

**Declarations of Interest (see also “Advice to Members” below)**

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct as adopted by the Council on 19 July 2012, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted). However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: an effect on the financial position of a Member, relative, close associate, employer, etc; OR an application made by a Member, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

**Advice to Members on Declarations of Interest:**

- (a) Government Guidance on DPI is available in DCLG’s Guide for Councillors, at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/5962/2193362.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf)
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution at <http://www.ashford.gov.uk/part-5---codes-and-protocols>
- (c) If any Councillor has any doubt about the existence or nature of any DPI or OSI which he/she may have in any item on this agenda, he/she should seek advice from the Corporate Director (Law and Governance) and Monitoring Officer or from other Solicitors in Legal and Democratic Services as early as possible, and in advance of the Meeting.

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## Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **18<sup>th</sup> April 2018**.

### Present:

Cllr. Burgess (Chairman);

Cllr Link (Vice-Chairman);

Cllrs. Mrs Bell, Bennett, Mrs Blanford, Bradford, Buchanan, Clarkson (ex officio), Clokie, Dehnel, Farrell, Galpin, Heyes, Hicks, Ovenden, Waters.

In accordance with Procedure Rule 1.2 (iii) Cllr. Mrs Bell attended as Substitute Member for Cllr. Krause.

### Apologies:

Cllr. Krause.

### Also Present:

Head of Development Management and Strategic Sites; Senior Planning Officer; Head of Planning and Development; Principal Solicitor (Strategic Development); Member Services and Ombudsman Complaints Officer.

## 413 Declarations of Interest

Councillor	Interest	Minute No.
Mrs Bell	Made a Voluntary Announcement that she was a Member of the Weald of Kent Protection Society and a Member of Kent County Council.	416 – 17/01511/AS 17/01807/AS
Bennett	Made a Voluntary Announcement that he was a Member of the Weald of Kent Protection Society.	
Mrs Blanford	Made a Voluntary Announcement that she was a Member of the Weald of Kent Protection Society and the Campaign to Protect Rural England.	
Burgess	Made a Voluntary Announcement that he was a Member of the Weald of Kent Protection Society	

Clarkson	Made a Voluntary Announcement that he was a Member of the Weald of Kent Protection Society. He also made a Voluntary Announcement that the Developer and the potential Occupier were known to him.	416 – 17/01807/AS
Clokie	Made a Voluntary Announcement that he was a Member of the Weald of Kent Protection Society.	
Farrell	Made a Voluntary Announcement that he was a Member of Kent County Council.	416 – 17/01511/AS 17/01807/AS
Galpin	Made a Voluntary Announcement that the Developer was known to him, but he had no personal interest in the application.	416 – 17/01807/AS

## **414 Minutes**

### **Resolved:**

**That the Minutes of the Meeting of this Committee held on the 14<sup>th</sup> March 2018 be approved and confirmed as a correct record.**

## **415 TPO/17/00027 - Confirmation of Tree Preservation Order No. 27, 2017 - Aldworth, Bromley Green Road, Ruckinge, Ashford, Kent TN26 2EG**

The Head of Development Management and Strategic Sites drew Members' attention to the Update Report, and the amendments to the recommendation because of the adjoining property.

### **Resolved:**

**To confirm the Order notwithstanding the objection and with amendments to its title, to Citation 1, and to the title of its map, to read "Aldworth and Talavera" in each case.**

## **416 Schedule of Applications**

### **Resolved:**

**That following consideration of (a), (b) and (c) below,**



- (a) **Private representations (number of consultation letters sent/number of representations received)**
- (b) **The indication of the Parish Council's/Town Council's views**
- (c) **The views of Statutory Consultees and Amenity Societies (abbreviation for consultee/society stated)**

**Supports 'S', objects 'R', no objections/no comments 'X', still awaited '+', not applicable/none received '-'**

**decisions be made in respect of Planning Applications as follows: -**

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<b>Application Number</b>	17/01511/AS
<b>Location</b>	Godinton House, Godinton Road, Ashford, Kent
<b>Grid Reference</b>	00635/42688
<b>Ward</b>	Godinton (Ashford)
<b>Application Description</b>	The change of use from snooker hall and 2nd floors - Use D2) and part change of use of retail (ground floor use Class A1) to residential end use, to include the erection of a four storey side extension (south-east) and the creation of a recessed upper floor (4th) to comprise, in total, twenty eight apartments (1 no. 3-bed, 15 no. 2-bed and 12 no. 1-bed ) along with ancillary works to include basement and surface car parking and landscaping. Part retention of retail use (A1) on ground floor
<b>Applicant</b>	R&W holdings Ltd c/o Agent
<b>Agent</b>	Kember Loudon Williams, Ridgers Barn, Bunny Lane, Eridge, Tunbridge Wells, TN3 9HA
<b>Site Area</b>	0.3 hectares

(a) 69/ 1R 1X	(b)	(c) ABC Refuse R, AAG X, EA X, EHM (EP) X, HM X,HCS X POL X, KCC (DCU) X, KCC flooding X, NE X, SW X , KHS X, PCT X, KCC (Ecology) X
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Amends

ABC Refuse X, KCC (DCU) X, KHS X, EA X, NE X, KCC (Flooding) X

The Senior Planning Officer drew Members' attention to the Update Report which included further colour elevations and images provided by the applicant, further consultation responses, additions to the Table 1 Section 106 planning obligation agreement and an amendment to para 53 of the Assessment section of the report.

**Resolved:**

- (A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations as detailed in**

**Table 1, in terms agreeable to the Head of Development Management and Strategic Sites , or the Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Development Management and Strategic Sites, or the Development Control Managers to make or approve minor changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional planning conditions or deleting conditions) as they see fit.**

**Table 1**

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
1.	Libraries contribution  Towards the additional bookstock required to meet the demands of the additional borrowers from this development at Ashford Library	£48.02 per dwelling	Upon occupation of 75% of the dwellings
2.	Outdoor Sports Pitches  Contributions towards new/additional changing facilities for Courtside outdoor sports area at Stanhope	£1,589 per dwelling for capital costs  £326 per dwelling for future maintenance	Upon occupation of 75% of the dwellings
3.	Strategic Parks  Contributions towards park furniture, for new seats and benches (Victoria Park).	£146 per dwelling for capital costs.  £47 per dwelling for future maintenance	Upon occupation of 75% of the dwellings

	<b>Planning Obligation</b>		
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
4.	<p>Informal/Natural Green Space</p> <p>Contributions towards improvements towards Watercress Fields riverside projects to improve access, interpretation and education</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings
5.	<p>Allotments</p> <p>Contributions towards improvement to allotment infrastructure at Repton and Westrees to include improved parking security and access</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for future maintenance</p>	Upon occupation of 75% of the dwellings
6.	<p>Children's and Young People's Play Space</p> <p>Contributions towards provision for toddler play equipment: swings with safer surface, and multi-play unit with safer surface (Victoria Park).</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings
7.	<p>Monitoring Fee</p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years

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**(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.

**Approved plans**

2. The development hereby permitted shall be carried out in accordance with the following approved plans TBC

**Reason:** Specifying the application drawings and other details which form part of the permission is best practice under government guidance and in the interest of visual amenity.

**Highways**

3. The area shown on the drawing numbers 1101-P80 D and 1101-P81 and as vehicle parking spaces, garages and turning shall be provided before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and 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 this reserved parking space.

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

4. Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003).unless previously agreed in writing by the Local Planning Authority.

The code shall include,

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)

- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

**Reason:** To protect the amenity of local residents

5. The bicycle storage facilities shown on the approved drawing 1101-P80D shall be provided prior to occupation of the development and shall thereafter be retained.

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

6. The access details shown on the approved plans shall be completed prior to the use of the site commencing and shall thereafter be retained in accordance with the approved plans

**Reason:** In the interests of highway safety.

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

**Reason:** In the interest of visual amenity

8. Imperforate balustrades shall be installed on the balconies that will be exposed to noise levels exceeding 55dB and Class A acoustic insulation will also be applied to those same balcony undersides and soffits to provide a reduction in noise levels at these locations prior to the occupation of the flats and shall thereafter be retained.

**Reason:** to mitigate excess noise for future occupiers

### **Contamination**

9. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
- i) A preliminary risk assessment which has identified:
    - all previous uses;
    - potential contaminants associated with those uses;
    - a conceptual model of the site indicating sources, pathways and receptors; and
    - potentially unacceptable risks arising from contamination at the site.
  - ii). A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - iii). The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - iv). A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

**Reason:** To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 109 of the National Planning Policy Framework. The submitted Desktop Study & Environmental Ground Appraisal Report (ref. GE16282rev3-GAR-MAY-17, version 1.0), dated 29/09/2017, prepared by Geo-Environmental is considered sufficient to discharge part 1 of the above condition. We concur with the recommendations of the report that further ground investigation works are necessary to fully delineate the contamination on site

10. Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

**Reason:** To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework.

11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

**Reason:** To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

12. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details. Reason

**Reason:** To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework



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13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reason:** To protect controlled waters, including groundwater and to comply with the National Planning Policy Framework. Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. With respect to any proposals for piling through made ground, we would refer you to the EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected By Contamination: Guidance on Pollution Prevention". NGWCL Centre Project NC/99/73. We suggest that approval of piling methodology is further discussed with the EA when the guidance has been utilized to design appropriate piling regimes at the site.

14. Prior to occupation of the first dwelling a foul drainage strategy detailing the proposed means of foul disposal and an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved scheme and timetable.

**Reason:** in the interests of proper foul drainage disposal.

15. 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 demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

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

16. 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:

a) a timetable for its implementation, and

b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker,

or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

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

17. The development during its construction only shall be made available for inspection, at a reasonable time, by the local planning authority to ascertain whether a breach of planning control may have occurred on the site (e.g. as a result of departure from the plans hereby approved and/or the terms of this permission).

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

### **Water efficiency**

18. Each apartment shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the apartments will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State. No apartment shall be occupied unless the notice for that apartment of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 (as amended) has been given to the Local Planning Authority.

**Reason:** In order to set a higher limit on the consumption of water by occupiers as allowed by regulation 36 of the Building Regulations 2010 and increase the sustainability of the development and minimise the use of natural resources pursuant to Core Strategy policies CS1 and CS9 and guidance in the NPPF and in order to continue with the same level of water efficiency as would have been achieved under the Code for Sustainable

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### **Fibre broadband To The Premises**

19. Prior to the first occupation of the premises , details including plans, shall have been submitted to and approved by the Local Planning Authority in writing for the installation of a High Speed wholly Fibre broadband to The Premises (FTTP) connection to the development hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first occupation of the building unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP).

**Reason:** To ensure that the new development in Ashford is provided with high quality broadband services enhancing Ashford as an attractive location in accordance with Policy EMP6 of the Ashford Local Plan 2030 Use

### **Use**

20. 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 apartments 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 2015 or any subsequent Order revoking or re-enacting that Order.

**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.

### **Landscaping**

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

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

22. The details of soft landscape works required in condition [21] above shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

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

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

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

24. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved unless previously agreed otherwise in writing by the Local Planning Authority.

**Reason:** To ensure the new landscaped areas are properly maintained in the interest of the amenity of the area.

### **Remaining detail**

25. Details of the following shall be submitted to and approved by the Local Planning Authority in writing before development is commenced and the development shall be carried out in accordance with the approved details:

(a) Balcony structures – to include detail of connections between glass panels to balustrade and means of fixation to wall

(b) Joinery detail (including panel detail) to all external windows and

(c) Degree of setback of all windows and doors

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(d) Details of doors, rainwater goods, eaves, fascia and entrance canopies (including materials and finish), details of any supporting posts and related brick plinths and roofing materials.

(e) Refuse areas to the commercial units.

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

### **Ecology**

26. Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with provision of generous native planting where possible. The approved details will be implemented and thereafter retained.

**Reason:** To enhance biodiversity

### **Notes to Applicant**

1. Working with the Applicant

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

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the applicant/ agent responded to our initial contact, agreed to a design review and was provided the opportunity to submit amendments to the scheme/ address issues.

- The application was dealt with/approved without delay.
  - 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. 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.
  3. “A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)”.
  4. The following points should be considered wherever soakaways are proposed at a site:
    - Appropriate pollution control methods (such as trapped gullies/interceptors or swale & infiltration basin systems) should be used for drainage from access roads, made ground, hard-standings and car parking areas to reduce the risk of hydrocarbons from entering groundwater.
    - Only clean uncontaminated water should drain to the proposed infiltration system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures).
    - No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
    - There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of infiltration system and the water table.
    - A series of shallow infiltration systems are preferable to deep bored systems, as deep bored systems can act as conduits for rapid transport of contaminants to groundwater.
    - Please note that the use of soakaways in the Hythe Beds are not recommended as they can promote instability of the geology via washout of the sandier horizons, leading to the opening and enlargement of fissures within the Hythe Beds, and subsequent collapse.
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<b>Application Number</b>	17/01807/AS
<b>Location</b>	Car Park opposite health and fitness club, Pluckley Road, Charing, Kent
<b>Grid Reference</b>	694635/48473
<b>Parish Council</b>	Charing
<b>Ward</b>	Charing
<b>Application Description</b>	Erection of a single storey building to accommodate an office and beauty salon with associated parking, services, infrastructure, ground works and landscaping
<b>Applicant</b>	Mr Quinn
<b>Agent</b>	Quinn Estates
<b>Site Area</b>	0.107 ha

(a)	11/10R 1S AMND 1R19S	(b)	Charing R AMND R	(c)	BTOH X; KCCE X, RAM X, PROW - AMND BTOH X
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The Head of Development Management and Strategic Sites drew Members' attention to the Update Report. A letter had been received from the applicant, together with a brochure for the proposed development and a letter from a proposed occupier.

In accordance with Procedure Rule 9.3, Mr Quinn, the applicant, spoke in support of the application. He said the application was for a problem brownfield site, with no viable prospect of being farmed again. The application would provide the business hub this area needed. Although the Parish Council did not feel they could support the application, views of local residents were strongly supportive of efforts to create offices in the area. It had been the Parish Council's idea to change the application from a farm shop to an office, and also to bring the Wow Factory back to Charing. 19 letters of support had been sent, against 1 letter of objection, so this was a popular scheme. Delivery was sensitively designed, with low landscape impact. 13 long-term jobs would be created which would provide a boost to the rural part of the Borough and create inward investment. This proposal involved previously-used land and thus safeguarded agricultural land, and this sensitive approach would deliver a development which would blend into the landscape and marry a traditional farmstead with cutting edge design. There was an established and dense tree and hedge belt that would shield the building from the wider landscape, thus demonstrating the low visual impact of the scheme. The site could either remain a redundant car park or could become a vibrant business centre that would support Charing and the rural economy. The

applicant had an established track record in the Borough for quality development. This was a small, but important, project.

**Resolved:**

**(A) That for the following reasons the application be Permitted.**

- 1. There would be little impact on residential amenity.**
- 2. There would be no impact on highway safety.**
- 3. Ecology would not be put at risk.**
- 4. There would be no major impact on visual amenity due to the scale and height of the building.**
- 5. There is a shortage of employment floorspace in the locality and demand for this is rising due to population growth.**

**(B) Subject to the following conditions and note:**

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

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

2. The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied without the prior written permission of the Local Planning Authority.

**Reason:** In the interests of visual amenity.

3. The areas shown on the drawing number 23413A/10B as vehicle parking space and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and 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 these areas.

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

4. 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 the development is commenced. 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



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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.

5. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following 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 in writing with the Local Planning Authority.

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

6. The premises shall be used as a beauty salon and office and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

**Reason:** In order to preserve the amenity of the locality

7. Prior to the commencement of the development details of drainage works, designed in accordance with the principles of sustainable urban drainage, shall have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out and maintained in accordance with these details.

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

8. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To avoid pollution of the surrounding area.

9. Prior to the first occupation of the building hereby approved, biodiversity enhancements as recommended within the approved aspect ecology Desktop Ecological Appraisal dated 27 November 2017 shall be provided in accordance

with details which shall have been first approved in writing by the Local Planning Authority and shall thereafter maintained.

**Reason:** To increase the biodiversity of the site.

10. 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.

11. Prior to the occupation of the building hereby approved, 4 permanent secure, covered cycle parking facilities shall be provided and thereafter retained and maintained unless otherwise agreed in writing by the Local Planning Authority

**Reason:** To ensure the provision and retention of adequate cycle parking.

12. No development shall take place on site until a Transport Construction Management Plan have been submitted to, and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period and shall include:

- a) parking for vehicles of site personnel, operatives and visitors;
- b) wheel washing facilities

**Reason:** In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and neighbour amenity.

13. Prior to works commencing on site, details of parking for site personnel as well as details of loading and turning areas for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The approved parking, loading and turning areas shall be provided prior to the commencement of development and retained throughout the development period.

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

14. Visibility splays of 2.4m by 90m within which there shall be no obstruction in excess of 600mm in height above the carriageway edge shall be provided at the access before the development commences and the splays shall be so maintained at all times thereafter.

**Reason:** In the interests of highway safety

15. No gates shall be erected across the access within 5 metres from the edge of the carriageway used by vehicular traffic.

**Reason:** In the interests of highway safety

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16. A bound surface for the first 5 metres of the access from the edge of the carriageway shall be laid prior to occupation of any part of the site for its intended use, and shall be maintained thereafter to the satisfaction of the Local Planning Authority

**Reason:** In the interests of highway safety

17. 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.

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

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

### Note to Applicant

1. Working with the Applicant

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

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

by adhering to the requirements of the Development Management Customer Charter.

In this instance

- The applicant was informed/ advised how the proposal did not accord with the development plan, that no material considerations are apparent to outweigh these matters and provided the opportunity to amend the application or provide further justification in support of it.

<b>Application Number</b>	17/01446/AS
<b>Location</b>	Land North East of 74, North Street, Biddenden, Kent
<b>Grid Reference</b>	85181/38818
<b>Parish Council</b>	Biddenden
<b>Ward</b>	Biddenden
<b>Application Description</b>	Outline planning application for the erection of up to 110 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from North Street. All matters reserved except for means of access to North Street.
<b>Applicant</b>	Gladman Developments Ltd
<b>Site Area</b>	10.73 hectares

(a) 213/310R (b) Biddenden - R (c) KHS - X, KCC SuDS - X, EA - X, SWS - X, KCCE - X, PROW - X, KCCDC - X, KAS - X, Housing - X, EH - X, ES - X, BTOD - X, CSCF - X, NHS - X, POL - X, KWT - X, WKPS - R

## Introduction

1. This application is reported to the Planning Committee because it involves the erection of more than 10 dwellings and therefore is classified as a major development that requires determination by the Planning Committee under the scheme of delegation.
2. A valid appeal to the Planning Inspectorate has been lodged for non-determination of the application within the agreed timeframe. Therefore, this report contains the recommendation that would have been made to Members should the application have still been able to be determined by the Council. It will form the basis of the Councils Statement of Case to the Inquiry to be held in due course.

## Site and Surroundings

3. The broadly cone shaped site is located to the north east of the village edge of Biddenden, and is relatively flat with a gentle slope falls down towards the north-east. The surrounding landscape is also gently undulating. The land then rises towards a ridge which runs along the A262 to the south of Biddenden. The boundary abuts the dismantled Kent and East Sussex railway line, where there is a tree line. The site has three stretches of frontage to North Street (A274) between existing dwellings. There are some infill developments to the south and open countryside to the east beyond the public right of way (PROW) AT12.
4. The site is an irregularly shaped single field of improved grassland adjoining North Street which is the one of the main roads that runs through the village. There are some mature trees present within the site including four veteran trees. Four field ponds are also located within the site, with many more in the surrounding landscape.
5. The site lies within the Biddenden and High Halden Farmlands Landscape Character Area and reflects some of the key characteristics such as views being restricted by tree cover, the presence of oak trees within hedgerows, field ponds and the presence of the dismantled Kent and East Sussex Railway. Biddenden is sited on flatter land at around 45-50m Above Ordnance Survey (AOD), which rises towards a ridge (approximately 60 AOD) which follows the A262 to the south of Biddenden.
6. There are other PROW routes within the vicinity of the site such as AT11, AT13, AT13A and AT24.
7. The north-eastern edge of the Biddenden Conservation Area is located approximately 35m south-west from the site. There are Grade II listed buildings on the opposite side of North Street and to the south east in the conservation area.
8. The site is located within flood zone 1 and is not subject to any other landscape or environmental designations. PROW AT12 is along the southern boundary of the site, and links to the wider footpath network. There is established no recreational activity associated with the site.
9. A site plan is attached as Annex 1 to this report.



Figure 1: Aerial site Location Plan

## Proposal

10. Outline planning permission is sought for the erection of up to 110 dwellings (including 35% affordable housing), new green infrastructure, car parking, attenuation basin, vehicular access point from North Street and associated ancillary works. All matters are reserved for future consideration with the exception of the proposed means of access onto North Street from the site.
11. Detailed layout and design would form part of reserved matters application(s). However this outline planning application states that a key objective is to deliver a mix of housing, offering 1 bedroom to 5 bedroom accommodation on 4.12 hectares of the site area (39% of the site area), with 6.28 hectares (59% of the site area) for green infrastructure including retained landscaping features/habitats, informal natural greenspace and pedestrian connections to the existing PROW, and the remaining 0.30 hectares (3% of the site area) for a sustainable drainage system (SuDS).



**Figure 2: Proposed Indicative Masterplan**

12. During the course of the application the following amendments were submitted:

- traffic calming scheme on North Street to allow the 30mph speed limit to be extended
- along the eastern side of North Street new footway works within the adopted highway to widen this from its current width of between 1m and 1.2m to a width of 1.8m between the site and the junction with Townland Close
- new bus stops and clearways to ensure that bus stops are within 400m of all of the site
- emergency access provision
- dropped kerbs and tactile paving each side of the footways to the new site access

13. In support of the application, a number of documents have been submitted which set out the applicant's position and have been summarised below:-

Environmental Report:

14. The Phase 1 Report confirms that there are negligible land quality risks associated with historical land uses. In addition, there is a negligible risk of unforeseen contamination associated with foreign material, which can be incorporated into topsoil from agricultural activities.



