens that back onto the retained wildlife features, such as hedgerows are not recommended.

Mitigation Strategies for protected species need to be submitted and details of wider enhancement for wildlife and any species mitigation plans need to be secured by condition.

A dormouse survey has now been carried out and therefore this part of KWT's previous comments has now been satisfied.

The lack of a breeding bird survey is queried.

Natural England: No comments received.

Environment Agency: No comments received.

Campaign to Protect Rural England (CPRE): Object to the application on the basis that it would harm the setting of the PH, is an overdevelopment of the site and would impact upon the public rights of way. Lack of facilities and services is also referred to.

Neighbours: Neighbours have been notified by letter, site notices have been posted and the application has been advertised in the press. Six letters of comment and 16 letters of objection were received. Comments and objections are summarised at the end of the consultation section.

3rd Consultation for 19 dwellings

Shadoxhurst Parish Council: Have submitted an extensive letter of objection. Given the length of the objection, it has been copied in full and forms **Annexe 2** of this report.

In very brief summary, the Parish Council state that they are grateful that the number of dwellings has been reduced to 19, and acknowledge that the development may increase income for the public house and increase congregation numbers at the local church.

However, in addition to the reasons they have stated previously, the Parish Council continue to object to the application on the following grounds:

- The site lies outside the built up confines.
- Cumulative impact of residential development in Shadoxhurst.

- Loss of open space.
- Lack of a suitably sized village green.
- Highway impacts.
- Flooding and drainage.
- Layout
- Sustainability
- Need for additional housing in Shadoxhurst has not been proven.
- Impact upon the setting of the Kings Head which is a Grade II Listed Building.
- Urbanising Impact.
- Impact upon the character of the village.
- The development will harm the existing sense of place.
- Impacts from construction.
- There has been no consultation relating to S106 contributions and construction management.

(Comment JDCM: Contrary to the Parish Councils comments, the Parish Council were contacted regarding Section 106 contributions. The Parish Council responded identifying a number of projects the majority of which are included in Table 1 below.

Construction management is a matter, which can be controlled by conditions.)

ABC Housing: Following confirmation of the number of units being proposed, Housing Services stated that they are satisfied that the 19 unit development has an adequate number of affordable properties (6 units). The unit sizes are in line with the Nationally Described Space Standards Housing Services are supportive of this development being granted planning permission.

ABC Environmental Health: No comments received.

ABC Refuse: No comments received.

ABC Cultural Services: Require financial contributions towards the provision of outdoor sports facilities, play space, allotments, strategic parks and cemeteries. The open space on site is accepted as meeting the developer's obligation in relation to contributing towards the provision of informal/natural space.

Suggestions have been made to help improve the soft and hard landscaping arrangements and boundary treatments.

(Comment JDCM: Appropriate landscaping and boundary treatments can be secured by condition).

ABC Drainage: No objection. Comments and recommendations made by Kent County Council's Flood Risk Project Officer are supported. It is recommended that the conditions proposed by KCC in their role as Lead Local Authority are applied should permission be granted.

KCC Drainage: Have reviewed the revised site layout and drainage strategy and are generally satisfied that the revised proposal adequately manages flood risk on and off the site. The revised layout places properties away from the mapped areas of high flood risk and the proposed levels have considered the residual risk of flooding in the event of a blockage off-site or very adverse conditions. Conditions are recommended.

KCC Highways: Kent Highways initially raised an objection to the layout for 19 units on the site. However, following receipt of further information including vehicle tracking for a refuse vehicle and minor amendments to the layout including the widening of the landscaped feature in front of plot 3 and the provision of a landscape feature in front of plot 9, KCC have withdrawn their objection. Conditions are recommended.

KCC Heritage: No objection subject to conditions.

KCC Public Rights of Way: In order to achieve the proposed site layout a diversion of Public Rights of Way AW327 & AW328 would be required. The applicant has submitted a diversion application but this is currently on hold whilst the proposed site layout is finalised.

Since the initial consultation the condition of public footpath AW327 south of the proposed site has deteriorated and given the proposal is likely to generate a significant increase in use of the footpath I request a contribution of £5000 be provided through Section 106 agreement to enable the council to upgrade the surface connecting to Church Lane.

Recommend a condition advising that no development should take place over any PROW until the confirmation of its diversion or extinguishment and certification of the new route has been provided by the County Council.

KCC Ecology: Accept that within the whole of the site there is sufficient space to retain and support the reptile population on the understanding that the following are implemented:

- The whole of the green space within the SW and East of the site are used as a receptor site (we accept that a mown path can be created within these areas)
- The hedgerow between the green space within the SW and East is enhanced and retained in perpetuity (ideally this hedgerow should not be under the ownership of the adjacent property to ensure it will be retained.).
- The receptor site areas are managed by a company who has experience of managing sites for their ecological interest.

Based on the assumption that the above can be implemented we advise that it is likely that the reptile population can be maintained within the development site.

We advise that if planning permission is granted a detailed reptile mitigation strategy is submitted as condition of planning permission.

Comments relating to dormice are the same as those previously submitted.

An informative to protect breeding birds is recommended.

There is a need to ensure that the site is managed appropriately long term to ensure that the ecological interest of the site is retained. As such we advise that there is a need for a site wide management plan to be produced and implemented for the life time of the development. A condition is recommended to secure this.

(Comment JDCM: Since receiving KCC's comments, KCC Biodiversity officer has confirmed in writing by email that the report has been reviewed again and KCC accept that the information submitted within the document provides enough information to demonstrate that the reptile mitigation will be carried out to an appropriate standard. Consequently, the condition requiring an updated reptile mitigation strategy is no longer required.)

KCC Development Contributions: Request funds towards secondary education. £2359.80 per applicable house (x19) totaling £35,397.00 is requested towards Homewood Secondary School Phase 1 extension.

Request funds towards primary education. £3324.00 per applicable house (x19) totaling £49,860.00 is requested towards expansion of John Wesley Primary School.

£912.30 is requested for Libraries towards the additional bookstock required to meet the demands of the additional borrowers from this development

A condition is recommended relating to broadband.

Southern Water: All previous comments remain unchanged and valid for the amended details.

Kent Wildlife Trust: No comments received.

Natural England: No objection.

Environment Agency: No comments received.

National Health Service (NHS): Views awaited.

Neighbours: Neighbours have been notified by letter, site notices have been posted and the application has been advertised in the press. 2 letters of comment have been received and 16 letters of objection.

In response to the first round of consultation 4 letters of comment were received and 32 letters of objection. In response to the second consultation 6 letters of comment were received and 22 letters of objection. In response to the latest consultation 2 letters of comment have been received and 16 letters of objection. The comments/objections are summarised below and include the following:

- The development is contrary to adopted policies, guidance and to the National Planning Policy Framework.
- The application is premature in relation to the adoption of the emerging Local Plan which identifies the site for housing (policy S36);
- The site is outside the built-up confines.
- Unjustified development in the countryside.
- The development is unsustainable;
- Loss of open space which forms the heart of the village and is frequently used by the local community.
- Urbanising form of development that will harm the character of the countryside, character and appearance of the village, street scene and visual amenity of the area.
- Lack of local facilities and infrastructure to accommodate the development.
- Health and educational facilities are already overwhelmed and this would increase demand.
- The village does not have a doctors surgery;
- Broadband is already poor and this will further impact speeds.
- The necessary planning obligations have not been entered into.
- Overdevelopment of the site.
- The development will adversely impact upon highway safety and traffic conditions, issues raised include the following:
 - Access into the site is unsafe;
 - Visibility is constrained and should be improved;
 - Maytree Place and the proposed development should share the existing access adjacent to the pub car park (in accordance with emerging policy S36);
 - The residents of Maytree Place have not refused to share access as alleged by the applicant;
 - Pedestrian access and pedestrian safety;
 - Improvements to pedestrian links are required;
 - Insufficient parking;
 - Uncontrolled parking of construction vehicles;
 - Noise, light pollution and general pollution from traffic;
 - Increased traffic;
 - The condition of existing roads is poor;
 - Displacement of visitor parking for Maytree Place;
- Impact on the Public Right of Way;
- The development will adversely impact the setting of the Kings Head which is a Listed Building;
- The development will adversely impact wildlife habitat including birds, newts, reptiles, hedgehogs, birds, bats and plants;
- Ecology has not been properly assessed as it does not contain any information relating to the presence of Water Voles which are alleged to exist on/near the site.

- Access to public transport is limited to an irregular and unreliable bus service;
- The site floods;
- The development will increase surface water flooding, which is already an issue in Maytree Place. Existing infrastructure cannot accommodate this, and as a result the development will increase flooding;
- Sewage system needs upgrading and the existing infrastructure cannot accommodate the development;
- Granting of planning permission will set a further precedent for residential development for example in the field(s) adjacent;
- The proposed housing is unaffordable;
- Noise and pollution will arise as a result of the development;
- The development will result in light pollution;
- A village green should be provided;
- The open space/village green proposed is too small;
- Loss of light to neighbouring properties;
- Loss of hedgerow;
- The development will increase litter;
- De-valuation of existing property prices;
- The location of the affordable housing will impact upon property prices in Maytree Place de-valuing them;
- The village is not on mains gas;

(Comment JDCM: The application has confirmed that they are exploring the use of air source heat pumps in response to this issue).

- Cumulative impacts of recently permitted development;
- The development will adversely impact on the quality of the lives of local residents;
- The development should be located on a brown field site;
- Local residents do not wish to be amalgamated with Chilmington Green;
- It is alleged that the ecological mitigation works being undertaken on site are not being undertaken appropriately;
- The drainage strategy requires further review.

Planning Policy

46. 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 'Main 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.

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

Local Development Framework Core Strategy 2008

CS1	Guiding principles to development
CS2	The Borough wide strategy
CS6	The rural settlement hierarchy
CS9	Design quality
CS10	Sustainable Design & Construction
CS11	Biodiversity and Geological Construction
CS12	Affordable Housing
CS13	Range of Dwelling Types and Sizes
CS15	Transport
CS18	Meeting the Community's needs
CS18a	Strategic Recreational Open Space
CS20	Sustainable Drainage

Ashford Borough Local Plan 2000

GP12	Protecting the Countryside and Managing Change
EN9	Setting and Entrances of Towns & Villages.
EN10	Development on the edge of existing settlements
EN31	Important Habitats
EN32	Important trees and woodland
HG3	Design in Villages

Tenterden & Rural Sites DPD 2010

TRS1	Minor Residential Development or Infilling
TRS2	New Residential Development Elsewhere
TRS17	Landscape Character and Design
TRS18	Important Rural Features
TRS19	Infrastructure provision to serve the needs of new developments

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

**Emerging Ashford Local Plan to 2030 Regulation 19 Version June 2016
(as amended in July 2017) (Draft)**

SP1	Strategic Objectives
SP2	The Strategic Approach to Housing Delivery
SP6	Promoting High Quality Design
S36	Shadoxhurst – Rear of Kings Head PH
HOU4	Residential Development in the rural settlements
HOU5	Residential Windfall Development in the Countryside
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
COM1	Meeting the Communities Needs
COM2	Recreation, Sport, Play and Open Spaces
IMP1	Infrastructure Provision

Supplementary Planning Guidance/Documents

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011 – External Space Standards Only

Sustainable Design and Construction SPD April 2012

Public Green Spaces & Water Environment SPD 2012

Dark Skies SPD 2014

Village Design Statements

N/A

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 2012

49. 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 weight should be given to relevant existing Development Plan policies according to their degree of consistency with the NPPF. The following sections of the NPPF are relevant to this application:-
- Paragraph 14 sets out the mechanism for determining applications in accordance with the presumption in favour of sustainable development.
 - Paragraph 49 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 indicates a Transport Statement should support developments that generate significant amounts of traffic movement.

- Section 6 sets out about delivering a wide choice of high quality homes, including plan for the needs of different groups in the community including older people.
- Section 7 sets out requiring good design.
- Section 8 seeks to promote healthy communities including ensuring the adequate provision of social, recreational, and cultural facilities and services the community needs.
- Section 11 sets out conserving and enhancing the natural environment. Paragraph 118 contained within this section states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats including ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
- Section 12 sets out conserving and enhancing the historic environment.

National Planning Policy Guidance (NPPG)

50. **Other Government Policy**

Technical Housing Standards – Nationally described space standards

Assessment

51. The main issues for consideration are:

- 5 Year Housing Land Supply and status of the emerging development plan
- Principle of the development
- Sustainability
- Impact on countryside / landscape character
- Design & Layout
- Impact on the setting of the King Head PH
- Impact on residential amenity
- Other considerations including highway safety, ecology, trees/landscaping, drainage and flooding
- Housing Mix & Affordable Housing
- Whether Planning Obligations are Necessary

5 year housing land supply and status of the emerging development plan

52. The Local Planning Authority cannot currently demonstrate a 5 year housing land supply.
53. The lack of a five year supply of housing land triggers paragraphs 49 and 14 of the National Planning Policy Framework (NPPF), such that relevant policies for the supply of housing are not considered to be up to date. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the 'presumption in favour of sustainable development'. I shall refer to this as the 'presumption'. There are three dimensions to sustainable development: economic, social and environmental.
54. 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.
55. Footnote 9 refers to a number of specific policies which indicate development should be restricted. These include policies relating to heritage assets. The application site is located adjacent to a PH which is Grade II Listed and therefore a designated heritage asset.
56. The assessment of the scheme in the context of the 'presumption' does not however remove the statutory obligation to determine applications for planning permission in accordance with the development plan. As set out at paragraphs 2 and 210 of the NPPF which state that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990). 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 should be taken. The NPPF is one such material consideration.

The Council's aim is to address the lack of a 5 year housing land supply through the Local Plan 2030, which reflects up to date evidence on housing need. Within the emerging plan the application site is identified (under policy S36) as being suitable for residential development. Policy S36 states that the indicative capacity for the site is 25 units. The draft allocation evidences the fact that the Council considers the development of the site to be sustainable.

Principle of Development

57. Policy CS1 of the Core strategy states that sustainable development and high quality design are at the centre of the Council's approach to plan making and deciding planning applications. The policy lists a number of key planning objectives by which the Council seek to achieve this including via the slow release of greenfield land. Policy CS2, relates to the provision of housing and sets out housing numbers. As established in the preceding paragraphs these figures are out of date. Policy CS6 sets out the rural settlement hierarchy in which Shadoxhurst is deemed a tier 3 settlement. These are villages in which a limited amount of new development may be acceptable through small site allocations within the Tenterden & Rural Sites DPD 2010. Shadoxhurst however was not afforded any allocations in this document.
58. This application site is a greenfield site and in this respect the development would have a slightly negative environmental impact.
59. Until such time that the draft local plan is adopted, in the context of this current application the relevant 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 Shadoxhurst". 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 and would not comprise minor development or infill. 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).
60. Notwithstanding the conflict identified in the paragraph above, as indicated at paragraph 53 above, the Council's view is that the principle of residential development on this site is acceptable, and so the Council has allocated the site for housing within the emerging Local Plan under policy S36. Emerging policy S36 states that development proposals for this site shall:
 - a. Be designed and laid out in such a way as to protect the setting of the PH listed building and take account of the residential amenity of neighbouring occupiers.

- b. Proposals should seek to link the new development with adjoining Nairne Close, to create an area of shared public space;
- c. Provide primary vehicle access on Woodchurch Road, as shown on the policies map, which will also serve Maytree Place. The existing Maytree Place access will serve only the public house car park once development is complete;
- d. Create a pedestrian/cycle route through the site to enhance the current connections and retain or enhance the existing PRow's;
- e. Development proposals should investigate the potential to create an area of open space along the frontage to Woodchurch Road along with appropriate management arrangements;
- f. Retain the hedge and tree boundary around the site to screen the development of the site and create soft landscaping to lessen the visual impact of the development;
- g. Assess the opportunity of providing retail facilities within the site to serve the wider community.

For reasons detailed in the remainder of the report, for the most part, the proposed development is considered to comply with the criteria contained in the draft policy. Where it does not comply, for example, it does not comply with criteria c, officer's view is that this is justified and reasons for this are set out in full in the remainder of the report. Furthermore, as stated above at paragraph 42, it is worth reiterating that the Council are currently consulting on main changes to the draft plan, and until such time that the plan has been through public examination, the policies within it may only be accorded little weight.

61. Overall, in officer's view, whilst the starting point for assessing this application remains the adopted Development Plan, the 'presumption in favour of sustainable development' set out in paragraph 14 of the NPPF needs to be given considerable weight in the determination of this application. Unless any adverse impact of the development significantly and demonstrably outweighs the benefits, then in accordance with the 'presumption', planning permission should be granted.

Loss of an open space

62. One of the key objections raised by local residents and the Parish Council relate to the loss of this open space on the basis that it provides a community facility which has been used for events and general recreation for many decades.

63. Whilst I do not dispute that this is the case, the land is not formally designated as public open space, and currently it is privately owned by Shepherd Neame. Whilst Public Rights of Way cross the site, members of the public do not have any formal rights of access to the remainder of the application site. In addition, there is no means of preventing shepherd Neame from precluding access to the land outside of the definitive line of the public rights of way should they wish to do so.
64. Consequently, I raise no objection to the principle of the development based on the loss of this open space.

Sustainability - Location of the Development

65. The NPPF seeks to resist isolated new homes in the countryside (para 55). This is consistent with the thrust of policies TRS1 and TRS2.
66. The site is not in an isolated location. The site is located adjacent to an established settlement and has access to a moderate range of facilities. The village has a public house (located immediately adjacent to the site), a village hall, a church, a play area and park and is served by a rural bus service. A small shop / post office is located 1.6 kilometres away at Stubbs Cross. Therefore, the site is not regarded as being physically isolated from services.
67. In terms of public transport/connectivity the site is within easy walking distance of a regular rural bus service to both Ashford and Tenterden which runs for between 7-12 hours a day depending on whether it falls within school term time.
68. For these reasons, on balance, the site is considered to be relatively sustainably located and this weighs in favour of the proposal.

Impact on countryside/landscape character

69. Policy GP12 of the adopted Local Plan seeks to protect the countryside for its own sake including for its landscape and scenic value.
70. Policy CS1 of the Core Strategy seeks to protect the character of the countryside, landscape and villages from the adverse impacts of growth. This is endorsed by Policy SP1 of the emerging Ashford Local Plan which sets out similar core principles for development within the borough.
71. Amongst other things, policy TRS17 of the Tenterden and Rural Sites DPD states that development in the rural areas shall be designed in a way which protects and enhances the particular landscape character area within which it is located, and, where relevant, any adjacent landscape character area. The policy also says that existing features that are important to local landscape

character shall be retained and incorporated into the proposed development. Policy ENV3 of the emerging Local Plan is not materially different in its approach to landscape and character and design.

72. Policy TRS18 of the Tenterden and Rural Sites DPD requires development in rural areas to protect and where possible enhance a number of features including public rights of way. This is carried forward in Policy ENV5 of the emerging Ashford Local Plan.
73. The site is currently owned by Shepherd Neame and I am advised by local residents and members of the Parish Council that prior to the submission of this application (in 2015), the site was actively used for events and purposes associated with the PH. For the time being, this use has ceased and the land is currently unmanaged. With the exception of the length of the site boundary adjoining the access road into Maytree Place, the remaining boundaries are characterised by deciduous trees and hedgerows which enclose the site from the wider landscape setting. An existing open water course runs along the northern and eastern side of the application site, and Public Rights of Way AW327 & AW328 pass through the site.
74. The site is located within the Low Weld National Landscape Character Area. Key characteristics of this area include a general pastoral landscape; field boundaries of hedgerows; scattered linear settlements; many small rivers; streams and water courses; an abundance of ponds; and traditional rural vernacular of local brick, weatherboard and tile hung buildings.
75. The site is located within the Shadoxhurst Wooded Farmlands Local Landscape Character Area. Key characteristics of this area include an undulating landscape, strong sense of enclosure provided by mixed woodlands and hedgerows, field ponds and narrow ditch lined roads enclosed by woodlands. The assessment identifies Shadoxhurst and nearby Stubbs Cross stating that they comprise much recent development. The landscape sensitivity is moderate and overall guidelines for the area are to conserve and reinforce the landscape.
76. In order to accommodate the access and sight lines, the proposals would result in the loss of a mature hedgerow along the northern boundary adjacent to Woodchurch Road. In the interim, this would open up the site allowing unrestricted views into the application site from the Woodchurch Road. However, the submitted layout plans shows a replacement hedge along the frontage, to be planted outside of the sight lines. As this replacement hedgerow matures, it will help to soften the impact of the development.
77. The proposed development would not require any significant alterations to the landform or topography. Where possible the proposal seeks to retain the existing planting to the boundaries and would take advantage of existing mature trees and hedgerow, reinforcing these where appropriate in accordance with

the landscape objectives. Together with the enhancements to be provided in the proposed ecological corridor, retained and proposed planting will serve to ensure that the sense of enclosure which is currently experienced within the site remains, and will also assist to prevent prominent views into the site from within the wider landscape. In scenarios where it will be possible to see into the site from within the wider landscape, (for instance, when trees are not in leaf), existing residential development is located in close proximity to and will be associated with views of the development site. In this context, the site is seen against the backdrop of development within Shadoxhurst Village, including modern developments at Nairne and Farley Close and even more recent, development at Maytree Place.

78. The site would be accessible to members of the public using the PROWs which will continue to run through the application site. However, given the strong tree belt and hedgerows to the eastern and southern boundaries there are not extensive or panoramic views of the wider landscape from Woodchurch Road or from within the application site.
79. The proposed layout takes into consideration the landscape character, by sensitively positioning lower density development on the eastern side of the new access road so that larger gardens and the proposed ecological corridor adjoin the boundaries with the open countryside. This enables a softer transition between the open countryside and higher density of residential development proposed further within the application site, along the western boundary of the application site and the existing residential development beyond.
80. It is advised that conditions secure the retention of landscaping to the boundaries, in order to retain a positive and softened edge to the wider countryside. The use of close boarded fencing on the rural fringes of the site will be carefully controlled to ensure alternative softer garden enclosures more sympathetic to the rural setting is provided.
81. The proposals would result be a significant visual change from an open field to a developed housing scheme, however, the visual impacts associated with this would be relatively localised and contained by the existing and proposed landscaping to the boundaries. The impact would also be softened by this landscaping and also by the structured landscaping proposed within the scheme. For these reasons and the reasons set out above, I therefore conclude that the proposed development would not cause significant and demonstrable harm to the wider landscape character or visual amenity. Whilst the scheme would undoubtedly change the character of this part of Woodchurch Road, I consider that in context with existing residential development this change in character is acceptable.
82. I am satisfied that the proposals would comply with development plan policies which I have referred to which seek to protect the countryside and landscape character. In addition, the proposals are considered to broadly reflect the

landscape objectives set out in parts d and f, of draft policy S36 of the Local Plan, which require development proposals for this site to retain hedge and tree boundaries to screen development, create soft landscaping to soften the visual impact and to retain and enhance the PROW.

Design & Layout

83. Policies CS1 and CS9 of the Core Strategy require good design. Amongst other things policy TRS17 of the Tenterden and Rural Sites DPD states that proposals shall have particular regard to the setting, scale, layout, design and detailing of vernacular buildings and other traditional man made features. Policy SP6 of the emerging Local Plan is not materially different in its approach to promoting high quality design.
84. 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.
85. In terms of the layout, dwellings are positioned so that they front either the road or private access which serves them, thus creating a relatively cohesive building line. The slight variations in the orientation of the dwellings allows natural surveillance of the POS and together with the landscaping proposed to the front of each dwelling will give a softer edge to the built development. For the most part allocated parking for the dwellings is provided at the side/rear of each property. This seeks to ensure that the scheme will not be dominated by the presence of cars on the frontage. Where parking is provided on street for example for visitors, this is provided in laybys positioned against the backdrop of soft landscaping.
86. The scheme has been amended to reduce the number of dwellings from 24 to 19. This was to allow for an improved layout and a greater amount of POS. The POS, SUD's attenuation area and native hedgerows proposed to front Woodchurch Road would further soften the impacts of the development. The location of the POS adjacent to the historic Kings Head would also serve as reminder of the site's former use in association with the PH and will allow the POS to continue to function as an extension to the pub garden if the need/occasion arises. The positioning of the road into the site creates a pleasant vista from Woodchurch Road to the public open space positioned at the southern end of the application site which is linked to Nairne Close via a pedestrian footway. I am satisfied that together; these elements will assist the development to assimilate into its rural setting whilst creating a distinct and strong sense of place. It is also noted that the provision and positioning of POS addresses parts b & e of emerging policy S36 of the Local Plan 2030, which

states that development proposals should investigate the potential to create an area of open space along the frontage to Woodchurch Road and seek to link the new development with adjoining Nairne Close, to create an area of shared public space;

87. The size of the properties proposed (relative to the number of bedrooms) is generous and the plot sizes are relatively spacious with adequate circulation space around each of the buildings. This enables robust landscaping to be provided to soften the impacts of the scheme and assists to ensure that the properties do not appear cramped within their contextual setting. At an overall average of 13 dwelling per hectare the density of development is relatively low and comparable to the density of development which was recently granted planning permission at The Hollies (16/01841/AS) which lies to the north east of this site. The density of development is substantially less than the density of the modern housing schemes at Nairne Close and Maytree Place which the scheme will be viewed in context with. Density in these locations represents in excess of 30 dwellings per hectare.
88. The proposal is for mixed house types which will help to create an interesting and varied streetscene. Much like the predominant housing type, the proposed houses would all be of a traditional design and two storey. Plot two would have accommodation in the roof served by roof lights. Proposed architectural features such as entrance canopies, feature windows, chimneys and single storey additions add variation and 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. The design of private driveways including the use of block paving and attractive boundary walls, fencing and hedges would be sympathetic to the rural setting. Overall, the scheme proposes an appropriate form of design that will help to reinforce local distinctiveness.
89. 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.
90. 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 of the Core Strategy, TRS17 of the Tenterden and Rural Sites Development Plan Document, and policies SP6 and parts b & e of policy S36 of the Local Plan 2030.

