

Application Number	16/01271/AS
Location	Courtlands, Church Hill, Bethersden, Kent TN26 3AQ
Grid Reference	92684/40220
Parish Council	Bethersden
Ward	Weald Central
Application Description	Demolition of existing buildings and residential development comprising 17 houses and 20 space public car park
Applicant	Jarvis New Homes (SE) Ltd, Milroy House, Sawyers Lane, Tenterden TN30 6BW
Agent	Mr Mick Drury, BDB Design LLP, Church Barn, Milton Manor Farm, Ashford Road, Canterbury CT4 7PP
Site Area	1.56 ha

1st Consultation:

(a) 106/20R/50S	(b) PC - R	(c) HE - R EA - R SW - X KCC (H&T) - R KCC (Bio) - R KCC (FWM) - X WKPS - R ES (EP) - X PO - X CS - R
-----------------	------------	--

2nd Consultation:

(a) 106/23R/15S	(b) PC - R	(c) HE - R EA - X SW - X KCC (H&T) - X KCC (Bio) - X KCC (FWM) - X WKPS - X ES (EP) - X PO - X
-----------------	------------	--

Introduction

1. This application is reported to the Planning Committee because it is a major planning application as the number of units proposed exceeds 10.

Site and Surroundings

2. The site is an area of approximately 1.56 ha. It is mostly undeveloped agricultural land in pastoral use with the exception of the southeast corner of the site where there is a property, known as Courtlands, which has stables to the rear. The site has a street frontage with School Road / Church Hill along its southeast boundary and a river course along its southwest boundary, beyond which are the playing fields for the village primary school. Open countryside is to the northwest and northeast with residential development to the south on the other side of School Road/Church Hill. The western (lower) part of the site is flat; it slopes upwards from west to east and is well contained within field boundary planting. There is a Bethersden marble footpath along part of the site frontage with Church Hill.
3. The site is located on the edge of the village of Bethersden within the Bethersden Farmlands Landscape Character Area. This is characterised by an undulating landscape, small pastoral fields and a strong sense of enclosure. It is also within the village conservation area. The grade I listed church of St. Margaret's is located some 40m to the east. Between the Church and the application site is a property known as Court Lodge, which is Grade II listed. There is a public right of way to the north, which connects the church with the rural area to the north. The Environment Agency has confirmed that the low-lying western part of the site adjacent to the ditch is partly in Flood-zone 3.
4. A plan showing the application site in relation to its surroundings is found below and also attached as **Annex 1** to this report.

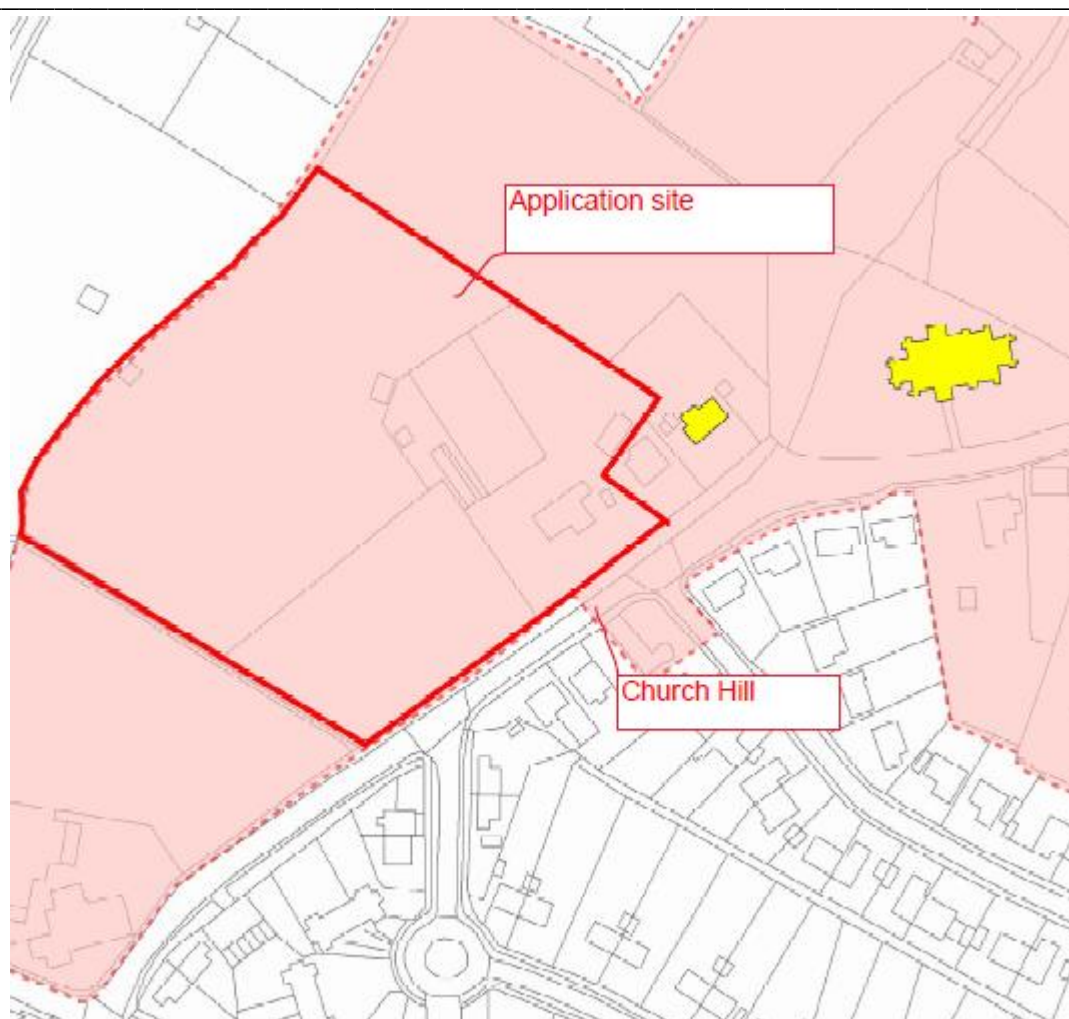


Figure 1: Site location plan (Conservation Area shown in pink; LB's in yellow)

Proposal

5. This is a full planning application for 17 dwellings – at a density of 11 dwellings per hectare - which involves the demolition of the existing buildings on the site, comprising the residential property known as Courtlands and its stable buildings to the rear.
6. The proposal as originally submitted showed a single new access into the site off Church Hill providing a branch-like arrangement of routes serving 16 houses. The layout has been amended to provide a circuitous layout with two accesses off Church Hill serving 17 units.
7. The proposal includes a 20 space public car park to provide parking for the adjacent primary school. No lighting is proposed. It would have a permeable surface. The proposal also includes sustainable drainage features – a detention pond - and public open space.

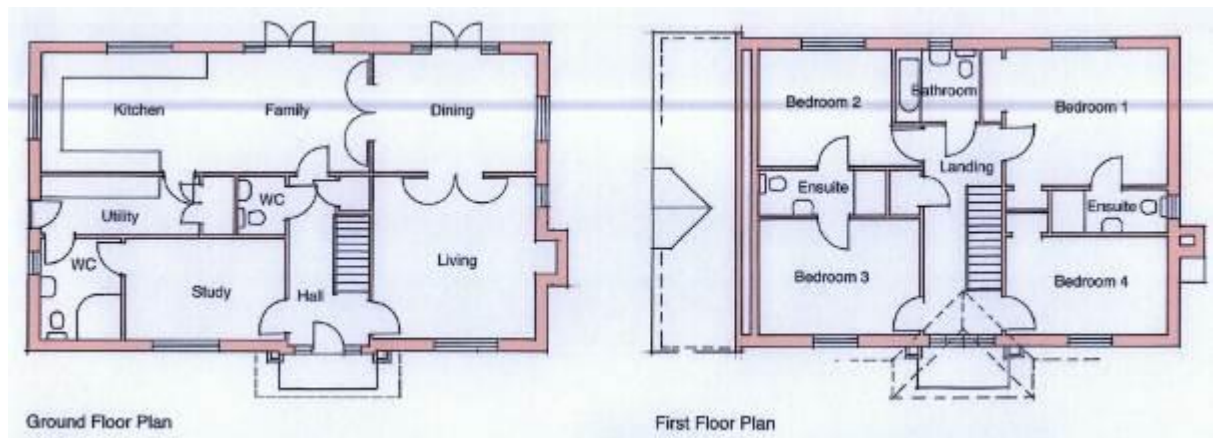
8. The 17 units comprise 11 detached properties in a mix of 4 and 5 bed house-types and 6 semi-detached properties – all two bed. A total of 6 units (35%) would be provided as affordable housing.
9. Three detached units are proposed along the site frontage with Church Hill. These are set back from the street and have their parking to the side/rear. Those units within the site front the new street and provide on-site parking to the front/side of properties. Each property has a minimum of 2 off road car parking spaces with many also having garages in addition to this. The new street has been provided without footways. It has a carriageway of variable width with integrated visitor parking. A sustainable drainage feature is provided in the north-west corner of the site with some associated public open space. The proposal would retain boundary trees and hedges (with the exception of the site accesses). The proposed landscaping scheme includes tree planting adjacent to the proposed street.
10. A site layout plan is shown below:



Figure 2 – Site layout plan

11. The properties have a traditional form and design incorporating traditional features such as half-hipped roofs; cat slide rooves, functioning chimney

stacks and exposed rafters. A palette of traditional materials is proposed including red brick; tile hanging, white painted timber windows, clay roof tiling and weatherboarding. Eaves heights are typically 5 m and ridge heights 10 m.