15. A Phase 2 geo-environmental ground investigation should be undertaken to provide geotechnical and environmental information to inform development of the site at the reserved matters stage.

#### Access, Transport & Highways

16. Access would be achieved via a priority junction from North Street. A Stage 1 Road Safety Audit has been undertaken on the proposed access arrangements. In light of this, an uncontrolled pedestrian crossing point across the new access with dropped kerbs and tactile paving would be implemented to assist safe pedestrian movement.
17. The Transport Assessment states that the proposals would not have a material impact on the local highway network. The site is well located in relation to sustainable transport options and is well positioned in relation to the local and strategic highway network. Biddenden has good public transport links to the surrounding areas and local centres of employment, with a range of employment, leisure, retail and community facilities.
18. The proposals retain the existing public rights of way (AT12) and informal footpaths that connect the site to the surrounding area. A range of improvements are proposed to enhance sustainable transport modes, including the provision of two new bus stops, and extension of the 30mph speed limit as agreed with Kent County Council.
19. A Framework Residential Travel Plan has also been prepared and is presented as a standalone document within the Planning Application documents.

#### Ecology

20. The site comprises approximately 10.7 ha of cattle grazed improved grassland with hedgerows and mature trees bounding the site. A number of mature / veteran trees are also present scattered within the site. Four waterbodies are situated within the site with a further 27 located within the local area. Fifteen hedgerows are present on-site, none of which are classified as 'important' under the Hedgerow Regulations, however, all except one, are classified as Habitats of Principle Importance. The improved grassland was found to be of low intrinsic and conservation importance with no rare or notable species recorded.
21. Habitats which provide foraging and commuting opportunities for badgers are present on-site, however no evidence of badgers was found, and this species does not pose a constraint to development.
22. Seasonal bat surveys have identified low numbers of common and widespread bat species using the site, with the majority of activity recorded being that of common

and soprano pipistrelle bats. Boundary features would be retained, buffered and enhanced, along with the retention of all mature and veteran trees, and the provision of green infrastructure and the creation of attenuation and four waterbodies within the green infrastructure would benefit the local bat population.

23. Presence/likely absence surveys are being undertaken for the hazel dormouse and no evidence of dormouse has been found.
24. A 'medium' population size class of great crested newts (GCNs) has been identified on site. To prevent an offence being caused, a trapping and translocation exercise would be executed under a Natural England mitigation license. Four additional ponds would be provided within the green infrastructure, along with a range of enhancements to benefit GCN, ensuring the Favourable Conservation Status of this species is maintained.
25. The proposed development would retain the majority of all trees and hedgerows, enhancing them with native planting which would yield fruiting bodies and create refuge for a range of wildlife. A proportion of the improved grassland and pond P3 would be lost in order to facilitate development, along with a small section of hedgerow H7. To mitigate for these losses, 6.58ha of green infrastructure would be provided along with four replacement waterbodies, attenuation and creation of new hedgerows along the northern and southern boundaries of the development area.

#### Arboriculture

26. The proposals identify the retention and incorporation the vast majority of the existing tree cover. The area of potential development including the site access road would avoid the majority of the existing trees which are to be a significant feature of the site. All four of the Veteran trees found during the initial assessment are to be retained with sufficient standoff distances to ensure any potential impact is minimised.
27. A length of hedgerow is to be removed to provide access into the site and sufficient visibility splays to ensure safe passage of vehicles both into and from the site. New hedgerow planting would be undertaken in a similar position to provide direct mitigation for the loss identified and an attractive frontage to the new development. The only tree loss required to enable the development is a single low quality oak tree (T56) found to be in extensive decline located centrally within the site through the positioning of the access road linking the eastern and western development parcels. This minor loss would allow the undisturbed retention of the centrally positioned pond currently supporting a population of great crested newts. New tree planting shown as part of the development framework plan would significantly outweigh this minor loss and offer greater value in term of the future treed landscape.

28. The development of this site in terms of arboriculture would be considered beneficial due to the minimal losses identified, extensive tree planting proposed and the opportunity to prolong the lives of many aged and veteran trees through the introduction of a targeted management plan. Any future Reserved Matters application will however need to further consider the standoff distances and change of use in terms of public access of the site and provide a method of protecting the trees throughout the course of the development process to ensure these important assets are retained and enhanced for future generations.

#### Flood risk and drainage

29. The Environment Agency flood map shows that the site is located within Flood Zone 1; which is land considered to be at low risk of fluvial (river) flooding. The FRA has considered the potential impact of the development on surface water runoff rates, given the increase in impermeable areas post-development. These rates have been calculated, and it has been demonstrated that surface water can be managed, such that flood risk to and from the site following development would not increase. This would be achieved through restricted discharge rates and an appropriately sized detention basin, with outfall to the culvert in the north of the site.
30. The FRA demonstrates that the proposed development would be operated with minimal risk from flooding and would not increase flood risk elsewhere.

#### Foul drainage

31. The Sewerage Undertakers duties to provide connections and carry out improvement works to its existing network apply to all new development.
32. The proposed development can be effectually drained without causing any detriment to the public sewerage system. Matters relating to foul drainage have been properly assessed and are comprehensively addressed in other primary legislation, meaning there is no impact which would make the development unacceptable in planning terms in the absence of a condition.

#### Air quality

33. Consultation was undertaken with the Environmental Health Officer (EHO) at Ashford Borough Council (ABC), between 29th June and 4th July 2017, in an attempt to agree an appropriate methodology for the air quality assessment. It is considered that a full air quality assessment, to consider road traffic emissions, would not be required.
34. A review has been undertaken, in accordance with relevant guidance, to consider the potential for impacts during both the construction and operational phases of

the proposed development. This review suggests that any effects should be not significant.

### Noise

35. The submitted Noise Assessment confirms that there would be no unacceptable adverse impact from noise. Whilst there would be some audible noise from North Street, the proposals can be designed at the reserved matters stage to mitigate against this. The results indicate that standard thermal glazing should ensure that internal noise guidelines levels are met in living rooms for proposed dwellings located in the western part of the site, closest to and in direct line of sight of North Street.

### Archaeology

36. No prehistoric finds or features are recorded within the site. Two Palaeolithic hand axes are recorded c. 300m south-west of the site. There is no further information regarding how they were found or their origin, but they are considered most likely to be surface finds. No Romano-British finds or features are recorded within the site or in the 1km study area. There is no evidence to suggest that below-ground archaeological remains are present within the site.

### Heritage

37. No designated heritage assets are located within the site. The route of the former Kent and East Sussex Railway branch between Tenterden and Headcorn is located within the eastern boundary of the site, and the railway has been dismantled since 1954. Any below-ground remains of a now-demolished outbuilding associated with the former Elmstone House or the former railway are not considered to be heritage asset.
38. An objection was raised in relation to an indicative tree on the former railway line. However, it is agreed that no planting will take place on the undesignated heritage asset.
39. Gladman have agreed to remove their proposed planting along the former railway line, and would provide some on-site interpretation as to the history of the route. A survey of any extant railway features could be undertaken prior to a reserved matters application that would inform the detailed design of the proposed route. This is considered to be a heritage benefit and should be given weight in the planning balance.

## Landscape

40. Overall, landscape effects are considered to be predominantly localised. The proposal identifies the distinctive components of the site and retains the vast majority of key landscape features that contribute to the site and the immediate landscape character. This would provide a mature setting for the proposed development. The proposal provides a large amount of green infrastructure which has a potential to enhance the site's overall biodiversity and would increase public access to the site.
41. In visual terms, the site has a limited visual envelope due to the existing boundary vegetation, and effects on sensitive receptors are limited to a small number of residential receptors immediately adjacent to the site and users of the PROW which leads through the southern part of the site.
42. The site has the ability to accommodate a development of the scale and type proposed, without causing any unacceptable landscape and visual harm. The development proposal demonstrates a well-considered approach to the landscape and the context of the site.
43. **[HDMSS comment:** The preliminary appraisal undertaken by the landscape advisers to the Council, Land Management Services, concludes the following:  
  
"The overall conclusion to this preliminary assessment is that development would result in impacts, principally on rural landscape character and visual amenity, but these would be relatively localised. The principal concern in relation to this development is the quantum, scale and layout of the proposal in the context of the existing village."]  
  
44. The applicant carried out a public consultation prior to the submission of the application comprising a press release, press advert and leaflet drop, and secondly, a dedicated website. This commenced in August 2017.

## **Planning History**

45. There is no planning history for this site.
46. Application 17/00258/AS has been granted for planning permission for 45 dwellings on the opposite side of the road on land to the rear of Rose Cottage. The site is a proposed allocation in the submission version of the Local Plan to 2030.
47. The application site was a 2014 site submission for the Ashford Local Plan 2030, and was initially shortlisted for consideration. It was not selected as an allocation as it was considered that it would lead to a visual protrusion into the countryside

and be visible from surrounding sites. Additional representations were made during the 2017 Main Changes consultation promoting the site as an 'omission' site.

## Consultations

**Ward Members:** The Ward Member, Councillor Bell, is not a member of the Planning Committee. Councillor Bell objects to the application and has made the following comments:

- village has delivered new housing
- inadequate infrastructure and services
- no railway station
- no major employers
- capacity of utility services
- reducing bus and rail services
- poor cycling infrastructure
- North Street footway inadequate
- traffic congestion
- impact on sense of place and community
- unsuitable development

**Biddenden Parish Council:** object and have made the following comments:

- important open green space
- risk to trees/hedges
- harm to wildlife
- harm to character
- harm to landscape setting
- premature of new Local Plan
- harm to heritage assets

- surface water flooding
- cumulative impact of development
- inadequate infrastructure and services
- traffic congestion
- risk to highway safety from the new access
- inadequate access for emergency and refuse vehicles

They have requested planning contributions towards fixtures and fittings for a heritage centre, heritage shelter and notice boards to mitigate the impact of the development.

**Kent Highways and Transportation:** initially had a holding objection and made the following comments:

- traffic calming and reduction to 30mph required
- visibility splay inadequate for 40mph road
- improve the existing width of the footway
- widen footway along North Street to a 1.8m, a footway widening plan is required
- a secondary emergency access would be required
- internally a loop road would be required
- new pair of bus stop clearways are required within 400m of existing
- a Stage 1 safety audit has raised an issue regarding the pedestrian crossing facilities, revised drawings are required
- the PICADY output results for the High Street / A262 junction do not actually reflect the true modelling results as in the Junctions 8 summary outputs and therefore need updating
- need to include 17/00258/AS as committed development
- CrashMap for personal injury accident data is out of date
- vehicle tracking for an 11.2 metre long refuse vehicle and an 11 metre long rigid vehicle need to be provided

*Re-consultation:* no objection following the submission of additional information and plans submitted, subject to conditions for construction management plan, access, footway widening and bus stops.

**KCC Flood & Water Management:** no objection, subject to conditions for a drainage scheme, its implementation and maintenance and verification report, and have made the following comments:

- the receiving network has not been maintained and is in a poor condition
- part of the site has flow paths towards North Street, part of which may convey water to the pond associated with 'the Coach House'
- risk of flooding offsite could be an issue and being that these areas of concern are outside of the red line

[HDM&SS comment: KCC have no objection, therefore, they are satisfied that on or off site flooding would not increase as a direct result of the development despite the lack of downstream maintenance on an existing system. The maintenance of the flow paths could be addressed through the reserved matters when layout is considered.]

**Environment Agency:** no comments

**Natural England:** no comments

**Southern Water:** no objection, subject to conditions for foul and surface water disposal, and have made the following comments:

- would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area
- additional local infrastructure required
- long term maintenance of the SUDS facilities
- arrangements for adoption by any public authority or statutory undertaker
- adequacy of the proposals to discharge surface water to the local watercourse

**KCC's Ecological Advice Service:** no objection, subject to conditions, and have made the following comments:

- proposed ecological mitigation measures (for all species and sites) are brought together into a single document, along with the any updated surveys (as necessary)



- accepted that a breeding bird survey is not required as the habitats would not provide unique breeding opportunities past the hedgerows and trees; which would be retained within the current development proposals and the Green Infrastructure would provide opportunities to provide ecological enhancements for breeding birds

**KCC Public Rights of Way and Access Service:** no objection, subject to a condition for the upgrading of the surfacing to the existing public footpath, and have made the following comments:

- public footpath AT12 runs through the site
- increased use addressed through surface improvement of the footpath
- mitigate the loss of these views by ensuring the footpath runs within an area of open green space and through the retention of existing vegetation and the provision of structural tree and hedgerow planting

**KCC Developer Contributions:** no objection subject to planning obligations for primary and secondary schools, community learning, youth service, libraries and social care.

**KCC Archaeology:** no objection subject to conditions for a field evaluation, programme of heritage interpretation and post excavation and publication work, and have made the following comments:

- lies within an area with little known prehistoric or Roman activity. The church of All Saints Biddenden is considered to be of 13th century date and it is possible that medieval activity may survive within the application site
- the dismantled Kent and East Sussex Railway line is a non-designated heritage asset as an archaeological site and a historic landscape feature. It should be retained and its alignment preserved
- this is a historic routeway and should not be subject to planting and the alignment should be enhanced

[**HDM&SS comment:** the applicant has agreed to remove the planting and provide some onsite interpretation]

**Housing:** no objection and has made the following comments about the requirements:

- 35% affordable housing delivered of which 60% would be affordable rent and 40% shared ownership
- based on 25% 1 bed, 40% 2 bed, 30% 3 bed houses and 5% 4 bed houses

- 2 bed houses should be 4 bed spaces, 3 bed houses should be 5 bed spaces and 4 bed houses should be 6 bed spaces as a minimum
- the affordable housing should be integrated into the development to ensure a balanced tenure mix on the development

**Environmental Health:** no objection, subject to condition in relation to foul drainage, noise, air quality, dust and noise mitigation during construction.

**Environmental and Contracts (Street Scene & Open Spaces Officer):** no objection and the scheme should comply with the Council's 'Recycling and Waste Collection Policy'.

**Project Delivery Engineer (Drainage):** no objection and comments and conditions from KCC are supported.

**Culture and the Environment (Open Space):** no objections and have made the following comments:

- improve the drainage of the sports pitches
- fund project for improvements to the Cheeselands play area
- contributions towards changing facilities at Conningbrook Lakes Country Park
- PRoW footpath AT12 to be designed within a corridor access routes linking to the PROW footpath AT12
- pedestrian access should be created opposite the North Street development 17/00258/AS. This allows for an opportunity to link up with PROW footpath AT10, which would be accessible from this development
- the informal open space must contain at least one large area of mown grass which allows for informal recreation e.g. a kickabout space. The location of proposed ponds and SUDS features does not allow for this and therefore their sizes and locations require reconsidering

[HDM&SS comment: the outstanding matters would be addressed through the layout and pedestrian access which are reserved matters]

**NHS Canterbury and Coastal and NHS Ashford Clinical Commissioning Groups:** no objection, subject to a planning obligation for a contribution to extensions to Ivy Court GP surgery in Tenterden.

**Kent Police:** no objection and suggest the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) are incorporated.

**Kent Wildlife Trust:** no objection and support the comments of KCC Ecology and their suggested conditions.

**Weald of Kent Protection Society:** object and have raised the following matters:

- overdevelopment
- increase traffic congestion
- disproportionate increase of the village by 34% (155 dwellings including approved 45, against existing 450 properties)
- inadequate public infrastructure

**Neighbours:** Neighbours: 213 neighbours were consulted. 310 representations to object were received. The objections are summarised below:

- inadequate public infrastructure including school, doctors surgery, dentist, public transport, policing, pharmacy, local clubs, car park at Headcorn station, accident and emergency, childcare
- disproportionate development for village (30%-40% increase in dwellings)
- increase traffic congestion
- harm to wildlife
- loss of countryside
- may not be owner occupiers
- access risk to highway and pedestrian safety
- overdevelopment
- energy efficiency of homes

[**HDM&SS comment:** the reduction in energy emissions is covered by Building Regulations]

- provide affordable housing

[**HDM&SS comment:** need to provide 35% affordable housing]

- improvements to utility infrastructure including broadband, sewerage, electricity
- few shops and services in the village
- have agreed to 45 new homes (17/00258/AS)

- no need for development
- reduced migration following Brexit
- housing need should be agreed locally

[**HDM&SS comment:** public consultation has taken place on the new Local Plan]

- further housing should be considered for the next plan period
- new homes unaffordable for local people
- no local employment
- increase in vehicular noise and harm to air quality

[**HDM&SS comment:** proposed mitigation in the submitted report can be secured by condition]

- surface water flooding
- harm to heritage assets
- overlooking to 60, 62, 62a, the Coach House, Elmstone House North Street
- loss of a private view

[**HDM&SS comment:** not a material consideration]

- reliance on private motor car
- narrow and incomplete footways

[**HDM&SS comment:** proposed as part of the highway improvement works]

- loss of trees and hedgerow
- loss of valued landscape
- alternative scheme preferred i.e. less units, local needs housing, in larger town
- pedestrian crossings required

[**HDM&SS comment:** proposed as part of the highway improvement works at access]

- prevent alternative uses for the dismantled railway

[**HDM&SS comment:** proposed to be used as a footpath link from North Street to the PROW]

- unallocated site
- cumulative impact of development
- harm to the character of the area
- loss of agricultural land
- prevent the restoration of the steam railway

[**HDM&SS comment:** the site layout is a reserved matter so could accommodate this, however, at this time there is no project secured for an eastward extension]

- affect the viability of an adjoining farm

[**HDM&SS comment:** not a material consideration]

- risk to highway safety at junction of Tenterden Road and A262

[**HDM&SS comment:** junction analysis confirms that there is existing highway capacity with additional movements from the development]

- use of dismantled railway as a cycle path

[**HDM&SS comment:** the site layout is a reserved matter so could accommodate this, however, at this time no project by the Parish Council or KCC]

- harm to tourism
- property devaluation

[**HDM&SS comment:** not a material consideration]

- not consistent with Biddenden's Future: Community-Led Plan 2013
- coalescence of settlements
- light pollution
- reduction in train services from Headcorn station

[**HDM&SS comment:** following a consultation DfT announced that Headcorn would continue being served by at least two trains per hour throughout the day]

- crime and anti-social behaviour risk
- need smaller affordable housing
- increase in residential development in the wider area including Headcorn, Tenterden, Maidstone

- highway works on private land

[**HDM&SS comment:** further detailed design would be required under the S278 agreement with the Highways Authority]

## Planning Policy

48. 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. The new Ashford Local Plan to 2030 is now undergoing examination and as such its policies should now be afforded weight, in accordance with paragraph 216 of the NPPF. The relevant policies from the Development Plan relating to this application are as follows, together with the Submission Local Plan policies which are a relevant material consideration but not yet part of the statutory Development Plan:-

### **Ashford Local Plan 2030 (submission version December 2017)**

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

SP7 - Separation of Settlements

HOU1 – Affordable Housing

HOU3a – Residential Development in the rural settlements

HOU5 - Residential windfall development in the countryside

HOU12 - Residential space standards internal

HOU13 - Homes suitable for family occupation

HOU14 - Accessibility standards

HOU15 - Private external open space

HOU18 - Providing a range and mix of dwelling types and sizes

EMP6 – Promotion of Fibre to the Premises (FTTP)

TRA3a - Parking Standards for Residential Development

TRA5 - Planning for Pedestrians

TRA6 - Provision for Cycling

TRA7 - The Road Network and Development

ENV1 - Biodiversity

ENV3a - Landscape Character and Design

ENV4 - Light pollution and promoting dark skies

ENV5 - Protecting important rural features

ENV7 – Water Efficiency

ENV8 - Water Quality, Supply and Treatment

ENV9 - Sustainable Drainage

ENV13 - Conservation and Enhancement of Heritage Assets

ENV15 – Archaeology

COM1 - Meeting the Community's Needs

COM2 – Recreation, Sport, Play and Open Spaces

**Ashford Borough Local Plan 2000**

GP12 - Protecting the countryside and Managing change

EN9 - Setting and entrances of towns and villages

EN10 - Development on the edge of existing settlement

EN12 - Private areas of open space

EN23 – Sites of Archaeological importance

EN27 - Landscape conservation

EN31 - Important habitats

EN32 – Important trees and woodland

HG3 - Design in villages

LE5 – Equipped public open space.

LE6 – Off-site provision of public open space.

LE7 – Play facilities.

LE9 – Maintenance of open space.

CF6 – Standard of construction of sewerage systems.

CF7 – Main drainage in villages.

CF21 – School requirements

**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 and Geological Conservation

CS12 – Affordable Housing

CS13 - Range of dwelling types and sizes

CS15 – Transport

CS18 - Meeting the Community's Needs

CS20 - Sustainable Drainage

**Tenterden & Rural Sites DPD 2010**

TRS1 - Minor residential development or infilling

TRS2 - New residential development elsewhere

TRS17 - Landscape character and design



TRS18 – Important rural features

TRS19 - Infrastructure provision to serve the needs of new developments

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

**Supplementary Planning Guidance/Documents**

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011

Dark Skies SPD 2014

Biddenden Parish Design Statement 2008

**Other Guidance**

Informal Design Guidance Notes 1- 4 2015

Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets Second Edition (December 2017) (GPA 3)

**Government Advice**

National Planning Policy Framework 2012

Planning Policy Guidance

Technical housing standards – nationally described space standard

Consultation draft revised National Planning Policy Framework 2018

49. Members should note that the determination must be made in accordance with the statutory Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF effectively provides that less weight should be given to the policies above if they are inconsistent with the NPPF (para. 215). The following sections of the NPPF are relevant to this application.