Impact on the setting of the King Head PH

91. 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/or enhancement of heritage assets such as conservation areas and Listed buildings and their setting.
92. 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.
93. This is 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.
94. 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."*
95. In addition to the above, whilst it can be afforded little to no weight, 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.
96. The site is located adjacent to the Kings Head PH which is Grade II Listed. The original Farmhouse building dates back to the C17 and is a timber framed building now refaced in red brick on the ground floor and curved tile hanging above. The east wing to the north is a C19 two storey addition stuccoed with a slate roof. There are also some single storey outbuildings attached to the C19 wing.
97. The analysis contained within the submitted Heritage Statement shows that historically, the Kings Head was physically isolated from the village's historic core where there is a concentration of Listed Buildings including the church. In this respect; the building has been an important visual feature within the northern part of Shadoxhurst and has aesthetic significance.
98. Ordnance Survey mapping shows growth in development in the northern part of Shadoxhurst from 1936 onwards, some of which has already occurred in relatively close proximity to the Kings Head. For example, recent development at Maytree place which extends closer to the Listed Building than the development currently proposed. Consequently, there has already been a

significant change in the character of the area through the decades with the historic significance of the building and its setting to a degree already being compromised.

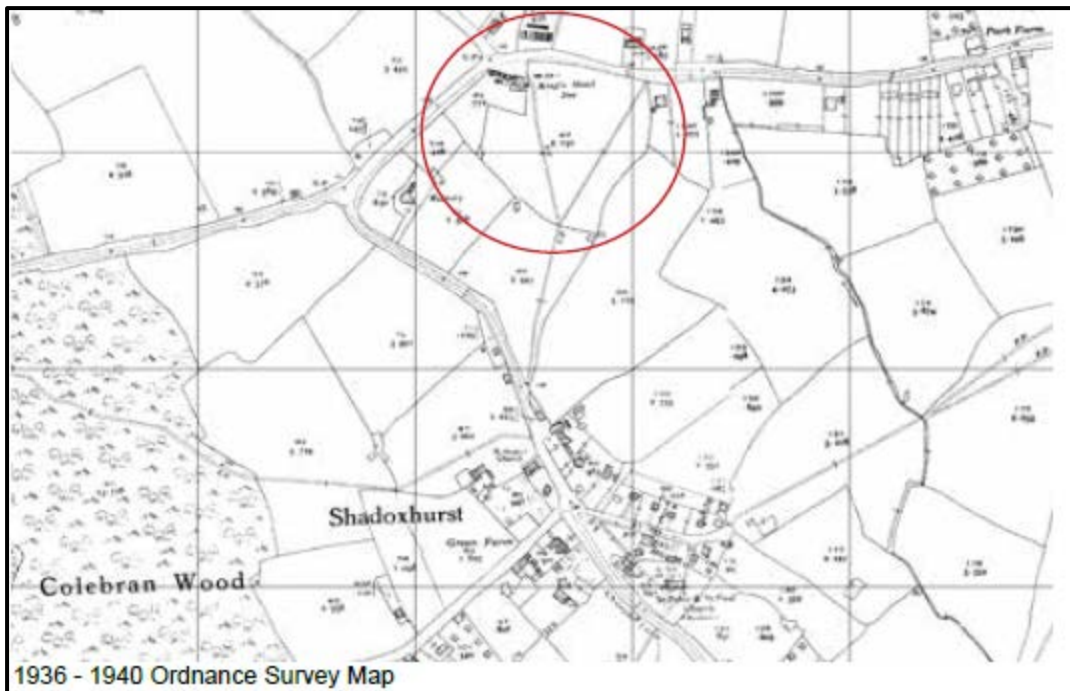


Figure 16 1936 - 1940 Ordnance Survey Map

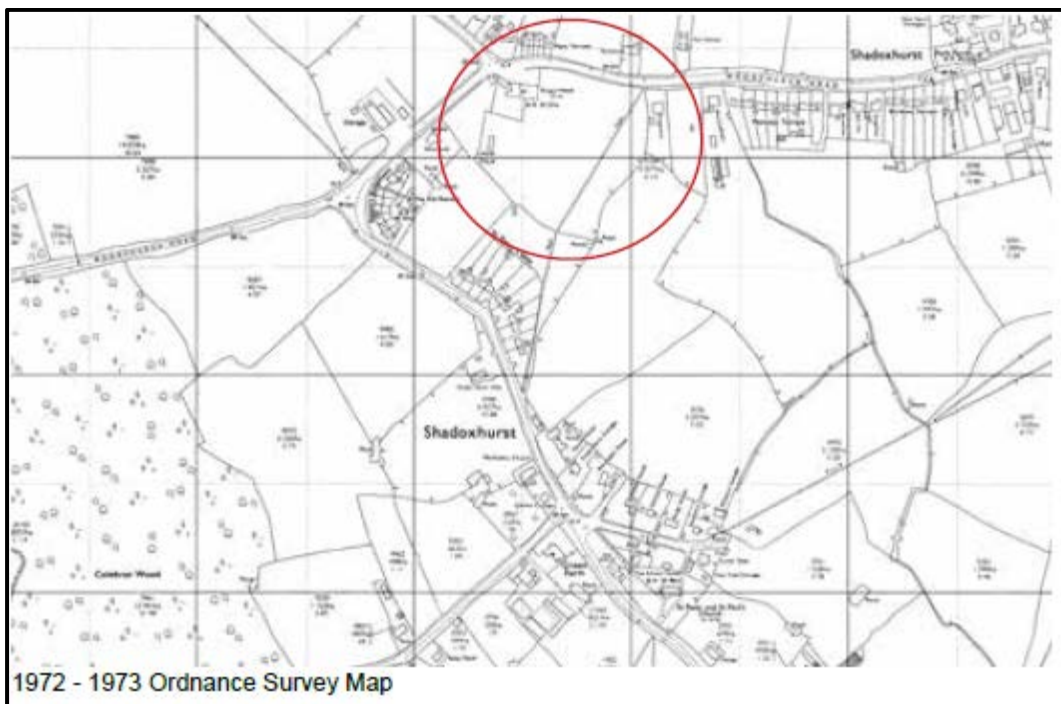


Figure 17 1972 -1973 Ordnance Survey Map

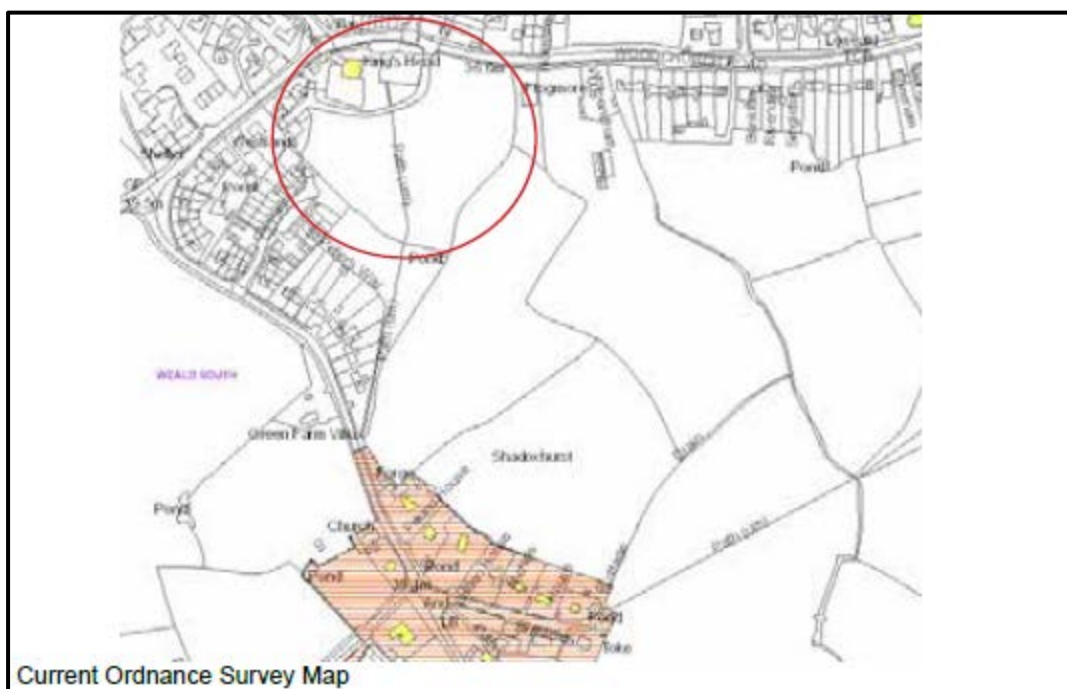


Figure 18 Current Ordnance Survey Map

99. The Kings Head will remain set within a substantial plot, and the presence of the POS at the northern end of the application site will assist to retain the sense of spaciousness around the Listed Building. As indicated earlier in the report, the development is of suitably low density and the provision of the open space and the separation distances between building blocks will ensure that important views of the Listed building are retained. Similarly, plot one follows the established building line with ribbon development along Woodchurch Road, maintaining unrestricted views of the PH on the approach from the east heading in a westerly direction.
100. Existing residential development comprises mixed layouts and property types. I have already stated that in my view, the proposed layout and dwelling designs are acceptable and would sit comfortably within their contextual setting.
101. For the reasons set out above, I am satisfied that the proposed development would not result in either harm or less than substantial harm to the setting of the Listed Building, in accordance with policies seeking to protect heritage assets, and in accordance with part a of draft Local Plan policy S36, which states, that the development shall be designed in such a way as to protect the setting of the Public House. Even if any minimal harm were to arise, then in officer's view, this would be outweighed by the public benefit previously identified of providing additional dwellings in a sustainable location to contribute to the shortfall in terms of the 5 year housing land supply.

Impact on residential amenity

102. 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.
103. The most immediately affected neighbours are number 1 Maytree Place and number 15 Nairne Close, which are positioned closet to any of the dwellings proposed. The proposed dwellings closest to these, are units 11,12 & 13. That said, in excess of 10 metres would be retained between the existing and proposed dwellings and so in my view, this distance coupled with the soft landscaping proposed will ensure that the proposals do not have an overbearing presence. The garaging serving 1 Maytree Place and units 12 and 13 would be positioned back to back. The positioning of the POS fronting units 11, 12 & 13, together with the separation between building blocks and the orientation of the neighbouring dwellings relative to the proposed dwellings, would ensure that sufficient levels of daylight and sunlight continue to serve existing neighbouring dwellings.
104. Overall, the distance maintained between the proposed and adjacent dwellings coupled with the new buildings orientation and robust landscaping proposed, 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.
105. With regard to the impact upon neighbours and one another, there are no windows serving habitable rooms that would overlook habitable rooms in neighbouring dwellings or their private garden areas 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.
106. The gardens are of a size which would either comply with or exceed the Council's Residential Space and Layout SPD. The internal accommodation proposed within the new dwellings complies with the Nationally Described Space Standards.
107. 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.
108. The loss of views and devaluation of property prices are not material planning considerations that the Council can lawfully take into account.

Highways and Public Rights of Way

109. 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.
110. The Engineering statement indicates that a review of recent transport assessments for nearby proposals has been undertaken and the road has been observed. The statement concludes that "*Woodchurch Road is operating well below its theoretical capacity and accordingly there is no capacity reason to prevent the development*". Based on the information available, it is considered that traffic generation resulting from the development of 19 dwellings can be accommodated, and would be unlikely to have a material impact on the local highway network.
111. The road at this point is subject to a 40mph speed limit and this has dictated the visibility splays which would measure 2.4m x 120m in both directions. These visibility splays have been demonstrated as achievable. The visibility splays will be secured by a S106 agreement. The visibility splays must be kept free from obstructions over 0.9 metres above carriageway level within the visibility splays.
112. Paragraph 15 above, sets out the amount of parking proposed to be provided on site. With the exception of unit 18, the level of car parking complies with the Councils Residential Parking SPD which requires 1 space per 1 bedroomed dwelling and 2 spaces per dwelling (of 2 beds or more) plus 0.2 spaces per dwelling for visitors.
113. Whilst unit 18 does have two car parking spaces, as one of these is accommodated within a garage, in accordance with the SPD, it cannot be counted as contributing towards parking requirements. The shortfall of one car parking space has arisen as a result of providing one additional unit of affordable housing. The benefit of securing this an additional unit of affordable housing, (which would contribute towards local need), is considered to substantially outweigh any adverse impact arising from the lack of one car parking space.
114. In addition to parking, a useable layout sufficient for turning, to allow standard vehicles to enter and exit the site in a forward gear has also been provided. The road has been tracked and shown to be able to accommodate a refuse collection vehicle with adequate on site turning available so that this can also exit the site in forward gear.
115. KCC Highways have reviewed the proposals including the submitted Engineering Statement and following amendments to the scheme they do not raise any objection to the proposed development subject to the imposition of

conditions and the S106 obligation. The proposal is therefore considered acceptable in terms of impact on highway safety.

116. Comments have been received regarding shared access for the residents of the development and residents of Maytree Place. Policy S36 states amongst things that primary vehicle access on Woodchurch Road, will also serve Maytree Place. The existing Maytree Place access will serve only the public house car park once development is complete. It is not intended to share access with Maytree Place. Given the limited weight to be attached to the draft policy and the fact that the proposed access can be achieved without detriment to highway safety, the presence of independent access to the development and Maytree Place is considered to be acceptable. In addition, to link the new access road to Maytree Place would compromise the layout that has been achieved on the site as well as potentially impacting upon the size and functioning of the green space to the front adjacent to Woodchurch Road.
117. Concern has been raised regarding the displacement of visitor parking associated with Maytree Place. At present, the access road into Maytree Place widens to the rear of proposed units 11 to 16. Visitors to Maytree Place currently park in this location mounting the grass verge. However, as far as I am aware this is an informal arrangement rather than allocated visitor parking. The boundary to the development would be located immediately adjacent to the access with Maytree Place, preventing cars from mounting the verge. However, despite this, the width of the access at this point (which is approximately 4.5 metres), is sufficient to allow a standard vehicle to be park and another to pass. In fact, this did occur at the time of one of site visits. As such, I am satisfied that the development will not compromise parking arrangements for residents of and visitors to Maytree Place.
118. With Regard to the Public Rights of Way, the applicant has submitted a diversion application to Kent County Council. Under the Highways Act 1980 it is a criminal offence to obstruct a PROW. I suggest imposing an informative on any subsequent grant of planning permission reminding the applicant of this. Clear routes are proposed still through the site and linking to existing developments so no connectivity will be lost as a result of this development and the diversion order.

Ecology

119. Policy EN31 of the adopted 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.

120. 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
121. The application has been subject to consultation with KCC Biodiversity who have advised that sufficient information has been provided to determine the planning application.
122. Surveys recorded no evidence of Badgers. No trees within and adjacent to the site were considered suitable to support roosting bats on account of a lack of suitable features. Occasional Common Pipistrelle and very occasional Soprano Pipistrelle were recorded foraging and commuting along the hedgerows. No Great Crested Newts or other amphibians were recorded during the refuge searches.
123. Reptile surveys recorded a low population of Common Lizards and a medium population of Slow Worms within the application site. The application has been subject to consultation with KCC who have indicated that within the whole of the site there is sufficient space to retain and support the reptile population on the understanding that the following are implemented:
- The whole of the green space within the SW and East of the site are used as a receptor site (we accept that a mown path can be created within these areas)
 - The hedgerow between the green space within the SW and East is enhanced and retained in perpetuity (ideally this hedgerow should not be under the ownership of the adjacent property to ensure it will be retained.)
 - The receptor site areas are managed by a company who has experience of managing sites for their ecological interest.
124. KCC advise that based on the assumption that the above can be implemented it is likely that the reptile population can be maintained within the development site. Any grant of planning permission should be subject to a condition requiring an updated Reptile Mitigation Strategy.
125. The hedgerows within the application site do not, in the main, comprise the favoured species utilised by Dormice. A systematic search of the site, for dormice, was undertaken in June 2010 and July 2014. In addition, Ecology Solutions undertook Dormouse nest tube surveys within the application site between August and November 2016. 50 nest tubes were utilised. Although the nest tube survey was carried out late in the season, KCC are satisfied that the conclusions of the survey work provide sufficient information to determine the

application and that no dormice are deemed to be present within the application site.

126. A number of representations have been received, relating to ecology and most recently relating to the presence of Water Voles within the application site. KCC have confirmed that they have reviewed these representations together with their previous comments and ecological surveys submitted, and they have advised that although the submitted ecological surveys did not assess the suitability of the site to contain water voles due to the conditions and habitat within the site they agree with this omission.
127. KCC advise that there is a need to ensure that the site is managed appropriately long term to ensure that the ecological interest of the site is retained. As such, they advise that there is a need for a site wide management plan to be produced and implemented for the life time of the development.
128. 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. Subject to conditions, the proposed development is not considered to result in any adverse impacts to 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

129. 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.
130. 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.
131. A landscaping plan has been submitted which identifies a number of appropriate species of trees to be planted throughout the site including across the POS. The existing planting to the remaining perimeters of the site is to be managed and bolstered with additional trees/planting to soften the impact of the development from the countryside. Within the site, the landscaping includes planting of trees and hedgerow which will help to soften the appearance of verges and areas designated for parking.
132. Subject to conditions securing the submission of a detailed landscaping scheme and requiring details of maintenance and future management, I am satisfied that the landscaping will help to soften the impact of the development and assist it further in assimilating into its setting / context.

Drainage and flooding

133. The report confirms that the application site is located within Flood Zone 1 and therefore it is located in the lowest possible flood risk zone. However, the Engineering Statements confirm that part of the site is at high risk of surface water flooding. Due to this, the statement recommends that the finished floor level (FFL) of properties should be set at a level greater than 36.60m AOD. The Flood Risk Assessment states that the lowest part of the site is 36.5m AOD and so the recommended FFL would not result in any significant adverse visual impacts.
134. Surface water run-off from the site currently discharges into the local ditched and piped land drainage network.
135. A drainage strategy has been submitted in support of the application. The strategy states that the intention is to manage surface water drainage from the site within a piped system, and through the use of an attenuation area proposed within the POS to the north and swale/ditch also to the north of the site. The existing eastern ditch will be maintained 'as is'.
136. The outfall from Maytree Place is to be taken into the new site systems. To manage the flows and ensure the attenuation feature is effective the new piped system from the main site will have a flow control manhole constructed before final outfall into the offsite culvert. It is said that this will ensure that in storm flow conditions the system will back up and retain water within the site in a controlled manner whilst the eastern ditch line continues to operate as it does now. The strategy states that the levels around the attenuation feature will be set so that in the event of exceptional rainfall the excess water will be retained within the attenuation feature and an overland flow path will be established to direct surplus flows along the Woodchurch Road, as is the case with the current land drainage system. The strategy claims that the proposed method for managing surface water will prevent inundation of the properties on and around the site and ensure a greater degree of flood protection to the local area than exists at present.
137. The proposed system has been subject to consultation with KCC Flood and Water Management and ABC Project Delivery Engineer neither of whom have raised any objection to the proposals. Subject to conditions, I am satisfied that surface water can be managed in accordance with the requirements set out in the Council's adopted SPD. Based upon the strategy submitted I am also 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.

138. In terms of foul water drainage, Southern Water previously stated that they cannot accommodate the needs arising from the development without the development providing additional local infrastructure. The applicant has confirmed within their Engineering Statement that they have discussed this issue with Southern Water and that actual flow measurements will be taken in the network once a scheme is approved. This will determine actual flows rates and thus target any improvements where they are shown by site measurement to be required. This will ensure that there is sufficient capacity for the development when it comes to fruition. The application has been subject to further consultation with Southern Water who have access to the applicant's statement and have commented without disputing the reference made by the applicant to these recent discussions. Consequently, based on the information submitted and subject to conditions, I am satisfied that there is a feasible solution for dealing with foul water drainage.

Housing Mix & Affordable Housing

139. As set out in the proposals section the scheme proposes a mix of 4 x one bedroom flats, 7 x two bedroom dwellings, 6 x three bedroom dwellings and 2 x four bedroom dwellings. This represents a good housing tenure mix for the village and I consider it meets the requirements of policy CS13.
140. The inclusion of seven affordable housing units represents a rate of provision of 36.84% of the development as a whole, which exceeds the policy CS12 of the Core Strategy, which seeks 35% quota provision. The housing will be secured as affordable housing in perpetuity through a S106 Agreement.
141. The mix of affordable housing would normally need to be provided in accordance with Policy CS12 which requires a 60:40 tenure ratio split between social rented (60%) and shared ownership affordable housing (40%). However as overall housing numbers on the site are relatively modest, the 7 affordable homes are provided on 70:30 (approx) tenure ratio split between social rented and shared ownership, amounting to five units of social rented and two units of shared ownership. ABC Housing Enabling Officer is satisfied with this scenario.
142. This matter will be addressed in the legal agreement, and for the reasons set out above I consider the proposals to be acceptable in this respect.

143. In light of the above I consider that the proposed housing mix and the affordable housing element provided is acceptable and also well integrated so as to warrant the support of this application in this respect.

Planning Obligations

144. 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
145. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.	<p>Affordable Housing Provide not less than 35% of the units as affordable housing, comprising 5 units affordable rent units and 2 units of shared ownership units in the locations and with the floorspace, wheelchair access (if any), number of bedrooms and size of bedrooms as specified. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the</p>	<p>5 affordable rent units 7 shared ownership units</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</p>	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to Core Strategy policy CS12, the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>

	registered provider's nominations agreement.			
2.	<p><u>Children's and Young People's Play</u></p> <p>Contribution towards the provision of Community Exercise Equipment at the Recreation Ground, Hornash Lane</p> <p>Renewal of the children's play equipment at the recreation ground .</p> <p>Picket fencing around the children's play equipment.</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as children's and young people's play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use children's and young people's play space and the play space to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the</p>

				extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
3.	<p><u>Informal/Natural Space</u></p> <p>2ha per 1,000 population</p> <p>Scheme for ongoing management of informal/natural space to include details of management entity. Scheme to include details of constitutional documents of management entity which must ensure owners of dwellings are members of the entity, that they can fully participate in strategic decisions regarding the</p>	<p>On the basis of 19 dwellings, a minimum 0.09 ha of space to be provided on site</p>	<p>Scheme to be approved by the Council prior to commencement to be fully implemented prior to the first occupation of 50% of the Dwellings.</p>	<p>Necessary as improvements to the informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p>

	<p>maintenance of the open space and that the entity is accountable to the owners for the management thereof. Scheme must also include details of ongoing funding/endowment of management entity to ensure it is financially sustainable and details of any mechanism for securing such ongoing endowment.</p>			<p>Directly related as occupiers will use informal/natural green space and the space to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
4.	<p><u>Outdoor Sports</u></p> <p>Contribution towards the drainage project for the recreation ground, Hornash Lane.</p> <p>Reconfiguration of the pitches, and replacement to the changing rooms.</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and</p>

	<p>Provision of disabled facilities at the recreation ground.</p> <p>Installation of information boards detailing routes of Public Rights of Way and detailing local wildlife.</p>			<p>Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them. The application results in the diversion of the PROW. The occupiers will use the PROW as will existing users increasing the numbers and information boards will clarify the alterations to the definitive route and provide information on local wildlife.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
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5.	<p><u>Strategic Parks</u> Contribution towards an aeration system at Conningbrook Lakes Country Park.</p>	<p>£146 per dwelling for capital costs £47 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2, CS18 and CS18a, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
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6.	<p><u>Primary Schools</u></p> <p>Extension at the John Wesley Primary School</p>	£3,324 per dwelling	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> <p>To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)</p>	<p>Necessary as no spare capacity at any primary school in the vicinity and pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, saved Local Plan policy CF21, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p>

				<p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings.</p>
7.	<p><u>Secondary Schools</u></p> <p>Extension to Homewood School (Modulars)</p>	<p>£2359.80 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> <p>To be index linked by the BCIS General Building Cost Index from Oct 2016 to the</p>	<p>Necessary as no spare capacity at any secondary school in the vicinity and pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, saved Local Plan policy CF21, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and</p>

			date of payment (Oct-16 Index 328.3)	<p>the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings.</p>
8.	<p><u>Libraries</u></p> <p>Contribution for additional bookstock at libraries in the Borough</p>	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as more books required to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community</p>

				<p>Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is based on the number of dwellings.</p>
9.	<p>Upgrade public footpath AW327</p> <p>The condition of public footpath AW327 south of the proposed site has deteriorated and the surface connecting to Church Lane needs upgrading.</p> <p>given the proposal is likely to generate a significant increase in use of the footpath I request a contribution of £5000 be provided through Section 106</p>	£5000	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as the condition of public footpath AW327 has deteriorated and the development would increase footfall. Public footpaths must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green</p>

	<p>agreement to enable the council to upgrade the surface connecting to Church Lane.</p>			<p>Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use the public right of way.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers.</p>
10.	<p><u>Visibility Splays</u></p> <p>Provision of visibility splays at the access to the development as shown on drawing no. 1104-SK1 Revision B and the retention and maintenance of the visibility splay thereafter with no obstructions over 0.9 metres above carriageway level within the visibility splays.</p>		<p>prior to the first occupation of the dwellings.</p>	<p>Necessary in the interest of high safety in accordance with policy CS15 of the Core Strategy.</p> <p>Directly related as occupiers of and visitors to the proposed dwellings need to be able to access the development site.</p> <p>Fairly and reasonably related in scale and kind considering the extent of visibility splays required to achieve safe access and egress.</p>

11.	<p><u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£1000 per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)</p>	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>
<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 <u>council web site</u> in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs.</p> <p>If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.</p>				

Human Rights Issues

146. 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

147. 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

148. The site is not allocated for development in the adopted development plan. However, it is allocated for development in the emerging Local Plan 2030 under policy S36. Whilst this can only be afforded little weight at present, it is a material consideration.
149. Although adopted development plan policy TRS1 of the Tenterden and Rural Site DPD states that “minor development or infilling will be acceptable within the built-up confines of Shadoxhurst”, the application site would fall outside the built-up confines and does not represent minor infilling. Neither does the development fall to be considered against the exception criteria set out in policy TRS2. The application therefore represents a departure from the development plan.
150. Notwithstanding the conflict identified in the paragraph above, due to the lack of a 5 year housing land supply, it is not immediately 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. Given the need for additional housing in the borough and the significant weight in the NPPF attached to the delivery of a wide choice of high quality homes (paragraph 50), the provision of additional residential units on this site should be considered.
151. Whilst the starting point for assessing this application remains the adopted development plan policies, in the absence of a 5 year housing land supply, paragraph 14 of the NPPF is engaged and the tilted balance applies. Paragraph 14 requires the application to be determined in accordance with the

‘presumption in favour of sustainable development’, and so decision makers must consider whether the proposal would generate harm and adverse impacts in NPPF terms which would significantly and demonstrably outweigh the benefits of the development.