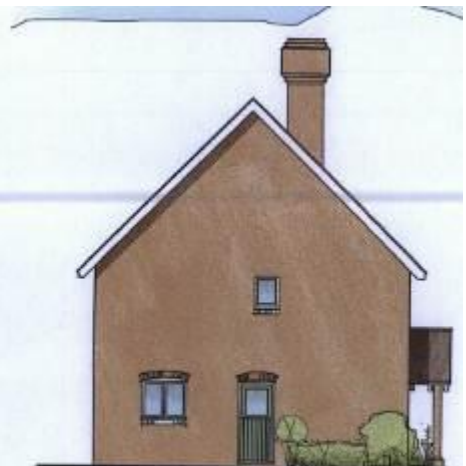
Front Elevation



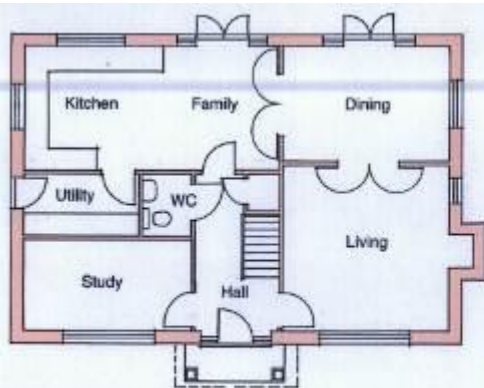
Side Elevation



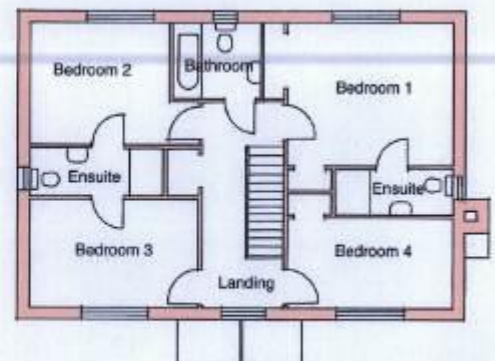
Rear Elevation



Side Elevation



Ground Floor Plan



First Floor Plan

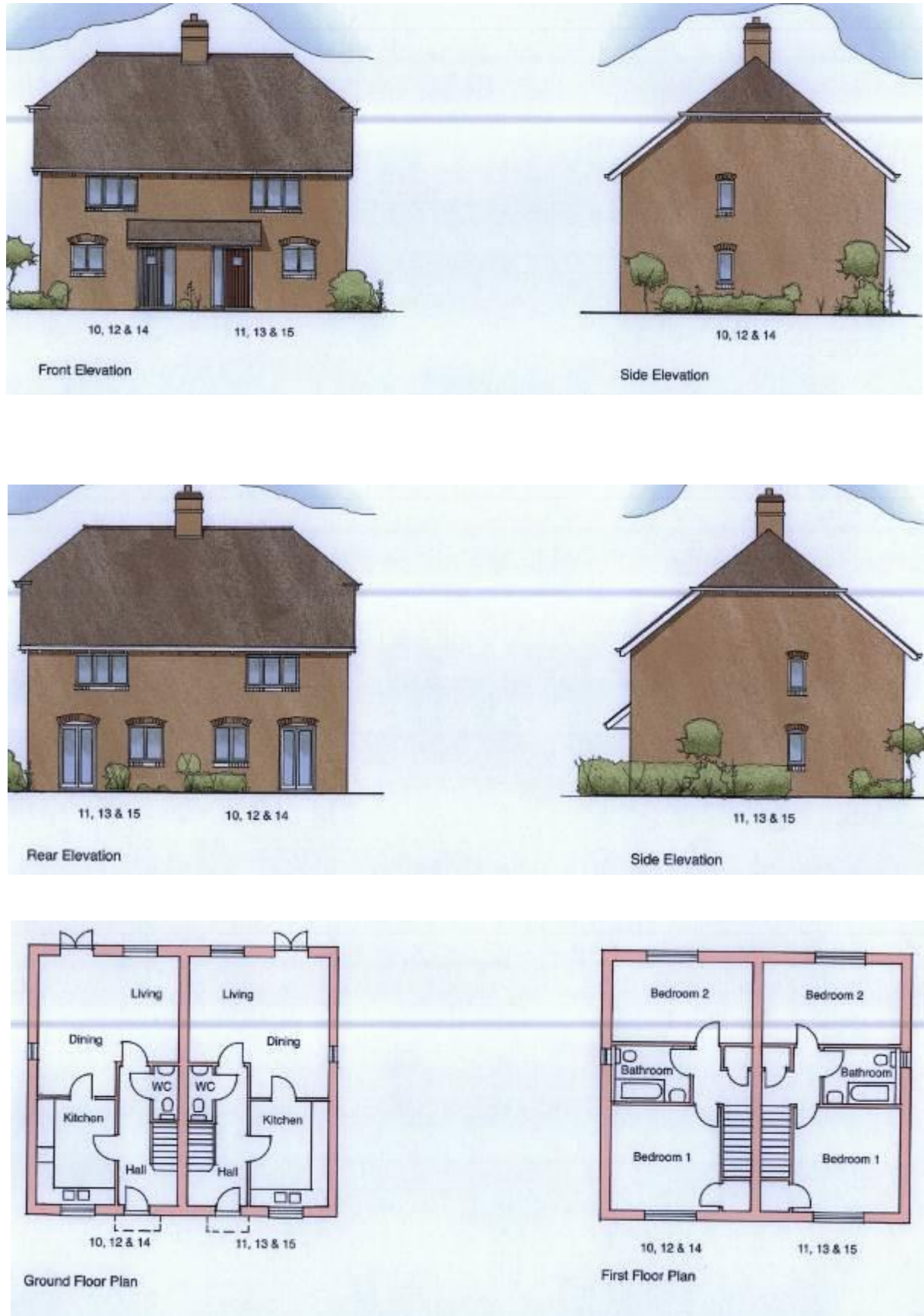


Figure 3: Typical Floor Plans and Elevations



Figure 4: Street Elevations

In support of the application the following have been submitted:

12. Revised Planning Statement, BDB, June 2017 notes that policies related to housing are out of date, carry little or no weight and that Ashford does not have a five-year housing land supply. It highlights that the site is well related to the existing settlement pattern of Bethersden and that it is not conspicuous in the local landscape, being well enclosed by existing development and boundary vegetation. It concludes that the impact of development on the landscape would not be significant and in any event would be far outweighed by the benefits of the scheme, in terms of making a significant contribution to the five-year housing land supply. It cites that the Bethersden Neighbourhood Plan, which has now been submitted in its final form, is the most material document for the determination of this application.
13. Revised Landscape and Urban Design Appraisal, BDB Design, June 2017 This considers the site in its context and sets out the architectural design objectives.
14. Heritage Statement, Khrystyna Mc Peake, Heritage Consultant, March 2017 assesses the proposal against the NPPF in relation to paras 128, 131, 134, 135 and 137. It concludes that there would be no substantial harm to the significance of St Margaret's Church, Court lodge or Forgefield Oast. In the case of the church, it maintains that its position at the summit of Church Hill ensures its dominance would not be compromised and its immediate setting

would remain unchanged. Similarly, there would be no substantial harm to either Court lodge or Forgefield Oast. Indeed, the proposal would enhance the setting of both of these properties with a more sympathetic replacement of the building of Courtlands, reflecting the character of the buildings in the core of the village. On the Bethersden marble path, it states that as this currently terminates abruptly, it would benefit from a more sympathetic replacement of Courtlands and the increase in pedestrian use, enhancing its significance.

15. The statement goes onto say that the open space of the site is not significant and its loss would not harm the conservation area.
16. The following documents have been submitted in support of this application:
17. Flood Risk Assessment by RMB Consultants (Civil Engineering Ltd) Version 2 June 2017

The statement concludes that the surface water flood risk across the site varies from very low to high but with measures in place, the development is considered to be acceptable in flood risk terms and to meet the requirements of the NPPF. Whilst no flood events have been recorded at the site, several incidents have been recorded in the vicinity of the site relating to the sewer flooding. This suggests that the greatest flood risk is from a lack of maintenance due to blockage of structures during flood events.

The report highlights that all dwellings have been placed in flood zone 1. The southern entrance lies within flood zone 3 but the northern one within flood zone 1 so dry access is available to the development. The car park would potentially flood but this could be closed during flood events.

18. Surface Water Management Strategy, RMB Consultants V2 June 2017 All surface water runoff from the site could be dealt with within the site boundary by discharging to the existing stream at below pre-development rates. The proposed SuDS features would include a detention basin and permeable paving to the car park.
19. Foul Water Management Strategy, RMB Consultants V2 June 2017 shows that the development can be adequately served by foul sewers and that sufficient capacity is available within the local network for the disposal of waste water. The proposals are considered to be acceptable from a foul drainage perspective.
20. Transport Statement, RMB Consultants V2 June 2017 concludes that as a village site with a good range of local services, including bus services to Tenterden and Ashford, the site is in a sustainable location. The proposed visibility splays at the site accesses are in accordance with the Manual for Streets and swept path analysis shows that the development is accessible to

an 11.2m long refuse freighter. The report concludes that the development is in accordance with the requirements of national and local policies.