Relevant sections:

- Core planning principles

- Chapter 4 - Promoting sustainable transport
- Chapter 6 - Delivering a wide choice of high quality homes
- Chapter 7 - Requiring good design
- Chapter 10 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 11 - Conserving and enhancing the natural environment
- Chapter 12 - Conserving and enhancing the historic environment

## **Assessment**

50. The main issues for consideration are:

- (a) Background
- (b) The principle of the development
- (c) Landscape character and visual impact
- (d) Heritage and impact upon heritage assets
- (e) Transport and highway safety
- (f) Ecology and biodiversity
- (g) Drainage and sewerage
- (h) Trees and landscaping
- (i) Affordable housing and housing mix
- (j) Residential amenity
- (k) Other matters
- (l) Whether planning obligations are necessary

### **(a) Background**

51. The submission Local Plan has considered and validated the essential land use planning strategy adopted by the Council, as being the right strategy to apply, namely focusing growth in and near the built-up area of Ashford, as well as in the

main rural settlements in the hierarchy, based on sustainability considerations and seeking to recognise the character and important qualities of the villages and the countryside. The land use planning strategy in both the adopted and emerging plan documents is sound and justified. Biddenden is not considered to be one of the higher tier settlements.

52. The submission Local Plan of December 2017 includes a site allocation in Biddenden under policy S27 for up to 45 units, including a community building. Full planning approval has been granted for 45 units on this site albeit with a different site boundary to allow for mitigation measures and an office building. The scheme would also take its access from North Street and would involve highway improvement works for traffic calming and reducing the speed limit from 40mph to 30mph as is now also proposed for this application.
53. Submission Local Plan site policy S27 states that development in that location would be to the rear of existing detached properties in a linear form with residential development of up to 45 units located on the southern half of the site on approximately 2.3 hectares in area. This would result in an approximate density of 20 dwellings per hectare (dph), which reflects the density of adjoining properties and would be suitable for a setting adjoining the countryside.
54. The inclusion of S27 in the submission Local Plan (rather than the current application site) demonstrates that the Council are of the view that the S27 site is the better located and preferable, sustainable site for a major new housing development in Biddenden, of the two submitted for consideration. Members should note that the application site has been previously considered and deemed unsuitable through the Local Plan process and the cumulative impact if both sites are developed within the Plan period, would equate to approximately an additional 155 dwellings being provided within this part of the village involving these two sites alone. It is not considered that Biddenden can visually and functionally accommodate development of that scale within the plan period.
55. The application site is an omission site, BD20a submitted at the 'Main Changes' consultation. The update report from November 2017 was an addendum to the Sustainability Appraisal (SA) Environmental Reports of May 2016, published and consulted upon (under Regulation 13 of the 2004 Regulations<sup>1</sup>) alongside the Regulation 19 Version Ashford Local Plan 2030 and the July 2017 SA Addendum, published to accompany the Local Plan 'Main Changes'. This explains, that the site was rejected as a potential allocation as "development on this large site, would extend the built settlement substantially to the north-east with the potential for negative impacts to on-site biodiversity, ponds /TPOs and the landscape setting of the wider countryside. Development would not be in keeping with the current low density and intermittent built form. The visibility of the site from the main road would create a negative impact due to the lack of

screening here, and particularly on the setting of the Conservation Area and the neighbouring listed buildings.”

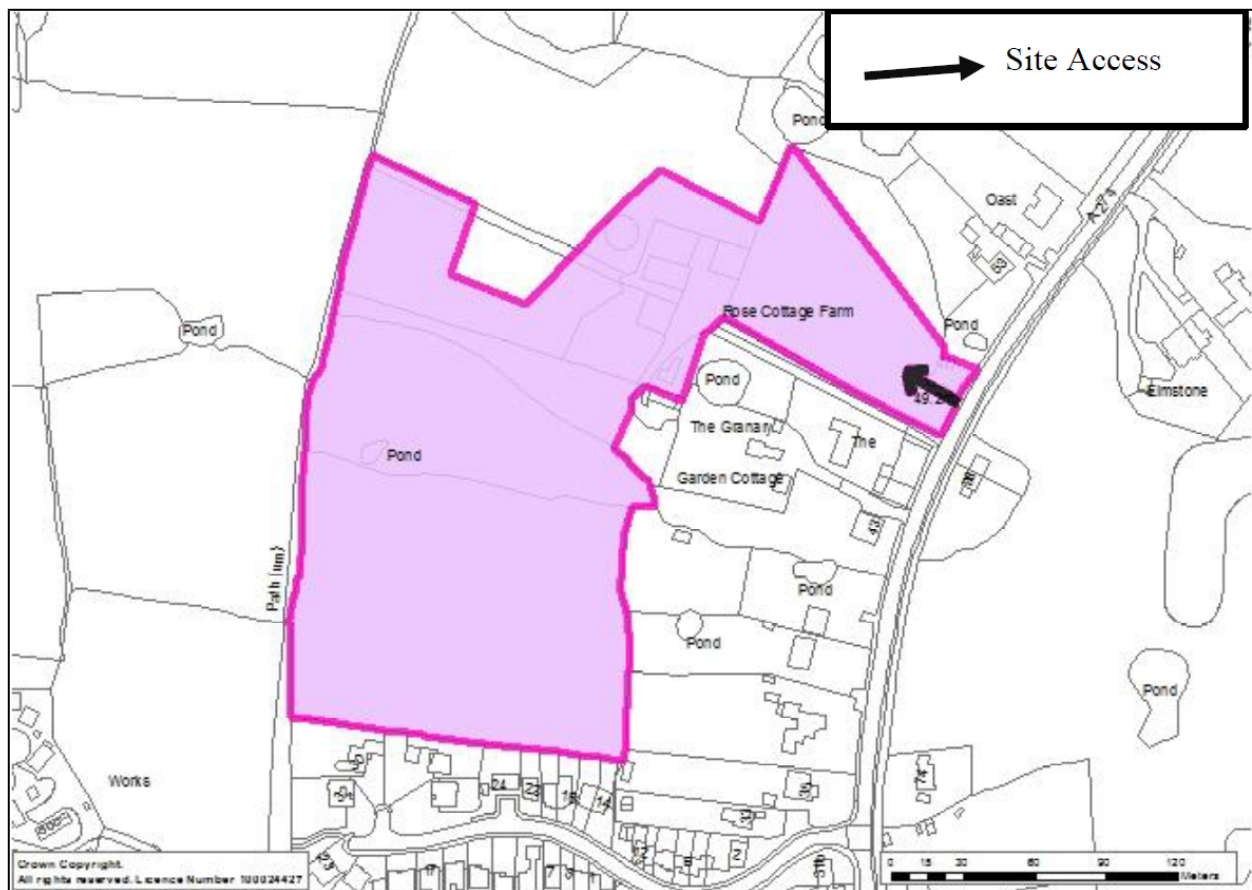


Figure 3: Proposed policy S27 Submission Local Plan

**(b) Principle**

*5 year housing land supply, the Development Plan and the submission Local Plan*

56. Ashford was previously identified as one of four growth areas in the South East of England. This role was defined within the RPG9 (2001) and the South East Plan (2009) (SEP) and promoted an urban focus to development (policy SP3). Within the then Emerging Core Strategy was a requirement to deliver 16,770 new dwellings in the plan period 2006-2021, as well as associated land uses – which were to be provided within the Ashford Growth Area. The remainder of the proposed housing, some 1,180 dwellings, would be provided within the rural areas, as identified by policy CS2 of the Core Strategy. This limited growth around the rural settlements ensured the continued protection of the character of the rural settlements and the attractive landscapes within which they sit.

57. Following on from the adoption of the Core Strategy, the Council produced the Tenterden & Rural sites DPD (TRSDPD) which sought to distribute 1,000 residential units across the rural area up to 2021. The third tier of smaller settlements such as Biddenden were last in the hierarchy, due to them performing least well in sustainability terms, e.g. with the narrowest range of shops and services.
58. The Council accept that there has been a shortfall in housing delivery over the past few years. The Core Strategy was adopted in July 2008 and sought to allocate a high number of houses (and employment sites) which were predicated on the delivery of significant new infrastructure. The international financial crisis commenced in 2008 with a consequential contraction of the housing market and in Ashford the slowdown in housing growth. Delivery of M20 junction 10a funding was withdrawn and large sites within and around Ashford stalled. This led to a shortfall of delivery against the Core Strategy requirement. The Council has taken significant steps especially in the last three years to significantly boost the supply of sites for housing that can come forward in the relevant 5 year period. Infrastructure constraints have also been resolved i.e. the construction of J10a is now substantially underway.
59. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. Section 70 of the Town and Country Planning Act 1990 is concerned with the determination of planning applications and provides that regard must be had to the provisions of the development plan, so far as they are material, and any other material considerations. The site is not allocated for development in the adopted Development Plan and is not proposed for allocation in the submission Local Plan to 2030 now undergoing examination. It is an omission site therefore, and it is a potential windfall site in the countryside.
60. The site adjoins the built-up confines of Biddenden which is identified as one of the villages where minor residential development or infilling would be acceptable. As this development would not be in the defined 'built confines' it would not comply with policy TRS1 of the Tenterden & Rural sites DPD and due to the number of units would also fail to comply with emerging Policy HOU3a of the Local Plan 2030.
61. The site abuts the village to the south and the entire site is previously undeveloped land. Therefore, policy TRS2 would be relevant and the proposals would not meet any of the exemptions in policy TRS2:
  - a) it is an agricultural dwelling, justified under PPS7, or,
  - b) it is a re-use or adaptation of an existing rural building of architectural or historic interest, justified under policy TRS13, or

c) it is a replacement dwelling that is justified under policy TRS3, or,

d) it is a 'local needs' scheme on an exception site justified under policies TRS4 or TRS5.

Hence, the scheme is contrary to this policy of the adopted Development Plan. Compliance with policy HOU5 of the submission Local Plan is considered below, as it would be next to Biddenden which is an identified settlement in HOU3a.

62. It is not open to the Council simply to refuse this application as a matter of principle on the basis that the site lies outside of the built-up confines of Biddenden. The Council must consider if the development would result in harm or other adverse effects which would be contrary to development plan policies and the emerging policies or other policies (eg the NPPF) which are material considerations.
63. The Council now considers it can demonstrate a deliverable five year housing land supply in accordance with paragraph 47 of the NPPF. This is based on a robust assessment of the realistic prospect of housing delivery on a range of sites in the adopted Development Plan and the Submission Local Plan to 2030, sites with planning permission, and other unallocated sites, taking account of the deliverability tests in Footnote 11 to paragraph 47 of the NPPF and the associated national Planning Practice Guidance and the detailed evidence base that supports the Submission Local Plan. Consequently, for the purpose of assessing applications for housing, the 'tilted balance' contained within paragraph 14 of the NPPF where schemes should be granted permission unless the disadvantages of doing so significantly and demonstrably outweigh the benefits, need not be applied pursuant to paragraph 49 of the NPPF.
64. The submission Local Plan is based on the guidance in the NPPF which requires the identification of objectively assessed housing needs for housing market areas. The housing target in the submission Local Plan is set to meet the most up to date objectively assessed housing need for the borough.
65. The submission Local Plan is now at a relatively advanced stage and the housing target and the draft allocations have been examined by hearing. The submission Local Plan sets out a clear strategy for meeting both the overall need and the need for a deliverable five year housing land supply, through allocations and policy wording. Having carefully assessed the sites included in the July 2017 revisions, the Council is prepared to grant planning permission for draft allocations ahead of adoption of the Local Plan in appropriate circumstances, as has been demonstrated on the draft allocation S27 granted under 17/00258/AS for 45 units in Biddenden.

*Residential development*

66. The site is previously undeveloped land which lies in the countryside beyond the existing built-up edge of the settlement of Biddenden. The land is classed as grade 3 (good to moderate) value on the Agricultural Land Classification (England). The site has not been allocated within the current or the submission Local Plan for any kind of development.
67. Policy CS1 of the adopted LDF Core Strategy 2008 (LDF CS) establishes a number of key planning objectives for development to adhere to including the promotion of high quality design, the protection of the Borough's high quality built and natural environments, protection for the countryside, landscapes and villages from the adverse impacts of growth, the promotion of strong rural communities, and the conservation and enhancement of the Borough's historic environment and built heritage. The policy does not restrict housing supply. It identifies the strategic principles which should be applied to development proposals to steer development in a sustainable way. Such an approach adopts sound planning principles and is consistent with the aims of the NPPF which seeks to deliver sustainable development. Full weight should be given to it.
68. Policy CS2 of the LDF CS sets out the Borough Wide Strategy and formally states Ashford's 'Growth Status' and the need for land to supply 16,770 new dwellings and related uses. The policy also sets out the rest of the borough's need for 1,180 new dwellings to be identified by 2021. These aspects of Policy CS2 are no longer up-to-date in light of the revised approach to setting the housing requirement in the Borough, however, they are similar to policy SP2 in the submission Local Plan which is consistent with bullet point 1, paragraph 7 of the NPPF. In the supporting text to policy CS2, paragraphs 2.37 and 2.38 emphasise that development should be at an appropriate scale to the role of a rural settlement. The proposed development is not smaller scale development or at an appropriate scale for Biddenden. If allowed it would result in a significant increase in the population of the Parish of Biddenden of approximately 257 persons (assumed occupancy of 2.34 persons per unit) or an uplift of 9.8% (based upon Office for National Statistics data which estimates that the mid 2016 population of Biddenden at 2,634 people within the Biddenden ward). The scale of the proposed development should be viewed both of itself and in the context of the cumulative impact of the proposed allocations for Biddenden in the submission Local Plan. In conjunction with the approved scheme for 45 units, which would yield approximately 105 new residents, this could result in a cumulative uplift in population of 13.8% from both schemes, which would not be appropriate to a settlement of this size. In accordance with sustainability principles, policy CS2 seeks only smaller scale developments in the smaller settlements, directing larger developments to more sustainable locations. The application is not a smaller scale development and is therefore contrary to policy CS2.

69. Policy CS6 of the Core Strategy identifies Biddenden in the rural settlement hierarchy as a tier 3 settlement. These are villages within which a limited amount of new residential allocations will be made. In Biddenden, this was in order to prevent harmful impacts on its landscape setting along with other issues .. This is not to restrict development within the countryside per se, rather direct it sustainably throughout the Borough and including rural settlements. Policy CS6 requires developments to be tested against the rural settlement hierarchy, which is based on sustainability principles. Biddenden is in the lowest identified tier of settlements and development of this scale, especially when taken cumulatively with the submission Local Plan allocations, would conflict with the settlement hierarchy and therefore policy CS6.
70. As a third tier settlement, the approved scheme and draft allocation for 45 units is a sustainable amount of housing and population growth for the village, as opposed to the 110 units now proposed for this one site in addition to the allocated site. Such a quantum of development in one location and in one phase would represent an overdevelopment which would be disproportionate for Biddenden. Such an approach would undermine the overall settlement strategy in the Borough.
71. The preamble to policy TRS1 states that *“The scale and quantity of housing development proposed should be not be out of proportion to the size of the settlement concerned and the level of services there in order to ensure a sustainable pattern of development is maintained”*.
72. This policy is again permissive of allowing minor residential development requiring it to be delivered in a way that is consistent with a range of criteria to ensure that development comes forward in a sympathetic and sustainable way. This policy reflects the hierarchy based on sustainability considerations:
- a) the development can easily be integrated into the existing settlement without the need to substantially improve the infrastructure or other facilities;
  - b) the proposal is of a layout, scale, design and appearance that is appropriate to the character and density of its surrounding area;
  - c) it does not result in the displacement of other active uses such as employment, leisure or community uses in the area; and,
  - d) the proposal would not result in the loss of public or private open spaces or gaps that are important characteristics of the settlement.
- This is consistent with the aims of the NPPF. The development is in conflict with this policy as the application site is not within the built-up confines of Biddenden.
73. Policy TRS2 of the TRS DPD relates to proposed new development elsewhere, i.e. outside of the built confines in the rural areas. This policy identifies locations where housing would be unsustainable. The policy remains sound and is



consistent with the NPPF. This policy is consistent in particular with paragraph 55 of the NPPF.

74. The intention underlying the policies, to ensure that housing development of any significant scale is directed to land in the more sustainable locations remains valid and sound. The proposal would be a departure from current development plan policies TRS1 and TRS2 and would conflict with the land use strategy for the rural areas which is reflected in these policies.
75. The proposed development would fail to adhere to these key principles (see further below). The scale of the development proposed significantly exceeds any adopted Plan provision for Biddenden. In addition, the site is clearly located outside the built confines of the village and is therefore located within the countryside. As a result of the points noted above, the development would be contrary to both the Development Plan and the NPPF.
76. Policy HOU5 of the emerging Local Plan to 2030 on housing developments outside settlements provides a set of criteria against which proposals close to settlements identified for residential windfall development in HOU3a should be considered. This policy is consistent with the guidance in the NPPF and is a relevant material consideration which should carry some weight at present. The proposed development does not comply with a number of elements of HOU5. The policy seeks to permit in summary:
  - a. scale of development is proportionate to the level of service provision in nearest settlement
  - b. within easy walking distance of basic day-to-day services
  - c. safely accessed from the local road network and traffic can be accommodated
  - d. located where it is possible to maximise public transport, cycles and walking to access services
  - e. conserve and enhance the natural environment and conserve heritage assets
  - f. high quality design and meets particular requirements as to the landscape, the setting of the settlement, landscape buffer, local character and built form, amenity of nearby residents, and biodiversity.
77. With regard to the environmental dimension, the fifth core planning principle of the NPPF includes the provision to “take account of the different roles and character of different areas, ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.”

78. The site is previously undeveloped land as defined by the NPPF and there would be a physical environmental impact from the built form. Whilst the site does not lie within any nationally-designated landscape area, this would be a large scale of development which would have to integrate with the existing settlement. In landscape character and visual terms it cannot.
79. The Council recognises the social and economic benefits of providing housing in terms of meeting need (especially affordable housing) and generating employment, for example, during construction. In addition, future residents would buy goods and utilise nearby services providing economic benefits to the locality. Furthermore, contributions towards infrastructure can be sought from this residential development, to support it by increasing capacity of local services and can be sought through a planning obligation and this would not lead to the loss of employment, leisure or community facilities.
80. Core Strategy Policies CS1, CS2 and CS6 and TRSDPD policies TRS1 and TRS2, and emerging policies in the Submission Local Plan SP1, SP2, HOU3a and HOU5 seek to deliver housing sustainably in rural locations that enable them to integrate into the existing settlement. Biddenden has a specific physical built form and the impact on this is assessed below.
81. The other criteria are assessed in the remainder of the report, in light of the guidance set out in the NPPF, the Development Plan and any other material considerations.

**(c) Landscape character and visual amenity**

82. There would be a substantial landscape character impact and an urbanising effect from the construction of 110 dwellings on the setting to Biddenden. This is a historic Wealden village and the rural landscape surrounding the village, is typical of the wider countryside.
83. Policy CS1 sets out the guiding principles of development and seeks to ensure that sustainable development and high-quality design are at the centre of deciding planning applications. This then sets out a number of criteria with the criteria of primary relevance to this topic being:
  - a. Development that respects the environmental limits that protect the high quality built and natural environment of the Borough, minimises flood risk, provides for adequate water supply, and protects water and air quality standards;
  - b. Protection for the countryside, landscape and villages from adverse impacts of growth and the promotion of strong rural communities;

- c. New places - buildings and the spaces around them - that are of high quality design, contain a mixture of uses and adaptable building types, respect the site context and create a positive and distinctive character and a strong sense of place and security;
  
- 84. Policy CS9 refers specifically to design quality and requires proposals to be of a high-quality design and to demonstrate a positive response to a number of design criteria, the first being 'character, distinctiveness and sense of place'.
  
- 85. Policy TRS17 of the TRS DPD requires that development in the rural areas is designed in such a way that it protects and enhances the particular landscape character area within which it is located, and, where relevant, any adjacent landscape character area. Proposals are required to have particular regard to the following:
  - a) Landform, topography and natural patterns of drainage
  - b) The pattern and composition of trees and woodlands
  - c) The type and composition of wildlife habitats
  - d) The pattern and composition of field boundaries
  - e) The pattern and distribution of settlements, roads and footpaths
  - f) The presence and pattern of historic landscape features
  - g) The setting, scale, layout, design and detailing of vernacular buildings and other traditional man made features
  - h) Any relevant guidance given in an AONB Management Plan or in a Landscape Character SPD.
  
- 86. Saved Policy GP12 of the Ashford Borough Local Plan 2000 (ABLP) applies to the Borough's villages and rural areas. It is a guiding policy to protect the countryside for its landscape and scenic value (it is no longer consistent with national policy to protect the countryside for its own sake). Policy EN27 seeks to protect important landscape features from development and support enhancement measures. This is consistent with section 11 of the NPPF and the core principles. Policy TRS18 of the TRSDPD is concerned with the protection and where possible the enhancement of rural features, this would be consistent with para. 109 and is accorded a significant level of weight.
  
- 87. Protecting the landscape and scenic value of the countryside is consistent with the NPPF, including in particular the environmental considerations as specified in the NPPF (notably paragraphs 17 and section 11 - Conserving and Enhancing

the Natural Environment). Along with policy TRS17 and emerging policy ENV3a, these policies seeks to protect the landscape and scenic value of the countryside.