152. Benefits of the development include its ability to help meet the housing land supply shortfall. The site is also considered to be relatively sustainably located which also weighs in favour of the proposal. Other recognised social and economic benefits include generating jobs opportunities, for example, during the construction process, and in particular the provision of specific tenures of affordable housing which will contribute to meeting identified housing needs and can be secured by a S106 obligation. Future residents would also buy goods and utilise services and facilities in the local area providing economic benefits to the immediate and wider locality.
153. For these reasons, unless any adverse impacts of the development significantly and demonstrably outweigh these benefits then in view of the ‘presumption’ planning permission should be granted.
154. The land is not formally designated as public open space, and currently it is privately owned by Shepherd Neame. As such no objection is raised to the principle of development based on the loss of the open space.
155. I have concluded that the proposed development is of a high design quality, and an appropriate density and layout. I am confident the proposals will represent an appropriate form of development that sits comfortably within its contextual setting in accordance with policy GP12 of the Local Plan, CS1 and CS9 of the Core Strategy, TRS17 and TRS18 of the Tenterden and Rural Sites DPD and parts d & f of policy S36 of the emerging Local Plan 2030.
156. In terms of the impact of the development on the setting of the adjacent Listed Building, I am satisfied that the proposed development would not result in either harm or less than substantial harm to the setting of the Listed Building in accordance with policies CS1 of the Core Strategy part a of policy S36 and policy ENV13 of the emerging Local Plan to 2030. Even if any minimal harm were considered to arise, I would deem this to be extremely minimal and certainly less than substantial in accordance with the NPPF test. Any limited harm would be outweighed in this case by the public benefits previously identified, including additional dwellings in a relatively sustainable location that will contribute to the shortfall in terms of the 5 year housing land supply.
157. There would be no material harm to neighbouring or future occupier’s amenity, highway safety or ecology. In terms of flooding I am satisfied that subject to conditions, the site can be drained in an acceptable way. 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.

158. I have further concluded within the report that for the most part, the proposals would broadly comply with the criteria set out in policy S36 of the emerging Local Plan 2030 which proposes that the site is allocated for housing development with a potential capacity of up to 25 dwellings.
159. As referred to earlier in this report, the circumstances of this application mean that the principal consideration must be whether the proposal represents sustainable development in the terms set out in the NPPF. My assessment of the various environmental issues above indicate that minimal environmental harm would arise as a consequence of residential development here, any incremental harm can be easily mitigated through the imposition of conditions. When balanced alongside the potentially positive social and economic impacts arising from the proposal, in my view the proposal would represent sustainable development and as such the presumption in favour of granting planning permission (para.14 of the NPPF) should apply.
160. 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 be minimal and would not significantly or demonstrably outweigh the benefits of the scheme to justify a refusal of planning permission. As such I recommend that planning permission should be granted.

Recommendation

- (A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations related to**
- a. The provision of affordable housing,**
 - b. Contributions towards children's and young people's play space, , outdoor sports, strategic parks, primary schools, secondary schools libraries and upgrading of public footpath AW327**
 - c. The provision and maintenance of the informal/natural green space**
 - d. The provision and maintenance of the visibility splays**
 - e. Monitoring fee**

as detailed in table 1, in terms agreeable the Strategic Sites and Design Manager or the 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 Development Control

Manager to make or approve minor changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional planning conditions or deleting conditions) as she sees fit.

(B) Permit

Subject to the following conditions and notes:

Implementation

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.

Approved Plans

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.

Architecture

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 in accordance with 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:
 - a) Details and location of rainwater goods;
 - b) Details of any flues, grilles and vents to be installed including location dimensions, colour and material;

- c) Details of electricity and gas meter boxes and any external pipe work including their location on the buildings;
- d) Details and sections through eaves, porches/entrance canopies, chimneys; and
- e) 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 primary elevation of any of the units.

Reason: In the interest of visual amenity.

Lighting

- 6. No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). Any associated external lighting that is provided shall be fitted with a timer control system to ensure that the lighting system is switched off at times to be agreed in writing with the Local Planning Authority. The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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

Levels

- 7. The finished floor levels for living accommodation shall be set no lower than 36.60m AOD.

Reason: To reduce the risk of internal flooding from surface water during a flooding event.

Highways & Construction

- 8. 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.

9. 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 and Transport Plan shall include , but not be limited to the following:
- a) Routing of construction and delivery vehicles to / from site.
 - b) Details of areas for the parking, loading and unloading of plant and materials, and provision on-site for turning for personnel, delivery and construction vehicles including HGV's;
 - c) Details of areas for the storage of plant and materials;
 - d) Details of the form and location of any proposed temporary works compounds; and
 - e) a programme of works (including details of the timing of deliveries, measures for traffic management/signage);
 - f) details of any temporary fencing/hoardings to be provided behind any visibility splays;
 - g) details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances;
 - h) measures to control the emissions of dust and dirt during construction; and
 - i) Confirmation that a banksman will be provided in the event that it is necessary for HGVs to reverse onto the highway

The approved Management and Transport 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.

10. The vehicle parking spaces, and turning areas shall be provided in accordance with details approved on drawing number 21863E REV H before any dwelling is occupied, and shall thereafter be retained as such. Thereafter the vehicle parking spaces and turning areas shall not be used for any purpose other than as vehicle parking spaces and turning and manoeuvring of vehicles.

Reason: To retain vehicle parking spaces and turning areas in the interest of highway safety.

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 enacting that Order, the garages and carbarns shall be provided in accordance with details approved on drawing number 21863E REV H before any dwelling is occupied, and shall thereafter be retained as such. Thereafter the garages and carbarns shall not be used for any purpose

other than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage without the grant of further planning permission from the Local Planning Authority.

Reason: To ensure adequate provision for vehicle parking in the interest of highway safety, and in the interest of visual amenity.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any other Order or any subsequent Order revoking or enacting that Order, any car barns provided in accordance with condition 11 shall not be further altered through the addition of further doors or any other structure that would preclude their use for the parking of vehicles without the prior permission of the Local Planning Authority in writing.

Reason: To ensure the covered space is retained available for the storage of a vehicle when not in use in order to prevent the displacement of car parking and subsequent inappropriate car parking.

13. No development shall take place above foundation level until details of secure, covered bicycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed before any dwelling is occupied and shall thereafter be retained and maintained.

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

14. No dwelling shall be occupied until the following works between that dwelling and the adopted highway have been completed in accordance with details approved prior to the first occupation of the dwelling

- a) Footways, with the exception of the wearing course
- b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway furniture(if any).

Reason: In the interests of Highway Safety.

Archaeology

15. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

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

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

Hard and Soft Landscaping/Trees

16. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars including the Pre-development Tree Survey and Report dated 20 August 2015; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the buildings for their permitted use.
- a. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned, thinned or reduced other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority.
 - b. If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
 - c. All retained trees shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations). Such tree protection measures shall remain throughout the period of demolition and construction.
 - d. (No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
 - e. No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
 - f. No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
 - g. Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be

raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

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

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

- 17. The access/driveway/parking fronting plots 11-13 shall be constructed to a no dig design following the recommendations in BS 5837:2012 (Trees in relation to design, demolition and construction – recommendations) and APN 12 – Through the trees to Development (Arboricultural Advisory and Information Service).

No work on site shall begin until such design has been submitted to and approved in writing by the Local Planning Authority. The construction of the drive approved shall then only be carried out in accordance with the approved specification unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: To prevent damage to the roots of Oak Tree T24 identified as a category A tree in the Pre-development Tree Survey and Report dated 20 August 2015 in the interest of visual amenity.

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

Reason: In the interest of visual amenity.

- 19. 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 prior to the first occupation of any part of the approved development in accordance with the approved details. 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.

20. The details of soft landscape works required in condition 19 immediately above shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason: To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area.

21. No development shall take place above foundation level until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant]. The approved hard and soft landscape works shall be carried out fully prior to the first occupation of any part of the approved development in accordance with the approved details.

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

22. All new trees planted shall be protected against stock and rabbits when planted and such protection shall be retained and maintained for five years from the date of the first occupation of any part of the approved development.

Reason: In the interests of visual amenity.

23. Before any development above foundation level, details of the design of boundary treatments to include gates, boundary walls and fences to all front, side and rear boundaries and open space within the development shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided prior to the first occupation of any part of the approved development in strict accordance with the approved details. Thereafter these approved boundaries shall be retained and maintained.

Reason: In the interests of visual amenity

24. No dwelling shall be occupied until a landscape management plan, including management responsibilities and maintenance schedules for all landscape areas,

other than small, privately owned, domestic gardens shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape management plan shall be adhered 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.

Permitted 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 Class A 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.

Ecology

26. Prior to any works commencing (including vegetation clearance) the reptile mitigation detailed within the Ecological Assessment (6394.EcoAss.vf3); June 2017; Ecology Solutions must be implemented by an experience ecologist. Herras fencing must be erected around the boundary of the reptile receptor site to protect it from being damaged during the construction works.

Reason: To ensure that the proposed development will not have a harmful impact on protected species.

27. An ecological management plan (EMP) shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development. The content of the EMP shall include the following:

- a) A plan identifying the location(s) of new habitats to be created including the areas identified as providing reptile mitigation and an ecological corridor;
- b) Description and evaluation of features to be managed.
- c) Ecological trends and constraints on site that might influence management.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

- h) Details of the body or organization responsible for implementation of the plan and long term funding.
- i) Details of on going monitoring to inform up dates of the management plan.
- j) Dates of when the management plan will be reviewed.

The habitats shall be created prior to the first occupation of the any part of the approved development and managed and maintained in accordance with the approved EMP.

Reason: In the interest of protecting and enhancing biodiversity.

Drainage

28. Prior to the commencement of the development details of the measures which will be undertaken to protect the public foul sewers shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Southern Water). The methods for protection shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid potential pollution of the surrounding area.

29. Prior to the commencement of the development a drainage strategy detailing the proposed means of foul and surface water disposal and a implementation timetable, shall be 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 of any dwelling and thereafter retained as such.

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

30. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall be based upon the proposals within the Engineering Statements by Considine, Report no. 1104/7 (dated 16th June 2017) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The drainage scheme shall be implemented in accordance with approved details before the first occupation of any dwelling hereby approved and shall be maintained thereafter.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

31. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented prior to the first occupation of any dwelling hereby approved and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- a) a timetable for its implementation, and
 - b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

Broadband

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

Reason: in the interests of providing good broadband connections

Sustainability

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

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

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

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

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

Contamination

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

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

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

Compliance & Build Quality

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

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

Note to Applicant

1. 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:

- the applicant/agent was updated of any issues after the initial site visit,
- The applicant was provided the opportunity to submit amendments to the scheme/ address 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.

3. 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.

4. The applicant's 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/>.

5. Any feature capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' and we would urge the applicant to contact us prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require KCC's formal flood defence consent (including culvert removal, access culverts and outfall structures). Please contact flood@kent.gov.uk for further information.

6. The applicant is advised that no development should take place over the Public Rights of Way within the application site until the confirmation of its diversion or extinguishment and certification of the new route has been provided by the County Council. Obstruction of PROW by the developer before the confirmation and certification of an Order for the diversion or extinguishment of PROW will in normal circumstances result in the County Council using the powers available to it under the Highways Act 1980 to bring a prosecution.

7. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

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.

8. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of

any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Background Papers

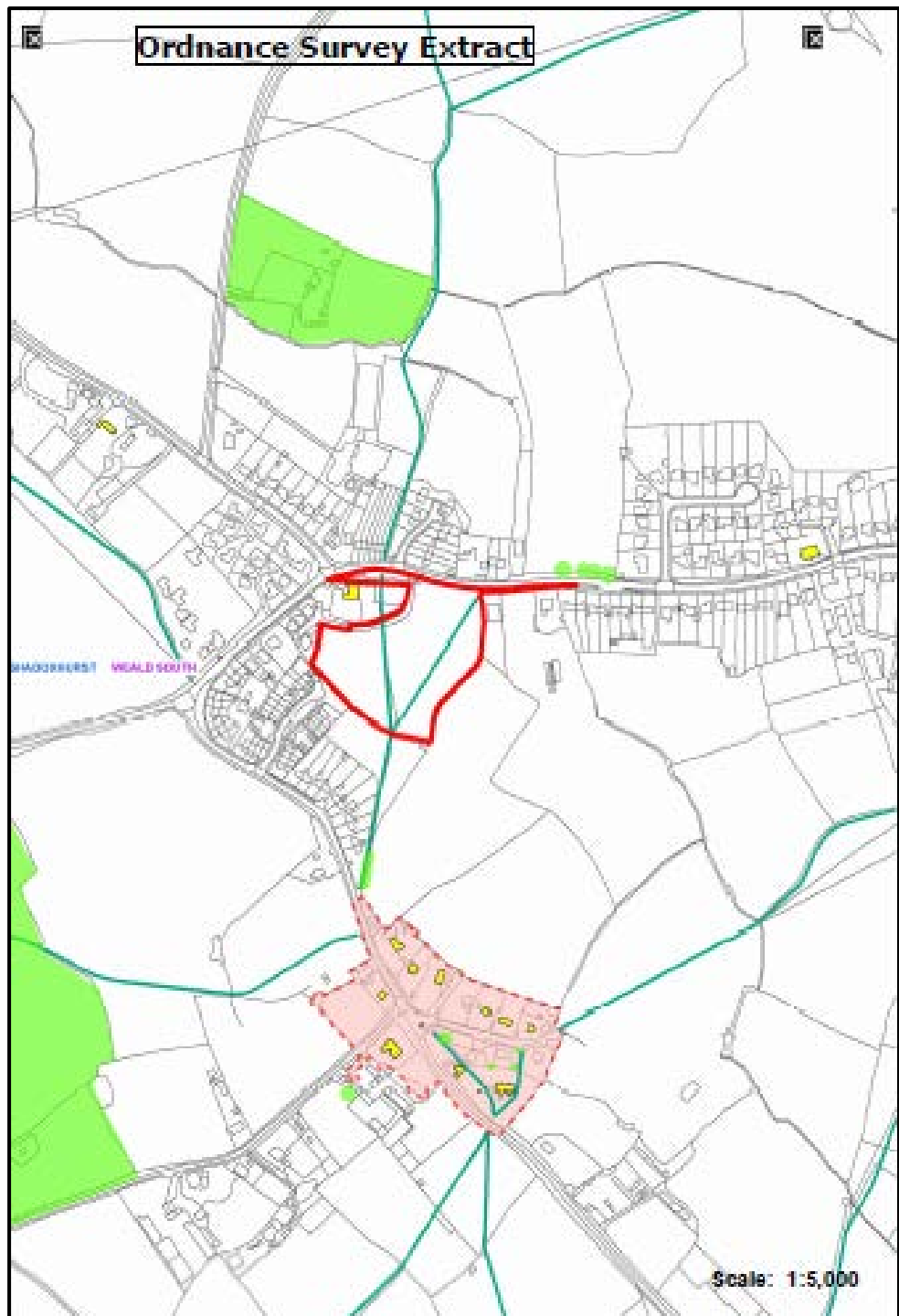
All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 15/01496/AS.

Contact Officer: Claire Marchant

Telephone: (01233) 330739

Email: claire.marchant@ashford.gov.uk

Annex 1



Annex 2

SHADOXHURST PARISH COUNCIL

CLERK: MRS J M BATT
KEG BARN, HORNASH LANE, SHADOXHURST,
ASHFORD, KENT TN26 1HX

TEL: 01233 733994

Email: judith.batt@btinternet.com

27 July 2017

Attention of Claire Marchant
Development Directorate
Ashford Borough Council
Civic Centre
Tannery Lane
ASHFORD
Kent
TN23 1L

Dear Claire,

**Planning Application 15/01496/AS Land to the rear of the King's Head, Woodchurch
Road, Shadoxhurst**

Please find attached, documents objecting to the above planning application. The situation that we find ourselves is that there are two options. We are in no doubt that by your collective and combined actions to retain the site in the Draft Local Plan (as yet untested) and to assist and advise the applicant Pentland Homes, Ashford Borough Council is already mindful to place some houses onto the application site.

Option 1: We have consistently opposed the placement of housing on this land which for generations has been a valuable community asset of open space. We are continuing to support this option as we believe that with the recent Supreme Court judgement, Ashford Borough Council would, if so minded, be able to successfully defend a full refusal. We include our reasoning in the attached submission documents. These are weighty documents which reflect the commitment the Parish Council has carried out to find a positive solution for this important piece of land. Unquestionably, we believe that HARM from this development clearly outweighs BENEFITS and we invite ABC Officers and the Members who are the final arbiters, to journey with us through the documents to see how vitally important we consider this land to be. We hope that you can see with clarity that irreparable damage will occur to our precious village if this application is granted.

Option 2: We recognise however, that the 'smoke signals' we get from ABC are couched in terms of some housing being likely to be granted on this site. From this perspective, we are disappointed that there has not been the degree of consultation with the Parish as there have been with the Developer. We are grateful for the recent site meeting with yourself. However, we cannot put our collective heads in the sand nor keep fingers crossed that ABC will favour Option 1 without some input from us seeking some form of damage limitation. The Parish Council is passionate about doing the right thing for the village, and in this we make clear in

Ashford Borough Council - Report of Head of Development, Strategic Sites and Design
Planning Committee 20 September 2017

the attached documentation, that we seek fewer houses than currently shown in the latest layout.

We are grateful that the current layout is reduced to 19 houses, not the 24 for which was originally applied. But there are still too many and the number needs to be lowered further to give the village a good-sized village green and go some way to protecting the setting of the Kings Head. Furthermore, the proposed access road is flawed on a number of grounds and using the existing access road can give a far better design opportunity for both of these.

As a key focal point of the village, this open green space is a vital ingredient to the setting and sense of place in Shadoxhurst. It is beside a Grade II listed popular and well respected public house that is part of the pride of the village. Placing a housing estate around it simply places it in an urban situation.

We plead with ABC to look at your own policies and the NPPF in the light of the recent Supreme Court judgement so that proper, fair and balanced planning decisions can be made. We only have one chance to get this right, and we still don't think it is yet correct.

We supply with this letter, an Executive Summary of the primary points we are raising. All of these points are discussed in depth in the accompanying documents. We ask that you give us a fair hearing and that a balanced approach is adopted.

We are certainly not NIMBYs and villagers have every right to be heard. As a village, we have already contributed to the housing trajectory through some 40 windfall houses since the beginning of 2016 through 2017. To date, 12 of these remain unsold for some six months or more.

We recognise that ABC is under great pressure to have a large number of houses built in the coming years. But the planning process is still in place and ABC policies are still in place. When it comes to making decisions on key pieces of green field sites in small rural communities, these ingredients along with clarity given by the Supreme Court judgement on the interpretations of key paragraphs in the NPPF, surely give ABC more confidence to offer defensible protection.

This is the very last green space in the heart of our village, please help us, please protect us.

Please refuse this application as it stands. It is premature to decide this and the idea of houses here needs to be tested through the Local Plan process first.

Yours sincerely



Judith Batt
Clerk to Shadoxhurst Parish Council

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

Executive Summary

Context:

1. SPC continue to **OBJECT** to this application due to the design, layout and overall unsuitability.
2. SPC recognises that the land has been considered for development and is still in the 2017 Draft Local Plan despite significant local objections submitted in the 2016 Draft Local Plan consultations. We submit documents that reflect the objections and ask ABC to give this careful thought.
3. SPC are not against sensible development that is clearly thought out with shared use that is maintained and available. It would need to be a visible enhancement as well as a practical one.
4. The **cumulative aspect** of nearby developments both in and adjacent to the village must be taken into account when deciding the outcome of this application.
5. We have 24 houses already granted or in the process of being built. We will have already contributed 41 'windfall' houses to ABC's Five Year Housing Supply in 2016 and 2017. There are also still 12 (i.e. 70%) unsold houses vacant at Oak View (the first residents moved in May 2016).
6. With 7,500 houses due to be built in Chilmington Green and Kingsnorth, all within 3 - 4 miles of the village, the road infrastructure of the village is insufficient particularly for the construction phase impact and has not even been considered in the application.

Harm vs Benefits:

7. Since this land came forward in the Draft Local Plan, there have been two significant judgements that have influenced ABC Officer and Member decisions. The first is the Tilden Gill Planning Inspector's decision that then influenced a number of planning decisions including the granting of 12 houses on land close to this site. Work has not begun and there is a real fear that granting this application, the two developments if built together it will make life totally intolerable for residents through noise, disruption, deliveries of materials etc.
8. The second is that we draw attention to the recent Supreme Court Judgement in relation to the cases of Hopkins Homes and Richborough Estates. Paragraph 85 makes this balance a material consideration, in spite of a lack of five-year housing supply. In taking the "narrow view", the judgement makes it clear that ABC's policies are NOT to be disregarded. Indeed, Policies TRS 1 and 2 should be given normal weight. We argue in the attached documents, that giving weight back to the relevant policies that were dismissed in the decision for the other field on Woodchurch Road, mean that the proposals with this application will need to be looked at fairly and the balance is not as clear cut as the applicant would have us all believe.
9. The documents attached clearly demonstrate how the loss of this land to housing will damage:
 - the **only** central green space left in Woodchurch Road,
 - the last green corridor connecting the centre of the village,
 - the setting of the green space in relation to the King's Head (a Grade II listed building) which will result in urbanising the heart of the village as houses will now be visible in every direction,
 - the sense of place
 - the historical perspectives of the land as a village community asset
 - heritage aspects of land that has been used by the village for many generations

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

10. Each of these are vital to safeguard the rural characteristics of the village and must all be given full weight. All these have weight and importance as defined in the NPPF.
11. ABC Members must take account of the history and heritage of this site, as well as considering the setting and sense of place and the fact that this is our last green space in the middle of the village. These are policy considerations that the Supreme Court judgement puts back firmly into necessary consideration.

Village Confines:

12. There are mixed messages about the weight that ABC will give to the village confines. We firmly believe that this site is outside the built confines of the village and demonstrate that graphically in the accompanying documents.
13. This site is therefore not suitable unless ABC is prepared to go against its own established policy

Flooding issues:

14. We contend that in spite of some documents to the contrary, this site is liable to flood and water from the built site will add to the problem and cause flooding to properties lower down.
15. The same developer built the four houses at Maytree Place and any significant rainfall continues to cause flooding to these properties. This development will exacerbate this.
16. We note that the only way to build the new houses and avoid flooding is now to raise the foundations higher in the latest design. This will not help the existing houses.
17. With all these additional houses, Southern Water have confirmed in writing that the sewerage system is already at peak and requiring investment, and that is without this development. This aspect is glossed over in the application documents but is a serious issue to be addressed **before** a decision can be made.

Highway Issues:

18. We accept that the capacity of Woodchurch Road can easily accommodate the proposed houses but question the Safety of yet another access to which we strongly object. This will impact detrimentally on the four houses opposite and this will in effect create an inherently cross roads type junction that has not been properly considered in the application. The matter of nuisance from headlights shining into Dynlea has also not been considered.
19. One form of mitigation to create a benefit to offset the clear harm, would be for the development to fund the reduction of the 40mph speed limit in the village to 30mph, together with effective traffic signing measures to be agreed with SPC. This will then reduce the vision splay requirement.
20. The present proposal with the 40 mph speed limit splays means re-engineering and reducing the size of the King's Head car park, but this is conveniently **not** mentioned in the application documents, but is a clear and worrying consequence as replacement car parking will reduce the pub garden, further reducing the present green space. This must be taken into account.
21. But by reducing the speed limit and re-engineering the present access concept to consider and reduce the impact on the King's Head car park and Maytree Place, again with SPC consultation, is considered an essential requirement prior to presentation for planning review and decision. This will be the only positive benefit from this development that we can see.
22. Parking on site is still insufficient and inadequate. Whilst it may comply with some minimal standards, the reality is that parking will be a visual and practical mess for

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
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ever. There will be pressure to park on the green spaces without proper and possibly unsightly control such as fencing.