21. Great Crested Newt and Mitigation Strategy Report, Corylus Ecology The pond assessment recorded a small population of GCN in a single pond. Whilst no ponds would be affected by the development, the report identified a small amount of suitable terrestrial habitat for GCN and a larger area of sub-optimal habitat directly that would be affected. The report identified a need for a license from Natural England to carry out the works and the need for mitigation and enhancement.
22. Arboricultural Report, Chartwell Tree Consultants May 2016 The report looks at the impact of the proposed development on the amenity value of trees. It recommends the removal of 5 Category C trees and a further tree, Category U. It concludes that trees should not be a constraint to development on this site.
23. Archaeological Desk Based Assessment, Trust for Thanet Archaeology March 2016 It concludes that the site lies in an area of generally low archaeological potential. It suggests that a survey of archaeological records and archives is sufficient to give general assessment of archaeological potential of the development site.

Relevant Planning History

24. None

Consultations

Ward Members: No written comments have been received from either ward member.

First Consultation- branch like layout

Historic England Objects on the grounds that the scheme would be harmful to the significance of both the conservation area and the Grade I listed Church.

Environment Agency raised objections on both flooding and biodiversity grounds. To overcome the flooding objection it advised the applicants to submit an amended Flood Risk Assessment that demonstrates how residual risk can be addressed. It also required the layout to be reconfigured to remove three properties from flood zones 2 and 3.

In terms of biodiversity, it objected to the lack of a buffer zone to the upper River Beult.

Southern Water No objection subject to a condition. Requires no development or new tree planting to take place within 3m either side of the centre line of the public sewer.

KCC Ecological Advice requested a detailed mitigation strategy for Great Crested Newts prior to determining the application. This has subsequently been submitted (see later comments).

KCC Flood and Water Management No objection to the proposed drainage scheme on the basis that surface water discharges from the site will be limited to 6 l/s and is below the rate generated by existing permeable areas. Recommends a number of conditions.

KCC Highways and Transportation broadly supported the proposal in terms of its layout but raised a number of concerns about highway matters.

KCC Economic development requested contributions in respect of Secondary education, libraries and broadband.

Weald of Kent Protection Society objects on the grounds of prematurity and the lack of smaller, affordable units.

Environmental Services No objection subject to a condition (contamination)

Project Office supports the comments of the KCC Flood Risk Project Officer

Community Services raised concerns about the visual isolation of the public open space and poor building relationships with the space.

Bethersden Parish Council – object on the grounds of prematurity

Neighbours 106 neighbours were consulted. A site notice was posted and the application was advertised in the press.

20 representations were received objecting to/commenting on the application:

- Prematurity – the neighbourhood plan is still in draft form. Any decision at this stage would be unlawful and potentially result in judicial review;
- How can the developer argue that that the Council's policies are out of date/does not have a five-year housing land supply, especially given the Chilmington Green development of 6000 homes?
- There is insufficient infrastructure in the village for a scheme of this scale;

- This is too much development in a village setting – since 2009 an additional 39 units have been built in the village;
- The development would result in the loss of agricultural land;
- The development would further exacerbate congestion in an already busy street;
- The proposed dwellings are unlikely to be affordable to most residents;
- (Officer comment: Two of the 4-bed properties for private sale have been replaced by three bed units to provide a better mix.)
- The development would compromise the historic view up to the church – ‘a magical view’ - in the western approach to the village from the main road, particularly in winter;
- The Heritage Statement does not properly measure the potential impact of Courtlands on its setting;
- The Council’s own Strategic Housing and Employment Land Assessment points out that development in this location is likely to have an adverse impact upon the historic setting of the church. The site needs to be considered further through the NP process.
- Visually the land provides a valuable rural space to counterbalance the intensive development of Forgefield and the other estates opposite the site, and precious open views to the countryside on the edge of the village;
- The development would result in a loss of the countryside view to my property during the winter months;
- The proposal provides insufficient parking to cater for its needs;
- The proposed car park is unlikely to address existing parking problems in the street as people are unlikely to park there and spaces will be taken up by staff at the school;
- The provision of a public parking area next to the school would increase the risk of someone being able to access the school grounds without permission;
- Concerned that the development would block access into the neighbouring field behind Court Lodge.
- The development is premature in terms of the emerging neighbourhood plan;
- Queries the mix of housing proposed;

- The existing drainage issues should be resolved before more housing is permitted in this area including maintenance of existing drainage ditches;
- The development needs more affordable housing;

50 representations were received supporting the application:

- When considered against the national context of needing to provide more housing, this site appears suitable;
- The development would benefit local businesses;
- The development would provide much needed housing for the village to grow and develop;
- The proposed parking is very welcome and would improve safety and access around the primary school;
- The development looks in keeping with the village;

Second Consultation – Circuitous layout

Historic England has not formally objected to the revised proposals. It recommends that the amended scheme is refused on the grounds it would be harmful to the significance of both the conservation area and the grade I listed Church of St Margaret.

Environment Agency Raises no objection subject to a condition. The applicant has clarified that the proposed development would be well over 8m from the ditch/top of river bank; there would be no lighting; and the parking area would have a grass crete type surface. It has indicated that the ditch would not be touched; it would not be culverted and the edge would be left to grow naturally. A management and maintenance plan would be provided for its ongoing maintenance to include annual clearance.

Southern Water As stated in their previous letter.

Weald of Kent Protection Society supports this application noting that the development is of modest size; is well placed and includes affordable housing. It points out that the car park would be extremely useful for the village and school and redundant buildings would be removed. It notes that the proposal would be in walking distance of the church, shops and bus –stops. It notes concerns about the entry/exit but believes the second exit helps and that on balance the advantages of the scheme outweigh the disadvantages.

KCC Highways and Transportation welcomes the looped highway layout and comments that the visibility from the proposed accesses is sufficient. It recommends some changes to the layout: to ‘design out’ the rear parking courts and to improve the location of visitor parking bays. (The plans have been amended to reflect this). It requests a highways adoption plan is submitted (This has been provided).

KCC Biodiversity Advise that sufficient information has now been submitted to determine this application. It recommends a condition relating to detailed mitigation / enhancement requirements as a condition of planning permission.

KCC Flood and Water Management Raised an issue with respect to the relocation of the detention pond within the flood plain. This has now been amended such that it is outside the floodplain and no objections are now raised.

Project Office No objection subject to a condition.

Cultural Services request a number of open space contributions.

Bethersden Parish Council - Formal comments at this stage would be premature as the proposal predates the Neighbourhood Plan. That said, the Parish Council is concerned about the small amount of public open space allocated in the scheme and the mix of housing types, which does not accord with the emerging neighbourhood plan.

(Officer comment: The NP seeks a mix of dwelling types in accordance with the Local Plan. The applicant has amended the scheme to replace two of the 4-bed units for private sale with 3-bed units to provide a better mix.)

Bethersden Scouts and Guides HQ Impact of development on highway safety in Norton Lane, which serves the scout hut. There are no pavements on Norton Lane and the current speed limit is 60 mph. The scout hut car park is too small resulting in parking in Norton Lane which exacerbates these problems. The committee strongly urges traffic calming measures in Norton Lane including a reduction in the speed limit to 30 mph with signage to indicate children are present and no footways.

Neighbours

106 neighbours were consulted. A site notice was posted and the application was advertised in the press.

23 letters have been received objecting/commenting on the proposal:

- The application is premature in that it pre-dates the adoption of the Neighbourhood plan. There are more suitable sites in Bethersden for housing development than this one, which are outside the historic core. Why were these rejected? This site is too central within the village;

- The rural feel of the village has been damaged by the scale of development that has already taken place in recent years, which this development will only add to.
- Concern about urbanisation and erosion of undeveloped land in rural areas - development should be on brownfield sites;
- The proposal does not accord with the emerging Neighbourhood Plan policy;
- The development is not supported by Historic England nor Ashford Borough Council – it is premature in relation to the Neighbourhood Plan and contrary to both current planning policy and national planning policy. Not included in the Tenterden and Rural Sites DPD. The whole site has been recently assessed as unsuitable by ABC in its latest Strategic Housing and Employment Land Availability Assessment (SHELAA), which states: *“The land is opposite built development within the village; however development in this location is likely to have an adverse impact upon the historic setting of the church, so this needs to be considered further through the NP process”*
- Concerned about amended road layout and the prospect of two new accesses onto Church Hill. The road is too narrow with parked cars – the properties opposite only have short drives - which will make access difficult;
- As the proposed car park is now a school staff car park this will not prevent parents from parking in Chester Avenue;
- The Transport Assessment does not consider traffic movements to and from the school car park, which would logically generate 40 vehicle movements per day;
- The racetrack layout is over-dominant;
- Highway safety issues especially at school pick-up and drop-off. The existing access from Chester Drive onto School Road is already very dangerous. Parents will not necessarily use the new parking area;
- Adverse impact on setting of listed church and conservation area;
- Existing drainage problems need to be sorted out before any development is allowed on this site;
- The proposed affordable housing is unlikely to be genuinely affordable for young working people in the village;
- One letter has been received that queries a number of assumptions in the supporting information regarding traffic impact. It raises, in particular, that the development would generate more than 100 vehicles per day and therefore needs a Travel Plan. It goes on to say that to be compliant with the NPPF and

local policies various measures need to be incorporated (to accommodate vehicle movements of 456 per day): a formal junction (small roundabout) at the exit to the development facing Forgefield; installation of a one-way system; support of a 20mph speed limit within the scheme and road bumps; introduction of a 20 mph speed restriction along School Road/Church Hill/ The Street; 'Access only to authorised vehicles' into the village central area with consideration of a pedestrian precinct during business hours between The George pub and the end of The Street, together with additional parking in the village hall car park and a footpath on both sides of Church Hill to the village centre;