88. Turning to national planning policy, as a material consideration, paragraph 17 of the NPPF sets out the core planning principles that should underpin both plan-making and decision-taking. These include:
- be genuinely plan-led, empowering local people to shape their surroundings;
  - take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
  - contribute to conserving and enhancing the natural environment;
  - always seek to secure high quality design;
89. Development of the application site at the scale proposed would not protect the countryside, landscape character or visual amenity (as is considered further below) and as a substantial development would represent a significant departure from the adopted development plan including Policy CS1 at A, C and D. The proposal would conflict with Policy CS1 of the Core Strategy overall.
90. Policy CS1(C) of the LDF CS aims to protect the character of the countryside, landscape and villages from the adverse impacts of growth. This is further endorsed by emerging plan policy SP1 of the submission Local Plan which sets out similar core planning principles for development within the Borough.
91. Policy TRS17 also states that existing features that are important to the local landscape character shall be retained and incorporated into the proposed development. Policy ENV3a of the submission Local Plan is not significantly different in its approach to landscape character and design.
92. The site does not fall within the AONB. It is within the Biddenden and High Halden Farmlands Landscape Character Area. Landscape analysis set out within the Council's adopted Landscape Character SPD (2011) states the key characteristics are:
- Undulating landscape
  - Mixed farmland with agricultural intensification providing loss of hedgerows and small scale field pattern
  - Equestrian land use

- Frequent field ponds, narrow streams and sedges
  - Busy A roads with ribbon development provide an urbanising effect
  - Historic settlements of Biddenden and High Halden situated around distinctive churches
  - Frequent scattered farms and manors
93. The Ashford Landscape Character Assessment (2009) states that the sensitivity of the landscape is moderate, and that the landscape is in a moderate condition, and seeks to ensure that development conserves and improves the landscape character.
94. The applicant's submitted Landscape and Visual Appraisal concludes that the site and the immediate landscape is of medium landscape value. It also states that the land is not designated and whilst individual landscape elements such as the trees and hedgerows have a certain value, it contends that the landscape of the site is not considered to be particularly distinctive. It says that the site lies within the close context of the existing settlement edge. Therefore it has capacity to accept well planned and designed change/ development of the type proposed.
95. It is agreed that the site carries no landscape designations. However, the site does reflect elements of local landscape character that are important to the rural village edge setting of Biddenden. It is removed from the main village settlement as from the western boundary to the North Street (A274) this boundary comprises isolated dwellings and farms, with substantial breaks in built form. The development would not form a natural extension to the existing village, as development on the western side of North Street is sparser than the opposite side of North Street.
96. This is however, a site which benefits from a relatively high degree of visual enclosure. There are limited near views from the A274 and settlement edge. The woodland belt on the eastern boundary largely limits views to the proposed development to filtered views in the winter. Nevertheless there would still be significant localised harm to the landscape character and setting of Biddenden village.
97. Paragraph 109 of the NPPF has regard to conserving and enhancing the natural environment stating that;-
- “The planning system should contribute to and enhance the natural and local environment by:

- *protecting and enhancing valued landscapes, geological conservation interests and soils”*

98. The Courts have found that the consideration of whether a site is a valued landscape should include consideration of whether it has demonstrable physical attributes to warrant such a description.
99. The site reflects the key characteristics of the Landscape Character Area; principally the mature oak trees (including 4 veteran trees), pond and the wooded eastern boundary. In the light of this, this is in good rather than moderate condition as asserted by the applicants and is a landscape of ‘medium value’ using the Guidelines for Landscape and Visual Impact Assessment (GLVIA) criteria. It comprises a valued landscape for the purposes of paragraph 109 of the NPPF, given the characteristics of the site within its landscape context.
100. The character of the site is typically rural as it is a grazing field with no development. Development at this northern edge of the village is sparser and the buildings have a frontage to North Street. The edge of the village is a transition area to the open countryside with a decrease in the extent of the built form and natural landscape features being the dominant physical forms rather than the built form.
101. The development would result in the loss of the existing agricultural landscape, which would be a significant change, although the proposals would retain some of the most important landscape features associated with the site and 59% of the site would be given over to green infrastructure.
102. However, the southern boundary is the location of the PROW AT12, as it crosses the site. Whilst this would be retained and landscaping could be enhanced, the experience for users would become that of walking through a suburban edge, rather than the open existing pasture land even with a 10-15m landscaped area between the footpath and the development edge. The public enjoyment and experience of the rural landscape would be diminished when using this PROW. The quantum of development would not be sympathetic to the rural settlement edge location. The concentration of the built form would have a suburban or urban character and this increases the assessment of the harm as a consequence of the development.
103. This would be contrary to the guidance contained within the Biddenden Village Design Statement which seeks to maintain the compactness of the village and the approaches into the village which are characterised by “a considerable area of open land, with the soft edge to the village maintained by the many large gardens along this road. Open land has also been retained at the edge of the village centre along the other main roads.”

104. The proposed development of the site would form an insular, self-contained block which has no immediate relationship with the existing settlement edge and would be of a scale which would significantly increase the size of the rural village. It would fail to form a natural extension to the existing settlement and could not integrate well within in built environment terms. The development would alter the settlement pattern significantly and unacceptably by changing the nature of the existing village edge.
105. The wooded eastern boundary does limit views from the wider countryside to the east and impacts are assessed generally as minor adverse, although the effects on Footpath AT12 as it crosses the site here are rightly assessed as more significant. The assessment of visual effects concentrates mainly on near views from the settlement edge and roads. As development would be concentrated in the southern part of the site, views from the A274 would be restricted to glimpses through breaks in the boundary vegetation.
106. However, from the proposed access road which would cater for two way traffic movements and footways either side the site would be significantly more visible and the urbanising effect would encroach into the street scene.



**Figure 4: view from AT12 across the site to the western boundary**

107. This would lead to the loss of the existing trees and hedges for the access, however, a majority of the tree and hedge coverage would be retained and enhanced.
108. A development of this scale would represent a substantial extension of built development into open countryside in the context of the village. Increased vehicle movements associated with the development would also impact on rural character. The quantum and layout of development would be inappropriate to this rural settlement edge location, where there would be a substantial incursion into the countryside.
109. In light of the above, the development would fail to protect or enhance the character of the valued landscape within which it would be located, would be at odds with the important and established character of the rural edge and would

result in a visually harmful form of development due to the proposed location, quantum and layout.

110. The environmental harm generated by the proposed scheme would outweigh any limited social and economic benefits that may arise as a result of granting planning permission. Therefore, in the context of the three dimensions of sustainable development in the NPPF, this would not constitute sustainable development.
111. As a result the development would fail to comply with polices GP12, EN9, EN10, EN12, EN27, CS1, CS9, TRS17 and TRS18, and it would also be contrary to the guidance contained within the Council's adopted Landscape Character Assessment SPD and the Biddenden Village Design Statement. The development would also fail to comply with emerging policy SP1, ENV3a and ENV5. The development would also fail to conserve or enhance the natural environment and a valued landscape which is contrary to paragraph 109 of the NPPF and adversely change the experience of PROW AT12, and would not comply with paragraphs 56 and 64 of the NPPF which opposes development of poor design that fails to take the opportunities available for improving the character and quality of an area.

**(d) Heritage and impact upon heritage assets**

112. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.'
113. It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 12 of the National Planning Policy Framework at para 129 sets out that the local planning authority should identify and assess the particular significance of any heritage asset and take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
114. The setting of a heritage asset is defined in Annex 2 of the NPPF as:
- "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."*



115. A “heritage asset” is defined in Annex 2 of the NPPF as:

*“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).”*

116. Paras 131-135 set out the framework for decision making in planning applications relating to heritage assets and this assessment takes account of the relevant considerations in these paragraphs.

117. Para. 132 of the NPPF, states that great weight should be given to the conservation of designated heritage assets and that significance can be harmed or lost through development within the setting of a heritage asset.

118. Policy CS1(B) of the LDF CS aims to conserve and enhance the historic and built heritage of the borough and CS9(A) relates to the character, distinctiveness and sense of place. This has been taken forward in policy TRS17 which recognises that regard should be given to the presence and pattern of historic landscape features and the setting scale, layout design and detailing of man-made features in criteria f) and g).

119. This is further endorsed by emerging plan policy SP1 of the submission Local Plan which sets out similar core planning principles for development within the Borough.

120. Historic Environment Good Practice Advice in Planning Note 3 provides guidance on heritage assets this again emphasises the setting as the surroundings in which a heritage asset is experienced as well as visual impressions.

121. North Street is one of the three approach roads into Biddenden with open space around the conservation area. Development has grown out from All Saints Church and the village is on the intersection of a number of tracks. This is the medieval core of the village when the village economy was based on agriculture. The field boundaries have remained consistent. The largest change to the site’s environs was in 1905 when the East Sussex Railway was opened within the eastern boundary of the site, which ran between Tenterden and Headcorn, before closing in 1954. The railway is now dismantled (HER ref. MKE 2852). The site of Biddenden station was located about 70m north of the site (HER ref. MKE 8294). Post war development in Biddenden was primarily located to the south-west of the site and expanded further to the west.

122. No designated heritage assets are located within the site and the closest boundary of the Biddenden Conservation Area is located about 35m south-west

of the site. Biddenden Conservation Area contains 31 listed buildings of which three are Grade I Listed, two are Grade II\* Listed, and the remainder are Grade II Listed. Further Grade II Listed buildings are recorded along North Street, adjacent to northern and western boundaries of the site. These include 2 and 4 Headcorn Road, The Laurels/ Tow House and 66 and 68 North Street, Barn and Oasthouse adjoining 53 to the north, The Willows, and 41 North Street. The dismantled railway line is a non-designated heritage asset relating to the communal and historic value of Biddenden and the branch steam lines that were built in this part of Kent.

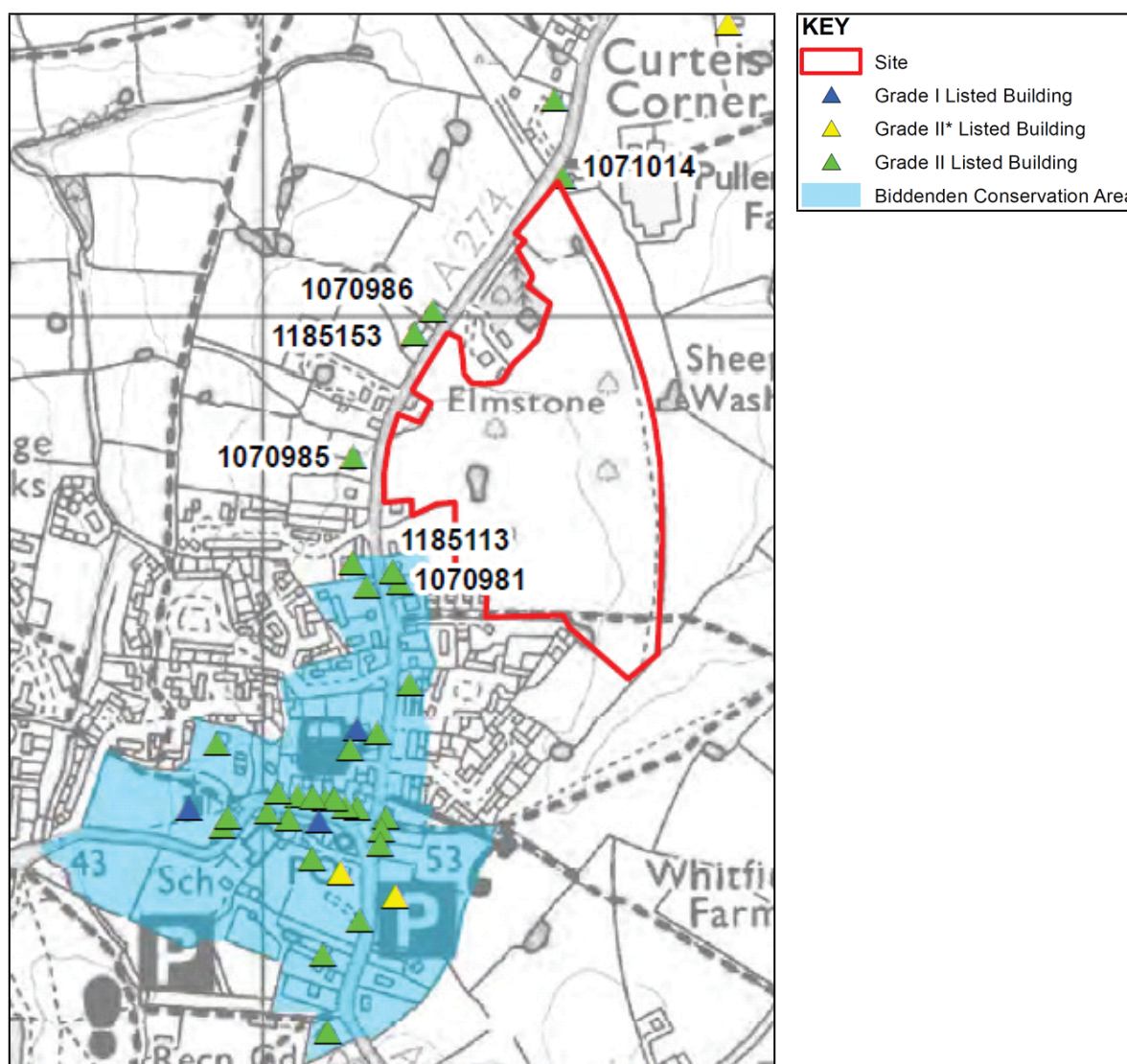


Figure 5: Heritage assets

123. The western side of North Street has a more continuous ribbon of development. The eastern side which includes the application site has sparser development with intermittent buildings. The grain of development along this part of North Street has changed with infill development along the western side, however, the gaps between buildings on the eastern side of North Street have stayed intact

and become a feature of the village allowing the route of the dismantled railway to remain apparent in the landscape.

124. Barn and Oasthouse adjoining 53 to the north and The Willows, are Listed Buildings on the opposite side of the road. The intervening highway forms the gateway into the village and the proposed vehicular access would open up the application site when seen from North Street. These buildings are seen within the context of a closer grain of development. The proposal would not harm the setting of these heritage assets due to the separation distances and their setting being maintained.
125. 2 and 4 Headcorn Road adjoin the northern end of the site. This part of the site would be used for green infrastructure. Whilst there would be a formalisation to paths for accessibility, the changes to the setting would be minor and would have no harm to the setting of the pair of cottages. The aesthetic value of the building and its historical setting along the road would not be harmed.
126. The Grade II Listed The Laurels/Tow House and 66 and 68 North Street are located about 60m-65m west of the site. There is inter-visibility between the rear of the residential garden plots and the agricultural land beyond The garden space and the open, undeveloped aspect has remained unchanged for nearly 200 years and allows the buildings to be appreciated in historically intact semi-rural surroundings which directly relate to the historic agricultural economy of Biddenden and the interest of the buildings as 17<sup>th</sup> and 18<sup>th</sup> century rural dwellings. This contributes to the ability to appreciate and experience the significance, specifically the legible historic interest, of the listed buildings.
127. The grade II listed 41 North Street is located about 35m west of the site on the western side of the road. There is clear inter-visibility and a direct visual relationship present between the site and this heritage asset, though there are no known historic/functional relationships. The open, undeveloped land opposite the building allows it to be appreciated in historically intact semi-rural surroundings which directly relate to the building's significance, specifically its legible historic interest as an 18<sup>th</sup> century rural dwelling. The proposed development retains an area of open green space directly opposite the building but beyond this modern built form will be clearly appreciable. The erosion of the majority of open agricultural land and suburbanising effect of residential development opposite the listed building will result in a level of harm (less than substantial) to the significance of 41 North Street.
128. The proposed development would result in a change to the setting of these listed buildings due to the loss of openness to the adjoining field and the suburbanisation of this part of their setting. The gardens of the listed buildings form part of the spatial relationship between the main buildings and the countryside to the east. The area of the site in closest proximity to these listed

buildings would be retained as public open space, with the existing trees and hedgerows also to be retained, however, the loss of openness and suburbanisation would be harmful to their setting.

129. From the development framework (drawing no. 7896-L-02 REV G), the buffer would include a footpath in the proposed buffer with residential development beyond this.
130. The conservation area boundary is approximately 35m from the site. This part of the conservation area has residential properties some of which would have been associated with agricultural activity. The Biddenden Village Design Statement states that "Biddenden's built environment bears witness to the great variety of local building styles used over the centuries to suit contemporary fashions and skills. The architectural importance of Biddenden is reflected in the fact that there are well over one hundred listed buildings in the parish, representing more than ten per cent of all dwellings." Expansion in the village has taken place and this has been confined to the west of the village with a post-war estate between North Street and Sissinghurst Road with a range of dwellings types and the more recent Mansion House Close development to the northwest of the conservation area. This has maintained with the open relationship to the countryside to the east to preserve its setting as a Wealden village especially from the routes into the village.
131. The setting of the conservation area is experienced from the approach on North Street travelling north to south and from east to west into this from PROW AT12. The traditional buildings are of a local vernacular, with irregular plot shapes and field boundaries. There is a distinctive grain with the built and natural environment of the countryside contributing to its significance.
132. The proposed quantum of residential development to the north east of the conservation area, would result in changes to the setting of the conservation area, given the urbanisation of this part of the village. However, the proposed separation gap, retained and enhanced landscaping and buffer gap, to the development would not result in harm to the significance of the conservation area.
133. Less than substantial harm to the significance of the designated heritage assets (The Laurels/ Tow House and 66 and 68 North Street and 41 North Street and their setting has been identified. In line with para 134 of the NPPF it is necessary to weigh this against any public benefit. Furthermore, under the Planning (Listed Building and Conservation Area) Act 1990 special regard is given to preserving the setting of the heritage assets. A less than substantial level of harm has been identified to the heritage assets above from the change in relationships from the introduction of this number of residential units in this location.

134. The public benefit would mainly be the increase in housing supply including affordable housing. There would be no heritage benefits as the proposals would not sustain or enhance the significance the heritage assets and the contribution of their setting, reduce or remove risks to the heritage assets or secure the optimum viable use of the heritage assets in support of their long term conservation.
135. The provision of housing would have significant benefits due to the scale of the proposal. However, it is precisely due to the number of units, in this undeveloped part of the village on a gateway route, that the harm identified from the proposal to the setting of the heritage assets would result from the loss of this open space which makes a valuable contribution to how the buildings are read from public vantage points along North Street and PROW AT12 and the relationship to the countryside outside the built settlement. Whilst layout is a reserved matter and measures could be used to mitigate the impact, as has been suggested with gaps and planting, the encroachment of this extent of development would lead to the loss of the historical landscape character.
136. The harm to the significance of the designated heritage assets (The Laurels/ Tow House and 66 and 68 North Street and 41 North Street) is not outweighed by the public benefit identified and therefore permission should be refused. As a result the development would fail to comply with policies CS1, CS9, and TRS17. The development would also fail to comply with emerging policies HOU5 and ENV13. Due regard has been given to the provisions of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
137. The site of the application lies within an area with little known prehistoric or Roman activity. The church of All Saints Biddenden is from 13th century although it could be of earlier origins. It would have been the focus of medieval settlement and it is possible that medieval activity may survive within the application site. Whilst there may be low potential for prehistoric and post medieval archaeology, due to the size of the proposal a fieldwork evaluation would be required.
138. In accordance with Paragraph 135 of the NPPF the effect of the development on the significance of a non-designated heritage asset should be taken into account. The dismantled Kent and East Sussex Railway line is a local heritage asset. It is not designated but it is highlighted on the HER (HER No: TQ 84 SW 13) as an archaeological site and a historic landscape feature. This branch line was established in the early 20th century but was unsuccessful and closed in the mid-1950s. Although short-lived, this is still an important local heritage asset and a distinctive historic landscape feature. As such it should be retained and its alignment preserved. The route would be used as part of the footways for the green infrastructure, the landscaping of this needs to be carefully considered if

any at all and the alignment retained to preserve this section of the route. This could be addressed through the reserved matters.

(e) **Transport and highway safety**

*Highway works*

139. Policy CS15 of the Core Strategy states that development 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. It states that new accesses onto the road network will not be permitted if a materially increased risk in accidents or traffic delays would be likely to result. The NPPF also states that development should ensure that a safe and suitable access can be achieved for all people.
140. It is proposed to create a vehicular access onto North Street by way of a new standard T, give way junction. This would be 5.5m wide, a 10m junction radii for large vehicles such as refuse freighters and footways either side including tactile paving. The road has a 40mph speed limit and the required visibility splays for this can be achieved. It is proposed to extend the existing 30mph speed restriction northwards past the site. As current speeds are higher, it is proposed to install traffic calming features in North Street and the applicant has agreed to this.
141. A formal footway along the eastern side of North Street is proposed by widening the existing footpath from its current width of between 1m and 1.2m to a width of 1.8m between the site and the junction with Townland Close. KCC have confirmed that they only require this on currently adopted highway so no third-party land would be required and it has been confirmed by the applicant that all of the new footway works would be contained within the adopted highway. This would improve the quality of pedestrian connectivity to the village.
142. The required Stage 1 Road Safety Audit was undertaken on the proposed site access off North Street. This confirms that there were no personal injury collisions from 01.01.2012 to 31.12.2016, 350m north and south of the site. So there would not be a trip hazard to cross to either side of the footway on the proposed vehicular access a crossing point with tactile paving have been provided and KCC Highways are satisfied that this junction could be negotiated by a refuse freighter.
143. New bus stops and clearways have been requested to ensure that bus stops are within 400m of all of the site. Plans have been submitted showing the proposed bus stop locations and markings. This provision can be secured by a Grampian

style condition to ensure that new northbound and southbound bus stops are provided within close proximity of the site access.

144. The initial transport statement stated that the proposal would result in 52 additional trips in the morning peak hour and 53 in the afternoon. The traffic surveys were carried out in June which is not a 'neutral' month for traffic surveys. So the applicant has agreed with KCC to factor the background traffic by 10% and re-analyse the junction analysis included as part of the Transport Assessment which included detailed assessments for the site access to North Street and the High Street/Tenterden Road junction and these would both operate within capacity even taking into account the additional traffic flows from the 45 unit scheme under 17/00258/AS.
145. KCC have requested an emergency vehicular access to the site as it has over 50 dwellings. The emergency access has been provided through the provision of a footway / cycleway running parallel to the main site access 3.5m wide, to allow an emergency vehicle to utilise it.