Proposed Layout:

23. There have been a number of layout and design revisions and SPC were only party to one informal site meeting latterly at which the Developer offered an additional area for a Village Green. We respectfully argue that what is provided in the latest site plan is still insufficient for proper village use. We note that the applicant has reduced the number from 24 to 19 and this is welcomed. However, we would like this reduced further removing all houses on the northern part of the site (11 – 19) to enable the setting of the King's Head to be enhanced and enlarge the green space available for the village.
24. Importantly, there are contradictions between the access provision in the June 2017 application revisions submitted for current consultation and the new requirements being proposed in new consultation of DLP 2017 (policy S36); these will have to be resolved and then re-presented for consultation before the application is determined.
25. We welcome and are heartened by the comments made by the ABC Culture and the Environment Department on the 24th July 2017 regarding the ecological area, habitat mitigation, SuDS, size of the open space and fencing to the gardens. In terms of openness it underlines our points made about removing properties 11 – 19 altogether. These comments show there are still fundamental flaws in the design and layout and must be re-addressed. This is so important, it must not be rushed.

Village Green:

26. The nub of this objection lies with the clear need for some of the site to be used as a reasonable usable size of village green for the community. This space has been a community asset for at least 70 years. We have records and primary evidence provided by residents of sports and community events since the 1950's.
27. SPC would withdraw their objection if a reasonably balanced compromise could be found that ensures a good layout and design of some housing and enables a significant piece of green space to be retained for the villagers to use in perpetuity.
28. Looking at the village layout, significantly, this is the last opportunity to have a central usable village green. The setting beside the King's Head Public House makes this even more important.
29. Part of the green area proposed is dipped so it can serve as a convenient SuDS overflow, which local residents know will be consistently flooded and hence unusable for much of the year and amounts to a token nod to the community. Even dry, this will be a problem to access for those with limited mobility. The current ditch and pond adjacent to the road in the north west corner has not been acknowledged nor made provision for.
30. The presence of the houses with proposed high fencing destroys the openness of the site, the setting of the King's Head and prevents wildlife movement, this aspect must be re-designed.

Policies:

31. The documents we submit also look at relevant ABC policies and the incompatibility of the site in relation to the NPPF.

Sustainability:

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

32. The development is at best, only partly 'sustainable'. The NPPF gives weight to sustainable development, but this is not fully sustainable...where are the shops, the medical provision and the schools? Certainly not in Shadoxhurst, often needing a car journey to complete. Token bicycle storage does not make a development sustainable.
33. The original sustainability matrix is supposed to be partially corrected following our intervention in that ABC now acknowledge they made a mistake in not scoring it taking account of the Grade II listed building. However, this is not actually corrected in practice in the SEA Addendum July 2017. Indeed, sustainability is watered down in the Site Assessment documents in Appendix 10. The mistakes and lack of completeness in it cannot be challenged through this planning application.
34. This is further weakened as the Appendix 10 assessment includes "*The site proposal contains a community hub/local centre.*" In the Local Plan documentation, this has always been envisaged as a shop or medical rooms. This application falls short of this and any sustainability scoring taking this into account is wrong and misleading.
35. Other mistakes are not acknowledged, but the site in reality, scores poorly and should not be in the Draft Local Plan. It was a mistake to include it and this fact needs to be tested in the forthcoming Local Plan public enquiry, therefore deciding this application in 2017 is **wholly premature.**

Section 106:

36. To date, we have still not been consulted on the possible projects in terms of receiving Section 106 monies for the last development granted in the village. We were only consulted on this site on the 25th July 2017.

We urge ABC Members to refuse this application until a sensible and workable compromise can be reached.

Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
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Shadoxhurst Parish Council
Objection to Planning Application 15/01496/AS
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Ashford Borough Council - Report of Head of Development, Strategic Sites and Design
Planning Committee 20 September 2017

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

1. Introduction	P3
2. Executive Summary	P5
3. Context	
a) Village Vision	P8
b) Village Support	P8
c) Why is Shadoxhurst a special case?	P9
d) Why is this case important?	P10
4. Objections	
a) The question of Need	P12
b) Harm vs Benefit	P13
c) Setting	P15
d) Sense of Place	P15
e) Historical Perspective	P16
f) Heritage Aspects	P17
g) Benefits	P17
h) Village 'Built Confines'	P18
i) Flooding issues	P19
j) Highways issues	P20
k) Proposed Layout of Site	P22
5. Review of relevant ABC Policies	P23
6. NPPF Incompatibility	P23
7. Sustainability appraisal	
a) Introduction	P23
b) WS21 critiqued	P24
8. Conditions necessary to protect the village	P24
9. Section 106 Contributions	P25

Accompanying Documents:

Document SPC1 Application Site in Context

Document SPC2 Critique of S36 (this site) in the 2016 Draft Local Plan

Document SPC3 Sustainability Assessment of WS21 from Draft Local Plan Appendix 3d

Document SPC4 Challenging the Application in relation to ABC Policies

Document SPC5 Failures of Application to meet the NPPF

Document SPC6 Comments on Heritage Statement

Document SPC7 Comments on Sustainability

Document SPC8 Conditions to be applied to protect village

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

Introduction

Shadoxhurst Parish Council (SPC) continue to object to this application. There have been amendments to the design but many of the principles and the design issues have still not been addressed to our satisfaction.

We recognise that the site was included by Officers in the emerging Draft Local Plan 2030 (DLP) that was put out for public consultation in June 2016. The planning application had already been submitted prior to this inclusion. The applicant perhaps realised that it was premature, particularly when a nearby site was refused permission in February 2016 and the application was 'frozen'.

SPC put in a large weight of documents as part of the response to the DLP arguing that the site was unsuitable, unsustainable and inappropriate for housing development. To date, we note that in spite of the evidence put forward, ABC have decided to continue to include this site in the 2017 Draft of the Local Plan. This is very disappointing. We point out, however, that the determination of the planning application is still premature, as the Draft Local Plan has not been tested in the public arena.

The submitted documents included corrections to the DLP Sustainability Analysis (for the site as WS21) which included material errors, the consideration of which results in a significantly lower ranking and a potential "unsuitable" conclusion. The new Draft only acknowledges one error to have been made, bringing the score down to 2. We still contend that there are important factual errors and the score should be honest. This is found in SPC3 accompanying this report.

Indeed, we continue to contend that this site should be addressed through the Local Plan process which is the democratic method of allocating land for housing. This then should be reviewed in the light that a large number of omission sites were put forward following the public consultation (including three in Shadoxhurst). We believe that this site should remain frozen until such time as the Local Plan process has been considered by a Planning Inspector following the public enquiry.

There is the likelihood that this site will come before the Planning Committee before that, and we have produced this document with attachments to set out our views on the unsuitability of this site for housing. Although it is included in the draft Local Plan for 25 houses, we strongly believe that it should be removed, and our submission in August 2016 to the DLP reflected this stance. This has yet to be tested by the Planning Inspectorate and is premature.

This document will set out the importance of the context of this site in relation to the centre of the village, its historical importance in social and environmental terms and seeks to underline the clear harm to the village that will outweigh any perceived need or benefits.

SPC recognises that Ashford Borough Council (ABC) as the Local Planning Authority (LPA) is under extreme pressure to find land for housing. The five year supply as required through the NPPF and government advice is, we understand, not being fully met, this results in current and proposed planning policies being undermined and this can result in decisions being made for the wrong reasons. We are adamant that allocation for land in sensitive rural areas must be fully undertaken as a truly democratic process taking account of local views and needs. Indeed the Government have stated:

"Applications should not be approved if the adverse impacts would significantly and demonstrably outweigh the benefits" and

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

"Interested parties can raise all the issues that concern them during the planning process, in the knowledge that the decision maker will take their views into account, along with other material considerations, in reaching a decision."

The recent Supreme Court judgement in May 2017 relating to the NPPF in relation to a lack of five year housing supply can now give ABC renewed confidence in defending a position of refusal where harm clearly outweighs benefits, as indeed it does in this case.

As stated above, we do not believe that the sustainability matrix completed by ABC as far back as 2014 for **WS21** properly addresses the context and deliverability of the site, and Members are likely to be unaware of the history and likely problems that will result from developing this site. Although it has been considered 'suitable' by some in recent years, it is the very last green space on Woodchurch Road and has always enjoyed public access. The setting and sense of place is so important. Destroying this green space will cause undue and unnecessary harm to the village. These are valid planning matters that must be considered by Planning Members and given full weight.

We believe that this land is so vital and strategic to the village, that it could be successfully defended at appeal, whether as part of the DLP public enquiry, or the refusal of permission by the Planning Committee. Indeed, so strong is our belief in this being heard fairly and given proper balance, we strongly urge Planning Members to refuse this application, so that it can go to appeal.

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
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Executive Summary

Context:

SPC continue to OBJECT to this application due to the design, layout and overall unsuitability.

SPC recognises that the land has been considered for development and is still in the 2017 Draft Local Plan despite significant local objections submitted in the 2016 Draft Local Plan consultations. We submit documents that reflect the objections and ask ABC to give this careful thought.

SPC are not against sensible development that is clearly thought out with shared use that is maintained and available. It would need to be a visible enhancement as well as a practical one.

The cumulative aspect of nearby developments both in and adjacent to the village must be taken into account when deciding the outcome of this application.

We have 24 houses already granted or in the process of being built. We will have already contributed 41 'windfall' houses to ABC's Five Year Housing Supply in 2016 and 2017. There are also still 12 (i.e. 70%) unsold houses vacant at Oak View (the first residents moved in May 2016).

With 7,500 houses due to be built in Chilmington Green and Kingsnorth, all within 3 - 4 miles of the village, the road infrastructure of the village is insufficient, particularly for construction phase impact and has not even been considered in the application.

Harm vs Benefits:

Since this land came forward in the Draft Local Plan, there have been two significant judgements that have influenced ABC Officer and Member decisions. The first is the Tilden Gill Planning Inspector's decision that then influenced a number of planning decisions including the granting of 12 houses on land close to this site. Work has not begun and there is a real fear that granting this application, the two developments if built together it will make life totally intolerable for residents through noise, disruption, deliveries of materials etc.

The second is that we draw attention to the recent Supreme Court Judgement in relation to the cases of Hopkins Homes and Richborough Estates. Paragraph 85 makes this balance a material consideration, in spite of a lack of five-year housing supply. In taking the "narrow view", the judgement makes it clear that ABC's policies are NOT to be disregarded. Indeed, Policies TRS 1 and 2 should be given normal weight. We argue in the attached documents, that giving weight back to the relevant policies that were dismissed in the decision for the other field on Woodchurch Road, mean that the proposals with this application will need to be looked at fairly and the balance is not as clear cut as the applicant would have us all believe.

The documents attached clearly demonstrate how the loss of this land to housing will damage:

- the only central green space left in Woodchurch road,
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**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

- heritage aspects of the land that has been used by the village for many generations.

Each of these are vital to safeguard the rural characteristics of the village and must all be given full weight. All these have weight and importance as defined in the NPPF.

ABC Members must take account of the history and heritage of this site, as well as considering the setting and sense of place and the fact that this is our last green space in the middle of the village. These are policy considerations that the Supreme Court judgement puts back firmly into necessary consideration.

Village Confines:

There are mixed messages about the weight that ABC will give to the village confines. We firmly believe that this site is outside the built confines of the village and demonstrate that graphically in the accompanying documents.

This site is therefore not suitable unless ABC is prepared to go against its own established policy.

Flooding issues:

We contend that in spite of some documents to the contrary, this site is liable to flood and water from the built site will add to the problem and cause flooding to properties lower down.

The same developer built the four houses at Maytree Place and any significant rainfall continues to cause flooding to these properties. This development will exacerbate this.

We note that the only way to build the new houses and avoid flooding is now to raise the foundations higher in the latest design. This will not help the existing houses.

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**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
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Parking on site is still insufficient and inadequate. Whilst it may comply with some minimal standards, the reality is that parking will be a visual and practical mess. There will be pressure to park on the green spaces without proper and possibly unsightly control such as fencing.

Proposed Layout:

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Importantly, there are contradictions between the access provision in the June 2017 revisions submitted for current consultation and the new requirements stated in DLP 2017 S36: these must be resolved and re-presented for consultation before the application is determined.

We welcome and are heartened by the comments made by the ABC Culture and the Environment Department on the 24th July 2017 regarding the ecological area, habitat mitigation, SuDS, size of the open space and fencing to the gardens. In terms of openness it underlines our points made about removing properties 11 – 19 altogether. These comments show there are still fundamental flaws in the design and layout and must be re-addressed. This is so important, it must not be rushed.

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Other mistakes are not acknowledged, but the site in reality scores poorly and should not be in the Draft Local Plan. It was a mistake to include it and this fact needs to be tested in the forthcoming Local Plan public enquiry, therefore deciding this application in 2017 is **wholly premature**.

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We urge ABC Members to refuse this application until a sensible compromise can be reached.

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

Context

Village Vision

What characterises Shadoxhurst and makes its Rural Character Special?

1. Shadoxhurst is part of the rural gateway from Ashford's hinterland into the Borough's countryside southwards to the Romney Marsh beyond as well as westwards to the High Weald. Far enough out of Ashford to be a separate, quiet, peaceful and rural community.
2. Without a school or shop it can remain relatively small and still retain a country feel. Although largely stretched linearly along roads, the presence of trees and hedgerows along with magnificent views across fields and the wonderful open countryside means that the village feel is unique.
3. The absence of street lighting underlines the rural character, many are unhappy with the Ashford glow that reduces the dark sky towards the east. Most residents want to preserve the dark skies and ensure street lighting is not introduced.
4. Shadoxhurst has the focal points of a church, village Hall and a pub, The recreation field and sports pavilion form another important focal point attracting families, dog walkers and local footballers of all ages.
5. The village supports two thriving scout groups, there is a pre-school nursery and the famous Shadoxhurst Flower Arranging Club has celebrated 50 years. There is also a weekly Shadoxhurst Walking for Health Group, and recently an afternoon coffee club has been established.
6. As the village is part of the countryside, residents and visitors do not have to walk far to find many footpaths and byways accessing woods and fields. An area of the village is being nurtured by caring land owners to promote meadows and woodlands that will attract and preserve wildlife in a Biodiversity Opportunity Area (BOA).
7. The small conservation area ensures the oldest elements of the village are protected. The village has grown in a piecemeal fashion which led to the ribbon like nature along the roads. Only one area has a concentration of houses that forms a large estate like layout. Having a little bit of every style gives the village its unique charm. Being so close to Ashford brings challenges but the overall feeling is to ensure the rural character of a small village is preserved. Shadoxhurst is certainly an important jewel in Ashford Borough Council's rural crown.

Village Support

8. There is clear support for the Shadoxhurst Vision of keeping the village rural and small.
9. A survey was delivered to all villagers earlier in 2016. The results give an important indicator to the future of Shadoxhurst.

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
 Land rear of King's Head, Woodchurch Road, Shadoxhurst**

10. A total of 116 replies were received out of an estimated 1216 people (from the 2011 census). This is a response rate of 9.5%. Of these, the replies were from 72 different households responding out of a census estimate of 483 (15%) houses.

Survey Results:

Survey Totals	Keep Rural	Retain Green space	Retain Buffer zone	30 mph	Traffic Calming	Street Lighting	More Amenities	Extra Houses	Bus service
Yes Totals	115	116	115	99	64	28	36	44	64
Yes %	99	100	99	85	55	24	31	38	55
No Totals	1	0	1	17	52	88	80	72	52
No %	1	0	1	15	45	76	69	62	45
Total Replies	116	116	116	116	116	116	116	116	116

11. Looking at the responses, the first three questions were all but 100% giving a clear mandate. There is also a clear mandate concerning the push for a 30mph limit and NOT having street lighting.

12. 62% people were against additional houses in the village than for it, some commenting to wait and see the impact of Chilmington and that there has been enough built for the time being. Of those that were happy for some extra housing, most wanted small developments in keeping with our rural village and to be affordable for young people to enable them to stay in the area.

Why is Shadoxhurst a special case?

13. Shadoxhurst is just 4 miles to the south west of the centre of Ashford. Inside that short distance and only three driving miles from the village centre, the construction of 5,750 houses will soon begin a little to the north at Chilmington Green. These houses do not count in the currently emerging Local Plan as permission has already been established. The start has taken about two years from the granting of outline permission although work is believed to begin imminently with the last legal documents in place. The delays have certainly hindered ABC achieving their five year annual housing supply.

14. What will be counted in the emerging Local Plan, to the east of Chilmington Green and co-joining it, and less than 2 miles from the village centre, are 950 houses at Court Lodge, then again co-joining Court Lodge to the east are a further 420 houses are set to be built including Magpie Hall Road and Pound Lane. There are further big developments of 550 houses in other parts of Kingsnorth at Park Farm South East and Finberry North West.

15. Many residents feel that with over 7,600 houses to be built in such close proximity to Shadoxhurst in the coming years, there are sufficient houses being built in the vicinity of the village and enough is enough without any more being built IN the village itself.

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
 Land rear of King's Head, Woodchurch Road, Shadoxhurst**

16. Both the Parish Council and many residents are rightly very worried that many of the additional journeys being generated by all this new housing will impact directly on the roads of Shadoxhurst which is already an increasingly popular through route to Woodchurch and Tenterden for those wishing to avoid the A28. This route goes right past the application site and cumulative traffic growth has not been given any consideration in the application documents.
17. The impact upon Stubbs Cross and the closest local shop that serves Shadoxhurst will also be enormous. The present road infrastructure in and around Shadoxhurst and Stubbs Cross have not even had cursory consideration in the application. The harm to health, welfare and the feeling of safety from just the traffic growth will be considerable and damaging to the village. There is a lack of footways and some of the ones we have are narrow.
18. We are fearful that whilst rightly considered rural, urbanisation is happening from within and the 7,600 additional houses brings the edge of urban Ashford perilously close. Indeed, the geographical area of Chilmington Green extends into the Parish. Very small windfall sites in the village will be judged on their merits, but it is widely accepted in the village that large development sites such as the application site are not suitable or appropriate.

Why is this case important?

19. Shadoxhurst Parish Council is the custodian for the village and the parish. It represents the views of the parishioners and seeks to protect them in the best ways. Quality of life is eroding in Shadoxhurst as traffic levels increase through the village, these are set to dramatically increase with the vast amount of housing proposed to the north east. As a wooded and agricultural parish, there is a threat to loss of farming land to yet more house building year on year. Residents who have been living here for much of their life have seen big changes with the growth of the village and those who chose to live in a rural village, yet be close to Ashford, are also seeing their reasons for moving here being eroded.
20. SPC accepts that change will take place, that is life. We are aware of land that may be proposed over time for housing. The accompanying **Document SPC1** and the table below shows this in context and shows land in the vicinity of the application site. It involves land that has been previously cited for development and land we know is being discussed for future development. This document shows a real threat to the heart of the village. Whilst it can be argued that some of these are speculative and not the subject of this application, it places in context, the real concerns that parishioners have of cumulative growth and therefore must be a material consideration.
21. The application site is just one, if we are not vigilant, in time all these sites shown in **Document SPC1** may be built on and change the village for ever. As can be seen from the table below, some are already under construction but have not been acknowledged by the Applicant. These are considered further in Paragraph 31 below.

Site	No. of Houses	LP submitted site	Status
A	12	WS17	Decided for housing March 2017
B	19	WS21	The current application for 19 houses
C	24	WS70	Previous design in place, not put in DLP by ABC
D	100+	WS33	Not in DLP by ABC, but added as an Omission Site (2016)

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
 Land rear of King's Head, Woodchurch Road, Shadoxhurst**

E	12	WS18	Criol Barn Farm, not put in DLP by ABC
F	10	WS19	Land North of Farley Close, not put in DLP by ABC
G	17	-	Oak View (Oak Fields), Brownfield site / windfall, complete, majority 70% still unsold
H	4	-	Maytree Place, windfall site completed in 2015 (occupied)
I	5	-	Wymondham, removal of one, construction of 4 underway, plus agricultural conversion, windfall site
J	30+	-	Owner has made known this potential site, seeking access opportunity

22. In considering land use, we have a responsibility to future generations. Once land is carved up and lost to buildings and development, it is lost forever as open space and generally reduces the value of biodiversity in that locality. That which remains, must be fully sustainable and be considered with a long term view of serving generations to come whether in terms of natural resource, amenity or visual value rather than any short term financial fix that appears to suit the present generation. As custodians of the village we must take the long term view.
23. As custodians, we must also consider the land in full context and setting. This aspect has not been considered by the Applicants who choose to fill the site with houses which is clearly over intensification. Although for the 'hectarage' there is a mathematical number of 'allowable' units, this wholly ignores context, history and setting.
24. Building on this final green space means that it will create an urban feel to the middle of the village.
25. The application for the last field on the north side of Woodchurch Road was granted in March 2017. We showed that this was not sustainable but the appeal of Tilden Gill in Tenterden meant that ABC were unlikely to defend an appeal if it was refused. The Supreme Court judgement came too late to save this field. But it gives us a potential 'double whammy' of two major developments in the middle of the village. Indeed, granting this, could mean the developments are built at the same time.
26. In time we stand to lose our village identity, our unique rural characteristics and become part of Greater Ashford. In effect, we will no longer be a village. No one in the village wants this, and SPC wishes to robustly defend the present position.
27. SPC is not against small development in the village in the right place and with the right density and layout. We are opposed to major development in the wrong places.

Objections

The question of NEED

28. We contend that the argument for NEED for houses in Shadoxhurst is not proven, indeed the subject is not even considered by the Applicant and we contend with in the order of 7,600 houses being built in such close proximity to the village, there can be no justifiable argument for NEED for further housing in the village.

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

29. The need for affordable housing for the young people living in the village will be addressed with house building within two miles. What is the need for expensive four and five bedroom houses in Shadoxhurst, when there are 12 (to date) houses at Oak View still remaining unsold (including the 'affordable housing' element)? The first house was occupied in May 2016.
30. We accept that Ashford Borough Council wish to share some of the development in rural locations, but we contend that being so close to the large amount of proposed housing, we should be made a special case to be exempt from further development unless there are exceptional circumstances or brownfield sites come forward. The application site is neither of these.
31. Paragraph 21 above and **Document SPC1** set out the likely development threats close to the application site. With the 4 houses under construction to replace one detached bungalow at Wymondham within 50m of this site to the east, it should be noted that local pressure was applied and brought the number of dwellings from the original proposal of 11 down to 4. A recent planning decision allows a fifth dwelling to be converted from an agricultural barn on the same site.
32. In Hornash Lane work has begun on two further dwellings, previously granted planning permission, and recently planning permission was granted for another house in the Lane.
33. Planning permission was also **granted** for four detached houses on two adjoining **brownfield sites** on the eastern village edge in Blindgrooms Lane, construction work has begun.
34. Importantly, the application in the field between The Hollies and Park Farm Close almost across the road from the application site for 12 houses was granted in March 2017. The **cumulative effect** of all the developments requires careful consideration both in terms of the poor infrastructure and the impact on existing residents.
35. The NPPF talks of avoiding stagnation in villages and there is certainly no stagnation in Shadoxhurst and with the completion of the 17 houses in Oak View, it brings the total in the village to above 500. With the 24 more houses referred to above under construction or in the pipeline, all are small developments and appears to be of the type envisaged by the majority of respondents to the survey that were happy to accept some housing in the village.
36. It is important to note that these are all 'windfall sites' helping ABC meet targets set for windfall sites. Shadoxhurst is certainly playing a key role in providing 'windfall sites' providing 41 such houses in 2016 and 2017.
37. The application site is a major development proposing to squeeze in 19 houses and does not fit with the majority of villager's wishes for only small development. There is a distinct feel that Shadoxhurst has already done its bit in the last couple of years. If granted, this will be the largest development in the village for a very long time and will be counter to the wishes of the majority.
38. It is important to underline that the application site was **not** in the previous Core Strategy Local Plan, and Ashford Borough Council clearly believed that even with the relatively low scoring in sustainable development terms, it was still able to be included in the emerging Draft Local Plan 2030. The site is thus included as Site 36.

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

39. We strongly believe that there is no justification to include this site in the DLP but as it was put forward in the Draft, the Parish Council strongly objected in the public consultation in June – August 2016. We still await the outcome of these objections as they have not been properly tested in a Public Enquiry and will continue to oppose it as it is wholly unsuitable for development. In **Document SPC2**, we present a critique of the part of the Draft Local Plan devoted to S36 and discuss why inclusion is inappropriate.
40. We will argue that the scoring in the Sustainability Appraisal in 2014 missed vital points and therefore is flawed and should have been scored much lower. In that context it would not ordinarily have been taken forward. This is critiqued in **Document SPC3** attached. We do note that in the recently published 2017 version of the DLP for consultation, only one of the errors we pointed out has been addressed.
41. Whilst there may still be a shortfall on the overall land brought forward, the DLP believes that this shortfall will be met through windfall sites across the Borough, and we in Shadoxhurst are already contributing to this (see paragraph 35 above).
42. Fulfilling 'need' in terms of Borough allocation, means having to consider sites that are suitable, the application site is **not** a suitable site as it fails to meet many tests set within the Core Strategy, Tenterden and Rural Sites DPD (both of which still are current), the Draft Local Plan (which is not currently in place) and the NPPF itself. The importance of having local planning policies is crucial and must be defended and should not be undermined or weakened. The May 2017 **Supreme Court** judgement also underlines this and clarifies the interpretation.