- The under-road culverts need enlarging
- Can Norton Lane treatment works cope?
- A detailed letter has been received identifying inaccuracies in the Flood Risk Assessment and other supporting documentation.
- It maintains that flooding did take place in the area in 2014 and the EA has been in communication with the Parish Council on this.. Other inaccuracies are identified in the supporting evidence with regard to the history of flooding at the site. It is queried why this counts as a brownfield site. The need to ensure that flood water does not enter the two sewers is emphasised. The Environment Agency has reviewed their advice with respect to flood risk and confirm that this is unchanged.

15 representations have been received in support of the proposal:

- The village would benefit socially and economically from this development
- The village needs more family homes to support the school, local businesses and sports teams and all aspects of village life.
- Struggling to see how this development would blight views of the church due to the large hedge between the church and proposed new development. . The church cannot be seen due to the trees so this is not a valid reason for objection. It is suggested that committee members view the site to see this for themselves
- Some development is acceptable to allow for a much needed parking area for the school and village
- Not known the area to flood
- The proposal would add another attractive housing area to the village, replacing tin sheds and old stables

Planning Policy

25. 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 ended. At present the policies in this emerging plan can be accorded little weight.
26. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

EN10 - Development on the edge of existing settlements

EN12 – Private areas of open space

EN16 – Development in Conservation Areas

EN31 – Important habitats

EN32 – Important trees and woodland

HG3 – Design in Villages

TP6 – Cycle Parking

LE6 - Off-site provision of public open space

Local Development Framework Core Strategy 2008

CS1 - Guiding Principles

CS2 - The Borough Wide Strategy

CS6 – The Rural Settlement Hierarchy

CS8 – Infrastructure Contributions

CS9 – Design Quality

CS11 - Biodiversity

CS12 – Affordable Housing

CS13 - Range of dwelling types and sizes

CS15 – Transport

CS18 - Meeting the Community's Needs

CS19 – Development and Flood Risk

CS20 – Sustainable Drainage

CS21 – Water Supply and treatment

Tenterden & Rural Sites DPD 2010

TRS1 – Minor development of 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

The following are also material to the consideration 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

HOU1 – Affordable Housing

HOU5 – Residential windfall development in the countryside

HOU12- Residential Space Standards – Internal

HOU13 – Homes suitable for family accommodation

HOU14 – Accessibility Standards

HOU15 – Private External Open Space

TRA3a - Parking Standards for residential development

TRA5 – Planning for pedestrians

TRA6 – Provision for cycling

ENV1 – Biodiversity

ENV3 – Landscape Character and Design

ENV4 – Light Pollution and Dark Skies

ENV5 – Protecting Important Rural Features

ENV6 – Flood Risk

ENV7 – Water Efficiency

ENV9 – Sustainable Drainage

ENV12- Air Quality

ENV13 – Conservation and Enhancement of Heritage Assets

ENV14 – Conservation Areas

ENV15- Archaeology

COM2 - Recreation, Sport, Play and Open Spaces

Supplementary Planning Guidance/Documents

Residential Parking and Design guidance SPD 2010

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

Public Green Spaces and Water Environment SPD 2012

Landscape Character Assessment SPD 2011

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

27. **Emerging Bethersden Neighbourhood Plan (draft)** – this plan will shortly be published for a 6 week public consultation as per Reg 16 of the Neighbourhood Planning (General) Regulations.
28. Emerging Policy H4 of the Bethersden Neighbourhood Plan draft:
29. “Not less than 50% of the site shall be open space. Up to 14 new dwellings on this site shall have a mix of housing types in line with the Ashford current Local Plan; 6 will be affordable, of which 3 will be local needs and 3 will be shared ownership and at least half of these should be family homes. Housing development here should enable views out to open countryside and through the site to the conservation Area and nearby historic assets including the Grade I listed church, an important heritage asset and a key feature in the landscape and respect and reflect the wider landscape setting and the topography of the site. The scale and density of any development on this site must reflect its surroundings. Dwellings should be limited to two storey in height to prevent a prominent visual edge to the village and shall be adjacent to the existing built-up area. Existing hedging should be retained or enhanced to preserve the rural green character of the setting of the Bethersden Conservation Area.

“An area of the land in the south west of the site falls within Flood Zone 3 and therefore a full flood risk assessment will need to be carried out in consultation with the Environment Agency. “

Government Advice

National Planning Policy Framework (NPPF) 2012

30. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. This includes Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of the Town and Country planning Act 1990.
31. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
- Para 11 sets out a presumption in favour of sustainable development requiring planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

- Section 6 requires local planning authorities to deliver a wide choice of high quality homes
- Para 56 attaches great importance to the importance of the design of the built environment

Para 131 identifies how local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

National Planning Policy Guidance (NPPG)

Assessment

32. Determination should be made in accordance with the Development Plan unless material considerations indicate otherwise.
33. The main issues for consideration are:
 - Principle of development
 - Impact on designated heritage assets
 - Design and Layout
 - Residential Amenity
 - Parking and Highway Safety
 - Trees and Landscaping
 - Ecology
 - Flooding and Drainage
 - S106 contributions

Principle of Development

34. Paragraphs 2 and 210 of the National Planning Policy Framework (NPPF) state that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
35. Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development and this should be seen as a “golden thread running through decision-taking”. There are three dimensions to sustainable development: economic, social and environmental.
36. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.
37. 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.
38. Footnote 9 to paragraph 14 identifies those specific policies where development should be restricted. It includes policies relating to ‘designated heritage assets’. As such should there be found to be harm to the significance of a designated heritage asset, the presumption of granting planning permission as per Paragraph 14 falls away.
39. In the context of this 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 villages including Bethersden. 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 of the built-up confines (albeit adjacent to them). Policy

TRS2 of the DPD states certain ‘exception criteria’ that could allow development outside of built-up confines, however, this proposal for market housing fails to meet any of these.

40. In accordance with paragraph 49 of the framework, relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Authority cannot currently demonstrate a 5 year housing land supply. This does not, however, lead to an automatic assumption that planning permission should be granted for residential development in locations that would otherwise have conflicted with development plan policies. Rather, in situations where the existing development plan policies have failed to secure a sufficient supply of deliverable housing sites, the framework seeks to ensure that the ‘*presumption in favour of sustainable development*’ is duly applied. If the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, then planning permission should still be refused.
41. Even if you were to fully discount relevant housing supply policies TRS1 and TRS2, the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219 of the NPPF taken as a whole constitute the Government’s view of what sustainable development in England means in practice.
42. As stated above, the Authority cannot currently demonstrate a 5-year housing land supply. This proposal would have the economic and social benefit of providing 17 new homes, including 35% affordable housing (6 units), that would contribute towards meeting the housing needs of present and future generations, the weight attributable to which, is increased by the lack of a five year housing land supply. It would also have the benefit of providing a public car park, which will take parking off the street and provide staff parking for the adjacent primary school. The proposal is also likely to provide some positive gains for the local economy, in terms of job opportunities and sustaining local facilities and services. However, these benefits need to be balanced against any adverse impacts/harm arising from the proposal.
43. Paragraph 55 of the National Planning Policy Framework seeks to avoid isolated new homes in the countryside. The application site lies adjacent to the village of Bethersden, which includes a local shop, two village pubs and primary school. There are also bus services to Ashford and Tenterden. The site could not therefore, be said to be isolated either in terms of its location or indeed relationship with existing built development. In fact, paragraph 55 says that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and it can be argued that this proposal will do this, at least to a degree.