**Figure 6: Highway works**

146. The proposed development would comply with the requirements of the development plan policies CS1 and CS15 and the NPPF and emerging policies SP1, HOU3a, HOU5 and TRA7 in terms of highway safety and capacity issues..  
*Public right of way*
147. PROW AT12 runs from North Street to the east, crossing the southern part of the site. The proposed development would have a significant impact on the footpath. Users of the route currently experience expansive views across the surrounding countryside which would be affected by the proposed development. The PROW surface would be upgraded and the route maintained to provide connectivity to the countryside and the proposed footpaths through the site to the north would provide improved walking access to open space within the development. The effect on the character and amenity from the PROW is relevant in relation to the



consideration of impacts on landscape character and visual amenity and the change in the appearance of the PROW would contribute to the urbanising effect of the residential development.

*Sustainable location*

148. Within Biddenden there is an hourly bus service between 06:20 to 23:00, Monday to Saturday to Maidstone, Headcorn and Tenterden with a bus stop 550 metres from the centre of the site around a 7 minute walk. Occupants would be able to gain access to facilities such as the convenience shop, post office, hairdresser, primary school, public house, restaurants, sports clubs.
149. There is a continuous footway route from the application site along North Street to the shops and services in the village, which would be widened to 1.8m between the site and the junction with Townland Close for improved pedestrian access. New bus stops and clearways within 400m of all of the site would also improve access to public transport. Therefore, the site has accessibility to some services. Other services, employment, comparison shopping and schools would require the use of a private motor car or the bus service.
150. However, as a third tier settlement Biddenden has a lower range of goods and services, does not have a railway station and there are no dedicated cycleways in the village, which makes this village less sustainable to accommodate this level of development. Hence this proposal undermines the planning strategy to “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable” in line with the NPPF’s 11th core planning principle,

**(f) Ecology and biodiversity**

151. Guiding Principles set out within policy CS1 seek to ensure the protection of the natural environment and the integration of green elements enhancing biodiversity as part of high quality design. Against these overarching objectives, Policy CS11 specifically requires development proposals to avoid harm to biodiversity and seeks to maintain and, where practicable, enhance and expand biodiversity. This is also included within emerging policy ENV1. Policy CS9 and emerging policy SP6 seek to ensure that natural features of interest are incorporated to celebrate local distinctiveness as well as respond to landscape character and help to minimise the ecological footprint of Ashford’s growth over time. These policies pre-date, but are aligned with, the section 7 of the NPPF on the importance of good design and section 11 which relates to conserving and enhancing the natural environment.
152. The site comprised approximately 10.7 hectares of cattle grazed improved grassland with hedgerows and mature trees bounding the site, a double line of

trees the length of the eastern boundary and a large number of mature / veteran trees were scattered across the site. Field margins are largely absent, however there are pockets of tall ruderal and scrub along parts of the boundaries. Four waterbodies were present on-site with an additional 26 waterbodies located within 250m of the boundary.

153. KCC Ecology have assessed the submitted ecological information which included an ecological appraisal, surveys of bats, dormice, GCNs and reptiles and response letter dated 27.11.2018 the findings are as follows:

- record of many common and widespread bird, bat and reptile species, and also more rare species
- commuting and foraging opportunities for badgers, dormice and reptiles
- no evidence of badgers and dormice
- onsite ponds provide suitable breeding habitat for GCNs and amphibians
- GCNs and slow worms recorded
- commuting and foraging opportunities for bats, and numerous mature trees within the site provided roosting opportunities
- no unique bird breeding opportunities past the hedgerows and trees which would be retained
- grassland habitats were under constant grazing through the season from livestock, so highly unlikely to be used by ground nesting birds and no foraging opportunities

154. Only one tree (T3) with bat roosting potential would be removed and a survey, aerial assessment and examination by endoscope no evidence of bats was found so the removal of this tree is acceptable. However, the survey work was carried out in August 2017, therefore, this was true at this time although further surveys would be required prior to the felling of this tree to ensure that the situation is unchanged, which can be ensured by condition.

155. All the other trees and a large proportion of the hedgerows would be retained for corridors, foraging and nesting habitats for wildlife. In addition to a large proportion of Green Infrastructure, the proposals would have opportunities to provide ecological enhancements from the ponds, native landscaping, hedgerow enhancements. KCC Ecology recommend conditions for a biodiversity method statement, external lighting, ecological design strategy and landscape and ecological management plan which would be taken into consideration within the design of the application.

156. Pond 3 would be entirely lost, however, as layout is a reserved matter and the loss could be mitigated in ecological terms with connective structures such as amphibian tunnel or ditches. This can be addressed through the reserved matters and mitigation measures have been recommended and can be secured by condition.
157. The development would not be harmful to protected species and their habitats and ecology and biodiversity can be enhanced through the appropriate use of conditions. The proposed development would comply with the requirements related to ecology and habitats of the development plan policies GP12, EN31, CS1, CS9, CS11, TRS17 and the NPPF and emerging policies SP1, SP6, ENV1 and ENV5.

**(g) Flooding, drainage and sewerage**

*Flooding*

158. The site is in Flood Zone 1 and at low risk from flooding due to watercourses. There parts of the site with high to low risk of surface water flooding which includes the ponds and in the northern portion of the site.
159. There are onsite culverts some of which would be retained these measures are proposed:
- 4m easement free from development along either side of the onsite culverts
  - maintenance to keep the culverts clear
  - finished floor levels a minimum of 150mm above external levels

*Surface water*

160. Whilst this is an outline application 21.18% of the 4.12 hectare developable area would have hardstanding areas and roofs, this has the potential to increase surface water run-off.
161. The applicant has submitted a drainage strategy. The SuDs measures include:
- Water butts
  - Detention basins
  - Permeable paving
  - Filter strips

- Swales
162. The calculated runoff rates and attenuation volumes would be reviewed at detailed design stage. A discharge rate to comply with the requirements of the SuDS SPD would be necessary.
163. KCC SuDS are satisfied that the applicant has thoroughly investigated the downstream culverted and ditched network. Whilst this has identified matters downstream, which may cause a flooding risk, as this is outside the ownership and control of the application it would be for the individual land owners to maintain under Riparian ownership with a duty to ensure that the ditch adjacent to their boundary is clear and well maintained to receive upstream flows (as part of Land Drainage Act).
164. The topographical drawing appears to show that part of the site has flow paths towards North Street, part of which may convey water to the pond associated with 'the Coach House'. The drainage strategy should maintain natural flow paths where possible.
165. At the detailed design stage, the drainage system should be modelled using FeH rainfall data in any appropriate modelling or simulation software. Overall, they are satisfied that after reviewing the strategy supplied the development can be constructed without increasing the risk of flooding from surface water.
166. The Council's technical consultees have requested the provision of information which has now been received. Formal additional comment have not been received at the time of writing this report. However, it is considered that this could be dealt with by condition or at the detailed reserved matters stages through the provision of a fully detailed drainage strategy in any event. I am satisfied that this can be adequately dealt with and therefore I do not consider this to be a reason to warrant refusal of planning permission.

#### *Sewerage*

167. There are two public sewer networks within North Street, one travelling north from outside number 72 and one heading south adjacent to number 70. Biddenden Wastewater Treatment Works is situated approximately 360 metres due west of the site. A foul drainage system would be constructed and connected to the existing public foul sewer network.
168. Analysis of the topography of the site as well as cover and invert levels on the public sewerage network indicates that a pumping station would need to be constructed to receive the developments foul water flows or drained under gravity. The details of these can be secured at the reserved matters stage.

169. Foul drainage would be discharged into the existing foul sewer. A connection to the mains sewer would be required and Southern Water have confirmed that they would need to provide further capacity for the development. A condition to ensure this is in place before occupation is suitable.
170. The development would not be harmful to flood risk, drainage and foul water through the use of appropriate conditions. The proposed development would comply with the requirements of the development plan policies CF6, CF7, CS20, and the NPPF and emerging policies HOU5, ENV8 and ENV9.

**(g) Trees and landscaping**

171. There are a large number of trees of differing ages around the peripheries, incorporated into the hedgerows, surrounding ponds and bisecting the site. The majority are Oaks, however species such as field Maples exist. The dismantled railway has a double row of parallel trees, along the length of the eastern boundary and includes Ash, Oak, field maple, goat willow and hawthorn. Four veteran trees were recorded (T27, T30, T46 and T59). The trees are formally protected under TPO 24 of 2017, for 42 individual trees and two groups of trees.
172. Fifteen mixed species hedgerows were present along the north, west and southern boundaries. Four of these hedgerows (H5, H9, H10 and H14) were tall structures with little to no gaps, which were dominated by mixed native species. All of the hedgerows within the application site, with the exception of H4, contained over 80% native species. The majority of trees and hedges would be retained with additional planting.
173. The following tree works would be required on the site:
- remove T56, Oak tree in centre of site for east-west access road
  - remove T15 and T53, Ash trees on the western boundary
  - tree surgery work to the surrounding tree cover (Trees T17 to T19 and T48 to T52) as part of the landscape strategy
174. The Tree Officer has raised concerns about the removal of T56. T46-T59 is a landscape feature that runs on a north-south axis and has a number of Category A trees. Through the centre of the feature there are two lower grade trees – T55, U category Ash tree and T56, C category Oak tree. It is accepted that there would be a requirement for an east to west access road and may have the least impact in terms of the BS5837:2012 categorisation of the trees. In addition, the location of the access road would allow for the full retention of non- category U trees in the pond area. However, to retain this tree line feature, T56 should be

retained and as the road layout is a reserved matter this can be addressed at this stage.

175. The loss of the other Ash trees would be acceptable as tree coverage along the western boundary to the existing dwellings at no. 98 and 100 North Street would be retained. A section of the hedge on the road frontage would be removed and as there would be only one entrance this would maintain the otherwise continuous boundary hedge.
176. The development would be acceptable in terms of the direct impact on the trees and hedges on the site through the use of appropriate conditions. The proposed development would comply in this particular respect with the requirements of the development plan policies GP12, EN10, EN32, CS1, CS9 and TRS17 and the NPPF and emerging policies SP1, SP6, HOU3a, HOU5, and ENV5. Consideration must also be given to the landscape character and visual amenity effects from the adverse changes in relation to existing trees and hedges.

**(h) Residential amenity**

177. The application site is located behind existing residential properties that front onto North Street. A single access would be provided north of no. 74 North Street. The detailed design is not for consideration at this outline stage of the application, as these matters are reserved. It is therefore not possible to judge conclusively whether the development would result in any material harm to neighbour amenity.
178. The site area proposed for the new dwellings would provide enough space so that new buildings could be located away from the access road and existing buildings to mitigate harm to future and existing occupiers.
179. Notwithstanding this, the illustrative master plan shows that the development would be set back from the site boundaries to allow for existing vegetation to be retained and enhanced creating a buffer between the proposed and the existing built development. Further, given that the majority of the neighbouring properties have large gardens, consistent with the character of the rural edge of the settlement, the development could be arranged so that it was not lead to overshadowing and overlooking.
180. In terms of the future occupiers of the development, should planning permission be granted, the reserved matters applications would need to show that the dwellings themselves would meet with the prescribed space standards room sizes in the technical housing standards and gardens would comply with the Residential Space and Layout SPD. Furthermore, the layout would need to ensure that reasonable levels of privacy would be achieved.

**(i) Affordable housing and housing mix**

181. The site is in excess of 15 units and therefore the scheme should provide 35% affordable housing under the adopted development plan policy. This will be provided in accordance with Policy CS12 of the Core Strategy, so up to 39 units. The mix of affordable housing requires a split between social rented (60%) and other forms of affordable housing (40%). This matter would be addressed in the legal agreement.
182. Whilst the emerging local plan policy HOU1 seeks 40% affordable housing on rural sites, as this application was submitted prior to the submission to the Planning Inspectorate in December 2017, greater provision is not being required. It is noted, however, that at the recent Charing inquiry this applicant increased the level of affordable housing offered from 35% to 40%. No similar offer has been made in relation to this application.
183. On the existing policy CS12 basis, the proposal would need to provide for 21% affordable social rented and 14% shared ownership in order for it to comply. If planning permission were to be granted for this development then this would be set out within the necessary S106 legal agreement.
184. The applicant's proposed maximum 35% affordable housing does not specify the mix of affordable housing and thus it is not possible to conclude at present that it meets the requirements of policy CS12. The Council's Housing team have provided a requirement of the unit mix and tenure needed and this could be taken forward in a legal agreement. The provision of affordable housing would be a significant benefit of the scheme.
185. The units would need to be designed to be integrated into the development and have the same quality and appearance as the market housing, and clustered in groups of 12 rather than all being concentrated in one area, as required under the Affordable Housing SPD 2009.

**(k) Other matters**

*Socio/Economic benefits*

186. The proposed development would create an economic benefit from construction, with employment to contactors, local tradespeople, their spending in the local area and in the supply chain. Whilst for a temporary period this would have some benefit.
187. The increase in the local residential population would increase expenditure in the local economy as this will comprise people who have moved from elsewhere. However, no evidence has been submitted to suggest that local shops are

struggling through a lack of custom. Other development has been granted planning permission which would deliver these benefits. The lack of need for new residents to support local services and facilities affects the weight which is to be given to these benefits. These local economic factors would apply to any large scale development site in the area and is not an overriding factor to warrant a departure from the Development Plan on this particular site.

*Air quality*

188. The proposed impact would not be significant on air quality from the existing levels in terms of nitrogen dioxide (NO<sub>2</sub>) fine particulate matter. Although there is an opportunity to mitigate any impact from low nitrogen dioxides boilers and electric vehicle charging points by condition.

*Noise*

189. The impact of noise would be dependent on the final design, and whilst Building regulations would have standards on thermal and noise insulation to avoid conflict the development could be designed to reduce conflict particularly from traffic noise from North Street and the internal road(s).

**(I) Whether planning obligations are necessary**

190. 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
191. The planning obligations in Table 1 are required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.
192. At a proposal for up to 110 dwellings the development would trigger a requirement to provide 35% affordable housing.
193. KCC have requested a contribution towards projects at a primary and secondary school, additional book stock and adult social care.



194. The community learning and youth services requested have not been shown to be capital projects which would deliver additional capacity and/or improvements to existing facilities to mitigate the impact of the development so they have not been requested.
195. The Council have identified projects for offsite contributions in accordance with the Public Green Spaces and Water Environment SPD included the upgrading of Cheeslands playground to which this would make a partial contribution and the upgrading of existing sports pitches the Playing Pitch Strategy 2017-2030 identified Gordon Jones Playing Field as suffering from waterlogging so improvement would increase the quality and playing capacity of pitches.
196. The NHS Canterbury and Coastal and NHS Ashford Clinical Commissioning Groups have identified Ivy Court Surgery in Tenterden as a surgery that requires extension as it is already at capacity with space pressure and the proposal would increase patient numbers. They NHS have identified partial funding to facilitate this and would allow the surgery to provide a greater clinical provision, multi-disciplinary functions. The surgery is 8.3km from the site and as it is one of the closest GP practices it would be reasonable that new occupants would join this surgery.
197. Biddenden Parish Council have identified a number of heritage projects and as the area changes there needs to be an investment in the local heritage of this Wealden village to ensure this remains a rich part of the local cultural consciousness. They are proposing a heritage centre in the former post office and this would include a display of information for which fixtures, fittings and boards would be required. The village is on the route of the dismantled railway and the Green Infrastructure would enable part of this to become a walking route and a heritage shelter is proposed with notice boards and seating for information to visitors this would encourage its use and allow the new and existing community a facility to integrate. Parts of the route would also have information boards as no other parts of the former railway have been agreed to be part of a trail, it would be appropriate to only have notice boards on the application site.
198. None of the projects identified have pooled more than 5 developments.

**Table 1**

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.	<p><b>Affordable Housing</b></p> <p>Provide not less than 35% of the units as affordable housing, comprising 60% affordable rent units and 40% shared ownership units in the locations and with the floorspace, wheelchair access (5%), number of bedrooms and size of bedrooms as specified. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's.</p>	<p>Up to 39 Affordable Units</p> <p>Breakdown to be agreed at Reserved Matters Stage</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</p>	<p><b>Necessary</b> 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><b>Directly related</b> as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided</p>
2.	<p><b>Primary Schools</b></p> <p>Project: Towards the expansion of John Mayne Primary School for</p>	<p>£3,324.00 per *applicable house.</p>	<p>Half the contribution upon occupation of</p>	<p><b>Necessary</b> The development would give rise to up to 31 additional</p>

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	<p>two new classrooms and a new hall.</p>	<p>£831.00 per                  *applicable flat                    *Applicable excludes 1 bed units of less than 56 sqm GIA.</p>	<p>25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>primary school pupils. Pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, saved Local Plan policy CF21, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p><b>Directly related</b> as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
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3.	<p><b>Secondary Schools</b></p> <p>Project: Norton Knatchbull enabling works including extra hard play area and parking facilities, to facilitate the construction of the additional teaching block.</p>	<p>£4,115.00 per *applicable dwelling</p> <p>£1,029.00 per *applicable flat</p> <p>*Applicable excludes 1 bed units of less than 56 sqm GIA.</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> The development would give rise to up to 22 additional secondary school pupils. Pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, saved Local Plan policy CF21, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p><b>Directly related</b> as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> 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</p>
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				accommodation specifically for the elderly.
4.	<p><b>Libraries</b></p> <p>Towards additional bookstock for the mobile library service attending in Biddenden.</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><b>Necessary</b> as more books required to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use library books and the books to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because amount calculated based on the number of dwellings.</p>
5.	<p><b>Adult Social Care</b></p> <p>Project: Tenterden Day Centre adaptations and changing place facility</p>	£77.58 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50%	<p><b>Necessary</b> as enhanced facilities and telecare required to meet the demand that would be generated pursuant to Core Strategy policy CS18, KCC Guide to Development</p>

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			of the dwellings	<p>Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use community facilities and the facilities and services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
6.	<p><b>Sports Outdoor</b></p> <p>Project: Offsite provision at Gordon Jones playing field to bring all sports pitches up to a good standard and increase playing capacity.</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings	<p><b>Necessary</b> as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD, Playing Pitch Strategy 2017-2030 and guidance in the NPPF.</p>

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				<p><b>Directly related</b> as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> 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>
7.	<p><b>Children's and Young People's Play Space</b></p> <p>Project: offsite contribution to improvements/upgrading/expansion to the play area at Cheeselands</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><b>Necessary</b> 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><b>Directly related</b> as occupiers will use children's and young people's play space and the facilities to be</p>

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				<p>provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> 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><b>Strategic Parks</b></p> <p>Project: changing facilities towards the development of 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><b>Necessary</b> 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><b>Directly related</b> as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the</p>



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				number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
9.	<p><b>Health Care</b></p> <p>Project: of extension, refurbishment and/or upgrade of Ivy Court Surgery, Tenterden</p>	<p>£504 for each 1-bed dwelling                  £720 for each 2-bed dwelling                  £1,008 for each 3-bed dwelling                  £1,260 for each 4-bed dwelling                  £1,728 for each 5-bed dwelling or larger</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as additional healthcare facilities required to meet the demand from up to 257 additional occupants that would be generated pursuant to Core Strategy policy CS18, Tenterden and Rural Sites DPD policy TRS19, saved Local Plan policy CF19 and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use healthcare facilities and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.</p>
10.	<p><b>Heritage and Community</b></p> <p>Project: fixtures, fittings and</p>			

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	boards in the Biddenden Heritage Centre (former Post Office)	£6,000	Upon occupation of 75% of the dwellings	<p><b>Necessary</b> as enhanced heritage and community services needed to meet the demand that would be generated pursuant to Core Strategy policy CS18, Tenterden and Rural Sites DPD policy TRS19, and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use the heritage and community sector and the additional services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development.</p>
	Project: Heritage Shelter with information boards on the dismantle railway heritage trail	£7,500		
	Project: notice boards on the heritage trail	Up to 3 boards £6,000		
11.	<b>Monitoring Fee</b>  Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.	£1,000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years.	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the</p>

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				obligations to be monitored.
	<p><b>Regulation 123(3) compliance:</b> Fewer than five planning obligations which provide for the funding or provision of the projects above or the types of infrastructure above have been entered into.</p> <p>Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value, unless otherwise agreed in writing. The Council's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p>			

## **Human Rights Issues**

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

## **Working with the applicant**

200. 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**

201. The proposal would be contrary to the policies identified in this report. It would also be contrary to the land use planning strategy for the Borough which is expressed in policies CS2, CS6, TRS1 and TRS2. That strategy is that large scale development will be focused in and near Ashford, and that development in the rural areas will be focused in the identified rural service centres in accordance with the hierarchy and will be proportionate to the character of the rural settlements. The proposal is contrary to important policies of the development plan as well as the plan taken as a whole. This is reinforced by non-compliance with the submission Local Plan and the NPPF, as material considerations, and the statutory duty in s66 in relation to listed buildings.

202. The development would be on the edge of the village and on a site which is unallocated in the emerging Local Plan. Up to 110 units on this gateway into the village would result in an overdevelopment of the site where development should be transitioning to the countryside beyond. The proposal would have an urbanising effect on this edge of village location. The proposal at up to 110 units is around 2.5 times the size of the allocated and permitted site S27 at 45 units. It is located to the east of North Street whereas it has been judged with the allocation that growth to the west of North Street is more appropriate, closer to the bulk of the village. The proposal takes development out further to the east than the core of the existing village. The proposal goes well beyond a level of growth which is proportionate to the character and existing scale of the village, especially when taken cumulatively with the allocated and permitted site S27.