Harm vs Benefits

43. The 2017 Supreme Court judgement placed sway on the importance of balancing the question of Harm vs Benefits. This therefore is a key part of our submission and needs careful consideration.
44. Set against resulting harm to the village community, we are indicating and highlighting through the submission documents how the loss of this land to housing will damage:
- the only central green space on the south side of Woodchurch road,
 - the last green corridor connecting the centre of the village,
 - setting, resulting in urbanising the heart of the village
 - sense of place
 - historical perspective
 - heritage aspects

The only central green space on the south side of Woodchurch road

45. This field is the **only** usable green space left in the central area of the village. Building a housing estate of up to 19 houses will destroy this **final** space for ever. Whilst the SPC believe that this green space should be preserved as open space for the benefit of the village, there are developer aspirations for some development. It could be minimalistic, sympathetic to the locale and if designed with the village in mind, could also deliver a village green that complements the King's Head public house and the context of the core of the village.

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

46. The aspirations of the villagers do not meet with those of the developer. But then the village has never been consulted. It would of course necessitate fewer houses, but this could deliver a scheme that might address a number of very valid concerns.
47. As mentioned elsewhere in the documents submitted, this green space is a long standing community asset that has been used by villagers over the last 60 to 70 years.
48. With building on a nearby site of Wymondham, there is no other green space in Woodchurch Lane and up along Hornash Lane, Tally Ho Road and Church Lane for a considerable distance. This is the accepted centre of the village and this importance should be recognised and protected.
49. In the past, the field was managed through mowing. In recent years, it has been largely left, which has the advantage of retaining some wildness. Although some survey work has been carried out, the richness and diversity of the insect population has not been recognised in the application. Much of this diversity is due to the abundance of wildflowers that grow there.

The last green corridor connecting to important green space to the south

50. The application site links the landscape and fields to the south through the Village Conservation Area and the Biodiversity Opportunity Area (BOA) to the south but importantly, the link with the fields to the north has been severed, following the granting of the application for 12 houses to the north.
51. In linking with the Conservation Area and the BOA mentioned above this is further considered in the sustainability appraisal critique of WS21 in **Document SPC3**.
52. This space is now also the **last green space** on Woodchurch Road. This development will finally destroy the rural character of the village. Which has considerable strategic and historic importance.
53. Not only is the field a visible link to the south, it is a physical link to the Conservation Area along the two footpaths. It is recognised that in effect, one of these will be removed, but the public footpath will be going through the middle of a housing estate. This removes all ruralness which has been enjoyed for decades.
54. Wildlife will now be largely excluded from the centre of the village by the presence of a housing estate and managed minimalistic green pockets. Yet again, wildlife is being squeezed out and pushed back at the expense of housebuilding. There is no wildlife enhancement to be properly mitigated.

Setting

55. The green space we have now thus is very valuable as it stops the total urbanisation of the village by providing a much needed visual break from all the houses along Woodchurch Road. Much is made of it being a simple infill, but in this case, infill equals urbanisation and visual harm. It also equals destruction of the green space itself.

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

56. Infill is defined as one or two houses, this is not infill this is clearly a major development.
57. The setting is open land beside a Grade ii listed building which for many generations has been 'The Village Pub' and having the open space around it gives a village green feel to the view. The Historical Perspective paragraphs below takes this further.
58. Four houses have already been built by the applicant to the rear of the King's Head at Maytree Place, this also removed a green corridor. In effect, by allowing the houses here, precedent appears to have been established.
59. The development as proposed, will destroy the setting by surrounding the pub by modern houses. There are many hundreds of pubs in an urban setting, this site is rural and very special. Shadoxhurst is a village and village pubs in rural settings are special and need to be nurtured, not destroyed.
60. The importance of "setting" in the NPPF, i.e. "the surroundings in which a Heritage Asset is experienced" is totally ignored and the relevant elements of Historic England's GPA 3 have not been appropriately examined by Applicant. This alone should set alarm bells ringing and should be enough to establish a defensible refusal of this application.

Sense of Place

61. Shadoxhurst is a rural village and the sense of place that enables a village to be what it is, the presence of green spaces namely fields. Anyone walking along Woodchurch Road from either direction would feel it an urban place, this key strategic green space is a reminder of the views of the countryside that is beyond and ensures the rural character is maintained.
62. The roadside hedge has been allowed to grow up and thick, however only a few years back, it was kept low and field and the countryside beyond was clearly visible when walking, cycling horse riding or driving past. See photo. In order to even approach the mandatory visibility criteria, the hedges and all visual "obstructions" will need to be completely removed, leaving the vista of another housing estate in plain sight. This destroys the present sense of place for ever.
63. We believe that sense of place is a vital ingredient which the Applicant chooses to ignore. Shadoxhurst is a rural village and open green space with views into the surrounding countryside is what makes up the character of this village. It also sets off the rural nature of the pub. Openness is a key ingredient and this will be lost with this development.

Historical Perspective

64. The land beside the King's Head PH has never been developed and is therefore a previously unallocated 'greenfield' site. It is expected to have archaeological value and any development will have to be investigated from this point of view. Although it is not currently managed neatly, it has been mowed annually for many decades in the past sometimes twice a year. It is now become a wild flower meadow.

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

65. There is clear primary evidence that over fifty years ago it was used as a village cricket pitch, and we can provide written evidence from a resident who played cricket there in the mid 1960's when the field was rolled, mowed and well kept.
66. It was the village's sports field for many years and subsequent to cricket, football matches have been played there. We also have primary evidence from a resident who played football for Shadoxhurst Football Club when they played in the Ashford and District Football League.
67. The field has been less well used following the gifting to the village of the recreation ground in Hornash Lane (in 1977) when the football pitch was relocated and other amenities were established.
68. But we can show that many village events such as firework displays, annual fetes, boot fairs, car rallies and dog shows have been held there over many years, also the area hunt has met at the pub and used the land. All this can be ratified with primary evidence. For many generations this field has been an open space used by the village. The last big event was a village fete held on the field in 2004.
69. We believe that the ownership changed to the present owners about this time. The field continued to be well kept until the time of the planning application submission. The field has not been mowed since and has been left to its own devices.
70. Since the application was submitted, the land owner appears to be restricting access and dissuading public use, and Heras fencing was suddenly erected early in 2016. This impeded the public rights of way and prompted complaints and required intervention from KCC's PROW Team to rectify.
71. The fencing is still present although the public rights of way are just accessible with regular unapproved help from residents, and the field is still (to date) unmown giving it a very sorry look at times and restricting proper access to the public rights of way.
72. Two well used public rights of way cross the field. The field is also used for dog walking with an informal circular path used by some. Encroachment by vegetation at the edges, particularly brambles is not being controlled and this made the site look smaller than it really is. However, earlier this year some edge clearance was enacted, we presume this was related to an expected grant of permission. A further "unofficial, but long established" path links into Nairn Close and is very much in regular use.
73. Allowing this encroachment has had the positive effect of protecting wildlife. Any tidying of the site must be done sympathetically and respect wildlife there. We note that some strimming was recently carried out. In connection with comments made on the current planning application, Kent Wildlife Trust and KCC Ecology are particularly concerned that the current application does not properly address the wildlife and biodiversity aspects and, as we contend, neither does the application allow for proper mitigation. With the early, possibly false, spring this year, birds were nesting at ground level in the field; no proper check was done in the detailed but single visit Eco Survey, which did not cover the "seasons" as could reasonably be expected.

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

Heritage Aspects

74. The application includes a Heritage statement. Whilst this statement acknowledges that part of the Kings Head includes a building of historical significance, it in general seeks to denigrate the aesthetics of the locality and adjacent housing. The visual and historic amenity of the proposed site for development is completely misrepresented and ignores the value of "Setting" in NPPF, i.e. "the surroundings in which a Heritage Asset is experienced".
75. The relevant elements of evaluation set out in Historic England GPA 3 have not been demonstrably examined in coming to the author's unsupported Conclusions. The Heritage Statement has been evaluated in Document SPC6.

Benefits

76. It is hard to see benefits of development on this land. Up to an additional 19 houses will be built in close proximity to the public house, going a small way to alleviating a vast current Borough shortage. With most of the houses from the most recent housebuilding at Oak View still unsold, completion will only benefit ABC, not the village.
77. It may generate some extra income for the public house or a few more worshippers at the church.
78. Increasing the size of the village at the proposed rate only benefits the collection of domestic rates to ABC. Where is the benefit to the local residents and the village? We see none.
79. As stated previously the Government highlight:

Applications should not be approved if the adverse impacts would significantly and demonstrably outweigh the benefits but also state...

The (NPP) Framework recognises the intrinsic character and beauty of the countryside.

In this context, the Applicant is not following NPPF guidance and the proposals simply destroy the sense of place by turning green open space into a housing estate that will harm the village.

The application is detrimental to the local community and character of the village and we contend that harm clearly far outweighs benefits and need in respect of all these aspects highlighted.

Village Built Confines:

80. The King's Head Pub field is clearly outside the Village 'built confines'. We submit the following photograph marked up to clearly show that the built confines exclude the site.
81. The 'confines' end at Frogmore which is a single dwelling to the east. The development known as Wymondham further to the East was restricted to four houses each in a line also to single depth. Indeed, on the south side of Woodchurch Road, there are single depth

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

dwelling for the whole of the road, which continues all the way up the south side of Hornash Lane nearly to Bromley Green. Anything beyond single depth is clearly out of character for this part of the village and this development is certainly flawed as it introduces a very visible 'housing estate'.

82. Looking at the village confines from the western side, clearly the pub itself forms the built confines with Maytree Place. Although potentially the only development not of single depth, we contend that the small number of houses involved does not set a precedent in terms of built confines.
83. The single depth housing continues along Woodchurch Road and into Church Lane, Nairne Close, The Street, Duck Lane and continuing up Church Lane to the end of the Parish. The only exception being The Rectory behind Rectory Bungalows. None form a 'housing estate' on this side and therefore what is proposed is both out of character and outside 'the built confines'.
84. SPC is in discussions with ABC as to how best to define the Village 'built confines' in a formal way. As yet we do not have a formal policy document in place. But for a field to be considered inside the Village 'built confines' when it has been an open field with social use for countless generations is clearly a speculative aspiration and outside ABC guidelines.
85. Viewing the land from Woodchurch Road, it is part of the countryside that is seen with views to the south into the next field and the trees beyond.
86. Considering the land as 'infill', is flawed as the rear building lines of Frogmore to the east and The King's Head to the west, which are single depth off the road, are very different from the proposals which both create another access and introduce a housing estate type layout.
87. The application strays a long way to the south of the building lines on the east and west. It is therefore a large development, that ignores both the proper village 'built-up confines' and the current building lines. Recently proposed development at Wymondham, to east of Frogmore, was curtailed by ABC Planning from 10 to 4 houses on this very argument; it is unreasonable to arbitrarily change the application of established principles for apparent political expediency.
88. Built Confines are still important and should be respected. The harm and adverse impacts in terms of built confines alone outweigh the benefits and we ask that ABC give it appropriate and full weight in the light of the May 2017 Supreme Court judgement.

Flooding Issues

89. The site gently slopes from south to north and from south west to south east and to north. Properties at Maytree Place, at the highest point of the original overall site suffer from continual waterlogged gardens; the new site falls away from these and ground surface in NE & NW is a quagmire for much of the year.
90. The ground through much of the village is almost impermeable and this results in localised flooding in times of heavy and persistent rain. This includes the site itself and villagers have recorded this in photographs in recent years.

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

91. The current Environment Agency Surface Water Flood Risk mapping of the locale shows a High Risk zone to south and north-west. Water from the south of Woodchurch Road should flow into the storm drain on the south side of the road, then running west along the road to Farley Close. Natural land fall of the proposed site is from south to north as outlined above and all drainage to north & east of the site will focus on the high risk zone to the NW.
92. This amount of building on this site will add large areas of totally impermeable tiled roof/concrete drives and roads etc. from which rain will need to flow somewhere. Any SUDS scheme will need to be very effective. However, any concentrated outflow from the site's proposed integral SUDS will considerably heighten the offsite risk of flooding to the west and at worst be at Farley Close.
93. . However this will still all drain to the same point to enter the watercourse off site. We have not seen any documents to show that this will solve any flooding in this part of the village.
94. The impermeability of the ground in this area and the associated problems with the inability to drain surface water is well demonstrated in available photos of the site field, as well as of the current building site on the south side of the road, submitted by local residents in their appeal submissions.
95. Whilst the proposed drainage scheme for the site may minimise flooding problems on-site, no consideration has been given to potential downstream effects. The viability of any onsite scheme depends totally on the credibility of ongoing maintenance (contract) of ditches and drainage works. We note that KCC Flooding Department are still objecting as the issues have still not been fully addressed.
96. Even in the recently built Maytree Place, residents find themselves with permanently waterlogged gardens throughout any prolonged spells of rainfall. This has never been rectified and the development will only exacerbate these existing problems.
97. The last major floods on Woodchurch Road at this locale were in 1998 & 2001; the road was closed for several days on both occasions and the Fire Brigade was required to pump out properties.
98. We understand that some drainage improvements were made by Environment Agency along the frontage of Dynelea / The Hollies after the 2001 flood, connecting to the ditch running south to north on the west boundary of The Hollies. However, the main drainage pattern on the south side of the road relies on ditches to the west of Frogmore, where the proposed site will drain (despite claims to the contrary) and to east of Wymondham.
99. All fields south of the road deposit the majority of their surface water into these ditches and even the new development at Wymondham has been allowed by ABC to drain to the ditch west of Frogmore (rather than the one on its own eastern boundary). These southern ditches were a primary contributor to previous flooding, one has recently had clearance carried out by Wymondham. However the main concern is the ditch between Frogmore & Kings Head Field, which also has had drainage from Maytree added will now get increased load with no adequate maintenance access for much of its length. We are concerned that it can be the case that no-one is interested in its maintenance until flooding occurs. The

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

whole surface water disposal concept is flawed, the drainage pond is in the wrong place, the Swale is too close to existing drains and to the footpath for example.

100. However there have been at least 3 further lesser inundations are reported by residents since 2001 along the stretch of Woodchurch Road between subject Field and Mace Villas (opposite the Kings Head Pub).
101. We are concerned that if downstream water backup is caused through lack of maintenance and by inundation from the subject field then this proper dispersal will fail, and flooding worsened.
102. The harm and adverse impacts in terms of flooding alone outweigh the benefits.

Highways Issues

103. The first important thing to say is that SPC strongly objects to the creation of yet another access onto this part of Woodchurch Road. It will result in the total destruction of the existing roadside hedge and all the wildlife it contains. Hedges are a vital corridor and refuge for wildlife.
104. Creation of vision splays for the proposals will unfortunately ensure that the hedge cannot be retained in any form. Indeed, hidden in the application documents is the notion that the pub car park must be realigned and all roadside signage removed to create the necessary vision splay to the west. This will result in reducing the size of the car park. To compensate, it is likely that the pub garden and other green space will be reduced. These are incidental knock on effects to alter and reduce the setting of the King's Head even further.
105. SPC insists that any house construction on the site MUST use the existing road constructed for Maytree Place for all traffic. It is wide enough and may have been in the developer's mind for the additional housing when creating it. The current layout will in effect create a cross roads junction with four houses on the north side of Woodchurch Road. The drawing conveniently does not include this, and appears to show a single house without its drive. This access point is actually for four houses. A previous planning appeal dictated that separate drives could not be created necessitating one access only. This planning appeal should be read in conjunction with this application. The creation of the cross roads increases the danger at the point for the new and existing residents with the road speed of 40mph.
106. People exiting from the proposed development will also impose an unreasonable nuisance from car headlights to the residents of Dynlea, the house in the unfortunate position to be opposite the access road.
107. Furthermore, SPC believes that as a condition of granting, the applicant must fund the reduction of the speed limit on Woodchurch Road from 40 mph to 30 mph. This will ensure the safer access of vehicles exiting from the Maytree Road and the King's Head car park, as well as the new access and the four houses opposite.
108. The positive effects of this, will mean that the hedging will not all need to be removed as the vision splays will be reduced, the pub car park will not need to be re-engineered

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

and reduced, and there will be a fundamental safety gain for all road users and particularly pedestrians using the narrow footway beside the hedge.

109. There is a cumulative effect of accesses onto Woodchurch Road from existing and proposed developments that has not been considered. Work on two of these have not even been begun or installed. This however excludes the many individual access points into individual properties on this fast road. Road safety was rather down played in the application and we are very concerned that the issues have not been properly addressed in the documents provided by the Applicant.
110. Contributing to the speed reduction will have many safety, health and well-being benefits to the village, residents, and the many vulnerable road users including horse riders, cyclists and pedestrians of all abilities and mobility.
111. SPC is concerned that each application for new access on this short stretch of road either side of Kings Head pub and up to Park Farm Close is assessed in isolation from each other. The NPPF and other Planning Guidelines allow for "cumulative impacts of multiple developments" to be taken into consideration. We urge ABC to look at this area in a holistic way to show the whole picture and then seriously consider that actually the proposals will cause greater harm.
112. Additionally, in relation to paragraph 105 above, it should be noted that the previous application for a limited access to 2 new 2-bed houses opposite the subject site was refused by ABC and Planning Inspector on Appeal only allowed them to have a shared access, due to road safety concerns. Since this time, road usage has considerably increased.
113. The Applicant's design for Visibility Splays has been queried but to our awareness no detailed check has been made of the claimed dimensions by ABC/KCC; We still question the validity until demonstrated otherwise.
114. Parking on site is still insufficient. Whilst it may comply with some accepted minimal standards, the reality is that parking will be a visual and practical mess. The lack of realistic spaces for this day and age of multi-car ownership means that visitors will park outside the designated spaces and restrict the proposed road width. More worrying, will be the likelihood of parking on Woodchurch Road. We do not want to advocate the use of double yellow lines on this road as it urbanises the village further, but any overspill parking creates a serious hazard being a fast road. We believe that there will be pressure for visitors to park on the green spaces. To control this aspect, would need some form of fencing and / or signage, which negates the open space outlook we are trying to protect. Parking on the current proposal needs to be seriously reconsidered.
115. We now have large 40 tonne haulage lorries using this road to and from a haulage yard in Woodchurch since the Summer of 2016. It can be expected that once Southern Ashford Growth construction starts, not only an increase in "rat-run" traffic avoiding Chilmington-Kingsnorth corridor will be experienced but more heavy goods will focus on the Woodchurch Rd through the village. ABC has not to our awareness undertaken a Traffic Impact Study for this overall area in the context of the DLP and this is urgently needed before more Planning Approvals can be given.

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

116. No independent and recent Traffic Survey has been carried out by Applicant. we believe that the limited references included in the Application come from a 2015 survey – 2 years old – carried out for an application on this road to the east of the site.
117. The harm and adverse impacts in terms of highways alone outweigh the benefits. Only reducing the road speed limit to 30mph and using the Maytree Place access can begin to redress this to provide a more significant benefit.

Proposed Layout of the Site

118. SPC has based this document and the accompanying documents from a point of view of objecting in principle. We believe that a refusal is now defensible following the recent Supreme Court judgement.
119. However, we recognise that ABC have had this site in mind for housing for a few years and it was made clear to us through a site meeting with the Applicant, that ABC are championing the design and layout we now see in the latest layout. This is disappointing as it demonstrates a one sided approach by ABC, that there will definitely be some houses on this site regardless of harm, heritage or suitability. This is not a balanced approach to planning and we raise this as a very loaded aspect. We are not happy that this may not be considered fairly.
120. We therefore must look realistically at the current proposals and make due comments in the spirit of "compromise":
121. SPC still objects to the current layout of the houses. Initially we objected to the higher number of houses which resulted in the full use of the site for building and gardens.
122. Although originally coming from a point of no houses on this green field site, SPC would welcome a formal dialogue involving a layout for less than 19 houses. The current 19 is certainly better than 24. We would like to see the number of houses come down to single figures if a compromise can be reached, combined with a realistic usable amount of the site being given to the village as Village Green as providing more benefit to the community.
123. The layout as it stands, gives a little usable amenity land to the village. The area in the north west corner is marked as a SuDs space and we predict that it is liable to be flooded for much of the year. Being contoured, it will be difficult to maintain and cannot be accessed by people with limited mobility.
124. The small amount of land to the south of this is too small compared with amount currently which the village has had unfettered use of the field for many generations. A hedge is to be created on the roadside but set back from the existing hedge (dictated by roadside splays), however at this point there is already a pond and the SuDS land will need to flow somewhere, so the ditch and drain that connects and flows under the road will be difficult to achieve.
125. We suggest that a permanent pond be created in the NW corner with the outflow to the existing system that goes under Woodchurch Road. This way, some of the currently allocated 'SuDS' land can be utilised as village green and it can provide a new feature for the village.

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

126. Again, to secure a more reasonable size of village green, we suggest removing house 19 altogether so the PROW can have a better setting to the west and be straighter with the southern part and this will also result in the open space being further enlarged.
127. Sitting in the pub garden, houses 17 and 18 as well as the flats will be very close and visible and will be detrimental to the setting of the King's Head.
128. We note that the flats 11-13 appear to be very close to the houses in Maytree Place. We suggest removing houses 17 and 18 completely to give the flats more space and reduce the impact on Maytree Place. Better still, would be to relocate the flats to the east to give open space along the length of the Maytree Place access road and help the setting by the houses all being further back on the site. If having the Maytree Place road as the main access, the road could curve round where 17 and 18 are now situated.
129. The 'eco area' and path into Nairne Close are welcomed. Who will maintain this, will it be left wild or managed?

Review of relevant ABC Policies

130. The Applicant contends that neither the Core Strategy of 2008 applies as too old, and the emerging Local Plan has not been adopted and so the application falls between the two. However, SPC must take a logical look at the policies to see how they influence the application site. We submit **Document SPC4** which looks briefly at key points in the Tenterden and Rural Sites DPD.
131. We realise that some of ABC's Policies are currently diminished in weight through the lack of the five year housing supply, but we are most concerned that looking at this site in a reasoned and fair way is unlikely to happen with this 'Sword of Damocles' hanging over us all. The headlong rush to total up numbers must be tempered with looking objectively at this site, its relationship to the rest of the village and the value it has as green space and potential village green.
132. We firmly believe that the Supreme Court judgement which considered the weight given to policies in the absence of a five year supply will now help ABC to protect key Green Spaces and Green Corridors. ABC now have an ideal opportunity to re-look at sites that may have scraped in as acceptable for housing. The application on this site therefore needs to be left undetermined until the DLP runs its natural consultation process.

NPPF Incompatibility

133. SPC sets out in **Document SPC5** that there are a number of key paragraphs with which this site and application are incompatible. ABC must look fully at the NPPF in the light of the Supreme Court Judgement and review this site fully to inform Members prior to making their decision.

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

Sustainability appraisal

134. The question of sustainable development runs through the NPPF. The application site must be critically appraised on grounds of sustainability. The three factors that define sustainability are social, environmental and economic and these will be considered in turn, however to be a sustainable development it must be balanced with all three aspects. Sustainable development can be looked at from global right down to local perspectives. However, when considering a major development such as this in a small community, we have to look at the village as a microcosm of any global view. Sustainability is considered fully in Document SPC7.

WS21 Draft Local Plan Sustainable Appraisal Critiqued

135. To look critically at sustainability, one must review the assessment carried out by ABC in the preparations for the emerging Local Plan. Here Officers used a matrix to enable them to compare all likely development sites in 2014. The application site was known as WS21 and we have provided a critique of the assessment.

136. ABC's assessment scored it at plus three (+3) and as a result it was considered sustainable enough to be considered in the emerging Local Plan. We contend that not only was the ABC original scoring **incorrect and flawed**, but our corrections put the sustainability of the site to be at best minus one (-1). We contend that it should not have been put forward in the first place. We will be arguing in the consultation that the site should be removed from the DLP.

137. Importantly, we raise the issue that there are **two errors**, but only one of which has been corrected in the latest consultation draft (July 2017). The scoring is also **misleading** with respect to the matrix proposing community gains (GP rooms and a play area) neither of which form part of the application. Thus, the sustainability score **MUST** be reduced, lowering the apparent sustainability to **minus 1 (-1)**. We believe this should in fact be even lower.

138. The full assessment matrix is critiqued and found in Document SPC3 with our comments and scoring in red.

139. The most recent Engineering Report 1104/7 dated 16th June 2017 refers to the matter of sustainability and only highlights train, bus and cycle provision. It fails to admit that anyone requiring medical, shop or school provision is likely to need a car. There is some school transport provision, but depending on the destination required, may still need a car. Similarly, anyone wishing to commute to London at a realistic time of day, will also need to drive to Ashford, therefore putting yet more pressure on the roads and car parking around the International Station.

Conditions necessary to protect the village if Application is successful

140. Shadoxhurst Parish Council recognises that its intention to retain the land as a greenfield site and sizable village green may fail and thus wishes to therefore have input

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

to the decision making process and strongly recommend stringent conditions for any development on this site.