44. In addition to the above issues that have been considered, it is also necessary to consider the environmental and social issues arising from the application so far as the natural and built environment is concerned. This includes amongst other things, the landscape and visual impact of a development of this scale on the local landscape and on designated heritage assets. As can be seen from the remainder of the report, it is the view of officers that the site is not only locationally sustainable, but the proposed development would not be harmful in terms of its visual impact on the character and appearance of the Bethersden Conservation Area or setting of the Grade I listed Church / nearby listed buildings or its landscape impact. It would therefore constitute a sustainable form of development from the perspective of the natural and built environment. In officer's view, the level of harm generated by this proposal would not outweigh the benefits associated with the development and consequently the proposal accords with local plan policies and the NPPF.
45. Work has commenced on the Bethersden Neighbourhood Plan but this has very little weight at the current time. The application site has been included in the draft plan as a housing site for up to 14/15 units. Whilst this scheme would provide 17 units, it meets many of the proposed policy objectives including views across the site and the retention of boundary planting. The policy requires 50% open space, which the parish has clarified is total open space (not just public open space) so on this point the scheme is also compliant as gardens and public open space make up about 50% of the site. The proposed units meet Nationally Described Space Standards and the Council's own standards for external open space. Indeed garden sizes are generous on the whole. It is not considered therefore that the development is overly intensive or could be refused on the grounds of density. The Parish Council has objected to the proposal on a number of grounds including prematurity and dwelling mix. In terms of prematurity, given this plan has so little weight, this is not a sustainable reason for refusing this planning application. On the issue of dwelling mix, a number of neighbour representations have also been received raising concerns about this. The applicants have responded by amending the scheme to include two 3- three bed units for private sale. This would provide a better mix of housing overall.
46. Policy HOU5 of the emerging Ashford Local plan has more weight than emerging neighbourhood plan policy as it has been out to consultation. Policy HOU5 – residential windfall development in the countryside would be applicable in this case. This policy is supportive of non-isolated development in the countryside so long as it meets certain criteria. In the case of the scheme, the development is not isolated. However criteria a of the policy limits such developments to 3 dwellings so on this basis alone the proposal would not be policy compliant.

In summary, I consider that whilst the proposal is contrary to the development plan, it conforms with the NPPF as the merits of the scheme outweigh the

disbenefits. It is also in broad conformity with emerging policy in the Bethersden Neighbourhood plan. The scheme therefore constitutes a sustainable development of the site and is acceptable in principle.

Impact upon the Conservation Area and Listed Buildings

47. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), it is the Council's statutory duty and obligation to have regard to the preservation and enhancement of heritage assets such as conservation areas and listed buildings and their setting.
48. Section 66 of the Act sets out a general duty as respects listed buildings in the exercise of planning functions. It states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
49. Section 72 sets out a general duty as respects conservation areas in the exercise of planning functions requiring special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.
50. Saved policy EN12 states that private areas of open space should remain free from built development where they are undeveloped areas of land which provide visually important breaks between existing and proposed development; and where they are areas that make an important contribution to the setting of a town, village, conservation area or other group of buildings. Saved policy EN16 requires development to preserve or enhance the character or appearance of the conservation area.
51. Emerging policy ENV 13 states that proposals which protect, conserve and enhance the heritage assets of the borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported. Policy ENV14 states that development or redevelopment within Conservation Areas will be permitted provided such proposals preserve or enhance the character and appearance of the area.
52. These criteria are consistent with Government policy set out in the NPPF. The general approach to considering applications which impact upon heritage assets and their settings is set out in para 132 of the NPPF which states that "*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation*". It goes on to say (para 133) that "*where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent,*

unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.”

53. Para 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
54. The site lies within the village conservation area. The Grade I listed St Margaret’s Church is located some 40m to the east, further up Church Hill, and Court Lodge, a Grade II listed building, lies between the church and the site. Forgefield Oast, an unlisted but historically interesting building lies opposite the site with frontage on Church Hill.
55. In support of their application, the applicants have submitted a Heritage Statement that assesses the impact of the proposal on these heritage assets. It concludes that there would be no substantial harm to their significance; that it would not harm the setting of St Margaret’s Church, Court Lodge or Forgefield Oast. Indeed the report maintains that the proposal would enhance the setting of Court Lodge and Forgefield Oast with a more sympathetic replacement of the building of Courtlands, reflecting the character of the buildings in the core of the village. Furthermore, the Bethersden Marble path, which currently terminates abruptly would benefit from a more sympathetic replacement of Courtlands and increase in pedestrian use, enhancing its significance.
56. The Heritage Report concludes that due to the church’s position at the summit of Church Hill, its dominance would not be compromised; its immediate setting would remain unchanged and the wider setting would not suffer from harm, although there would be limited glimpses into development in long views in connection with the church. The roofline of the proposed houses would be barely visible in long views, available at limited points due to the curve and the gradient in the road.
57. The Heritage Report further maintains that the quality of the open space, which comprises the Site, whilst within the conservation area, is questionable and its contribution to the conservation area is not obviously positive due to the lack of historic functional connection. Therefore, the loss of the open space, which is screened from most of the views with the tall coppiced hedge, is not deemed to cause substantial harm to the significance of Bethersden Conservation Area.

58. Historic England have raised objections to the proposal stating that the current scheme “would be harmful to both the significance of both the Conservation Area and the Grade I listed Church of St Margaret and therefore contrary to the NPPF.” Whilst this is not an objection in principle to any development on the site, it is nevertheless an objection from a statutory consultee and needs to be considered carefully.
59. In raising objections to this scheme, Historic England point to the loose arrangement of buildings of various architectural styles, the majority set back from the street, which characterise the historic core. It highlights how the church remains dominant as the major focus of the village with a rural composition of hedgerows and open fields to its north west ensuing both a rural character to the conservation area and views of the church that are largely unrestricted. It describes how this rural character is further strengthened by minimal backland development, which ensures that the historic village’s sense of small-scale intimacy is retained. It adds that the Conservation Area deliberately includes open spaces and fields that envelope the historic village. This, it says, ensures that the rural character of its setting is recognised as contributing to the special character and appearance of the area affording some protection to the visual and functional relationship between church, the historic core and the characteristic Kentish countryside beyond. It concludes that the unimpeded views to and from the church in its slightly elevated position through to the agricultural landscape beyond and within the village positively contribute to both an understanding of the evolution of Bethersden and the aesthetic value of the conservation area. On this basis, it believes that the proposed development is likely to negatively impact on well-established views and therefore on the significance of the conservation area and listed church.
60. Historic England further state that the creation of new footpaths, car parking and a busy street frontage are likely to erode the Conservation Area’s established rural character. This, it states, is partly due to the proposed scheme creating a sense of enclosure to a site that is predominantly agricultural in nature and which currently contains little development. It goes on to say that St Margaret’s Church would cease to dominate Church Hill and its position as the defining entry point into the village along the striking approach of Church Hill would be considerably diminished.
61. St Margaret’s Church is a major focus within the village due to its slightly elevated position. It also terminates the view looking up Church Hill, a main route through the village, and one of the most important views of the church from within the village. The proposed development would partly frame the view of the church in this view so its impact needs to be considered carefully.

62. The existing properties on the north side of Church Hill are set back from the street behind mature landscaping and as a result St Margaret's Church is not cluttered by development. This proposal would provide three additional properties on the Church Hill frontage, all of them lower down the hill and set back by a similar amount to retain the established building line. This setback ensures that the part of the proposed development on the Church Hill frontage would not significantly impact upon this key view of the church. The development would be very much to the edge of this view. Furthermore, much of the planting along the site boundary with Church Hill would be retained, filtering views of the proposed development. Given this context I do not consider that the proposed development would significantly harm the setting of the listed church in this view. In terms of other views, the intervisibility between the site and church is low given the existing field boundaries and planting around the site and church. The dominance of the church would not be compromised by this development and key views not obstructed. I do not share the concerns of Historic England in this respect and would consider that the development preserves the setting of the church.
63. The proposed development would have a more direct impact on Court Lodge, the Grade 2 listed building with which it shares a short section of common boundary. However, the proposed development would in my view enhance the setting of this building: by replacing Courtlands and the stables to the rear with a layout that provides rear garden in the part of the site adjacent to the listed building. I therefore agree with the applicants that the proposed development would at the very least preserve the setting of Court Lodge and Forgefield Oast.
64. To turn to the significance of the open space provided by the site and whether its development would harm the character and appearance of the conservation area. The Betersden Conservation Area was first designated in 1974 and extended in 1996 to take in the area of undeveloped land to the north west of Church Hill which includes the application site. The Conservation Area Assessment which supported this boundary change was never adopted. However, it states that: "The open space area to the north-western side of Church Hill forms an important part of the setting and ambience of the church and this approach into the existing conservation Area and it is proposed that the Conservation Area be extended to include an area running from the school to the north west of the church".
65. The proposed development would clearly change the character and appearance of this part of the conservation area. The site is well screened from School Road / Church Hill (particularly during summer months) with field boundary planting so its contribution lies in it being an undeveloped site as opposed to an 'open' site. This development would 'open up' some views into and across the site to open countryside. Its relative low intensity and opportunities for planting both between buildings and along street margins

and the green backdrop provided by retained boundary planting would ensure that this development would be one where landscape plays an important role in softening the development. The development proposed is well laid out and of a high design quality with the potential to make a positive contribution to the village. Overall, I do not consider that this development would harm the character and appearance of the conservation area. Whilst its loss would have an impact, the character and appearance of the conservation area would be preserved. There is nothing in legislation, guidance or policy to state that development cannot take place within the conservation area. The test is that it must preserve or enhance the character and appearance of the conservation area. I would consider the proposal, whilst changing the appearance of this part of the conservation area does so without causing substantial harm to it.