203. There are social and economic benefits from allowing residential development (including affordable housing) in this rural area. These would be significantly and demonstrably outweighed by the environmental and heritage impacts identified, for example in terms of visual harm, loss of landscape character and less than substantial harm to the designated heritage assets. Consequently, the proposal would not follow the golden thread of sustainable development in the NPPF. It would also be contrary to important policies in the Development Plan, and in the emerging Local Plan as a material consideration.
204. The site was previously submitted as an omission site to the Reg 19 submission Local Plan and went through the site assessment process (SHELAA) published in July 2017. The site was discounted at stage 2 and not considered suitable for allocation. The Council has identified an alternative housing site in Biddenden, S27 of the submission Local Plan, which is to the west of the settlement and approved for 45 dwellings. The fact that there is a site that the Council considers to be deliverable within five years and which would have less of a significant impact, is relevant. The 'main changes' to the Local Plan included the addition of 18 more housing sites also demonstrates the Council's commitment to resolving the former undersupply of housing land. The Council have demonstrated that they are prepared to grant planning permission for sites identified in the submission Local Plan, prior to its adoption, in appropriate circumstances, to move towards a full housing supply position as soon as possible. It is not necessary to grant planning permission for the development of sites which are unacceptable in planning terms simply to seek to make up the five year housing land supply position.
205. As the Council can now demonstrate a five year housing land supply the second bullet point in the decision-taking part of paragraph 14 of the NPPF is no longer directly relevant. The "tilted balance" does not fall to be applied to justify a departure from the development plan in this case, both because there is not a shortfall in the five year housing land supply and because specific policies in the NPPF indicate that development should be restricted (paras 64, 109 and 134). In terms of the core principles of the NPPF, the development is not genuinely plan-led and is contrary to the adopted and emerging planning strategy for the Borough, it would not represent high quality design and would harm the amenity of the locality, it would harm the character and beauty of the countryside and would not conserve the natural environment, and it would not conserve heritage assets in a manner appropriate to their significance. The development does not comply with the policies of the NPPF taken as a whole. The adverse impacts of the development would significantly and demonstrably outweigh its benefits, when assessed against the policies in the NPPF as a whole.

## **Recommendation**

**That Members resolve that if the application had been determined by Ashford Borough Council they would have:**

**Refused**

**on the following grounds:**

1. The proposal would represent unsustainable and unacceptable development contrary to saved Ashford Borough Local Plan 2000 policies GP12, EN9, EN10 and EN27, Core Strategy 2008 policies CS1, CS6 and CS9, Tenterden and Rural Sites DPD 2010 Policies TRS1, TRS2, TRS17 and TRS18, submission Local Plan 2030 policies SP1, SP2, SP6, ENV5 and HOU5, the National Planning Policy Framework and Planning Policy Guidance, for the following reasons:-
  - a) the scale and quantum of proposed development in this third tier settlement with fewer facilities and services than higher tier settlements would have an adverse cumulative impact on sustainability in conjunction with existing planned developed due to the ;
  - b) the eastern edge of village location is an important gateway into the village and this the scale, amount, location and disposition of development proposed would have a significant adverse urbanising impact, out of character with the established edge of settlement character and traditional rural settlement form, and would be unacceptably harmful to the visual amenity and character of the area. It would erode this established edge of settlement character which acts as an important transitional area between the village and countryside beyond and the character so that it would be unacceptably harmful to the local landscape character, of the village, its distinctiveness and sense of place;
  - c) the extension of the village to the east would harm a valued landscape which forms part of the Biddenden and High Halden Farmlands Landscape Character Area, impacting upon its acknowledged local rural character that forms an important component of and approach to Biddenden;
  - d) the amount and location of the development proposed would have an adverse impact on the character and landscape views currently available from PROW AT12, to the detriment of the landscape and how the settlement of Biddenden is experienced by users within that landscape, as well as the amenity of the PROW;

- e) The scale and quantity of the development proposed, when taken cumulatively with other development planned for the settlement, would represent a level of growth out of proportion to the size, scale and character of Biddenden, which could not be successfully integrated into the village in visual and functional terms
2. The proposal would be contrary to Core Strategy 2008 policy CS1, Tenterden and Rural Sites DPD 2010 policy TRS17, submission Local Plan 2030 policies SP1, SP6, HOU5 and ENV13, the National Planning Policy Framework and Planning Policy Guidance and would result in less than substantial harm to the significance and setting of a number of designated heritage assets, which is not outweighed by the public benefits of the development cited by the applicant, for the following reasons:-
- a) the amount and location of development would result in a loss of open setting and an urbanising effect on the setting of the listed buildings at 41 North Street, The Laurels/ Tow House and 66 and 68 North Street, in conflict with s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
3. The proposal would be contrary to the KCC Guide to Development Contributions 2007, SPG3 Developer Contributions / Planning Obligations 2001, Public Green Spaces and Water Environment SPD 2012, saved Local Plan 2000 policy CF21, Tenterden and Rural Sites DPD 2010 policy TRS19, policies CS1, CS2, CS8, CS18 and CS18a of the Core Strategy 2008 and submission Local Plan to 2030 policies COM1 and COM2, the National Planning Policy Framework and Planning Policy Guidance. The necessary planning obligation has not been entered into in respect of the list below so that the proposed development is unacceptable by virtue of failing to mitigate its impact and failing to meet the demand for services and facilities that would be generated and the reasonable costs of monitoring the performance of the necessary obligations:
- a. 35% of the units as affordable housing;
  - b. a financial contribution towards projects to primary and secondary school infrastructure projects, library bookstock, improved adult social care facilities, improvements to outdoor sports pitches, improvements to play area, strategic parks project and extensions and upgrade of doctor's surgery; and
  - c. contributions to heritage projects by Biddenden Parish Council.

as set out in Table 1.

## Note to Applicant

### 1. Working with the Applicant

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

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

In this instance;

- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 17/01446/AS)

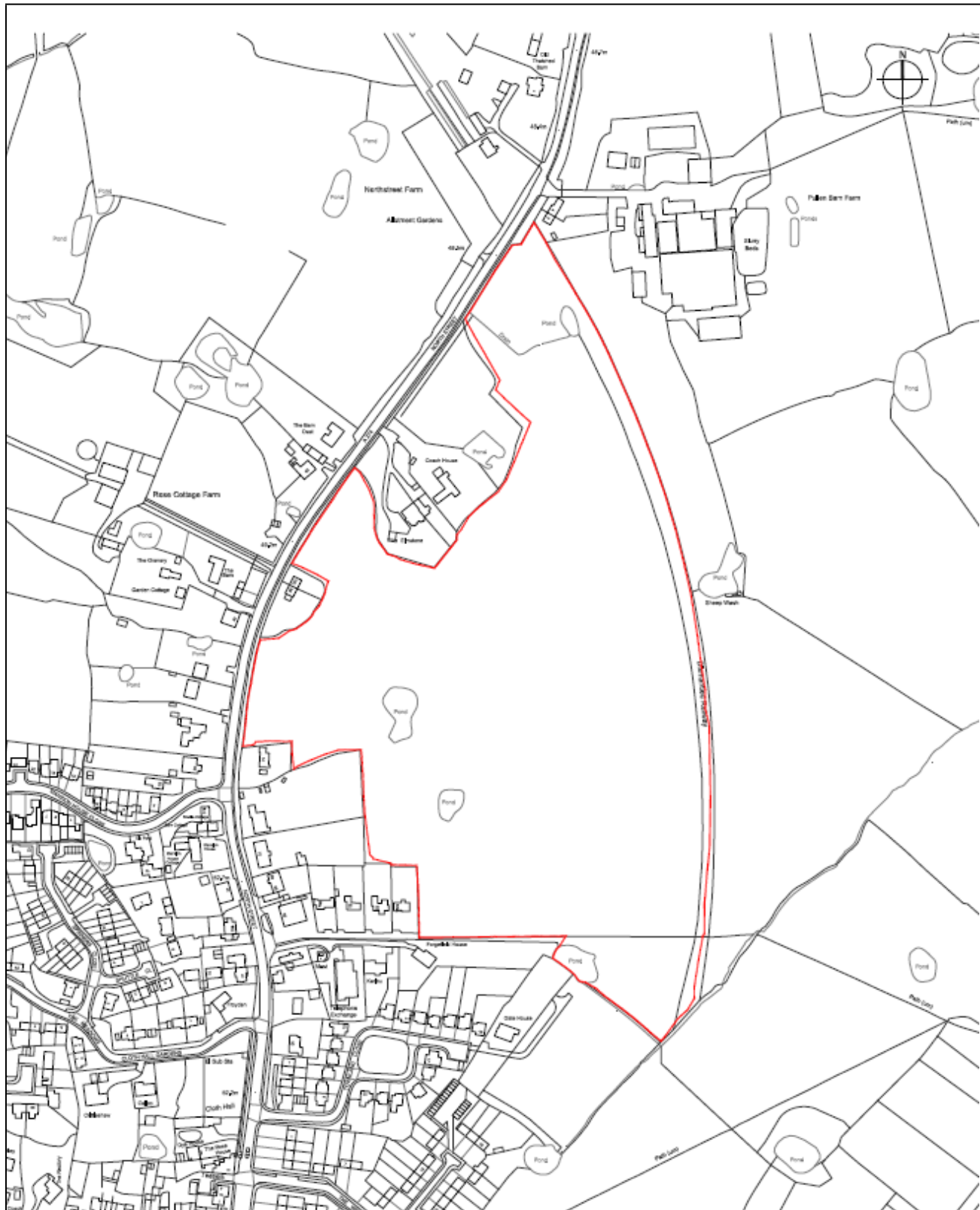
**Contact Officer:** Kelly Jethwa

**Telephone:** (01233) 330589

**Email:** [kelly.jethwa@ashford.gov.uk](mailto:kelly.jethwa@ashford.gov.uk)



Annex 1



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<b>Application Number</b>	17/00952/AS	
<b>Location</b>	Land East of Hope House, Ashford Road, High Halden, Kent	
<b>Grid Reference</b>	89481/37282	
<b>Parish Council</b>	High Halden	
<b>Ward</b>	Weald Central	
<b>Application Description</b>	Outline application for a residential development of up to 28 dwellings with access from the A28.	
<b>Applicant</b>	Crabtree and Crabtree (High Halden) Ltd	
<b>Agent</b>	Mr S Davies, Hobbs Parker Property Consultants, Romney House, Monument Way,	
<b>Site Area</b>	2.17 hectares	
(a) 86/26R & petition with 87 signatories R	(b) Parish Council R	(c) KH&T X, KCCD X, KCC (Dev) X, EA -, EHM X, PO X, POS X, ABC (Housing) X, KCC (Bio) X, SW X, KWT R, NE X, NHS -

## Introduction

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

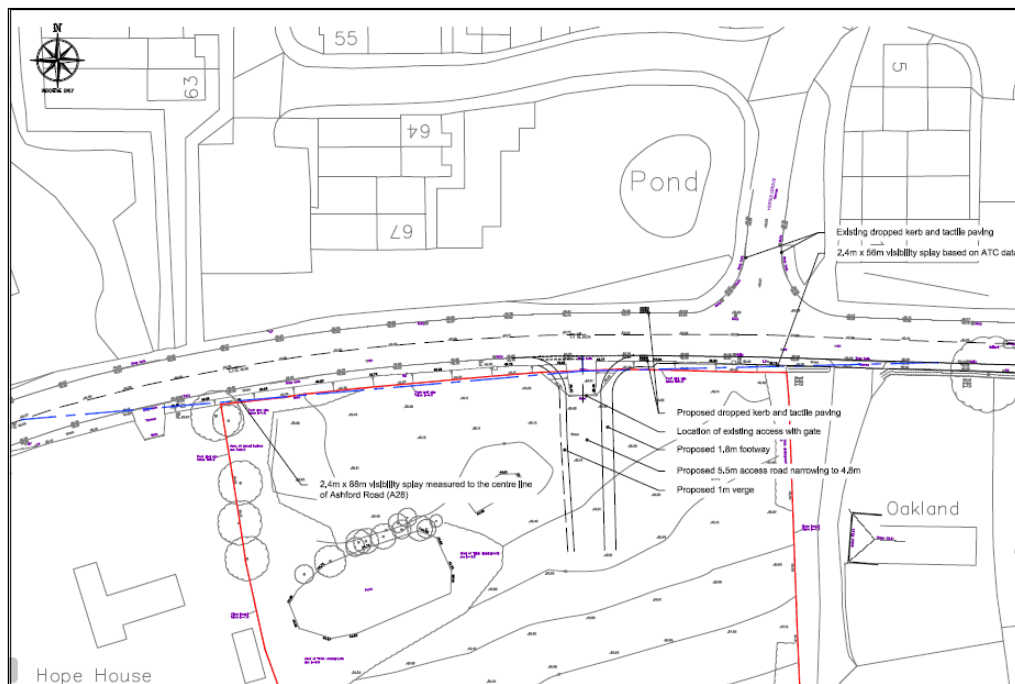
## Site and Surroundings

2. The site extends to approximately 2.17 hectares and comprises undeveloped grassland bordered by hedges to the surrounding fields. The land is relatively level but the ground level rises gently towards the southern boundary.
3. The northern most boundary forming the frontage of the site, lies adjacent to the A28. The site is separated from the A28 by a grass verge and stock proof fence. There is a gated field access into the site off the A28. The A28 at this point is subject to a 40 mph speed limit which reduces to 30 mph immediately to the east of the site.

4. The northern most boundary comprising the field access is open and free from any landscaping.
5. The eastern boundary of the site consists of close boarded fencing and an intermittent hedge which separates the site from the housing immediately to the east. This housing comprises modern bungalows that are laid out in a backland form and beyond these to the east is Millfield, a modern estate development comprising some 19 houses laid out around a cul-de-sac.
6. The southern boundary adjoins open countryside. To the west, the site bounds a paddock to the rear of a residential property, and the remainder of the northern boundary adjoins the rear of residential properties fronting Ashford Road. The southern, western and northern boundaries adjoining the rear of residential properties comprise hedgerow and a number of larger trees.
7. There is an existing pond in the north west corner of the application site.
8. Hope House immediately adjacent the site is a Grade II Listed Building. There are three other properties on the opposite side of the Ashford Road that are also designated Grade II Listed.
9. The site is located some 300 metres to the west of the High Halden Conservation Area. The site is located in the Low Weald within the Landscape Character Area of Biddenden and High Halden Farmlands.
10. A plan showing the application site in relation to its surroundings is found below and also attached as **Annex 1** to this report.

### **Proposal**

11. The proposal is an outline application for up to 28 dwellings with all matters reserved for future consideration save for that of access.
12. The proposals equate to a density of approximately 13 units per hectare.
13. Access arrangements consist of the detail of the means of access to the site being submitted and not full details of accesses within the site. Details of the proposed access arrangements are shown in **Figure 1** below.



**Figure 1: Access Arrangements**

14. The proposal includes an indicative layout shown in **Figure 2** below.



**Figure 2: Illustrative Layout**

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

### **Design and Access Statement (DAS)**

16. The DAS describes the site and surrounding area and planning policy context. It describes the proposed development in detail including the rationale underpinning the proposals with reference to landscaping and the local vernacular.
17. Although this is an outline application, the DAS includes an illustrative layout and discusses the amount of development deemed to be appropriate. The DAS references property types, stating that the dwellings will all be 2 storey, comprising 12 x 4 bedroom, 10 x 3 bedroom, and 6 x 2 bedroom dwellings with a mix of detached, semi-detached and terrace blocks.
18. The DAS confirms that it is proposed to use sustainable methods of construction and energy conservation, aiming to achieve Code Level 4 of the Code for Sustainable Homes.
19. The DAS concludes by stating the following:
  - The Local Planning Authority (LPA) considers the site to be suitable for residential development as set out in emerging plan policy S33.
  - The site is in a sustainable location.
  - The LPA cannot currently demonstrate a 5 year housing land supply.
  - The scheme is compatible in scale to past developments and will continue the gradual organic growth of the settlement in an acceptable form.
  - The scheme would respect the setting of Hope House which is a Listed Building.
  - The development will preserve existing ecological features, as well as providing long term management for additional habitat and biodiversity enhancement.
  - The proposal is fully acceptable in design and access terms.

### **Planning Statement (PS)**

20. The Planning Statement sets out the Planning Policy context against which the application should be determined. It discusses the site and proposals in detail and also discusses the constraints. The statement alleges that Ashford has a significant short fall in its five-year housing land supply.
21. The statement concludes that the proposed residential development of the site would be in accordance with government policy in the NPPF. It states that the site clearly lies within a sustainable location in close proximity to existing and

proposed public transport services and the facilities in the village of High Halden. The statement indicates that the proposal is therefore clearly consistent with the objectives of the NPPF.

22. The statement claims that the site will contribute to the provision of housing to meet the needs of the Borough. The development offers only limited impacts, with both heritage assets and local habitats being appropriately mitigated through their careful consideration and appropriate integration into the overall pattern of development.
23. The statement finishes by stating that it is considered that the application is fully consistent with national and local planning policy, including the draft allocation S33 contained in the emerging plan. As a consequence of this, and the benefits highlighted the proposal constitutes a wholly acceptable development proposal for this site and should be granted planning permission.

### **Heritage Statement**

24. With regard to the relevant legislation and planning policies, the Heritage Statement states that the proposed development will not affect the physical fabric of Hope House, a designated heritage asset. It also states that particular care has been taken to minimise the impact of the development on the setting of the listed building. The statement alleges that any harm to its setting will be less than substantial and will be firmly outweighed by the public benefits of the scheme. It is therefore concluded that the proposed development meets the policy requirements of the NPPF and the emerging local plan for the protection of designated heritage assets.

### **Surface Water Management Strategy**

25. As the site is greater than 1ha the report also assesses flood risk in accordance with the National Planning Policy Framework (NPPF).
26. The strategy concludes the following:
  - The site lies in flood zone 1, and is assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year and is at low risk of flooding from all other sources. The site is therefore appropriate for residential development from a flood risk perspective.
  - The surface water management strategy proposes to dispose of surface water runoff via exiting drainage routes to watercourses.
  - Attenuation and treatment will be provided by a detention pond/wet pond.
  - A controlled outlet from the pond will limit runoff from the development to greenfield runoff rates.

- The detention pond can be designed to limit surface water runoff from the development to at or below greenfield runoff rates for all rainfall events up to and including the 1 in 100 year plus climate change event.
- The surface water management strategy demonstrates that a suitable mechanism exists for the discharge of surface water from the proposed development.
- The detention pond will act as interception storage. Although the analysis assumes that all surface water runoff is discharged from the site, in reality runoff from smaller events will be retained within the detention pond.
- All runoff will pass through the detention basin/pond and the total pollution mitigation index will be equal or greater than the pollution hazard index for all pollutants. All runoff from the site will therefore receive an appropriate level of water quality treatment.
- The proposals are considered acceptable from a surface water drainage perspective.

### **Ecological Appraisal June 2017**

27. The appraisal confirms that Aspect Ecology has carried out an ecological appraisal of the proposed development, based on the results of a desktop study, extended Phase 1 habitat survey and a number of protected species surveys.
28. The reports concludes the following:
  - Available information confirms that no statutory or non-statutory nature conservation designations are present within the site, whilst no significant adverse effects on any designations within the site surrounds are anticipated.
  - The Phase 1 habitat survey has established that the site is dominated by habitats of low ecological value and the proposals have sought to retain the features of elevated value. Where it has not been practicable to avoid loss of habitats, new habitat creation has been proposed to compensate losses, in conjunction with the landscape proposals.
  - The habitats within the site have been recorded to support a range of fauna, including Badger, a modest assemblage of bats and populations of Slow-worm and Grass Snake, whilst a number of trees have been assessed to be of low suitability to support roosting bats (albeit no evidence for the presence of roosting bats was recorded).



- Two onsite ponds and a number of offsite ponds were recorded to support a medium sized metapopulation of Great Crested Newt. A number of mitigation measures have been proposed to minimise the risk of harm to these and any other notable species that could be present or colonise from the local area. Enhancements are proposed, where appropriate.
- Works which may result in significant adverse effects on Great Crested Newts will need to be undertaken under licence from Natural England.
- The proposals have sought to minimise impacts, and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity.
- The opportunity exists to provide a number of net gains for biodiversity as part of the proposals. Subject to the implementation of the mitigation and enhancement measures set out within the report, the proposed development would accord with the requirements of the NPPF.

**Ecology Technical Note:**

29. The habitat on site provides suitable opportunities for reptiles and terrestrial opportunities for Great Crested Newts. However, the value of the site is limited by the existing management of the onsite grassland.
30. It is proposed that 0.38ha of habitat within the immediate surrounds of the ponds will be provided at the outset to form the initial receptor area. This will be fully retained during construction works, with newt exclusion fencing installed at the perimeter. This area will be extended further following construction of the main access road.
31. These proposals will provide a core area of 0.5ha of high quality terrestrial habitat.
32. Given the overall size of the site, the areas of habitat proposed for the benefit of Great Crested Newts and reptiles, will also function as public open space to meet the LPA's open space requirement and to ensure the development of the site remains viable. As such, regularly mown pathways will be provided through areas of wildflower grassland.
33. The proposals will result in notably higher quality terrestrial habitat being available to Great Crested Newts and reptiles in the long term. On this basis, the report considers that this area is sufficient to support both the reptile and amphibian populations present.
34. In order to ensure that habitat connectivity to offsite ponds is maintained in the long-term, onsite hedgerows at the northern and eastern site boundary will be

retained within the public realm within buffers of greenspace, which will form part of the dedicated newt/reptile habitat area. Where sections of these hedgerows are located adjacent to newly created gardens, they will be separated from the gardens by boundary fencing/hedge planting and semi-improved grassland corridors.