141. To this end, we need to make public the severe problems the village has experienced with contractors and the parking of their vehicles at other development sites in the Village. In particular we draw attention to the completed construction of 17 houses at the Oak View development on Woodchurch Road to the west of this site. The village also encountered similar construction problems with the four-house development at Maytree Place. Disruption included Woodchurch Road being used for the unloading of materials blocking traffic for significant periods as well as widespread parking of worker's vehicles on pavements, the bus stop and verges.
142. Furthermore, decision makers must take account that
- a) There is a construction site for five houses on the same side of Woodchurch Road to the east of Frogmore in progress and
 - b) The planning application for 12 houses in the field beside The Hollies and Park Farm Close some 50 metres to the east has been granted and we don't know a projected start date.
 - c) The likely time taken if **not** being built at the same time will lead to substantial disruption along Woodchurch Road for Villagers for a potentially long period, close control and enforcement will be essential.
 - d) However, the building work **could** commence at the same time. This would make it intolerable to use Woodchurch Road safely for ALL road users, particularly horse riders, cyclists and pedestrians of all mobilities. The Parish Council has very real fears if all these developments suddenly were working at the same time.
 - e) A key point is that the developer intends to create yet another junction on Woodchurch Road closer to the application site than the present junction of Maytree Close, which is set to remain. This new junction is in effect a cross roads with four houses opposite. The creation and use of the junction will make exiting the four houses very difficult and unsafe with the positioning and the current speed limit.

The Parish Council seeks to protect villagers from any future problems, some of these have been drawn up for discussion in **Document SPC8**. We ask that ABC give these matters close attention.

Section 106 Contributions

143. Finally, we also reserve the right to be consulted to determine the destination of any local Section 106 money as we firmly believe we have the knowledge to know best where money should be spent.
144. It is noted that we were **not consulted** when the other field in Woodchurch Road was granted, indeed three months later, we still await ABC consulting with us over both the Section 106 and any Construction Management documents. **This is unacceptable.**
145. We do however state that any such funding would not begin to compensate or mitigate for the loss of this field as a village amenity and asset.

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

Addendum

Following 2 water leaks in Tally Ho Road recently, the water pressure in this area of Shadoxhurst dropped considerably. The proposed development will, undoubtedly, result in a decrease in water pressure for all homes in the vicinity.

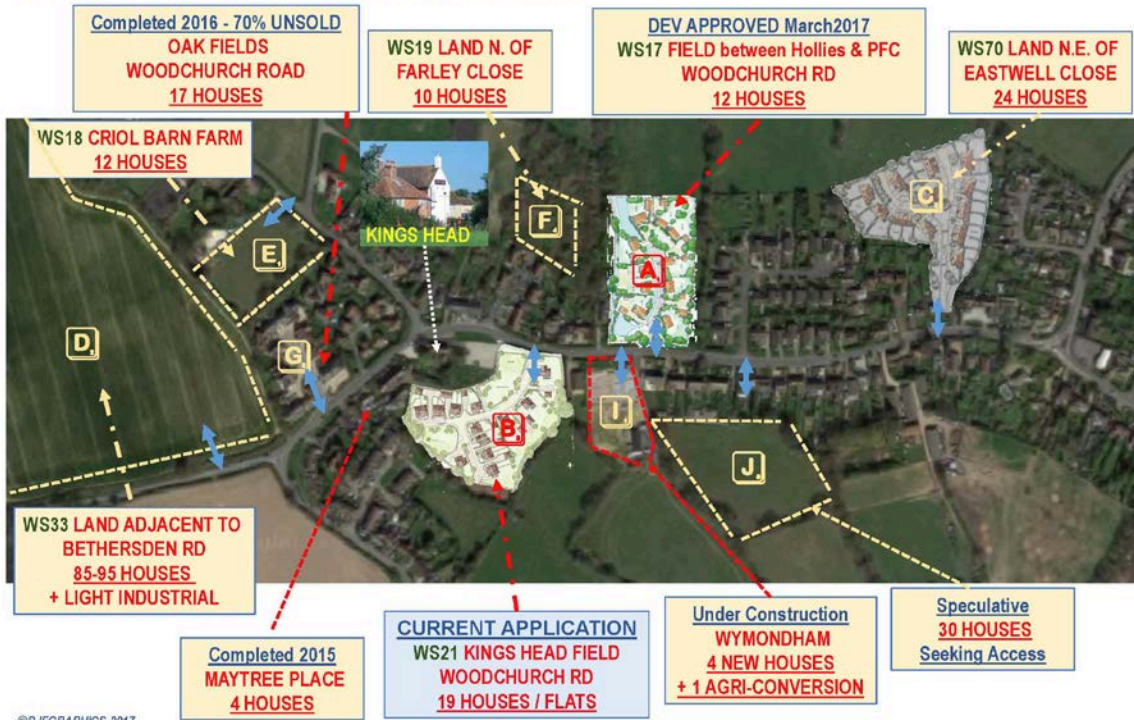
There have also been a number of comments from residents recently about the quality of the water in Shadoxhurst.

Ashford Borough Council - Report of Head of Development, Strategic Sites and Design
 Planning Committee 20 September 2017

Application for Development 15/01496/AS
 Field rear of Kings Head, Woodchurch Road, Shadoxhurst

SPC1: Application Site in Local Context
 Aerial View of Woodchurch Road showing
 Actual & Planned Developments with New or Upgraded Accesses

KEY: New Access > 
 DLP Site Ref > WS21



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Application for Development 15/01496/AS
Kings Head Field, Woodchurch Road, Shadoxhurst

Non-compliance with ABC Policies for Rural Sites

Overview

Ashford Borough Council's definition as recently set out in "User Guide for Parish Councils" (issued Nov 2014) is given as:

"Confines' would usually include the existing main built up area but excluding open spaces, rear gardens which abut open countryside, peripheral buildings such as free - standing individual or groups of dwellings, nearby farm buildings or other structures which are not closely related to the main built up area. Outside of this area, all land, is regarded as being within the open countryside.

Permission for residential development outside village 'confines' will normally only be granted in exceptional circumstances."

Reference is also made to the Tenterden & Rural Sites Development Plan (2012), Para 7.8, which gives a more 'legalistic' definition:

"The limits of continuous and contiguous development forming the existing built up area of the settlement, excluding any curtilage beyond the built footprint of the buildings on the site (e.g garden areas)".

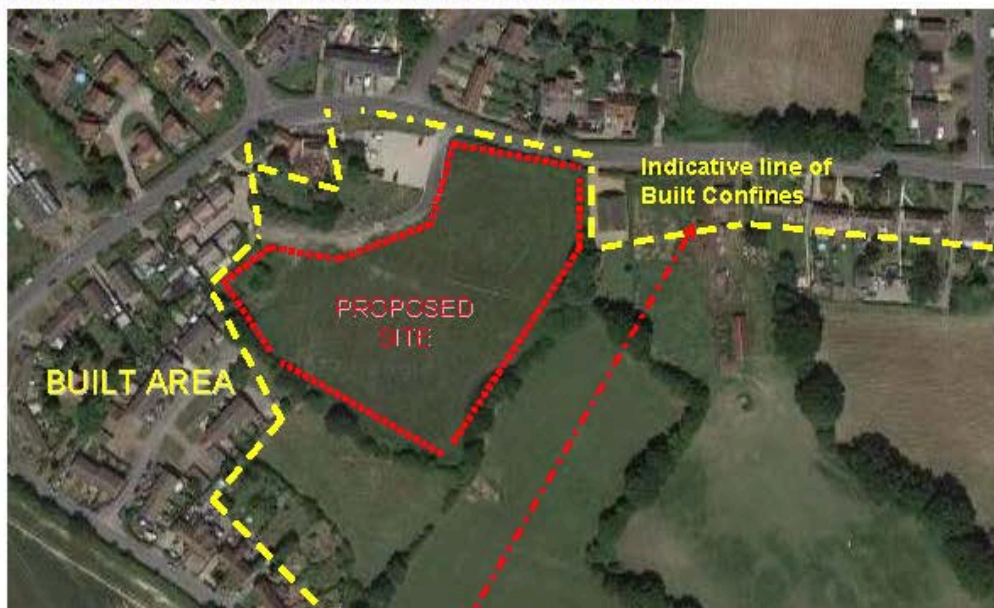
An important annotation is added: *"This definition may, however, include sites suitable for 'infilling' which is the completion of an otherwise substantially built-up frontage by the filling of a narrow gap, usually capable of taking one or two dwellings only."*

The Windfall Housing Policy in Chapter 7 of the TRSDPD (includes Shadoxhurst in listed villages) makes clear distinction on "Windfall Residential Development in Rural areas" and ABC's policies thereon.

NPPF 74 states "Existing open space..... should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;

Current Built-up Confines on Woodchurch Road.



Note: Wymondham currently under construction of 4 new houses, reduced from original application for 10 to comply with Built Line

Application for Development 15/01496/AS
Kings Head Field, Woodchurch Road, Shadoxhurst

Non-compliance with ABC Policies for Rural Sites

However one interprets the "Build Line", the new scheme completely fails to comply



**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

Document SPC7 Consideration of Sustainability Principles

Introduction

1. The question of sustainable development runs through the NPPF. The application site must be critically appraised on grounds of sustainability. The three factors that define sustainability are social, environmental and economic and these will be considered in turn, however to be a sustainable development it must be balanced with all three aspects. Sustainable development can be looked at from global right down to local perspectives. However, when considering a major development in a small community, we have to look at the village as a microcosm of any global view.
2. By definition from ABC, any development of less than 10 houses is considered a small development. By its size therefore, the proposal is a significantly large development. Indeed, if built, it will further increase the size of the village by almost 5%. The village is small and only covers approximately 2,000 acres. Since 2004 the village has increased in size by 20% with 438 households rising to 510 in 2017. At least 20 of those houses coming on stream in the last 12 months, some of which meet the 'affordable' criteria.

1) Social

3. There is a very mixed and diverse type of housing within the village and any further development must take account of small houses that are hopefully affordable (with or without cross subsidy) for those young people in the area who want to buy a house. We do question that with the current pricing of housing in the Ashford area whether any housing can be truly affordable to young people. There will always be a need for houses for rent for those that are unable to buy.
4. Although the proposed development offer seven affordable houses (one less than in the previous refused application), we do not have much detail of costs etc, however we are concerned that they will only be available to some who can 'afford' them, to the exclusion of others. There are presently existing unoccupied 'affordable' houses in the village.
5. The village is not suitable for flats however bungalows should be included in any future development approved in the village for those later in life that don't need so much space. Although the profit margins are likely to be higher for developers favouring building 4 and 5 bedroom houses, we contend that few if any high end priced houses should be built in the village as the land take up with house and garden footprint will be greater and such need has not been established by the applicant.
6. As custodians of the village, we are concerned that stewardship of this application site for future generations is important. The well-being of existing residents is also important and has not even been considered.
7. The site is seen as a **vital green space** and corridor and would serve the aspect of well-being. It provides an attractive focal point and feature, enhancing the social equity of village life, breaking up the ribbon of housing with a view to the countryside beyond. There must be a balance of houses and country views in every village.
8. With the original application, appeal and this subsequent application, the only social consideration being given is to those who will be living in the new houses. Even reducing

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

the number to 12, the appearance is still one of a small housing estate, overall urbanising the centre of the village and destroying any feeling of openness.

9. Social aspects must include sustainable public transport and application assumes that the current hourly bus services are indestructible, however the one that comes through the village is one of the subsidised services that only runs hourly on weekdays. Villagers have complained that evening services are poor and weekend one not frequent enough and the last bus runs at an inconvenient time.
10. KCC have announced that 17 subsidised bus services in the County are being deleted. Whilst our service is not one of them, the future of the service is not assured. It therefore should **not** be relied upon as a sustainable transport indicator.
11. The presence of a shop at the hamlet of Stubbs Cross in the next parish is relied upon as a sustainability indicator as a nearby service. However, whilst a few villagers are prepared to walk or cycle, there is no footway and the road has a 40mph speed limit but is one where drivers do exceed this. You can't use the bus practically as it is a small shop and with an hourly bus service, there would be significant wait for the return trip.
12. It is not a safe road to walk to the shop and so most villagers rely on their car. There are only three off road parking spaces so most people park on the road which provides hazards to the traffic passing either way. Residents have in vain been asking for a footway for many years. It should **not** be relied upon as a sustainable indicator either.
13. The one 'facility' in the village is the King's Head. Many rural pubs have closed due to lack of business. The long term future of the pub **cannot** be relied on as a sustainable indicator.
14. The relationship of people and the natural and social aspects with the built environment is a key feature. Retaining this relationship to be positive is an important driver that hopefully the Draft Local Plan overall seeks to protect, and this application site was **not** included in that draft.
15. This relationship is not present in the application site favouring only the economic aspect **and we contend that the proposal as it stands is not sustainable on social grounds.**

2) Environmental

16. It is likely that viability will play a part requiring the most number of houses for a maximum return. This then squeezes out the aspect for having green space and compromising species and nature completely. Habitat loss and the further fragmentation of the natural diversity on the site is unacceptable.
17. There is a need to have open village green space, which complements both the social and environmental factors that need to be considered. In such a small village as ours, large development that encroaches on the natural environment is not sustainable. There is unlikely to be any environmental mitigation of value, whether to nature or the village.
18. There is no environmental renewal being proposed, it is simply a building exercise that will hard surface much of the site that will create flooding problems, displace local wildlife, prevent any natural movement through the centre and destroy an important visual green space amenity for the village.
19. To a small community such as Shadoxhurst, every green space is important and habitat loss at any level is a vital ingredient destroyed. It is noted that Natural England now no

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

longer consider every site that is put forward for development, concentrating on SSSI's. It is now even more critical in the great scheme of things that local needs are guarded and indeed safeguarded for future generations. This is both at Parish and Borough levels.

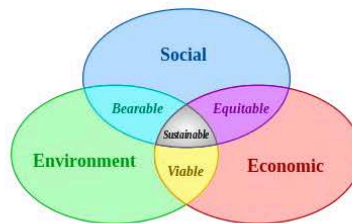
20. It is not just about keeping the rural-ness, it is about safeguarding and valuing the biodiversity such that insects, plants, birds, reptiles and mammals are all given due consideration, not just the rare and endangered species. Biodiversity is about interaction of all species.
21. Building houses squeezes out many species, householders may disregard the finer points of biodiversity. Putting up close boarded fencing for example excludes species such as hedgehogs. Even if this is specified to exclude such fencing by virtue of conditioning with a grant of planning permission, in subsequent years, with houses sold on, new householders may erect fencing and enforcement will be non-existent.
22. The environment of the central core of the village will be irreparably damaged if this application is allowed. Whilst there is an acknowledgement to biodiversity by virtue of recommending retaining trees and hedges around the periphery of the site, anything in the middle will be totally destroyed by the construction of houses, the soil and the wildflower seeds, insects, worms and much more will be eliminated.
23. As with all large developments, any consideration for 'sustainability' will be centred on the new residents and certainly the economic aspect for the developers, but will have totally disregarded the needs and well-being of the rest of the village.
24. It should also be noted that as Chilmington Green grows in the next 20 plus years, wildlife will be displaced towards Shadoxhurst and it is vital that biodiversity is correctly managed with this in mind.
25. The important green corridor that crosses the centre of the village will be totally lost if this application is granted.
26. **We contend that the application site is not sustainable on environmental grounds.**

3) Economic

27. The aspect of economic grounds whether on global or local terms will always view the balance of economic growth against environmental degradation or damage. Viability as mentioned will seek to achieve 15 houses for the maximum return.
28. There appears to be no plan or desire to allow any villagers the option to take any of the 'affordable homes'. This will result in bringing some 50 plus more people into the village that didn't live here before, but we have very little employment, limited leisure facilities, no shop, school or medical provision, so all new residents will need to drive out of the village to access all services, school and work. Hardly sustainable.
29. This is coupled with poor infrastructure provision, both in Local Plan terms and this application, they only address the needs of the new residents and the rest of the village will have to continue to suffer poor levels of broadband and mobile phone signal, for example. This is not acceptable.

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

30. The Applicant has not demonstrated that there is any specific economic benefit to Shadoxhurst itself. Perhaps there may be some benefit to the custom of the pub, but this will not benefit the village as a whole, and thus does not make the development economically sustainable.
31. It is likely that the developers will endeavour to make it sustainable in economic terms however we contend that the application site may only be **partially sustainable on economic grounds**.
32. To be sustainable, the development must meet **all three** aspects, this is best demonstrated by Adams W.M. (2006) who uses a Venn diagram. In the '*Venn Diagram*' below, it is anticipated that to be sustainable, the development must sit in the middle in the grey portion.



We contend that the application site sits on the lower right hand edge of the pink circle, and thus is nowhere near a fully sustainable development.

Application for Development 15/01496/AS
Land rear of the Kings Head, Woodchurch Road, Shadoxhurst
Comments on Heritage Statement

Context

The following Analysis is based on the "Heritage Impact Statement" issued by Clague Architects, Dec 2016.

Contentious paragraphs are presented as they appear in the Statement; comments and corrections to the original are marked in **red** for clarity.

Relevant references are presented in Appendix 1, Appendix 2 provides photos to illustrate correction of geographic errors and Appendix 3 outlines a brief History of the "Kings Head Field as Village Amenity".

Whilst the Statement acknowledges that part of the Kings Head includes a building of historical significance, it in general seeks to denigrate the aesthetics of the locality and adjacent housing. The visual and historic amenity of the proposed site for development is completely misrepresented and ignores the value of "Setting" in NPPF, i.e. "the surroundings in which a Heritage Asset is experienced".

The relevant elements of evaluation set out in Historic England GPA 3 have not been demonstrably examined in coming to the author's unsupported Conclusions.

Analysis

1: Introduction

"This statement will concentrate on the historic and aesthetic significance of the Kings Head property as these are the qualities that will be most affected by the proposed development, rather than the cultural and archaeological significance which are considered in this instance to be less affected." *The subject Field has a proven history as a Village Amenity and hence Cultural & Sporting Heritage, contiguously linked with the role of the Kings Head as pub and a key focal point of village community. The Cultural significance is important to the community and many residents have fond memories of activities back to the 1950's.*

2: Significance of site & setting

P4: "Footpaths run from the King's Head across the fields down to the northern? end of the main village area is contemporary with the change in the building from farmhouse to commercial use. This does affect its historic significance in two ways: firstly, its close functional link to the adjacent farm land has effectively been much reduced."

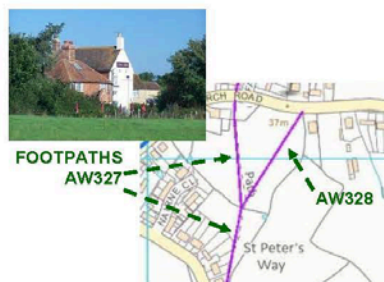
Wrong, the footpaths are clearly shown in the 1871-1872 OS map included on P4.

It is not clear whether the Report's author has looked at the mapping; footpath from the Kings Head runs SE towards the southern end of the village and provides a direct link through the adjacent fields to Church Road & the Church.

The second footpath across the field runs from NE corner to SE, linking with the above.

A further, non-designated, path running from the pub to Nairne Close has been in regular daily use since the construction of the latter.

Invalid Argument



Application for Development 15/01496/AS
Land rear of the Kings Head, Woodchurch Road, Shadoxhurst
Comments on Heritage Statement

P5: "Another four detached houses have been built to the ~~east~~ **NO South West** of the King's Head, accessed via Maytree Place, thus severing its connection with the open fields shown on the Tithe Map." *FALSE, argument invalid.*

What does limit its connection with the "open fields" is the 2 metre high metal fencing installed by Landowner along the southern boundary of Maytree link road. Again the Report's author hasn't viewed the actual geography.

P5, 4th para: The scale of development during the last forty years has been the most detrimental in eroding the historic significance of the original village cluster which has now become subordinate to the less significant settlement to the north as well as changing the comparatively isolated position of the King's Head Inn.

A valid reason not to build on this last remaining green space in the de-facto centre of the Village but to return it to a Community Amenity.

P6: "The historical significance of the building and its setting has been compromised to such an extent by previous residential development that the development now proposed has a correspondingly low impact. One could argue that the construction of Maytree Place was the key factor in isolating the listed building from its historic setting."

A totally spurious argument; apart from the new link road, also serving the pub car park, Maytree Place has minimal visual impact, apart from Woodchurch Road, next to the loading area for the pub.

Vistas over a full 90 degrees south, south-east and east from the Kings Head are totally untouched by Maytree, tucked in a corner to the south-west of the inn, as demonstrated by the photo opposite, taken from P6.

Refer to Appendix 2.



3 Planning Policy

"It is understood that the site has recently been identified by the local authority for residential development thus the principle of development is not in question". *The site has been retained in the Draft Local Plan recommendations in 2016; however, the ABC Suitability / Sustainability Assessment (WS21) has subsequently been shown to contain significant errors which affect its ranking and raise questions regarding its suitability.*

Although there will not be any physical impact on the listed building itself, there will undoubtedly be a change in its setting. At present, the large open green space around the building is a positive feature. *Historically, the whole "field" has been a key Village Amenity, until the purchase by the current Landowner, since when previous Community activities have had to move elsewhere. Refer to Appendix 3.*

This section makes selective reference to Historic England Guidance on NPPF; other relevant criteria are given in Appendix 1. Limited assessment has been carried out in accordance with all applicable elements of the Guidelines.

Application for Development 15/01496/AS
Land rear of the Kings Head, Woodchurch Road, Shadoxhurst
Comments on Heritage Statement

4.0 Conclusion

"This report has considered the historical and aesthetic significance of the listed building formerly known as Watch House Farm and now as the Kings Head public house, with specific reference to its setting.

It is considered that the proposed development meets the current Historic England and NPPF guidance." *The Statement presents no support to this spurious claim. None of the relevant evaluation steps in Historic England GPA 3 have been presented and it has to be assumed that this recognised process has been conveniently bypassed.*

The "Setting of a Historical Asset" is recognised in NPPF and is a criterion for consideration in Planning.

The following Appendices summarise NPPF & HE references considered relevant and provide a counterbalance to the negative arguments in the Statement with respect to the importance of the Site to Shadoxhurst's Rural Village Identity.

No reference is made to the role of the Kings Head itself; documents back to the mid-1800s show its existence at that time as a pub. It is now a popular destination, not only for good food & drink but also its setting, with the garden much used in the summer.

The "Conclusion" is much slanted in favour of development, with no consideration of Community Needs. No local consultation has been made.



Application for Development 15/01496/AS
Land rear of the Kings Head, Woodchurch Road, Shadoxhurst
Comments on Heritage Statement

APPENDICES

Appendix 1

~ References ~

Appendix 2

~ Corrections to Geographical Errors ~

Appendix 3

~ Kings Head Field as Village Amenity ~



Application for Development 15/01496/AS
Land rear of the Kings Head, Woodchurch Road, Shadoxhurst
Comments on Heritage Statement

Appendix 1: References

Extract from KCC Heritage letter 29 March 2016

"The site also lies south of the Kings Head PH which is identifiable on the 1st Ed OS map and is considered to be of 17th century date. This building is a designated heritage asset and there needs to be consideration of the impact on its setting."

Historic England Good Practice Advice in Planning (GPA) 3: The Setting of Heritage Assets

"This sets out a framework for considered review of the surroundings in which a Heritage Asset is experience and the criteria for evaluation."

"Setting is defined in the National Planning Policy Framework (NPPF) as "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral."

"The setting itself is not designated. Every heritage asset, whether designated or not has a setting. Its importance, and therefore the degree of protection it is offered in planning decisions, depends entirely on the contribution it makes to the significance of the heritage asset or its appreciation."

Historic England, Heritage Protection Guide

F. Decision-Making Principles for Listed Building and Other Consents
§ 3. National Planning Policy Framework (NPPF) and Heritage Assets

Heritage-specific policies

"Paragraphs 126 to 141 contain the heritage specific policies in the NPPF, but other policies expressly apply to the historic environment also.

In order to make a sound decision a planning authority needs to understand from the applicant the significance of any heritage asset affected (paragraph 128). This may require some investigative work, but the information to be supplied with the application should be proportionate to the asset's importance and the potential impact.