66. In conclusion, I am satisfied that the proposals would preserve the character and appearance of the conservation area. I consider that the proposed development would result in no harm/less than substantial harm to the setting of listed buildings. In particular, I do not consider that it would be harmful to the visual dominance of the church within the village which in my view would not be significantly affected by this development. Even if any minimal harm were to arise then this would in my view be outweighed by the public benefit identified previously through the provision of 17 well designed dwellings in a sustainable location 6 of which would be affordable

Design and Layout

67. Policies CS1 and CS9 of the Core Strategy require good design. These policies are consistent with the NPPF.
68. Policy TRS17 of the Tenterden and Rural Sites DPD states in part that development in the rural areas shall be designed in a way which protects and enhances the particular landscape character area within which it is located, and where relevant, any adjacent landscape area.
69. 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 and 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.
70. The proposal is for 17 units arranged around a circuitous street with two accesses off Church Hill. It shows a total of 4 basic housetypes; the majority large detached units on reasonably generous plots. The density of

development is appropriate for an edge of village site in close proximity to the village centre. It is somewhat denser than the mid Twentieth Century housing development on the other side of Church Hill but this is characterised by large front gardens areas, which in my view do not need to be replicated on this site.

71. A number of representations have raised concerns about the loop road which is perceived to be space hungry. This is not in fact the case. The provision of a loop road avoids the need for turning heads, which can take up a lot of space, given that they need to be large enough to facilitate turning of an 11.4m refuse vehicle. If not carefully designed a loop road could look like a racing circuit. I do not believe this to be the case here. The street has been designed with shifts in the carriage way and variations in its width to provide the sort of informality often found in a rural area. The removal of the footways also helps soften the appearance of the street. Furthermore, the provision of mostly wide frontage units with parking to the side ensures green street margins across most of the development.
72. Policy CS13 of the Core Strategy seeks to achieve a range of dwelling types and sizes. In response to concerns raised by the parish council about the mix of dwellings, the applicants have replaced two of the 4-bed units for private sale with three bed units for private sale. The six affordable housing units would all have two bedrooms. This is an acceptable range of units on this site in my view and as such I find no conflict with Policy CS13. The designs are tenure blind. A plan showing the housing mix is included below. The green units are three bed units for private sale and blue units are affordable housing.

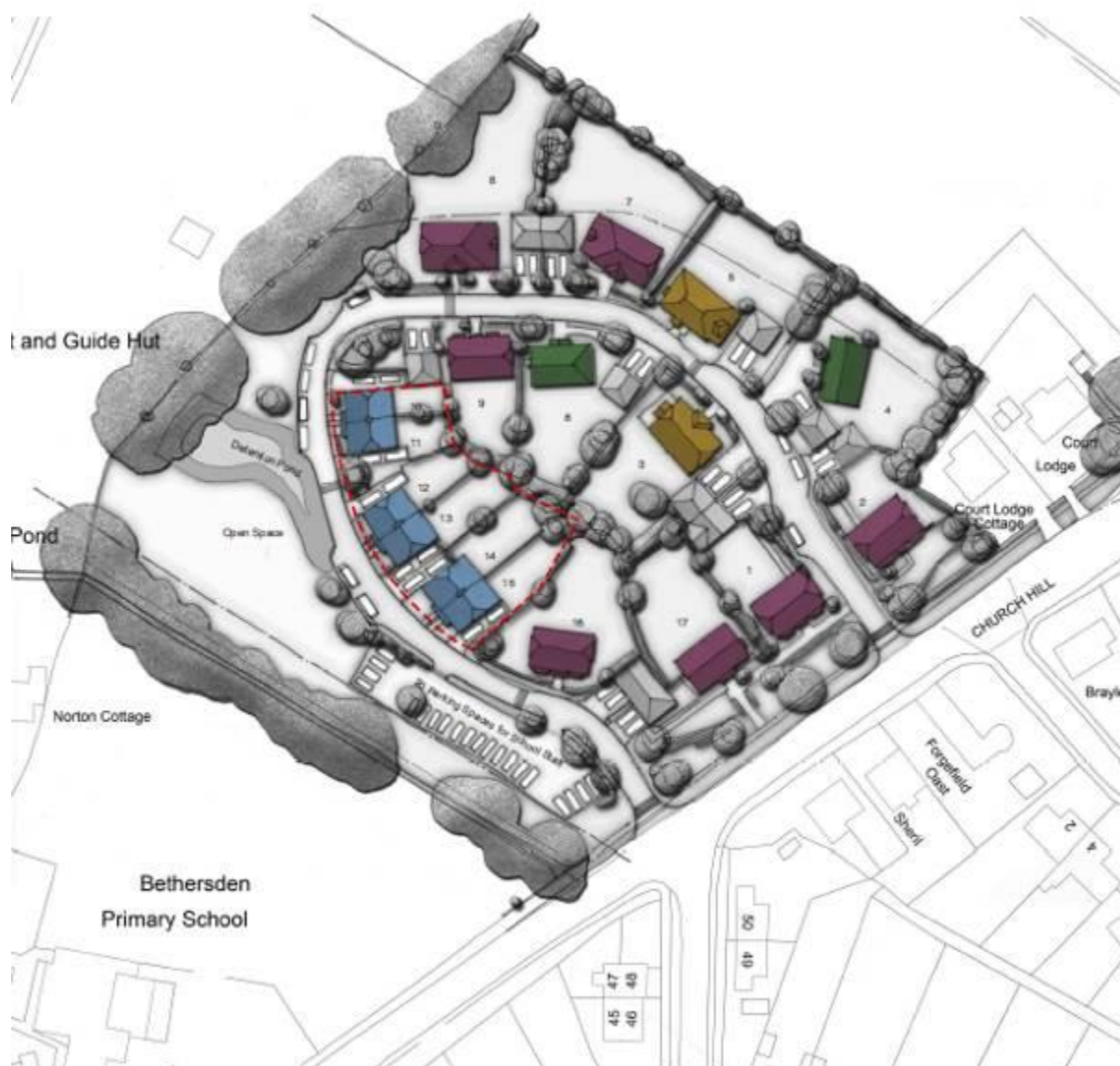


Figure 5: Dwelling mix (affordable housing shown in blue).

73. The properties have traditional building forms as might be found in rural areas and include a number of contextual features, such as half-hipped roofs and exposed rafters. Given the sensitive nature of the site, high quality natural materials are proposed and a suitably worded condition is proposed to ensure this is achieved.
74. The site lies in the Bethersden Mixed Farmlands Landscape Character Area which is characterised by an undulating landscape with a Wealden pattern of small pastoral fields and a strong sense of enclosure provided by well treed and undulating landscape. The application site is relatively well enclosed by planted field boundaries. This would help reduce its impact on the wider landscape.

75. In addition to the housing, the proposal provides a 20 space public car park (in line with the emerging policy within the Neighbourhood plan) and an area of open space, adjacent to the detention pond. The car park and open space are located along the western boundary of the site within the floodplain. The car park would have a permeable surface and no lighting to meet requirements in the SUDS SPD and Dark Skies SPD. The emerging Neighbourhood Plan policy for this site supports the provision of such a car park. I consider that the proposed development would provide a high quality of design and layout appropriate to this edge of village, conservation area location. Due to the site's relative containment by existing boundary planting, I do not consider it would have a significant impact on the wider landscape setting

Impact on Residential Amenity

76. Paragraph 17 of the NPPF identifies a set of core land use 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.
77. The proposed development would be just over 9m from the nearest residential property, known as Court Lodge Cottage (a bungalow) with which it shares a side-by side building relationship. I do not consider that the proposed development would have an overbearing relationship on this property or result in any problems of overlooking. As Court Lodge is a bungalow, I do not consider it would result in overlooking of the proposed property to the rear (Plot 4)). No other neighbours would be adversely affected by this development.
78. The proposed development meets Nationally Described Space Standards. Whilst all gardens meet the Council's Residential Space Standards (minimum length of 10m), the majority far exceed this standard as the plots are mostly wide frontage with gardens of typically 15m in length. Whilst the affordable units are smaller and have gardens that just meet minimum standards they are located opposite the SUDS /public open space so would benefit from this relationship.
79. I consider that the proposed development provides an acceptable level of amenity for existing and future occupiers in accordance with the NPPF.

Parking and Highway Safety

80. 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.

81. The Transport Statement confirms that the development would not generate significant traffic movements- 74 movements in total per day including 9 during the AM peak and 9 during the PM peak - , highlighting also the availability of bus services to Ashford and Tenterden. This is not significant in highway terms and KCC Highways and Transportation has raised no objection on this ground.
82. The development is acceptable in terms of the amount of parking provided and its distribution. KCC Highways and Transportation initially raised objections to the provision of the rear parking courts. Evidence suggests that people do not use rear parking courts preferring to park on the street. For this reason, the layout was amended to provide primarily frontage parking, which is more convenient to users. The exception to this are the three units on the Church Hill frontage where parking is provided to the rear. Whilst a compromise in terms of ease of parking, this arrangement ensures that the marble path along the frontage is retained intact.
83. Visibility splays for both accesses can be achieved in accordance with Manual for Streets. The new street provides tracking for a 11.4m refuse vehicle in accordance with KCC standards.
84. I do not consider that this development would impact adversely on highway safety.
85. A number of representations have been received querying the circuitous route, some suggesting that it is land hungry. In fact, such a layout has advantages over a 'branch like' network. Most importantly it removes the need for large turning heads within the site which are unattractive and land grabbing.
86. The proposed car park is considered a positive development in highway safety terms in that it would take parked cars off Church Hill. As such, it is important that it is completed at the same time as the development and thereafter maintained, with public use being provided and retained as stated in the application. This can be secured by condition.
87. Whilst the streets within the development would be adopted by the highway authority, the proposed car park, SUDS and public open space would be managed by a management company. The plan below identifies the area in purple that would be managed by the management company.