35. The plans submitted show that the area of newt habitat provided is crossed by a single access road. It is noted that the access road has potential to affect movement of newts and reptiles, particularly if raised kerbs are present. The detailed design will ideally avoid the use of raised kerbs along the section of access road crossing the habitat corridor. If this is not feasible, consideration will be given to the provision of a culvert/underpass beneath the access road to facilitate movement of newts and reptiles across the road.
36. The note details the habitats that will be managed which includes, ponds, wildflower grassland, scrub and hedgerows.
37. At the time of the survey work undertaken in 2017, an inactive subsidiary Badger sett was recorded within the site, whilst an inactive Badger sett was also recorded offsite. Following comments received from KCC, areas of Bramble were strimmed to a height of approximately 20cm as necessary to allow a thorough survey of this area in February 2018.
38. No evidence of any Badger setts was recorded within the area of Bramble searched. The previously recorded Badger setts within and adjacent to the site were recorded to remain inactive in terms of use by Badger. Evidence for the presence of foraging/commuting Badger was recorded in the form of strong pathways and latrines.
39. Given the Badger activity at the site, the potential exists for the use/status of the setts to change in the intervening period prior to construction works. Should a significant amount of time elapse, an updated Badger survey will be undertaken prior to the commencement of construction works.
40. The Note details mitigation in the event that an active sett is recorded, and states that if possible the sett will be retained. If retention is not feasible consideration will be given to the need for licensing and an appropriate mitigation strategy will be devised depending on the type of any active sett and will reflect the setts' likely importance to the Badger social group.

### **Transport Statement**

41. The statement confirms that vehicle access will be achieved via a new access from the A28 Ashford Road. The statement indicates that for pedestrians a footway is proposed to the east of the site to meet with the existing westbound bus stop and footway, as well as dropped kerbs and tactile paving between the access and Hopes Grove. The statement also confirms that a reduction in the speed limit from 40mph to 30mph is proposed to the west of Hookstead.

42. The statement indicates that the visibility splay calculations from the proposed access junction are in compliance with the design and visibility standards set out in Manual for Streets and ING2.
43. Data from TRICS trip rate database for similar sites indicates that the development would generate a total of 137 vehicle trips per day, with 16 and 17 vehicle trips in the AM and PM peak hours respectively. The statement states that this is not considered to be significant in terms of local highway capacity.
44. The statement concludes that the proposals comply with all levels of transport policy and should not result in significant detrimental impacts in transport terms.

## Planning History

93/01210/AS Proposed Residential Development.

This application was refused.

Reasons for refusal included the fact that the proposal contained a substantial amount of housing on an attractive undeveloped site that lies outside the built up confines. The final reason for refusal stated that the proposed junction with the A28 was considered to be substandard by virtue of inadequate visibility being provided to the detriment of highway safety.

**(Comment of the JDCM:** There has been a series of changes to national planning policy and guidance with a clear emphasis on boosting significantly the supply of housing. In addition, local planning policy has also changed and this site is identified as being suitable for residential development in the emerging Local Plan to 2030. Kent Highways are satisfied that adequate visibility can be achieved at the access. These issues are discussed in greater detail in the remainder of the report).

## Consultations

**Ward Members:** Neither ward member Cllr Pickering, or Cllr Mrs Bell are a member of the Planning Committee.

**High Halden Parish Council:** Strongly objects to the application. There are concerns with regard to the safety of pedestrians entering and leaving the site; a pedestrian crossing near the site is needed to allow pedestrians to cross the A28 safely - this a major route carrying large volumes of traffic (including HGVs and agricultural vehicles). Responsibility for maintenance of the hedge should be clarified, to ensure sight lines are maintained. There are issues with drainage.

**KCC Highways and Transportation:** KCC confirm that subject to conditions or planning obligation, they raise no objection.

**KCC Flood and Water Management:** Raise no objection to the outline application detailed above, subject to conditions to ensure the detailed design incorporates an additional analysis to understand the flooding implication for a greater climate change allowance of 40%, as specified in Environment Agency guidance, February 2016, and also that consideration is given to maintenance of water quality before discharge to watercourse.

**KCC Ecology 1<sup>st</sup> Consultation:**

Advice that additional information is required prior to determination of the planning application.

KCC are satisfied with the result of the ecological appraisal. However, they state while the results provide a good understanding of the ecological interest of the site KCC have concerns with the proposed mitigation and whether it can be implemented within the proposed development site.

The mitigation area for the reptiles and amphibians is within the area of green space in the north of the site and it is likely that this space will also form part of the public open space so there is a need to ensure that there will be capacity for the site to be used as a receptor site and public access.

The location of the proposed mitigation area means it will be surrounded by housing and any connectivity from the receptor site to the wider area will be reliant on home owners managing their boundaries appropriately to retain connectivity.

Additional information should include the following:

- Confirmation on how much of the green space will be managed as a receptor site.
- Details of how the connectivity between the receptor site and the wider area will be retained and maintained.
- Confirmation that the receptor site area is sufficient to support the reptile and amphibian population.
- Details of management to be implemented in the site to retain the ecological interest.

A separate badger survey details there is evidence of foraging/commuting badgers within the site and two potential inactive setts identified within/adjacent to the proposed development site.

Potential sett 1 was within an area of dense vegetation and was unable to be fully surveyed. It is possible that there is an active sett within the site. Until the dense scrub

has been removed it will be difficult carry out a full badger survey on the area. To address this issue KCC recommend that information is submitted detailing what mitigation will be implemented in the event that active badger setts are present within the site.

### **KCC Ecology 2<sup>nd</sup> Consultation**

We are satisfied with the result of the ecological appraisal.

The additional information provided by the applicant has satisfied us that the mitigation proposed can be implemented and retained within the proposed development site.

An updated badger survey has been submitted and detailed there is evidence of foraging/commuting badgers within the site but the setts on site have been assessed as inactive therefore we are satisfied that there is currently no requirement for a badger mitigation strategy to be carried out.

An updated badger survey must be carried out prior to works commencing. If an active badger sett is recorded details of the mitigation must be provided.

Overall, no objection subject to a condition requiring a mitigation strategy and management plan.

**KCC Development Contributions:** Request funds towards secondary education. £2359.80 per applicable house (x28) totaling £66,074.40 is requested towards the Norton Katchbull School dining hall expansion.

£1344.44 is requested for Libraries towards the additional book stock required to meet the demands of the additional borrowers from this development

A condition is recommended relating to broadband.

**KCC Development Contributions Updated Comments:** KCC have completed the review of Secondary School build costs. Secondary School build costs were last set in 2008. These costs are taken from various Secondary projects undertaken recently. Construction costs have risen and need to be reflected in the contributions sought to ensure the purpose of the contribution is fulfilled. The updated Secondary School contributions are £4115.00 per applicable house (x28) totaling £115,220.00 is requested towards the Norton Katchbull School dining hall expansion.

**Natural England:** State that they have no comments to make regarding this application. Natural England have referred the Local Planning Authority to their standing advice and data relating to Sites of Special Scientific Interest.

**Kent Wildlife Trust:** Object to the application. The site has modest wildlife interest, serving as an important open space bringing the countryside deep into the settlement.

Its development harms both human and wildlife interests.

The site should not be sacrificed for development unless and until the Local Plan demonstrates that housing on this scale in this location (with its consequential disturbance to and loss of wildlife habitat) is necessary to meet housing need.

If, the Council is mindful to grant permission then the mitigation and enhancement measures, recommended in the Ecological Appraisal, should be secured by planning condition. A hedgerow-with-trees feature should be provided across the centre of the site (north-south) to achieve better connectivity for wildlife. Aerial photographs of the area suggest that such a hedgerow had been long-established feature of the site prior to its removal in recent years (between 2008 and 2011).

**Southern Water:** Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

Southern water request a condition to secure appropriate means for disposing of foul and surface water sewerage.

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

**Environment Agency:** State that they have no comments to make.

**ABC Environmental Services:** No objection subject to a condition to ensure that prior to occupation works for the disposal of sewage have been completed in the interests of pollution prevention.

**ABC Project Office (Drainage):** No objection. However, comments and recommendations made by Kent County Council's Flood Risk Officer are supported. Should permission be granted it is recommended that the conditions proposed by KCC in their role as Lead Local Flood Authority are applied.

**ABC Open Space and Landscape Officer:** Due to the scale of the development proposed, the opportunity is available to collect contributions towards identified projects such as outdoor sport and recreation in accordance with the Councils Green Space and Water Environment SPD.

**ABC Housing:** Have made the following comments:

- 28 units at 35% = 9.8 therefore request 10 units ( round up)
- Tenure split 60% Affordable Rent and 40% Shared Ownership (6 units affordable rent and 4 units shared ownership)

- Identification of specific units to aforementioned tenure type to be discussed further with ABC Property Manager and the selected Affordable Housing Protocol Partner
- Details of the Protocol Partners to be passed to the applicant by the ABC Housing Enabling Officer.

Housing Enablers View on the submitted application:

- Happy overall with the type of properties selected for the affordable quota.
- Would request the applicant reconsider the location of those aforementioned affordable homes and how they are integrated into the site? A cluster of this size and concentration may work against the ethos of community cohesion. Two smaller clusters that are integrated within the open market units would be the Councils preference.
- The applicant suggests that having all 10 units in a single cluster is the preferred option of Affordable Housing Providers Management Teams. Breaking up the affordable cluster into two smaller clusters is not considered to make it onerous for an Affordable Housing Provider to manage.

**NHS:** No comments received.

**Neighbours:** 86 Neighbours consulted, a site notice has been posted and the application has been advertised in the press.

26 representations were received objecting to/commenting on the application. A petition has also been received signed by 87 persons objecting to the proposal.

These objections/comments are summarised below:

Objections:

- The development is located outside the built confines.
- Inappropriate extension to the village.
- Scale of development is inappropriate and out of scale with existing developments.
- The application fails to address housing need, particularly for the elderly.
- It is difficult to see if affordable housing will be local needs housing.
- If officers are minded to support the application local needs housing should be secured and there should be no reduction in the number of these.

- The application is premature.
- Adoption of the Local Plan and Village confines review should be completed, prior to determination to allow a broader view of development options.
- There are broader infrastructure issues and community sustainability issues which need to be addressed.
- Removal of hedgerows.
- Damage to hedgerows not under the ownership of the applicant/developer.
- Loss of a greenfield site.
- Density of development is inappropriate for the site.
- The development exceeds the number of dwellings proposed by policy S33 by 3 dwellings.
- The development will increase demand on the Local primary school.
- The local primary school and secondary schools are struggling to maintain the placements required.
- The new houses are positioned too closely together.
- Developers will profit from maintenance of communal areas and from housing numbers. This is not acceptable.
- Increase in traffic.
- The road is narrow and cannot accommodate the footpath proposed.
- Poor visibility.
- Inadequate parking.
- Highway and pedestrian safety.
- The existing road network is extremely busy, the development will exacerbate this.
- Traffic along Ashford Road exceeds the speed limit.
- The speed limit should be reduced to 30mph.
- The development will increase road traffic accidents/collisions.
- The width of the proposed footpath is inadequate.



- 1.2 metres is the minimum width of a footpath except for in exceptional circumstances.
- The footpath will be unable to accommodate wheelchair users.
- The width of the footpath should be increased to 2.5m.
- Construction traffic will cause chaos on an overburdened road network.
- Construction traffic will cause disruption.
- Public transport is poor.
- Impact on wildlife/ecology - newts, badgers, birds, ducks, rabbits and pheasants.
- The information relating to the access and visibility splays is incorrect.
- The traffic analysis should be based on a 40mph speed limit and 35 dwellings.
- Impact on the Listed Building – Hope House.
- The development will increase demand on local GP surgeries.
- The development will increase surface water resulting in potential flooding.
- Surface water drains will be unable to cope with the increase in surface water.
- The attenuation pond must be constructed to provide protection from flooding.
- Additional sewage infrastructure should be provided – Sewage already backs up at Hope House – Risk of pollution.
- Ponds should be enhanced for wildlife.
- Further surveys should be submitted to substantiate wildlife on site.
- Loss of light.
- Overlooking/loss of privacy.
- Overbearing.
- Overbearing due to the levels on site.
- Noise and disturbance.
- The properties should be in keeping with existing development.
- Planning permission for residential development has already been refused on this site – The reasons for refusal are still valid.

- The development will affect the structural stability of Hope House.
- Noise, dust and vibration from construction.
- If approved planting and fencing should be provided.
- Cumulative impacts of all residential developments should be assessed.
- Officers should work with the village to identify suitable and available sites and to look at housing need.
- Concern that the open space will be poorly managed.
- Light pollution.

Comments:

- Loss of privacy should be considered.
- The reduction in the speed limit to 30mph is a good idea.
- Hedgerow heights should be increased to help alleviate noise and pollution.
- The entrance to Hopes Field and Hopes Grove are close together which could cause accidents.
- Greenery should be enhanced.
- Birds are present on site.
- The land is unmanaged.
- How will habitat areas be managed?
- Low lying wetland does not contribute to the street scene – full openness is preferable.
- The extent, use and control of landscape areas appears to be fundamental to the proposal and should be consisely presented – The development should not be approved without this.

### **Planning Policy**

45. 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. The new Ashford Local Plan to 2030 has now

been submitted for examination and as such its policies should now be afforded some weight.

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

**Local Development Framework Core Strategy 2008**

CS1	Guiding principles to development
CS2	The Borough wide strategy
CS6	The rural settlement hierarchy
CS8	Infrastructure Contributions
CS9	Design quality
CS10	Sustainable Design & Construction
CS11	Biodiversity and Geological Construction
CS12	Affordable Housing
CS13	Range of Dwelling Types and Sizes
CS15	Transport
CS18	Meeting the Community's needs
CS18a	Strategic Recreational Open Space
CS20	Sustainable Drainage

**Ashford Borough Local Plan 2000**

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

**Tenterden & Rural Sites DPD 2010**

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

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

**Local Plan to 2030 (Submission Version December 2017)**

SP1	Strategic Objectives
SP2	The Strategic Approach to Housing Delivery
SP6	Promoting High Quality Design
S33	High Halden Land and Hope House
HOU12	Residential space standards internal
HOU13	Homes suitable for family occupation
HOU14	Accessibility Standards
HOU15	Private external open space
HOU18	Providing a Range and Mix of Dwelling Types and Sizes
EMP6	Promotion of Fibre to the Premises (FTTP)
TRA3a	Parking Standards for Residential Development
TRA5	Pedestrians
TRA6	Cycling
TRA8	Travel Plans, Assessments and Statements
ENV1	Biodiversity
ENV3a	Landscape Character and Design

ENV4	Light Pollution and Promoting Dark Skies
ENV5	Protecting important rural features
ENV7	Water Efficiency
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage
ENV13	Conservation and Enhancement of Heritage Assets
COM1	Meeting the Communities Needs
COM2	Recreation, Sport, Play and Open Spaces
IMP1	Infrastructure Provision

### **Supplementary Planning Guidance/Documents**

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011 – External Space Standards Only

Sustainable Design and Construction SPD April 2012

Public Green Spaces & Water Environment SPD 2012

Dark Skies SPD 2014

### **Village Design Statements**

N/A

### **Informal Design Guidance**

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

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

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

### **Government Advice**

#### National Planning Policy Framework 2012

48. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that weight should be given to relevant existing Development Plan policies according to their degree of consistency with the NPPF.
49. Paragraph 216 states in relation to the stages of preparing a Local Plan that:
- “From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”
50. The following sections of the NPPF are relevant to this application:-
- Paragraph 14 sets out the mechanism for determining applications in accordance with the presumption in favour of sustainable development.
  - Paragraph 49 states that housing applications should be considered in the context of the ‘presumption in favour of sustainable development’.
  - Paragraph 17 sets out the core planning principles including every effort should be made objectively to identify and then meet the housing needs of the area; and always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; encourage the effective use of land by reusing land that has been previously developed (brownfield), provided that it is not of high

environmental value; contribute to conserving and enhancing the natural environment, conserve heritage assets.

- Section 4 indicates a Transport Statement should support developments that generate significant amounts of traffic movement.
- Section 6 sets out about delivering a wide choice of high quality homes, including plan for the needs of different groups in the community including older people.
- Section 7 sets out requiring good design.
- Section 8 seeks to promote healthy communities including ensuring the adequate provision of social, recreational, and cultural facilities and services the community needs.
- Section 11 sets out conserving and enhancing the natural environment. Paragraph 118 contained within this section states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats including ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
- Section 12 sets out conserving and enhancing the historic environment.

#### National Planning Policy Guidance (NPPG)

### 51. **Other Government Policy**

Technical Housing Standards – Nationally described space standards

#### **Assessment**

52. The main issues for consideration are:

- 5 Year Housing Land Supply and status of the emerging development plan
- Principle of the development
- Sustainability
- Impact on countryside/landscape character
- Design, Layout and Impact on the setting of Hope House
- Impact on residential amenity

- The access arrangement and impact on the highway network
- Ecology
- Drainage and Flooding
- Housing Mix and Affordable Housing
- Whether Planning Obligations are Necessary

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

53. The Council now considers it can demonstrate a deliverable five year housing land supply in accordance with paragraph 47 of the NPPF. This is based on a robust assessment of the realistic prospects of housing delivery on a range of sites in the adopted Development Plan, the Submission Local Plan to 2030 and other unallocated sites taking account of recent case law, the respective deliverability tests in Footnote 11 to para. 47 of the NPPF and the associated national Planning Practice Guidance and the detailed evidence base that supports the Submission Local Plan. Consequently, for the purpose of assessing applications for housing, the 'tilted balance' contained within para.14 of the NPPF where schemes should be granted permission unless the disadvantages of doing so significantly and demonstrably outweigh the benefits, need not be applied.

### **Principle of Development**

54. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the adopted Development Plan unless material considerations suggest otherwise. Section 70 of the Town and Country Planning Act 1990 is concerned with the determination of planning applications with regard to the provisions of the development plan, so far as they are material and any other material considerations.
55. The application proposes a development of up to 28 units on a greenfield site. Policy CS1 of the Core Strategy sets out the guiding principles for development in the borough. Sustainable development and high quality design are at the centre of the Council's approach to plan making and deciding planning applications. Policy CS1(c) states, as an objective, the following:
- 'Protection for the countryside, landscape and villages from adverse impacts of growth and the promotion of strong rural communities'*
56. Policy CS2 of the Core Strategy sets out the Borough Wide Strategy. Amongst other things, the policy identifies a need for land to supply new dwellings and related uses outside of the 'Ashford Growth Area'.



57. Policy CS6 sets out the rural settlement hierarchy in which High Halden is deemed a tier 3 settlement. These are villages in which a limited amount of new development may be acceptable through small site allocations within the Tenterden & Rural Sites DPD 2010. Although policy TRS1 of the Tenterden & Rural Sites DPD identifies High Halden as being capable of accommodating minor residential development or infilling, High Halden was not afforded any housing allocations in this document.
58. Until such time that the draft local plan is adopted, in the context of this current application the relevant policies for housing supply, would include policies TRS1 and TRS2 of the Tenterden and Rural sites Development Plan Document. Policy TRS1 states that minor development or infilling will be acceptable within the built-up confines of villages including High Halden subject to a meeting certain criteria. The preamble to policy TRS1 defines the built-up confines as being:
- “the limits of continuous and contiguous development forming the existing built-up area of the settlement, excluding any curtilage beyond the built footprint of the buildings on the site.”*
59. According to definition the site is outside the built confines of High Halden, and the erection of up to 28 dwellings cannot be considered to represent minor development/ infilling as set out in Policy TRS1 either.
60. Policy TRS2 of the DPD states certain ‘exception criteria’ that could allow development outside of built-up confines, however, this proposal fails to meet any of these criteria. As such, the policies would either not be relevant (policy TRS1) or the development would be in conflict with (policy TRS2).
61. The emerging Local Plan 2030 continues to pursue a hierarchical approach towards the distribution of housing development across the borough in a plan led and sustainable way.
62. In the rural area, larger scale development – in a rural context – is focused at the more sustainable and established rural settlements, those which have more services and facilities and a greater ability to absorb higher levels of new housing.
63. The Plan also proposes to allocate a significant number of housing allocations at medium sized rural settlements which will spread the responsibility for accommodating new housing growth in a sustainable way across the borough and focus new housing in a way that is proportionate and close to the services and facilities in the locality.

64. Within the emerging plan the application site is identified (under policy S33) as being suitable for residential development. Policy S33 states that the indicative capacity for the site is 35 units. The draft allocation evidences the fact that the Council considers the principle of residential development on this site to be acceptable and also sustainable in accordance with the principle identified above. Emerging policy S33 states that:

*Development proposals for this site shall:*

*a) Enhance the north western area of open space associated with the existing pond/s and mitigate against impacts from development on the biodiversity. Provide a wildlife corridor from this area to the adjoining countryside by retaining existing trees and hedging within the site, where possible;*

*b) Be designed and laid out in such a way as to protect the character and setting of the village and the residential amenity of neighbouring dwellings, particularly to preserve and enhance the setting of the listed building, Hope House; attention needs to be given to the topography of the site and dwellings should be orientated to enable overlooking and natural surveillance of the wildlife/pond area;*

*c) Provide primary vehicle access onto the A28 Ashford Road, as shown on the policies map and include the provision of traffic calming measures to slow the traffic to 30mph or less, in accordance with the recommendations of Kent Highways;*

*d) Retain and enhance the hedge and tree boundaries around the site, particularly those adjoining countryside and listed building;*

*e) Provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider.*

65. Overall, in officer's view, whilst the starting point for assessing this application remains the adopted Development Plan, the new Ashford Local Plan to 2030 has now been submitted for examination and as such is a material consideration and its policies should now be afforded some weight.
66. In terms of the weight to be attached to relevant policy S33, for reasons set out in detail in the remainder of the report, the proposed development is considered to comply with the relevant criteria contained in this site-specific policy. For this reason, policy S33 is considered to be a significant material consideration.
67. Also a material consideration and worthy of note, is the fact that other emerging site allocations such as Land adjacent the Kings Head (reference 15/01496/AS) and Land rear of Rose Cottage Farm, North Street, Biddenden, Kent (reference 17/00258/AS) have recently been approved by the Planning Committee.