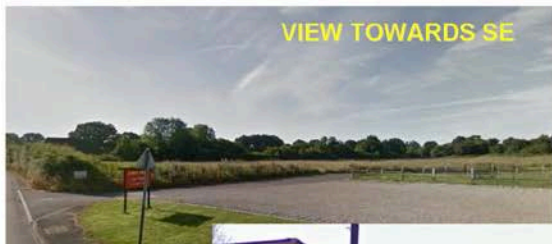
When determining applications the authority should take into account the Government objectives as expressed in the overarching definition of sustainable development and particularly (paragraph 131):

- ↳ the desirability of sustaining and enhancing the significance of all heritage assets (whether designated or not) and putting them to viable uses consistent with their conservation; *Kings Head Field is a proven Village Amenity that would benefit from positive evolutions in this role, a potential discouraged by the current landowner*
- ↳ the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality; *The Kings Head public house and its surroundings are a positive attraction, not only for the food & drink but for the rural setting within short distance of the urban confines of Ashford*
- ↳ the desirability of new development making a positive contribution to local character and distinctiveness." *Negative Impact on Rural Identity, Zero Benefit to Community*

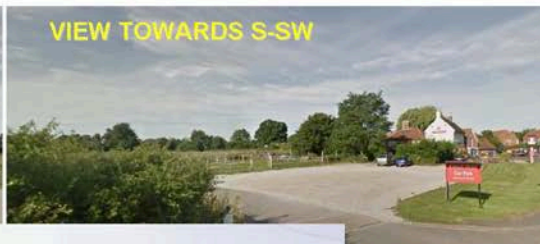
Application for Development 15/01496/AS
 Land rear of the Kings Head, Woodchurch Road, Shadoxhurst
Comments on Heritage Statement
Appendix 2
Corrections to Geographical Errors

P5: "Another four detached houses have been built to the east **NO South West** of the King's Head, accessed via Maytree Place, thus severing its connection with the open fields shown on the Tithe Map." **WRONG**

P6: "The historical significance of the building and its setting has been compromised to such an extent by previous residential development that the development now proposed has a correspondingly low impact. One could argue that the construction of Maytree Place was the key factor in isolating the listed building from its historic setting." **WRONG**. *Vistas over a full 90 degrees south, south-east and east from the Kings Head are totally untouched by Maytree, Buildings or access road.*



VIEW TOWARDS SE



VIEW TOWARDS S-SW



VIEW TOWARDS SW FROM NE CORNER



PROPOSED SITE IN RURAL CONTEXT

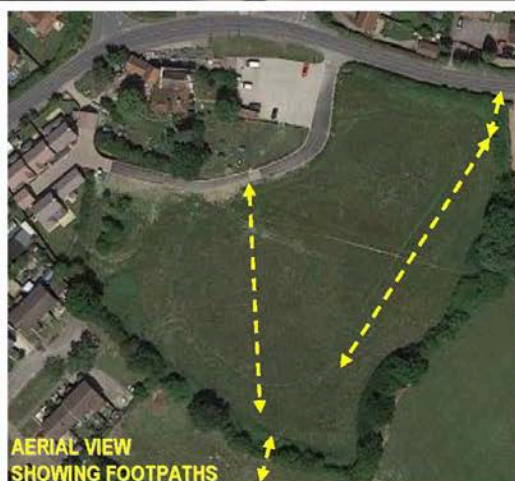
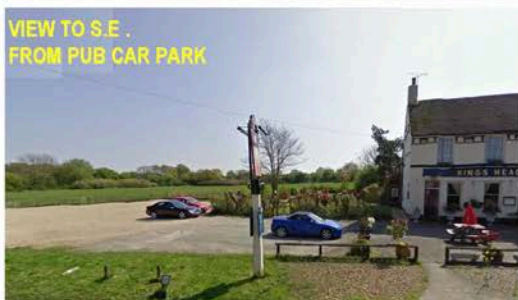
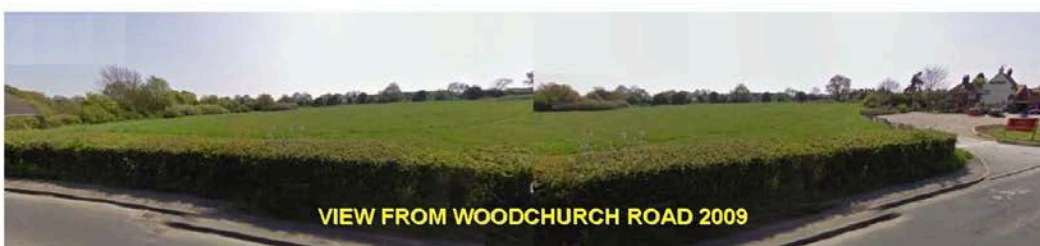
HISTORIC CENTRE - CHURCH

Planning Application 15/01496/AS, Field adjacent to King's Head PH, Shadoxhurst
Appendix 3: HISTORY OF THE FIELD AS VILLAGE AMENITY

Overview

Until its purchase by the current Owner, Shepherd Neame Land, the site was in local private ownership and over many years was available to the Village for community usage. This included Village Fetes, Village Football, Classic Car Rallies, Local & District Cubs / Scouts & Guides events, etc.

The site includes 2 designated PROW (Public Rights of Way); one running between NE to SE corners, the other from NW to SE. In addition, long-term usage has created a (non-designated) circular footpath around the whole field, together with a widely used path from Kings Head (NW) to Nairn Close (SW).



Available anecdotal and photographic evidence of community activities in the field and at the pub date back to the 1950s. The field was well maintained with bi-annual haymaking and access was unrestricted. The footpaths provide an essential link with the southern part of the village, to the church locale through the SE corner and (a later addition) to Nairn Close in SW.

Shadoxhurst United played here regularly until the nineties and in the mid-fifties were winners of the Ashford League.

The Kings Head locale also provided a focal point for Village Cricket, local Hunt Meetings, Car Rallies, Dog Shows, Fetes, etc, up to mid-2000's.

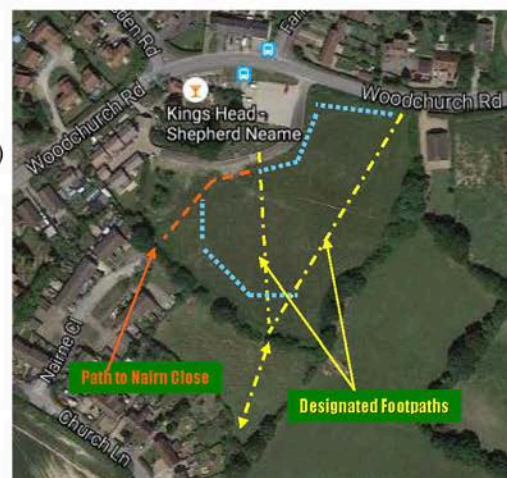


Planning Application 15/01496/AS, Field adjacent to King's Head PH, Shadoxhurst
Appendix 3: HISTORY OF THE FIELD AS VILLAGE AMENITY



Footpaths

The site includes 2 designated PROW (Public Rights of Way); one running between NE to SE corners, the other from NW to SE. In addition, long-term usage has created a (non-designated) circular footpath around the whole field, together with a widely used path from Kings Head (NW) to Nairn Close (SW).



Planning Application 15/01496/AS, Field adjacent to King's Head PH, Shadoxhurst

Appendix 3: HISTORY OF THE FIELD AS VILLAGE AMENITY

LOSS OF AMENITY!

Obstruction of Public Rights of Way

Until recently the field has enjoyed regular maintenance (mowing & hay-making) which has kept the paths easily accessible. This has ceased, coincident with the Application for Development; the summertime grass is 3-4 feet deep with heavy thistle infestation and footpaths are difficult to access. Early 2016 a 2.4m high Heras Steel Fence was erected along the whole NW boundary with Maytree Place, initially totally blocking footpath access. Complaints to KCC & ABC resulted in limited access being opened on the line of the NW-SE path. The initial construction was flimsy and unsafe, with numerous instances of fence panels falling on path and adjacent roadway; further complaints led to reinstatement and reinforcement. **The fence remains; an unnecessary EYESORE**

Neither prior notice nor explanation was given to either Parish Council or residents for an apparently needless construction; conclusions can be drawn.



**SUMMER 2016
FIELD, FOOTPATHS & HEDGES ~
TOTALLY NEGLECTED &
ACCESS / PROWS OBSTRUCTED
BY DEEP THISTLES**



**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

Document SPC5

**Summary of paragraphs in the National Planning Policy Framework (NPPF)
with which the Application Site does not comply**

Paragraph 9 proposes that *"sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):*

- *Moving from a net loss of biodiversity to achieving net gains for nature.*
- *improve the conditions in which people live, work, travel and take leisure"*

Removing the existing village green space does not meet either of these points when it comes to consideration of the existing local residents. The site has been for many years in regular daily use, notably 2 PROWs which cross it North-South, together with wide usage of an "undesigned" circular route favoured by walkers.

Throughout the seasons the site is home to significant variety of bird life, readily apparent to its human users, together with diverse, but less apparent insect and small animal life, addressed elsewhere.

The numerous responses to the Planning Application by "expert bodies" highlights the fact that inadequate studies across the whole biodiversity / ecology etc spectrum have not been carried out in support of this development. A further opportunity to properly study the bird population, permanent and transitory, has again been missed in the 2016 nesting season.

Paragraph 42 The NPPF supports a high quality communications infrastructure, and being in a rural community we are disappointed that the Draft Local Plan does not fully address the rural needs and those of the Parish which has a particularly poor mobile phone capability and broadband provision.

There is nothing specific in the Local Plan to give any confidence that the situation will improve to existing residents, only to new residents where development takes place. Provisions for New Residents are confined to "on-site" FTTP, there is no analysis of broader infrastructure capabilities nor plans to upgrade them.

Paragraph 55 talks of *"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities"*.

The application irreparably damages rather than enhances the current vitality of Shadoxhurst with the loss of green space. The proposal can in no way enhance the vitality with the construction of 19 houses making the appearance and character of the village have a yet more urban feel. It will look like a housing estate.

Paragraph 58 *".....Planning policies and designs should aim to ensure that developments:*

- *Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *Establish a strong sense of place, using streetscapes and building to create attractive and comfortable places to live, work and visit;"*

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

We contend that the application does not meet these objectives, reducing the quality of the area and indeed discounting totally sense of place and the streetscape of the village. It removes a valuable green space.

Paragraph 65 relates to high levels of sustainability promoted by a development relating to incompatibility to townscape. The presence of the Grade ii listed building affects the streetscape and would be harmed by the development which does not present high levels of sustainability.

Discussion elsewhere in the main Objection Document and Document SPC7 questions sustainability on both social and environmental grounds and we contend that the economic grounds that may well be met, do not as a whole entity mitigate for the damage to the heritage asset adjoining the proposal. It will never meet the objectives for this paragraph.

Paragraph 66 expects Applicants to *"work closely with those directly affected by their proposals to evolve designs that take account of the views of the community"*.

There have been a number of sets of plans drawn up to our knowledge and resulted in the current application being submitted, the layout has recently been amended again. It is clear that the applicant has so far had no intention of consulting with the community. This is in spite of comments from the Parish Council in the formal objection to the effect of expressing disappointment that no consultation ever took place. We urge Members to take this negative aspect into account. We are a small community and the developers don't appear to be bothered to consult with us; this is of serious concern in the village. We note that in a previous unsuccessful application in 2015 nearby, the Developer concerned took great pains to consult and communicate with the Parish Council and Residents, as we would expect.

Paragraph 73 confirms that access to *"high quality open space can make an important contribution to the health and well-being of communities"*. It goes on to say that *"Planning policies should be based on robust and up to date assessments of the needs for open space etc."*

We are not aware that any assessment has been carried out locally. Therefore, ABC will not be aware that we have a deficiency for open space in the centre of the village. We hope that this will be remedied by refusing the application and enabling the present open space to be retained.

Paragraph 74 is a key paragraph. It states *"existing open space, sports and recreational buildings and land, including playing fields should not be built on unless:*

- *An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements, or*
- *The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."*

The definition of Open Space in the NPPF is as follows:

"all open space of public value, including not just land which offer important opportunities for sport and recreation and can act as a visual amenity".

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

It is clear that as the land in question has had community historical and heritage value over many generations and is still of value for both access and walking connecting two parts of the village, the proposal certainly does not meet this part of the NPPF.

Paragraph 75 refers to the protection and enhancement of public rights of way and access.

The current application diverts the two existing footpaths to the detriment of the village. The true colours are thus exposed, in that the economic side will be considered to the detriment of the social and environment aspects making it unsustainable. Retaining the footpaths should be a key aspect of design. This could be built in to the proposal, but by jumping the gun, many unsatisfactory aspects have arisen to colour local thoughts.

Since the Application has been submitted for consideration, the Land Owner (Developer's role unknown) has deliberately obstructed the PROW's, both by:

- Ceasing the previous regular maintenance (mowing of grass and hedge trimming) resulting in the field and paths being up to 4ft deep in grasses and dense patches of thistles
- Erection of high steel (Heras) fencing along whole NW face, an opening only made after numerous complaints to KCC & ABC

The application simply diverts the footpaths so they don't inconvenience new residents.

Paragraph 77 refers to 'Local Green Space' designation. The NPPF states that it should only be used:

- where green space is in reasonably close proximity to the community it serves;
- where green space is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.

The land in question ticks all three boxes so to speak. To this end, the Parish Council are requesting that ABC designate the land as Local Green Space as defined in the NPPF and give it suitable protection.

Paragraph 110 states: "In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment. Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this framework."

We are extremely disappointed that the site in question has been greatly undervalued in terms of local environmental and amenity value to the villagers of Shadoxhurst. The other policies above all show that the application does not comply with a number of NPPF requirements and underline the unsoundness of the application.

Paragraph 118 gives guidance to planning authorities who should aim to conserve and enhance biodiversity through a number of principles. Three of these are particularly relevant to S36:

- if significant harm resulting from a development cannot be avoided (through locating to an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; and
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted; and

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

- *opportunities to incorporate biodiversity in and around developments should be encouraged*

The proposal in the Local Plan sought to cram 25 houses, potentially a shop, community hall and GP rooms, and a village green onto a small space of 1.2ha (we understand the applicants of the current application believe it to be 1.46ha). Any chance of mitigation for local species present on the site will be extremely small.

The application originally allowed for a woefully small mitigation area along the footpath, the redesign of the layout now removes this. Their environmental studies have been criticised by more than one professional environmental watchdog, these are detailed in Appendix 6. The Parish Council is very worried that a developer led appraisal will not be objective enough, and an independent study should be required. This aspect needs to be given more weight.

The Parish Council contends that the proposal does not meet many of the basic criteria of policies as laid out in the National Planning Policy framework and respectfully ask that the application be refused and proposal S36 be removed from the Draft Local Plan.

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

Document SPC4a

**Challenging the Application in relation to emerging Policies in the Draft Local
Plan to 2030**

The Application fails to meet a number of emerging local Plan Policies and these are critiqued as follows:

- The application **does not** meet **Priority 4**:

The Draft Local Plan with respect to the **fourth key priority** (Page 6) states:

Priority 4: Attractive Ashford: countryside and townscape, tourism and heritage: To achieve an environment that creates higher standards of public space design, alongside improved standards of presentation of key green spaces. To safeguard and conserve our local heritage and areas of outstanding landscape quality to ensure the very best attractive environment with thriving and vibrant town centres.

There is no more a key green space in Shadoxhurst than the land which is the subject of S36, situated in the centre of the village and is beside a listed building. The unique village heritage is not being safeguarded nor conserved with the loss of this important green space. No public space design featuring housing can replace the irreplaceable.

- The application does not meet **Strategic Priority f.** (Page 11) which states:

f. The identity and attractive character of the Borough's rural area, with its range of attractive settlements, wealth of heritage assets and its expansive countryside, including the Kent Downs AONB to the north and the High Weald AONB to the south, will be protected and enhanced;

In a small rural village every single green space is important, the application will destroy the only green space in the heart of the village and so protection and enhancement appear not to be important in this proposal in the Local Plan. This is a big disappointment to not be given full consideration.

- The application does not meet some of the **Strategic Objectives** (Page 12) which states:

Policy SP1 – Strategic Objectives

- a. To focus development at accessible and sustainable locations which utilise existing infrastructure, facilities and services wherever possible and makes best use of suitable brownfield opportunities

As the last greenfield site on the south side of the road, the application does not comply with any of these elements. Sustainability is not met with this application and is considered separately elsewhere in the main document of objection. Shadoxhurst has limited infrastructure, facilities and services; and these have not been properly taken into consideration.

- b. To protect and enhance the Borough's historic and natural environment including its built heritage and biodiversity;

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

The application completely fails to protect and enhance the historic and natural environment of the adjoining Grade II Listed Building and field that historically has been a community village asset and used for many generations. Indeed it causes great harm to both these aspects.

- c. To create the highest quality design which is sustainable, accessible, safe and promotes a positive sense of place through the design of the built form, the relationship of buildings with each other and the spaces around them, and which responds to the prevailing character of the area;

The application will promote a **negative** sense of place by enclosing the only green space that is adjacent to an important Grade II listed building which is a destination site with a good reputation. The prevailing character of the area is that of a small open ribbon and unconfined rural village and the proposal for 19 houses in such a small area at the centre of the village is completely the opposite to the character of Shadoxhurst.

- d. To ensure development is supported by the necessary social, community, physical and e-technology infrastructure, facilities and services with any necessary improvements brought forward in a coordinated and timely manner;

The application sits within a rural village that lacks certain facilities and services. The e-technology infrastructure is ostensibly present, but is woefully lacking. A survey in the village highlighted this problem and all but one of the BT internet customers (and most other providers) were dissatisfied with the speed and bandwidth. The application removes a community asset. In terms of facilities, there is perhaps one plus point, that it is handy for the village pub.

- e. To promote access to a wide choice of easy to use forms of sustainable transport modes, including bus, train, cycling and walking to encourage as much non-car based travel as possible and to promote healthier lifestyles; **N/A**
- f. To meet the changing housing needs of the Borough's population, including affordable and starter homes, self build and custom build properties, specialist housing for older residents, accommodation to meet the needs of the Gypsy and Traveller community and spacious, quality family housing

The village is being put under a lot of pressure to provide housing. However as stated, there will be in the order of 7,600 new houses well within four miles of the village. In such a small village of 506 houses (it was 490 before the most recent housing development (Oak View) was constructed), it is contended that the harm created through the loss of a **key** green space, indeed the **only** green space in the centre of the village far outweighs the need to deliver any houses on this land. 24 houses are presently under construction or due to be constructed very close to this site.

- g. To provide a range of employment opportunities to respond to the needs of business, support the growing population and attract inward investment **N/A**

- The application does not meet the **Development at Villages** (Para 3.63, Page 19) which states:

*"In line with this approach, the Local Plan proposes an allocation strategy that has been assessed against a broad range of issues, promoting optimum sites that can provide a range of housing opportunities across the borough. **This approach gives considerable weight to more 'local' factors and***

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

takes account of recent rates of development in different villages whilst encouraging the small-scale evolution of some smaller settlements which might otherwise stagnate."

We contend in **Appendix 2** that there was an error in the original assessment which would mean a further lowering of the score which makes it marginal and should not have been in the final list of 'optimum' sites. In this respect, some 'local' factors were not taken into account.

Furthermore, we consider that 'local' factors here are imperative and:

- 20 new houses have been or are in the process of construction very close to the application site in the last 12 months which is a growth of some 5%. With other recent development prior to this, there is no danger of stagnation (indeed a windfall site has just been put forward for planning permission for four houses on a brownfield site) and
 - 'local' factors should also take account of the loss of final green space in the centre of the village.
 - 'Local' factors should also take account of aspirations and desires of residents for the shape and growth of the village
 - 'local' factors should also take account of the community being and wishing to stay small
- The application does not meet the **Policy SP6 Promoting High Quality Design** (page 43) which includes:
 - a. Character, distinctiveness and sense of place and
 - f. Quality of Public Spaces and their future management:

Sense of place will be irredeemably lost with the application closing in the last open space in the village and this goes against this policy. The open character of the village is also compromised with clusters and rows of houses. The quality of public space is certainly compromised with any form of development, with the likely result being tokenism.

Also this is not reflected in the reduced space standards being adopted.

The application conflicts with **Policy HOU2 – Local needs / specialist housing**

There is no requirement provided in S36 for local needs housing. However, residents have concerns that provision should be made to give young people help with owning or renting property at affordable rates in any development within Shadoxhurst. These would be 'exception' sites, but even if this was being proposed, it would still not meet the four criteria in HOU2.

- a. There is no evidence
- b. The scheme is not supported by the Parish Council
- c. There would be significant adverse impact on the character of the area and
- d. There would be significant impact on the amenities of neighbouring residential occupiers

The application conflicts with **Policy HOU4 – residential Development in the rural settlements**

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

Shadoxhurst is included in the list of villages and this policy relates to minor residential development and infilling. We recognise that both HOU3 and HOU4 relate to windfall sites, but it is important that any site coming forward in the Plan for development, certainly in small rural areas, that the measurement elements for parity on consideration on the suitability of a site remains the same. It is not clear whether developers and ABC consider S36 to be minor, we certainly don't, but it presumably is considered 'infilling'. Taking this as being necessary points of judgement for suitability, it then has to meet four criteria, one of which details the five criteria in HOU3 that also must be met.

We contend that the site **does not satisfactorily meet any of the following five criteria of HOU3**, which are:

- a. *Is of a scale, layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area;*
- b. *Does not create an adverse significant impact on the amenity of residents;*
- c. *Would not result in harm to or the loss of public or private open spaces that contribute positively to the local character of the area (including residential gardens);*
- d. *Would not result in significant harm to the surrounding landscape; nearby heritage assets or important biodiversity networks.;*
- e. *Is capable of having safe lighting and pedestrian access provided without significant impact on neighbours or on the integrity of the street-scene.*

Hence **HOU4 a.** requiring compliance with HOU3, is automatically **not met**.

Similarly, **HOU4 d.** *The application would not displace an active use such as employment, leisure or community facility* would also **not** be met.

The application is in conflict with **Policy ENV1 – Biodiversity**

The application site is close to the Biodiversity Opportunity Area of the 'Low Weald Woodland', indeed a substantial part of the Parish lies within this BOA. The Parish Council sees the protection and enhancement of this BOA as vital for the community and stewardship of the land for the coming generations. Landowners should be encouraged to plant trees to enlarge the woodland areas.

The land in question has no formal designated status, but is part of the last link of a green corridor connecting land to the north of Woodchurch Road with the land to the south, which itself connects to the land within the BOA. The application will sever this link for ever.

A thorough and independent assessment is required for this application to establish the extent of species that will be displaced and excluded before the application can be properly evaluated in terms of biodiversity and harm. The mitigation previously put forward in the current application following a survey that has since been heavily criticised by independent professionals was both minimalistic and derisory. Being a small site seeking maximum yield, poor mitigation will always be the result.

We would like to see the BOA extended north and S36 safeguarded for biodiversity enhancement.

The application and any application needs to be more closely looked at in terms of **ENV3 – Landscape Character and Design**

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

The landscape and character of the 'Shadoxhurst wooded farmland' is unique and whilst the application may not be in total accord with the Landscape Character SPD, full regard needs to be applied. The study notes *'Recent development and many bungalows within Shadoxhurst'*.

These are absent in the Application and current planning application and has not been considered. Urbanising the centre of the village does not meet this policy.

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
 Land rear of King's Head, Woodchurch Road, Shadoxhurst**

Document SPC3

Comments on Draft Local Plan: Appendix 3d – WS21

Critique of 2014 Site Sustainability Assessment WS21

Reference: Evidence Base to Draft Local Plan ~ SA & SEA Appendix 3d

The Site Assessment is reviewed in two ways.

- ↳ The first critiques the assessment on a 2014 basis; the comments and scoring are **in red**.
- ↳ The second takes note of the **Planning Application 15/01496/AS** made for the site late 2015 and updates the Original Assessment to reflect divergent detail in the application. This means that the assessment scoring is not realistic in terms of the application. So the review looks at the relevant comments and scores **in green** which shows an even greater difference.

It is contended that the site scoring should be revised to reflect the corrected detail.

Other sites originally compared with, and rejected in favour of, WS21 have not been evaluated here; the balance between sites could well change.

Some sections have very pertinent assessment comments highlighted in **yellow** to give emphasis. The original assessment remains in black.

Site Ref: WS21 Date Survey Completed: 18/09/2014

Site Name: Land rear of Kings Head Public House, Shadoxhurst

Site Description:

The site wraps behind the southern boundary of the Kings Head Public House in Shadoxhurst. It is a flat site that is currently unmanaged and overgrown grassland with trees and hedges around most boundaries. It is separated from the PH by a car park and a single track private access road to a new 4 house development in Maytree Place, which is within the site boundary on the western edge. The site spreads in a southern direction from the PH and joins housing in Nairne Close, although it is bounded by hedges and trees so is well screened. Open countryside is to the South East.

No.	Site Assessment/ Screening Question	Assessment of effects, mitigation, uncertainties, assumptions	SCORE
	Objective 1: Biodiversity		
1.1	Is the site located within or adjoining a designated habitat?	No	0
1.2	Would development of the site be likely to have a significant effect on a Local Wildlife Site?	No	0
1.3	Would development of the site result in the loss of key components in the habitat network, such as woodland, trees/hedgerows, wetland, ponds,	No YES This is the last green corridor that can connect with land to the north of Woodchurch Road and the final piece of	0 ?