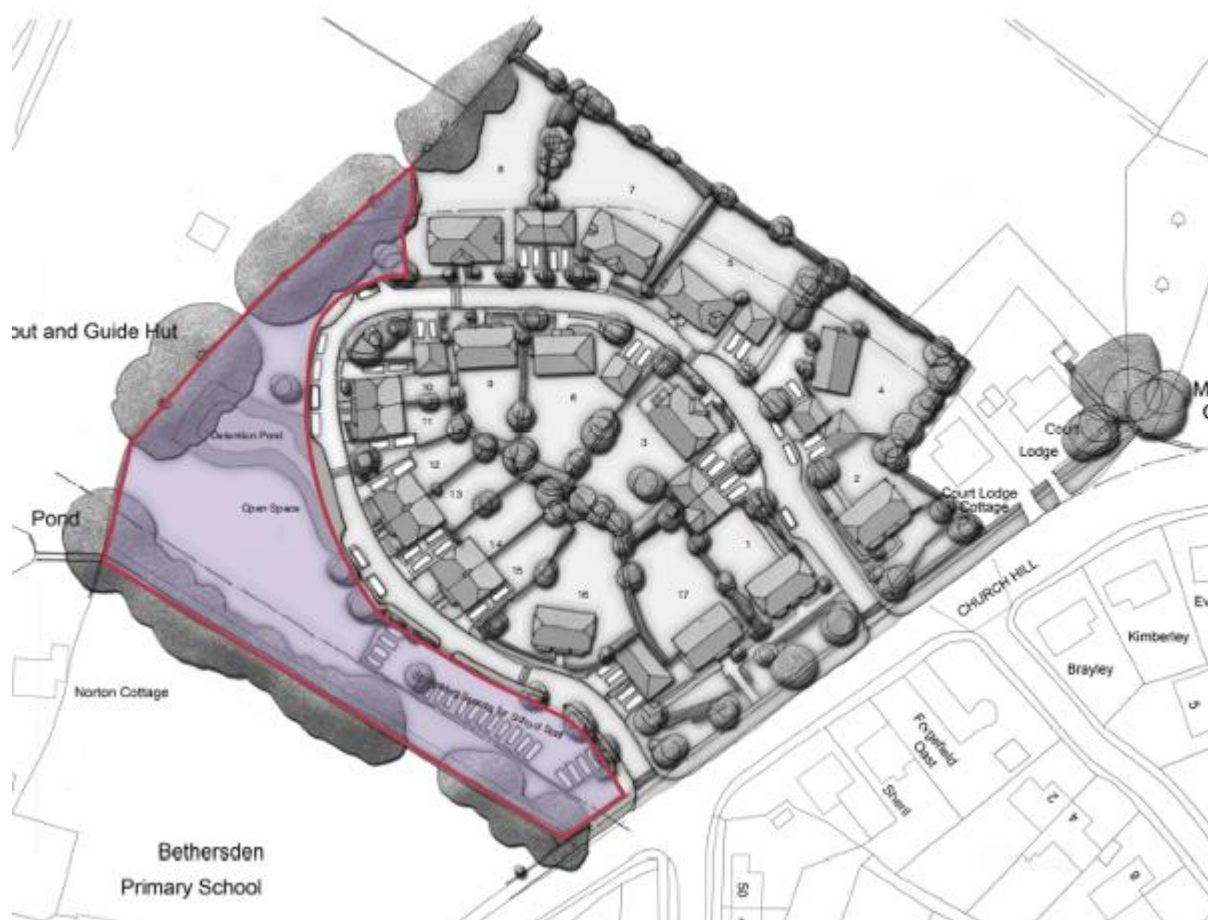


Figure 6: Management Plan

Landscaping/Trees

88. 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.
89. Most trees are around the boundary of the site and would be unaffected by the proposals. Of the 44 trees surveyed, six would be removed of which 5 are category C trees and one unclassified tree.
90. Whilst the intention is to largely leave boundaries as existing, some 'thinning' of the front boundary with the street will be required. This would help provide a better street frontage with Church Hill and enhance views into and across the site. As such, I find no conflict with Policy EN32. Landscaping for the new development is proposed and can be secured by condition.

Ecology

91. Policy EN31 of the Local Plan states that development which significantly affects semi-natural habitats will not be permitted unless measures have been taken to limit impact and long term habitat protection is provided where appropriate.
92. Policy CS11 of the Core Strategy states that development should avoid harm to biodiversity and geological conservation interest. 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.
93. With the exception of Great Crested Newts, no notable species have been found on the site. Following the submission of GCN Mitigation Strategy, the KCC Biodiversity Unit raises no objections to this proposal subject to a condition.
94. The Environment Agency initially raised objections on biodiversity grounds due to the lack of the detail for the area of the site between the proposed new car park and ditch. In particular, it required a 3m buffer strip from the top of the ditch both to provide access and provide a wildlife corridor. Following the submission of additional information, the Environment Agency raises no objection to the scheme.

Flooding and Drainage

95. Whilst a small part of the site (adjacent to the ditch) is within flood zone 3, no dwellings are proposed in this area and the Environment Agency has not raised any objections to the scheme on flooding grounds.
96. The part of the site within the flood zone would be laid out as public open space, including SuDs, and the proposed new parking area for the school. Whilst this area may flood on occasion, these are acceptable land uses for the flood plain.
97. The site currently discharges surface water runoff to the Bethersden Stream that runs along the southern boundary of the site. The surface water management strategy uses permeable paving and a detention pond to attenuate runoff and limit discharge to the existing drainage system to 6 l/s for all rainfall events up to the 1 in 100 year plus climate change event. An appropriate condition is proposed to ensure that this is achieved.

Planning Obligations

98. 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
99. I recommend the planning obligations in Table 1 be required should the Committee resolve to be minded 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><u>Affordable Housing</u></p> <p>Provide not less than 35% of the units as affordable housing, comprising 60% affordable rent units and 40% shared ownership units. 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 registered provider's nominations agreement</p>	<p>4 affordable rent units</p> <p>2 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>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
2.	<p><u>Cemeteries</u></p> <p>Contribution towards provision of or improvements to cemeteries and associated facilities in the borough and maintenance thereof</p> <p>Project Extension to graveyard at St Margaret's Church</p>	<p>£284 per dwelling for capital costs</p> <p>£176 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as cemeteries 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 Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use cemeteries and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
3.	<p><u>Children’s and Young People’s Play Space</u></p> <p>Contribution towards provision of or improvements to children’s and young people’s play space and associated facilities in the area and maintenance thereof</p> <p>Project: Improvements to recreation ground play area</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	<p>Upon occupation 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 extent of the development and the number of occupiers and the extent of the facilities to be</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				provided and maintained and the maintenance period is limited to 10 years.
4.	<p><u>Informal/Natural Greenspace</u></p> <p>Project: Improvements to the recreation ground (other than the play area)</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as informal/natural 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 informal/natural 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</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
5.	<p><u>Libraries</u></p> <p>Contribution for improving library service capacity in mobile and fixed libraries in the borough and for providing additional book stock and equipment</p> <p>Project: Towards the additional bookstock required to meet the demands of the additional borrowers from this development</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 no spare library space available 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 Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use library facilities and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				because amount calculated based on the number of dwellings.
6.	<p><u>Monitoring fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£1000 one-off payment</p>	<p>Payment upon commencement of development</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>
7.	<p><u>Outdoor sports pitches</u></p> <p>Contribution towards provision of or improvements to outdoor sports pitches and associated facilities in the</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	<p>Upon occupation 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</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	<p>area and maintenance thereof</p> <p>Project: Improvements to Bethersden Cricket Club</p>			<p>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 sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
8.	<p><u>Secondary Schools</u></p> <p>Contribution towards additional secondary school places</p>	£2359.80 for each applicable house	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of	<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</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	<p>Project: New accommodation at Homewood School – Phase 2 extension</p>		the dwellings	<p>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 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 and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
9.	<p><u>Strategic Parks</u></p> <p>Contribution towards provision of strategic parks and associated facilities and maintenance thereof</p> <p>Project: Seating and BBQ area at Conningbrook Lakes Country Park</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	<p>Upon occupation 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>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
<p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the council web site in order to ensure the value is not reduced over time. The costs and disbursements of the Council’s Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs.</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

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

Working with the applicant

101. In accordance with paragraphs 186 and 187 of the NPPF, Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner as explained in the note to the applicant included in the recommendation below.

Conclusion

102. The land lies outside the built confines of Bethersden and does not constitute one of the exceptions listed under policy TRS2. The proposal is therefore contrary to the development plan. That said, Paragraph 14 of the NPPF requires that planning permission is granted where relevant policies in the development plan are out of date unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.
103. Relevant policies in the development plan are out of date by virtue of the lack of a five-year housing land supply and so the tilted balance of the Framework is triggered. The site is in a sustainable location and as such could not be resisted as a matter of principle simply because it lies outside of the built confines of Bethersden. In the case of this application, there are also specific policies that indicate development should be restricted in relation to the historic environment, if it would generate harm to the significance of the heritage asset.
104. In terms of the impact of the development on the setting of the Grade I listed St Margaret’s Church and Grade II listed Court Lodge and the impact on the character and appearance of the conservation area, it is likely that no harm would arise in accordance with policies EN12 and EN16 of the Local Plan, CS1 of the Core Strategy and policies ENV13 and ENV14 of the emerging Local Plan to 2030. Even if it is considered that the presence of built development on this site results in some harm I would consider this to be minimal and certainly less than substantial (NPPF test). Officers consider that

any limited harm would be outweighed in this case by public benefits which include the provision of housing units in the absence of the Council having a five-year housing land supply; the provision of a 20 space public car park to take parking off the street, and the benefit of this site being located close to the village centre and bus routes to Ashford and Tenterden.

105. I have also concluded the proposed development is of a high design quality, an appropriate density and layout and will add visual interest. I am confident the proposals will represent an appropriate form of development that sits comfortably within its contextual setting in accordance with policies CS1 and CS9 of the Core Strategy and TRS17 of the Tenterden and Rural Sites DPD.
106. I have further concluded that there would be no material harm to neighbouring or future occupier's amenity, highway safety or ecology, and the proposals would comply with the Councils technical standards for drainage. I am therefore satisfied that the proposal accords with policies EN31 and EN32 of the Local Plan, CS11, CS15 and CS20 of the Core Strategy and TRS17 of the Tenterden and Rural Sites DPD. The proposal raises no adverse issues in terms of contamination.
107. 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 significant harm and even if there is deemed to be some harm this would not significantly or demonstrably outweigh the benefits of the scheme to justify a refusal of planning permission in this case and as such I recommend that planning permission should be granted.

Recommendation

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

Subject to the following conditions and notes:

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

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

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

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

3. Before development commences details shall be submitted 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 period.

Reason: To help future proof the development

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

Reason: In the interests of visual amenity.

5. 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, dormer windows and plinths; and
- e) Details of all windows including recess depth of glazing

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

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

Reason: In the interest of visual amenity.

7. The windows in all of the buildings hereby permitted shall be timber. Before any works above foundation level are carried out joinery details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with the approved plans.

Reason: In the interest of visual amenity.

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 Plan shall include the following:

- a) parking for site personnel, visitors and operatives;
- b) details of areas for the loading and unloading of plant and materials, and provision on-site for turning for construction vehicles including HGV's;
- c) details of areas for the storage of plant and materials;
- d) Details of the form and location of any proposed temporary works compounds; and

- e) details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances;

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

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

- 10. The vehicle parking spaces shall be provided in accordance with details approved on drawing number 2380_02D before any dwelling is occupied, and shall be retained for the use of the occupiers of, and visitors to, the development. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to the reserved parking, bicycle and refuse facilities.

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

- 11. Before any dwelling is occupied, details of secure covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. These shall be provided prior to occupation of any of the units and retained permanently for this use.

Reason: To ensure adequate provision of cycle parking in the interest of highway safety.

- 12. The first 5m of the accesses from the edge of the highway shall be surfaced in a bound material.

Reason: In the interest of highway safety.

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

Reason: In the interest of highway safety.

- 14. No dwelling shall be occupied until the visibility splays contained in the approved plans have been provided at the accesses. The area within the visibility splay shall be permanently maintained thereafter with no obstructions over 0.9 metres above carriageway level within these splays.

Reason: In the interest of highway safety.

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

Reason: To avoid pollution of the surrounding area.

16. 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 on the proposals of the Surface Water Management Strategy by RMB Consultants Ltd (dated August 2016) and demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr 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 can be adequately managed to ensure there is no pollution risk to receiving waters.

(ii) 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 and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) 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 the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

17. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and

specification which has previously been submitted to and approved in writing by the Local Planning Authority.

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

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

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

19. Removal of trees shall be undertaken in accordance with the Arboricultural Report submitted 31st August 2016. No other trees shall be removed and no pruning or other works shall be carried out until details of the proposed works have been submitted to and approved in writing by the Local Planning Authority.

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

20. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the buildings for their permitted use.

- a. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned, thinned or reduced other than in accordance with plans and particulars approved in accordance with **condition 19** without the written approval of the Local Planning Authority.
- b. If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- c. All retained trees shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations). Such tree protection measures shall remain throughout the period of demolition and construction.

- d. (No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
- e. No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- f. No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
- g. Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
- h. No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

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

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

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

22. A landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before any development above foundation level. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of

the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

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

23. No dwelling shall be occupied until a landscape management plan, including management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape management plan shall be adhered to unless previously agreed otherwise, in writing by the Local Planning Authority.

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

24. No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the watercourse shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The scheme shall include:

- a. Plans showing the extent and layout of the buffer zone;
- b. Details of any proposed planting scheme (to be of native species)
- c. Details demonstrating how the buffer zone will be protected during the development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan;
- d. Details of any proposed footpaths, fencing, lighting etc.

Reason: In the interest of protecting the biodiversity of the river bank.

25. Prior to the commencement of development (and vegetation clearance), an updated site plan, demonstrating how the great crested newt features detailed within the GCN Mitigation Strategy will be integrated into the development, will be submitted to, and approved in writing by the local planning authority. The full GCN mitigation strategy, as detailed in paragraph 5.0 of the Great

Crested Newt and Mitigation Strategy Report, along with measures to enhance the site for GCN shall be implemented in full, and shall not be thereafter retained.

Reason: To protect the biodiversity of the area.

26. Prior to the occupation of the development hereby approved, an ecological enhancement plan detailing what enhancements will be incorporated in to the site and how these will be managed shall be submitted to and approved in writing by the Local Planning Authority. The enhancements shall include those included in the Extended Phase 1 Habitat Survey and Landscape and Urban Design Appraisal reports and also those suggested in the letter from the KCC Biodiversity Unit dated 6th October 2016. The enhancements shall be provided in accordance with the approved details and maintained thereafter.

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

26. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions,
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organisation responsible for implementation of the plan;
 - h) Details of annual habitat and species monitoring.
 - i) Details of how the monitoring will inform updates of the management plan.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To protect the biodiversity of the area.

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the dwellings hereby approved shall only be occupied as single dwelling houses as described by Use Class C3 of the Town and Country Planning Use Classes Order 1987 as amended.

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

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

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

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

Reason: In the interests of amenity of adjoining residents.

30. No development shall be commenced until:

- a site investigation has been undertaken to determine the nature and extent of any contamination, and
- the results of the investigation, together with an assessment by a suitably qualified or otherwise competent person, and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority.

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

- the approved remediation scheme shall be fully implemented (either in relation to the development as a whole or the relevant phase, as appropriate), and
- a Certificate shall be provided to the Local Planning Authority by a suitably qualified or otherwise competent person stating that remediation has been completed and the site is suitable for the permitted end use.

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

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

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

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

32. Details including construction, surfacing, markings, boundary treatments, signage and other furniture of the approved car park shall be submitted to and approved in writing by the Local Planning Authority prior to any development above foundation level. The car park shall be implemented in accordance with those details prior to occupation of the 15th property unless otherwise agreed in writing by the Local Planning Authority and thereafter retained.

Reason: In the interests of visual amenity and to secure provision of the car park

33. A public access and management plan for the public open spaces and car park shown in purple on Plan 2380-05 (to include management objectives and any restrictions on full and unrestricted access and use by the public at all times) shall be submitted to and approved in writing by the Local Planning Authority prior to any development above foundation level. The plan shall then be implemented in full with effect from the date of occupation of the 15th

property and thereafter retained in force unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the public open spaces and car park are properly maintained.

Note to Applicant

1. Working with the Applicant

Working with the Applicant

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

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
 - was provided with pre-application advice,
 - The applicant was provided the opportunity to submit amendments to the scheme to address highway issues.
 - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
2. “A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk”.

3. The applicants attention is drawn to the comments received from Southern Water a copy of which can be viewed on the Councils website at <http://planning.ashford.gov.uk/>.
4. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.
5. 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 country 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.

6. The site proposes discharge to watercourse designated a 'main river'. An environmental permit for flood risk activities may be required from the Environment Agency if you need to undertake work in, under, over or near a main river (including where the river is in a culvert), on or near a flood defence on a main river or in the flood plain of a main river. Further information is available on the gov.uk website at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>
7. In respect of condition 23 above, the applicants is advised that the external lighting scheme should be designed in accordance with the Bat Conservation Trust's Bats and Lighting in the UK guidance a summary of which is set out in KCC Ecology's comments dated 17 August 2016.
8. The applicant is advised that the removal of mature trees should be carried out outside of the bird nesting season (March – September inclusive). If this is not possible than areas for removal should first be inspected by a suitably qualified

ecologist to identify that any nests present have had eggs hatched and that young birds have fledged.

9. In respect to condition 4, the BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optic network offering a single optical fibre to multi point destinations ie. fibre direct to premises.
10. 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.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 16/01271/AS.

Contact Officer: Katy Magnall

Telephone: (01233) 330259

Email: katymagnall@ashford.gov.uk

Annex 1