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
 Land rear of King's Head, Woodchurch Road, Shadoxhurst**

	streams and ditches or other features supporting protected species or biodiversity?	<p>green space on the south side and as such risks the loss of habitat. The site also connects through land to the south the Biodiversity Opportunity Area of the 'Low Weald Woodland' (BOA), see also Appendix 3.</p> <p>The proposal suggests retaining hedges and trees on the margins and has therefore not been scored lower.</p> <p>There is significant objection from "professional Eco Consultees" that insufficient study and detail has been presented for proper assessment of the application (Listing in Appendix 5)</p> <p>The Application remains seriously flawed until all these issues are addressed and a considered scoring cannot be given. It could potentially be scored lower. Leaving the field in an unmanaged state has meant additional species are likely to be present.</p>	
1.4	Would development of the site enable the creation of new habitat and/or components in the habitat network?	No	0
1.5	Is the site located within or adjoining the green corridor?	No	0
	Objective 2: Landscape		
2.1	Is the site within or in the setting of an Area of Outstanding Natural Beauty?	No	0
2.2	Would development of the site respect the existing character and quality of the landscape/ townscape?	<p>This site is an open area at present which does contribute to the rural character and setting of this part of the village. Development on this site would change the character of the area and the existing built form and landscape.</p> <p>The acknowledgement is welcome and is a crucial point in judging the appropriateness of the site for development. It is a key reason for SPC contending that the proposal is unjustified. It is not acknowledged in the application.</p>	-1
2.3	Would there be an identifiable and cumulative visual impact from the development?	<p>This site is well screened from the wider landscape by the existing properties in the close and the tree boundary around the site and therefore the visual impact on the wider landscape would be minimal. The main impact would be the</p>	-1

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
 Land rear of King's Head, Woodchurch Road, Shadoxhurst**

		views of the landscape from properties opposite the site, and from the road and PH Again a welcome comment and is critical to the setting and sense of place. Development will enclose the site and give an urban view. The design will not only urbanise the centre of the village, it will give a further estate of houses look, which is already a problem around Oak View and the houses of Silver Birch Court and Bethersden Road. All sense of villageness will be destroyed.	
	Objective 3: Cultural Heritage and Archaeology		
3.1	Is the site within or adjoining an area of archaeology importance or a Conservation Area?*	The site is 40m from an Archaeological site to the north which is a Roman Road. It is over 600m from the CA. We question the accuracy of these figures and suggest that they may have been interposed and ask that they be corrected. A direct PROW directly connects the site with the CA which is 40m to the south and has not been considered.	0
3.2	Does the site contain or does it adjoin a listed building, scheduled monument (SM) or registered Park/ garden?*	No YES. This is scored wrongly and IS adjacent to the King's Head, a Grade ii listed building. Indeed, it will destroy the rural setting of the King's Head. The application will simply present an urban housing estate feel to the setting of the King's Head.	0 -1
3.3	Will it respect and enhance the character and setting of Ashford's historic and/or cultural assets?	N/A	0
	Objective 4: Water		
4.1	Is the site wholly or partially in Flood Zone 2 or 3?*	No However, UK EA mapping confirms part of the site at High Risk from Surface Water flooding (see also 4.2). The information considered by Officers is now out of date and requires revision	0
4.2	Is the site at risk from Surface Water Flooding: from the 1 in 100-year event and/or from the 1 in 30-year event?	The uFMFSW indicates the site is not at risk from the 1 in 100-year event The site slopes from South, with high point in SW to North, with low points in SE. Surface water regularly causes 1-2	0 -1

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
 Land rear of King's Head, Woodchurch Road, Shadoxhurst**

		inches of "minor flooding" in the NE quadrant due to the impermeability of the land; together with flooding of the ditch under the roadside hedging between Frogmore & Maytree Place. Last recorded incident of "major flooding" was 2001 when field & Woodchurch Road, and adjacent properties suffered significant depths of water; property & road required attendance of Fire Service and road closed. This, and other more recent flooding events show that this must be re-scored.	
4.3	Is the site suitable to use SuDs infiltration systems?	Mapping suggests low permeability at this settlement. The site gently slopes from the south to the north east and is prone to flooding and water logged conditions in the north east quadrant (see 4.2 above). There is a holding Objection to the Application by KCC SUDS	0
4.4	Is the site within a groundwater source protection zone?	No	1
	Objective 5: Housing and Affordable Housing		
5.1	Does the site's size and proposed use meet the threshold for the provision of affordable housing? (currently over 15 units/ site area in excess of 0.5 ha)	Site is 1.2ha The Application cites the land to be 1.46 ha, can the exact size please be clarified?	1
	Objective 6: Access to Services and Social Inclusion		
6.1	Will development of the site result in the loss or gain of onsite services and/ or facilities?	Gain. The proposal includes a gain in onsite community facilities. Potential for community hall and GP rooms. This was merely an 'Officer aspiration' at the time and must be disregarded. This is highly questionable. The current frozen application would score this as 0 as no facilities are proposed. The current DLP proposal for 25 houses leaves no room for community hall etc in this space	1 0
6.2	Is the site located in close proximity to a Local Centre/ Shop?	Stubbs Cross Shop 1.6km, However the site is proposing a Shop as part of development which would benefit the village as a whole for access to services	0 -1

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
 Land rear of King's Head, Woodchurch Road, Shadoxhurst**

		<p>Again this is a theoretical 'Officer Aspiration and must be disregarded.</p> <p>The current frozen application does not include a shop and this should be scored as -1</p> <p>This is totally flawed as the likelihood of fitting in 25 houses, shop, GP rooms and a community hall is highly unlikely</p>	
6.3	Is the site located in close proximity to a GP Surgery?	No – nearest is Hamstreet or Kingsnorth	-2
6.4	Is the site located in close proximity to a Primary school?	No – Hamstreet or Kingsnorth. However, Hamstreet School runs a bus from Shadoxhurst	-1
Objective 7: Health and Wellbeing			
7.1	Is the site located in close proximity to public green open space? (could include informal open space, accessible by the public)	<p>There are no areas of green open space that are useable for recreation in this location. The sports field is located at the opposite end of the village 800m</p> <p>This in fact emphasises clearly that green space is needed at the heart of the village and is wrongly scored. Prior to the establishment of the sports field in Hornash Lane, this was the principal public green space, in regular recreational use. Public accessibility is latterly limited by lack of regular maintenance in the last few years, together with regular partial flooding, up to 1-2 inches surface water after heavy rains (see 4.2). The application shows insufficient regard for usable green space that would benefit the Village. The small green proposed is likely to be under water for a significant part of the year and is simply a SuDS pond.</p>	<p>0</p> <p>-1</p>
7.2	Is the site located within close proximity of an equipped play area?	<p>200m small area in Nairne Close (Proposal includes plans for play area)</p> <p>Resident feedback indicates that replacing play equipment here would not be welcomed. The equipment has long gone. The application has not picked up on this anyway. Based on this, the score should be 0.</p>	<p>1</p> <p>0</p>
7.3	Does the site have direct access to a footway (PROW or pedestrian pavement)?	<p>Yes</p> <p>The two footpaths that cross the site are to be diverted in the current plan and will inconvenience many users and during any construction here, will</p>	<p>1</p> <p>0</p>

Ashford Borough Council - Report of Head of Development, Strategic Sites and Design
 Planning Committee 20 September 2017

Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst

		probably be rendered inaccessible. The Woodchurch Road footway is also narrow and during any construction work is likely to be used illegally for parking vehicles. The Landowner has already created obstructions to access since Application was submitted	
7.4	Would development result in the loss or gain of local and/ or strategic open space?	No This has been incorrectly assessed and should be a Yes and scored -1 as there is a complete loss of local and strategic open space used for many generations. The application has a design that insists that a new access road be in place. There is already an acceptable access. The new road dictates the layout of the houses and uses up valuable green space. There is insufficient green space mitigation proposed in the latest layout.	0 -1
7.5	Is the site close to landuse/s which may affect health and amenity?	No	0
7.6	Is the site situated in an area which is in the 20% most deprived nationally when measured against the Index of Multiple Deprivation 2010?	No	0
	Objective 8: Sustainable Travel		
8.1	Is there direct access to the site from the public highway?	Yes	1
8.2	Is the site within 1.6km of an existing designated cycleway?	Yes. Not a designated cycle lane, but the High Weald Route 18 goes through the village as well as regional route 11.	1
8.3	Is the site within 400m of a Railway station or bus stop that provides an hourly or more frequent bus service?	50m from Bus stop – Bus 2A between Ashford and Tenterden runs every 30 minutes Incorrect, the service runs hourly on weekdays, it is less frequent at weekends	1
	Objective 9: Infrastructure Delivery and Availability		
9.1	Is the site reliant on the delivery of large scale/significant infrastructure to make it deliverable?	No YES, Telecoms infrastructure from Ham Street exchange currently at limit of viable service	0
9.2	Is the nearest GP surgery currently accepting new patients?	Yes – Hamstreet Surgery, Woodchurch Surgery and Kingsnorth Surgery all accepting patients	1
	Objective 10: Land Use and Geology		

Ashford Borough Council - Report of Head of Development, Strategic Sites and Design
 Planning Committee 20 September 2017

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
 Land rear of King's Head, Woodchurch Road, Shadoxhurst**

10.1	Is the site on previously developed land?	No (with the exception of the already developed area)	-1
10.2	Would development involve the reuse or redevelopment of derelict buildings?	No	0
	Objective 11: Minerals and Waste and Soil		
11.1	Is the site located on existing, known mineral reserves?*	No	0
11.2	Is the site designated as a Regionally Important Geological site (RIGS)?	No	0
11.3	Is the site on high quality grade agricultural land (1,2,3)	Grade 3	0
	Objective 12: Sustainable Economic Growth, Employment and Skills		
12.1	Is the site being promoted for greater or less business/ employment space?	No	0
12.2	If the site is being promoted for business uses, does it have access to broadband?	Unknown See 9.1 above	0
12.3	Does the proposal include an educational component/ learning opportunities?	No	0
12.4	Would it help support sustainable tourism?	No	0
	Objective 13: Town and District Centre Vitality		
13.1	Is the site within 400m of the nearest district centre?	No. Shadoxhurst is a small village without many services. Nearest District centre would be Park Farm/Kingsnorth.	0
13.2	Would the site contribute to the regeneration and revitalisation of Ashford town centre?		n/a
13.3	Would the site result in the loss of shops/services?	No	0

Conclusion: Overall this site scores well in the environmental, heritage and biodiversity sections as there are no constraints on the site. The site is also located in the centre of the village, ensuring that the development does not extend into the countryside beyond. However, this site scores poorly on the access to services as Shadoxhurst is a relatively dispersed small village, and relies on nearby villages and the Town Centre for services. This proposal, if taken forward is proposing a gain in community facilities and services as part of the development, which would benefit the wider community. However, these would not necessarily need to be delivered to make the site a suitable allocation in the Local Plan as it is suitable for housing in its own right.

Total 3

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

The conclusion and matrix proposes a gain in community facilities and services. As the proposals stand, these are not supported as not needed in the village. It should be noted that the current frozen application does not follow the thinking embedded in the proposal and shows that with a relatively uncluttered layout for 24 houses there is **not** actually any room for additional community facilities. Thus, some of the ideas in the proposal are aspirational non-starters, resulting in a **lower score** than implied, reducing the sustainability further.

2014 Review: The Assessment was flawed and should have been scored as a total of -1, as it is believed that **sections 3.2, 4.2, 7.1 and 7.4** have been wrongly scored. The site **IS** adjacent to a listed building, **IS** prone to flooding, there is **NO** green space in the vicinity and the development **WILL** result in the loss of open space. The latter is of prime importance to the village.

We note however, that the latest draft of the Local Plan (July 2017) rectifies only **one** of the four errors, namely beside the listed building in 3.2. We are disappointed that the other three aspects were not altered and contest that **7.4** is the most critical with the clear loss of open space and we again challenge that decision. We therefore confirm that as a minimum, the score should be lowered to +1.

We must point out however that the conclusion of proposed gain in community facilities is overplayed and **wholly misleading**. It was perhaps simply an aspiration of Officers rather than something practical and deliverable for such a small site intended for 25 houses, indeed it shows that the scoring has been inappropriately and artificially raised to make it higher than it should be. We refer to Sections 6.1 (proposed GP and Community rooms) 6.2 (proposal for a shop, though scored 0) and 7.2 (play area at Nairne Close) both in terms of the assessment and the current application. These items should be scored as two less points, reducing the score at best to be -1. We do consider that it should be lower still, but this a pragmatic score and we ask ABC formally to acknowledge this.

We recognise that lowering the score to -1 will mean that the site will have to be removed from the DLP. Indeed, with a score of -1, it is contended that the site should not have been put forward for consideration at all.

Therefore, the opening statement in the conclusion needs to be revised too. The final sentence that *'it is suitable for housing in its own right'* is both strongly opposed and rejected as a 'catch all' that makes some of the proposals **meaningless and unjustified and results in the site being unsustainable**.

2015 Application: SPC looked at the matrix in relation to the current application. Many of the points have been covered above but our Review could bring the scores lower still. We would draw attention that section 7.3 needs to be reconsidered and may bring this down a further 1 to total -2, together with the errors pointed out above if properly considered would bring it down to at least -4.

Shadoxhurst Parish Council therefore respectfully concludes that the assessment needs to be revisited by Officers and re-scored. With this in mind, we believe that the proposal and application is both unsuitable and unsustainable and as well as the application being refused it should also be deleted from the Emerging Local Plan.

Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
 Land rear of King's Head, Woodchurch Road, Shadoxhurst

Document SPC2

S36 (WS21) Shadoxhurst: Critique of Draft Local Plan

Reference: Evidence Base to Draft Local Plan Site S36 on Page 145-6.

SPC Commentary (in red) challenging S36 Proposal paragraphs referenced (original words in black)

Paragraph in Draft Local Plan	Commentary
4.352 This site is located on the eastern side of the village of Shadoxhurst, which has a very linear settlement form. This part of the village has seen more development in recent years and is emerging as the core of the village, centred around the Kings Head Public House (PH). The site wraps around the south of the PH, and has already been partly developed in the western edge as 'Maytree Place', a small development of 4 detached units, with a private access road which also serves the pub car park.	<p>The site is actually on the western side.</p> <p>If it is a linear form of village, why introduce 'clusters' of houses here?</p> <p>It is agreed that this area is emerging as the core of the village. Developing this field would fill the only open space at the heart of the village; this space is key to giving the village a break from continuous housing that stretches from Stubbs Cross, the length of both Tally Ho and Woodchurch Roads for a length of 1.25 miles. This housing also continues for another 0.25 of a mile to the south up Church Lane to the church and eastwards a further 0.5 mile up Hornash Lane.</p> <p>If acknowledged that the village has seen more development in recent years (40+ houses), why is the site is put forward to add another two dozen more houses to further enlarge the village? It appears that Shadoxhurst is considered to be 'ripe' for 'infill' to the village, this is not acceptable.</p>
4.353 There is a cul-de-sac development which adjoins the site on the south west, Nairne Close, which is terraced 2-storey housing and contains a small open space area (this used to include play equipment). The close is well screened from the site by a line of mature trees. To the east of the site the built form is mostly in linear form along the road frontage and is a mix of styles.	<p>The land forms a well-used foot link into Nairne Close and access needs to be retained. There has not been play equipment for many years and is a very small area of green space. Resident feedback has indicated that due to problems of abuse and damage in the past, replacing any play equipment here would be unwelcome.</p>
4.354 At 1.4ha in size, the site is considered suitable for up to 25 units, depending on the size and layout of the dwellings. Larger properties should be located on more spacious plots joining on to the open countryside to the south and east. Development should front onto Woodchurch Road, Maytree Place and the proposed new access road,	<p>It is considered that there are too many houses proposed making it a significantly large and incongruous development. It is questioned as to why have 'larger' properties? There are 17 completed houses nearby on the old garage site (Oak View) 12 of which are not sold yet.</p> <p>'Rows' of development will be out of proportion for such a small site</p> <p>Why should the 'larger' houses have the views to the open countryside, to the detriment of the rest of the</p>

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
 Land rear of King's Head, Woodchurch Road, Shadoxhurst**

<p>creating rows of development. There is also opportunity for small clusters of development in the southern area of the site.</p>	<p>village and the development? There are no other views to open countryside along Woodchurch Road on the south side. What does 'small clusters of development...' mean on such a relatively small site? Talk of rows and clusters appear to be contradictory. No mention is made of "affordable housing for locals". Houses fronting Woodchurch Road will increase the ribbon look of the village and not provide any much needed visual break and will harm the village further.</p>
<p>4.355 The design of proposals coming forward should take into account the setting of the Public House which is a listed building. The existing hedgerows trees must be retained around the boundary of the site and new planting should be placed around the new development to provide screening between the site existing residents and create soft landscaping to lessen the visual impact of the development.</p>	<p>The proposal for 25 houses makes it impossible to take full account of the setting of the King's Head PH and will destroy any fundamental sense of place. It is a Grade II Listed Building and is connected to the other listed buildings in the village's conservation area directly via the public rights of way that cross the land itself. We welcome the consideration given to the existing hedgerow trees around the boundary as these currently contribute significantly to the unique character of the land. New planting to screen the site from existing residents underlines that there will be significant visual impact and it will alter the character of this open central core of the village. It will necessitate screening from the road and all the houses on Woodchurch Road that enjoy the open view that the Village wishes to preserve.</p>
<p>4.356 The main vehicular access will be provided on Woodchurch Road, as shown on the policy map. This new access road should be designed in a way that the current Maytree Place access will connect to it. The current Maytree Place access will be closed to only serve the PH car park in future. The visibility splays that have been created along the roadside verge at the front of the PH must be retained.</p>	<p>A new access onto Woodchurch Road is strongly opposed. Placing an additional road onto Woodchurch Road will completely compromise the front of the site. It is a mere 60 metres in length and will not allow for any softening hedgerow retention and contradicts the third paragraph of the Draft above which talks about constructing properties fronting Woodchurch Road, and a paragraph below including a village green. It is appreciated that there is some need to protect the access to the PH on safety grounds, but this means yet another access point on an already swift road and is wholly inappropriate. The splays outside the pub give a pleasing open feel to the aspect of road at that point; the development will destroy the open nature of the backdrop to these completely. Creating this road solely for residents of Maytree Place will sever the site and considerably reduce access to and the size of any village green.</p>
<p>4.357 The development site has a prominent frontage to Woodchurch Road and there is the potential to</p>	<p>The idea of a village green is welcomed, but looking realistically, reference above is of a new road onto Woodchurch Road, houses also fronting the road and</p>

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
 Land rear of King's Head, Woodchurch Road, Shadoxhurst**

<p>create a central feature for the village that could be in the form of a village green. Any development on this site should investigate the potential to deliver this as part of the development. together with suitable arrangements for its management. There is potential for this site to provide additional benefits to the village in the form of retail space. This should be explored further through the4 design and planning of this development.</p>	<p>retaining the hedgerow, all now totally conflict with the notion of a village green area there too, along just 60 metres of road.</p> <p>The current application is flawed as the very small green area proposed is to double up as a flood relief area and it is far too small for any serious village use or open space. Because of the high water table, it is likely to not be usable for most of the year. Heavy rain in June and July 2016 meant the ground was regularly water logged.</p> <p>The idea of delivering 25 houses <u>and</u> retail space is highly questionable for such a small piece of land. Whilst some may welcome a shop in the village, the question of parking needs to be looked at closely. Shoppers leaving their cars on Woodchurch Road in a similar way that people park at the post office at Stubbs Cross will cause significant danger due to higher road speeds. Stubbs Cross being close to the junction means that speeds are much slower. Here there are three off-road spaces allocated means that often another half a dozen vehicles are parked on the road impeding the traffic flow. The impact of issues such as deliveries and opening hours need to be closely considered. The village has not had a shop for many years and the aspect of modern convenience shopping has never been a consideration. This is coupled with the consideration that providing services in such a small village will generate further unwelcome traffic. With local shops at the proposed Court Lodge and Chilmington Green, as well as being competition for nearby Stubbs Cross, long term viability is serious matter to be investigated. Overall a retail aspect here means further loss of green space, reduced residential amenity and the urbanisation of the centre of the village.</p>
<p>4.358 There are 2 north/south public rights of way across the site which are well used as connections across the village. A new pedestrian/cycle access should be provided through the site to enhance these connections. This creates an opportunity to connect to the Nairne Close open space area, which should be enlarged to provide a wider open space community benefit and assist with village integration.</p>	<p>The rights of way need to be preserved and protected. There are many flaws with the design of the current application and the rights of way have not been dealt with sympathetically. Enlarging the open space at Nairn Close is a potential benefit to be considered. There is no serious provision for wildlife and the area of mitigation in an earlier layout of the application was far too small and poorly considered. The idea of a cycle access should be treated with caution as it will be a shared route, therefore requiring a wider path which needs to be hard surfaced. Currently, the path for pedestrians is grassed and reduces the need for drainage and is simply a natural path.</p>

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

4.359 The site is in an area of archaeological potential, and close by to known Iron Age/Romano activities. Evaluation and Investigation work should be undertaken, in consultation with KCC Heritage team prior to development commencement.	This should go without saying, inclusion is welcomed.
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Policy S36 - Shadoxhurst, Rear of the Kings Head PH. The ~~the~~ site rear of the Kings head in Shadoxhurst is proposed for residential development with an indicative capacity of 25 dwellings. Development proposals for this site shall:

- a. Be designed and laid out in such a way as to protect the setting of the PH listed building and take account of the residential amenity of neighbouring occupiers.**
- b. Proposals should seek to link the new development with adjoining Nairne Close, to create an area of shared public space;**
- c. Provide primary vehicle access on Woodchurch Road, as shown on the policies map, which will also serve Maytree Place. The existing Maytree Place access will serve only the public house car park once development is complete;**
- d. Create a pedestrian/cycle route through the site to enhance the current connections and retain or enhance the existing PRoW's;**
- e. Development proposals should investigate the potential to create an area of open space along the frontage to Woodchurch Road along with appropriate management arrangements;**
- f. Retain the hedge and tree boundary around the site to screen the development of the site and create soft landscaping to lessen the visual impact of the development;**
- g. Assess the opportunity of providing retail facilities within the site to serve the wider community.**

Comments relating to this Policy:

The Policy is challenged and from the evidence provided in this document, it should be removed from the Draft Local Plan.

However, if the challenge is rejected and it is to be retained as a proposal in the emerging Local Plan, Shadoxhurst Parish Council, and **without prejudice** to its present position, **reserve the right to be fully involved with any discussion on the number of houses and layout proposed** and make the following comments:

S36 a. The proposal cannot deliver this number of houses **and** protect the setting of the King's Head, as it will totally urbanise this important central part of the village giving the King's Head a town pub feel not the village pub feel it has always had. Nor will it be able respect the residential amenity of neighbouring occupiers through visual intrusion and removal of vital green space.

S36 b. whilst formalising the present link with Nairne Close, which has been an unofficial path for many years, this can be done without the development. Great care is needed with the design and implementation of any green space and it will be vital to consult with local residents before any final

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

design is reached. The requirement for this consultation **must** be included in the Policy if this Policy is to be retained.

S36 c. opens another access point onto Woodchurch Road and cuts across the site reducing green space provision and increasing hard surfacing in an already waterlogged and floodable area, there is already a good serviceable road to Maytree Place. The Parish Council is adamant that if this Policy is to be retained, **the sole access for any development on the field must be using the existing road to Maytree Place.** There are already too many access points onto Woodchurch Road. If there is any chance to have a usable good size village green with this Policy, the open frontage to Woodchurch Road must be maintained. It is only 60 metres long and must be left as open as possible to avoid continuing the ribbon like urban appearance.

S36 d. It should be noted that the footpath that continues south from the land includes stiles and narrow sections before it gets to Church Lane. Also there is an implication to hard surface the PROWs which adds to the surface water run off issues. It should also be noted that the current frozen application does not comply with this Policy section.

S36 e. an open space along Woodchurch Road is certainly welcomed, however having to include the access road, houses fronting Woodchurch Road and landscaping to soften the impact, this section appears to be in conflict with all these other aspects and means that the proposal is **not** deliverable. This section is weak in that it only says "*should investigate the potential*" so any result is down to the developer. The Parish Council is adamant that a useful and sizable village green would need to be provided should this Policy be retained in the Local Plan. The frontage of Woodchurch Road is a vital ingredient to get right.

S36 f. retaining the hedge and tree boundaries is necessary to protect wildlife. Creating soft landscaping to lessen the impact of the development also means that open village space will be reduced. If the Policy is to be retained, this must be firmed up to prevent any householders later erecting close boarded fencing that would impede wildlife routes. This is such a key area. If such fencing cannot be enforced through planning conditions, then the Policy should be rejected as undeliverable as recommended by Shadoxhurst Parish Council. However, by admitting the need to put this in place, it demonstrates that there will be a large enough detrimental impact on present residential amenity to require this. No amount of softening will in fact compensate for the impact and permanent loss of this vital open space.

S36 g. assessing the potential will need to be carefully handled. How will this be done? Viability is questioned and the parking, opening hours and delivery aspects are very important and will have the greatest impact to the amenity of residents. It will also damage the viability of the existing Stubbs Cross shop which is well used. This aspect is wholly **rejected** by Shadoxhurst Parish Council and S36 g. should be **removed** if the overall policy is to be retained.

Further points to be included should the Policy be retained in the final Policy document.

The village has had great problems with contractors and the parking of their vehicles at other development sites in the Village, in particular the recent Oak Fields adjacent to this site on Woodchurch Road. The Parish Council wishes to protect villagers from any future problems. Watertight Policy conditions must be applied and rigorously enforced such that:

- All contractor's vehicles **MUST** only be parked on the development site.

**Shadoxhurst Parish Council Objection to Planning Application 15/01496/AS
Land rear of King's Head, Woodchurch Road, Shadoxhurst**

- Contractors and site workers must be bussed in from a suitable parking place outside the village. There is no suitable parking site within the village.
- No contractor's vehicles shall park on Woodchurch Road, Maytree Place or the King's Head car park at any time. This includes lorries waiting to load or unload. Parking must be arranged elsewhere and a radio system be in place to call waiting lorries to only attend when there is room on site.
- The routing of lorries must be agreed with ABC and Shadoxhurst Parish Council before any work commences. This routing must be adhered to and transgressors reported with financial penalties applied. (Some routes into the village are inappropriate).
- Hours of work must be agreed and adhered to at all times, including no Sunday and Bank Holiday work
- Strict noise levels for working and piling must be applied
- Shadoxhurst Parish Council must be consulted on all proposed planning conditions
- Regular Contractor / Developer / ABC meetings must involve Shadoxhurst Parish Council Members and local residents to enable proper enforcement and feedback on problems.
- The public rights of way must be left open during the construction phase
- The roads must be kept clean of mud and dust during construction
- Mitigation for wildlife protection must be maintained throughout the construction phase.