68. With regard to representations submitted in response to emerging policy S33, the summary of representations received in response to the initial consultation in respect of the Local Plan 2030, indicates that a total of ten representations were received. Three representations were received in support of the draft allocation, three objecting to it, and four made comments in response to the draft allocation.
69. Following the initial consultation, the Council undertook a second round of consultation detailing the main changes to the emerging Plan. The summary of representations received in response to policy S33 following this second consultation indicates that eight representations were received raising objections to the draft allocation, and one representation was received commenting on the draft allocation. In the overall context of the local population, the number of representations received is considered relatively minor.
70. This is a greenfield site and in this respect the development would have a slightly negative environmental impact.
71. However, benefits associated with the scheme include its ability to help boost significantly the supply of housing in accordance with paragraph 47 of the NPPF, its relatively sustainable location (see below), and other recognised social and economic benefits including generating job opportunities, for example, during the construction process, and economic benefits arising from purchasing goods and utilising services and facilities in the immediate and wider locality.

### **Sustainability - Location of the Development**

72. The NPPF seeks to resist isolated new homes in the countryside (para 55). This is consistent with the thrust of policies TRS1 and TRS2.
73. The site is not in an isolated location. The application site is located adjacent to an established settlement within easy walking distance of the centre of the village, where there are a number of local services and facilities including a local convenience store, a public house, church, play park, sports field and a primary school. There are bus stops located within walking distance of the site which offer regular services into Tenterden and Ashford. Therefore, the site is not regarded as being physically isolated from services.
74. For these reasons, on balance, when assessed against paragraph 55 of the Framework, the site is considered to be relatively sustainably located which is a material consideration which weighs in favour of the proposal.

### **Impact on countryside/landscape character**

75. Policy GP12 of the adopted Local Plan seeks to protect the countryside for its own sake including for its landscape and scenic value.

76. 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.
77. Policy CS1 of the Core Strategy seeks to protect the character of the countryside, landscape and villages from the adverse impacts of growth. This is endorsed by Policy SP1 of the emerging Ashford Local Plan which sets out similar core principles for development within the borough.
78. Amongst other things, policy TRS17 of the Tenterden and Rural Sites DPD states that development in the rural areas shall be designed in a way which protects and enhances the particular landscape character area within which it is located, and, where relevant, any adjacent landscape character area. The policy also says that existing features that are important to local landscape character shall be retained and incorporated into the proposed development. Policy ENV3 of the emerging Local Plan is not materially different in its approach to landscape and character and design.
79. The site comprises a field in use for agriculture. The land rises to the south towards the hedge/tree line along the southern boundary. With the exception of trees and hedgerow, which predominately align the southern western and the northern boundary adjoining residential dwellings, there are few landscape features except the hedgerows and mature trees.
80. The site is located in the Low Weald within the Landscape Character Area of Biddenden and High Halden Farmlands, where the condition and sensitivity of the landscape is moderate. The overall guidelines for the area are to conserve and improve the landscape. This includes the conservation of long views out across the Low Weald, intimate small scale field patterns and strong sense of enclosure, field ponds and slow flowing streams. The strong matrix of hedgerows and hedgerow trees should be appropriately managed.
81. The site fronts directly onto the A28 and is separated from it by a stock proof fence, there is a gated field access located just to the east of the pond on site. There are no landscape features present along this frontage and so consequently, views into the application site are prominent.
82. Although landscaping is a matter that is reserved for future consideration, the illustrative layout proposal indicates that it is proposed to retain the pond on site together with the planting along the southern and western boundaries and along the northern boundaries adjoining residential properties. The illustrative layout also shows planting along the eastern boundary; where at present planting is minimal. A grant of outline planning permission would offer an opportunity at reserved matters stage to ensure reinforcement of the planting along the boundaries in order to retain a positive and softened edge to the wider countryside. This would accord with landscape objectives and with criteria d of emerging policy S33 of the Local Plan 2030. This would serve to ensure that the sense of enclosure that exists within the site at present is preserved and

enhanced, and will also assist to prevent prominent views into the site from the open countryside that lies to the south. In scenarios where it may be possible to see into the site from within the wider landscape, existing residential development located in close proximity, such as Millfield and Hopes Grove, will be associated with views of the development site. In this context, the site would not appear physically isolated as it will be seen against the backdrop of existing development within High Halden.

83. The positioning and design of boundary treatments will be an important consideration. The use of close boarded fencing on the rural fringes of the site will be carefully controlled to ensure alternative softer garden enclosures more sympathetic to the rural setting are provided.
84. The proposals would result in a significant visual change from an open field to a developed housing scheme, however, the visual impacts associated with this would be relatively localised and contained by the existing and enhanced landscaping to the boundaries. For these reasons and the reasons set out above, I therefore conclude that the redevelopment of the site to accommodate up to 28 units would not cause significant and demonstrable harm to the wider landscape character or visual amenity. Whilst the scheme would undoubtedly change the character of this part of the Ashford Road, I consider that in context with existing residential development this change in character is acceptable.
85. I am satisfied that the proposals would comply with development plan policies which I have referred to which seek to protect the countryside and landscape character. In addition, the proposals are considered to broadly reflect the landscape objectives set out in part d of draft policy S33 of the Local Plan, which, amongst other things requires development proposals for this site to retain and enhance the hedge and tree boundaries around the site particularly with the adjoining countryside.

### **Design, Layout and Impact on the setting of Hope House**

86. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), it is the Council's statutory duty and obligation to have regard to the preservation and/or enhancement of heritage assets such as conservation areas and Listed buildings and their setting.
87. Policies CS1 and CS9 of the Core Strategy require good design, and seek to conserve and enhance the historic environment and built heritage. Emerging policy ENV13 states that proposals which protect, conserve and enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported.
88. Amongst other things policy TRS17 of the Tenterden and Rural Sites DPD states that proposals shall have particular regard to the setting, scale, layout, design and detailing of vernacular buildings and other traditional man made

features. Policy SP6 of the emerging Local Plan is not materially different in its approach to promoting high quality design.

89. The above policies are broadly consistent with the NPPF which seeks to safeguard heritage assets, attaches great importance to the design of the built environment and states that developments should respond to local character and history and reflect the identity of local surroundings and materials. Paras. 62, 63 and 64 seek to ensure high standards of design that help raise the standard of design more generally, and that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
90. The preamble to emerging policy S33 reinforces the need for high quality design in order to ensure that the re-development of this site preserves and/or enhances the setting of Hope House which is a Grade II Listed Building.
91. In addition to landscaping, which has been addressed in some detail above, layout, scale and appearance would be determined at the reserved matters stage.
92. The illustrative drawings submitted indicate that dwellings will be located to the rear of a number of properties fronting Ashford Road. This form of backland development already exists to the east of the site where Rowans and Lynton are positioned to the rear of Oaklands, and where Millfields is located to the rear of properties also fronting Ashford Road.
93. The proposed residential development would not extend beyond the southern extent of existing residential developments and so it would not encroach any further into the countryside by comparison.
94. The proposal is for an 'up to' number. As stated above, emerging policy S33 states that the indicative capacity for the site is 35 units. The indicative layout submitted with this application suggests that up to 28 dwellings may be able to be accommodated within the site subject to achieving a satisfactory layout.
95. Density of development varies in the nearby locality. A development of 28 units on this site would equate to 13 dwellings per hectare. This would not detract from housing densities nearby and is consistent (if not lower) in density than nearby development in locations such as Hopes Grove, Millfields and The Chennells.
96. As stated above, the scale of development would be considered at reserved matters stage but the applicant's details with the outline application make reference to 2-storey development. This is an edge of settlement location surrounded by mixed dwelling types including single and two storey dwellings. As such, contextually, two storey dwellings may be appropriate, but will need to be carefully considered to take account of the change in levels across the site.

97. Hope House is set in a substantial plot. The plot is well screened to the boundaries and so views of the listed buildings are somewhat limited.
98. The illustrative layout indicates that the pond to the east of Hope House will be retained, and the frontage to the application site is proposed to remain open with the exception of planting to the eastern boundary. There is already fairly robust tree cover along the southern boundary within the grounds of Hope House and the illustrative layout suggests that a landscaped green will be created within the application site to the rear of Hope House on its southern boundary. It will only be to the south and west that development will take place and this is shown to be positioned a substantial distance away from Hope House.
99. These illustrative arrangements suggest that setting of the building when viewed from within the public domain is unlikely to change significantly, as a result of proposal. On this basis, I consider that the proposals would preserve the setting of the Listed Building.
100. Overall, I am confident that a scheme for 'up to' 28 dwellings can be designed to protect the setting of Hope House and complement and protect the character and setting of the village in accordance with criteria b of emerging policy S33. Even if any harm were to arise in terms of the impact on Hope House, then in officer's view, this is likely to be minimal/less than substantial and would be outweighed by the public benefits previously identified (NPPF test paragraph 134), which include providing additional dwellings in a sustainable location to contribute to boosting the supply of housing.

### **Impact on residential amenity**

101. Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
102. Whilst layout is reserved for future consideration, the indicative layout plan suggests that satisfactory distances can be maintained between the proposed and adjacent dwellings. Coupled with robust landscaping, I am satisfied that the re-development of the site can be achieved without causing demonstrable harm to neighbours amenity or to each other through loss of light, immediate outlook or by having an overbearing presence. Conditions can be used to maintain privacy at reserved matters stage, should it be considered necessary.
103. The indicative layout plan suggests that gardens can be provided to a size which complies with the Council's Residential Space and Layout SPD.
104. The reserved matters application should ensure that the internal accommodation proposed complies with the National Space Standards. This can be secured by condition.

105. Given the above, I am satisfied that the development would not result in harm to the residential amenity of neighbouring or future occupiers and can comply with the requirements of part d of emerging policy S33 which requires the development to be designed in a way that protects the residential amenity of neighbouring dwellings. The development is therefore in accordance with the NPPF.

### **The access arrangement and impact on the highway network**

106. 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.
107. Access arrangements consist of the detail of the means of access to the site being submitted and not full details of accesses within the site, which will be for consideration at reserved matters stage.
108. Vehicle access to serve the development will be achieved via a new access from the A28 Ashford Road. The statement indicates that for pedestrians a footway is proposed to the east of the site to meet with the existing westbound bus stop and footway, as well as dropped kerbs and tactile paving between the access and Hopes Grove. A reduction in the speed limit from 40mph to 30mph is also proposed to the west of Hookstead.
109. The results of the Transport Statement are summarised at paragraphs 41 to 44 of this report. The application has been subject to consultation with KCC Highways and Transportation.
110. Taking into account the introduction of a new road access for the proposal site with associated turning movements and the new section of footway on the on the south side of the A28 linking to the bus stop, KCC are content that extending the 30mph speed limit approximately 80m, just to the to the south east of the proposed junction can be considered appropriate.
111. KCC are satisfied that adequate visibility can be achieved. Visibility splays measuring 2.4m x 88m with no obstruction above 0.9m can be secured by condition.
112. KCC state that the traffic island at the existing 30mph terminal should be removed, and an enhanced gateway feature provided at the location of the new 30mph. Although a traffic island will not be possible due to the road width and the slight bend in the road, it will be possible to provide an enhanced gateway using a combination of coloured surfacing, roundels, ghost island/edge of carriageway markings with white timber posts to accompany the new speed limit signing.



113. The reserved matters application should ensure that adequate space is identified to provide parking in accordance with the Council's adopted Parking Standards SPD. This can be secured by condition.
114. For the reasons set out above, the proposed development is not considered to be harmful to highway safety, and would accord with criteria c of emerging policy S33.

## **Ecology**

115. Policy EN31 of the adopted Local Plan states that development which significantly affects semi natural habitats will not be permitted unless measures have been taken to limit impact and long term habitat protection is provided where appropriate.
116. Guiding Principles Policies CS1 (A) (D) and (K) of the Core Strategy identify objectives of ensuring protection of the natural environment and integration of green elements enhancing biodiversity as part of high quality design. Against these overarching objectives, Policy CS11 of the Core Strategy specifically requires development proposals to avoid harm to biodiversity and geological conservation interests, and seek to maintain and, where practicable, enhance and expand biodiversity. This is included also in Policy ENV1 of the emerging Local Plan.
117. 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.
118. The results of the Ecological Appraisal and Badger Survey are summarised in detail at paragraphs 27 to 40 of this report.
119. The application has been subject to consultation with KCC Biodiversity. KCC are satisfied with the result of the ecological appraisal which details the following:
- Medium population of Great Crested Newts
  - Grass snakes and slow worms within the site
  - Smooth and Palmate newts recorded within ponds
  - Suitable habitat for breeding birds within the site
  - Suitable habitat for hedgehogs within the site.
  - Least 5 species of foraging bats

120. On the basis of the additional information provided in the Technical Note, KCC are satisfied that the mitigation proposed can be implemented and retained within the proposed development site.
121. KCC confirm that the ecological mitigation outlined within the submitted reports is satisfactory but there will be a requirement for a detailed mitigation strategy and management plan to be submitted as a condition of planning permission. This is to ensure that the area is managed appropriately for the life time of the development.
122. At the request of KCC, an updated badger survey has been submitted. The survey indicates that there is evidence of foraging/commuting badgers within the site but the setts on site have been assessed as inactive. Therefore KCC are satisfied that there is currently no requirement for a badger mitigation strategy to be carried out. However, as badgers are highly mobile and setts may become active prior to works commencing, if planning permission is granted an updated badger survey must be carried out prior to works commencing on site. This can be secured by planning condition. If an active badger sett is recorded details of the mitigation must be included which can form part of the above recommended condition.
123. Based on the information submitted and the response received from KCC, I am satisfied that the LPA has fulfilled its duty to appropriately assess the development under Regulation 9(5) of the Conservation of Habitats & Species Regulation 2010. Subject to conditions, the proposed development is not considered to result in any adverse impacts to matters of ecological importance in accordance with the relevant policies set out in European and UK law as well as in the adopted development plan, emerging plan and NPPF. In addition, and on this basis I am satisfied that the proposals can comply with the ecological criteria set out in emerging policy S33.

### **Drainage and flooding**

124. The submitted Flood Risk Assessment (FRA) indicates that the application site is sequentially appropriate as it is located within Flood Zone 1 where there is little to no risk of fluvial or tidal flooding.
125. The FRA states that the land is assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year and is at low risk of flooding from all other sources.
126. The FRA includes a Surface Water Management Strategy (SWMS). The aim of the SWMS is to replicate the existing drainage patterns by providing storage to limit peak runoff from the site to existing greenfield runoff rates.
127. The strategy seeks to incorporate Sustainable Urban Drainage Systems (SuDs) and to enhance water quality. The following drainage elements are identified as

being appropriate for the site; water butts, permeable paving, detention ponds, wet ponds and piped systems. It is envisaged that pipes will be used for conveyance and connections between SuDS elements where necessary. The FRA states that pipes can be oversized to provide additional attenuation storage if appropriate.

128. Surface water runoff is to be disposed of via exiting drainage routes to watercourses. Attenuation and treatment will be provided by a detention pond/wet pond. It is stated that a controlled outlet from the pond will limit runoff from the development to greenfield runoff rates.
129. The proposed surface water management strategy provides sufficient storage to attenuate runoff from the development to at or below greenfield runoff rates for all rainfall events up to and including the 1 in 100 year plus climate change event.
130. The proposed system has been subject to consultation with KCC Flood and Water Management and ABC Project Delivery Engineer neither of whom have raised any objection to the proposals. However, KCC have advised that the detailed design should incorporate an additional analysis to understand the flooding implication for a greater climate change allowance of 40%, as specified in Environment Agency guidance, February 2016, and should also consider maintenance of water quality before discharge to watercourse. An informative can be added to any grant of consent advising the developer of this.
131. Overall, subject to conditions, I am satisfied that surface water can be managed in accordance with the requirements set out in the Council's adopted SPD. Based upon the strategy submitted I am also satisfied that the proposal will not worsen flooding on the site or on adjacent land. I therefore consider that the proposal would accord with the provisions of Policy CS20 of the core Strategy.
132. In their response dated 19 July 2018, Southern Water confirm that their initial investigations indicate that they can provide foul sewage disposal to service the proposed development. I am therefore satisfied that the proposals can comply with criteria e of emerging policy S33 which requires the development to provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider.

### **Housing Mix and Affordable Housing**

133. The application was received on 21<sup>st</sup> June 2017 prior to the Local Plan 2030 being submitted for examination, and the application has not been substantially amended since its initial receipt. Consequently, for the purpose of assessing housing mix and requirements for affordable housing, greater weight is attached to policies CS12 and CS13 of the Core Strategy.

134. The tenure mix across the development will be considered at reserved matters stage, however the applicant's details with the outline application makes reference to 12 x four bedroom dwellings, 10 x three bedroom dwellings and 6 x two bedroom dwellings. This represents a reasonable housing tenure mix for the village and I consider it meets the requirements of policy CS13.
135. It is proposed to provide 'up to' 28 residential units. The inclusion of ten affordable housing units represents a rate of provision of 35.7% of the development as a whole, which complies with policy CS12 of the Core Strategy, which seeks 35% quota provision. The housing will be secured as affordable housing in perpetuity through a S106 Agreement.
136. The mix of affordable housing on this site needs to be provided in accordance with Policy CS12 which requires a 60:40 tenure ratio split between social rented (60%) and shared ownership affordable housing (40%). This can also be secured in perpetuity through a S106 Agreement.
137. In light of the above I consider that the proposed housing mix and the affordable housing element provided is acceptable and also well integrated so as to warrant the support of this application in this respect.

### **Planning Obligations**

138. 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
139. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.

**Table 1**

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.	<p><b>Affordable Housing</b>                      Provide not less than 35% of the units as affordable housing, comprising 60% affordable rent units and 40% shared ownership units in the locations and with the floorspace, wheelchair access (if any), number of bedrooms and size of bedrooms as specified.</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the</p>	<p>35% of units as affordable housing with 60% affordable rent units</p> <p>40% 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><b>Necessary</b> 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><b>Directly related</b> as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>

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	registered provider's nominations agreement.			
2.	<p><b><u>Children's and Young People's Play</u></b></p> <p>Contribution towards the provision of new swings and additional play equipment together with safer surface</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p><b>Necessary</b> 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><b>Directly related</b> 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><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the</p>

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				extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
3.	<p><b><u>Informal/Natural Space</u></b></p> <p>Contribution towards upgrading the pond at Hopes Grove, High Halden and planting of trees at Hookstead Green</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p><b>Necessary</b> as improvements to the informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use informal/natural green space and the space to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the</p>

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				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.
4.	<p><b><u>Outdoor Sports</u></b></p> <p>Contribution towards the provision of a tennis court/outdoor gym/cricket facilities at the recreation ground at Hopes Grove/Shawlands Lane, High Halden</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p><b>Necessary</b> as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces &amp; Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the</p>



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				extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
5.	<b><u>Strategic Parks</u></b>  Contribution towards signage Conningbrook Lakes Country Park.	£146 per dwelling for capital costs  £47 per dwelling for maintenance	Before completion of 75% of the dwellings	<p><b>Necessary</b> 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><b>Directly related</b> as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be</p>

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				provided and maintained and the maintenance period is limited to 10 years.
6.	<p><b>Allotments</b></p> <p>Contribution towards a project to identify and acquire land within the Parish of High Halden for allotments.</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for future maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p><b>Necessary</b> as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the</p>

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				extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
7.	<p><b><u>Secondary Schools</u></b></p> <p>Towards Norton Knatchbull School Dining Hall expansion</p>	£ 4115.00 per dwelling	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> <p>To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)</p>	<p><b>Necessary</b> as no spare capacity at any secondary school in the vicinity and pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, saved Local Plan policy CF21, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p><b>Directly related</b> as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and</p>

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				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.
8.	<p><b>Libraries</b></p> <p>Contribution for additional bookstock at libraries in the Borough.</p>	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p><b>Necessary</b> as more books required to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use library books and the books to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and</p>

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				because the amount calculated, is based on the number of dwellings.
9.	<b>Monitoring Fee</b>  Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.</p>
<p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the <a href="#">council web site</a> 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**

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

### **Working with the applicant**

141. 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**

142. The site is not allocated for development in the adopted development plan.
143. Although adopted development plan policy TRS1 of the Tenterden and Rural Site DPD states that "minor development or infilling will be acceptable within the built-up confines of High Halden", the application site would fall outside the built-up confines and does not represent minor infilling. Neither does the development fall to be considered against the exception criteria set out in policy TRS2. The application therefore represents a departure from the development plan.
144. Notwithstanding the conflict identified in the paragraph above, the site is allocated for development in the emerging Local Plan 2030 under policy S33. The emerging plan has been submitted for examination and as such policy S33 is a significant material consideration, and the fact the proposed development complies with the relevant criteria contained in the site specific policy, and other relevant policies in the current plan weighs in favour of granting planning permission.
145. Other material considerations include the benefits associated with the scheme which include its ability to help to boost significantly the supply of housing in accordance with paragraph 47 of the NPPF and its relatively sustainable location. Other recognised social and economic benefits include generating jobs opportunities, for example, during the construction process, and in particular the provision of specific tenures of affordable housing which will contribute to meeting identified housing needs and can be secured by a S106

obligation. Future residents would also buy goods and utilise services and facilities in the local area providing economic benefits to the immediate and wider locality.

146. Matters relating to layout, scale appearance and landscaping are reserved for future consideration. However, based on the information available and indicative drawing submitted I am confident that a scheme can be designed which will represent an appropriate form of development that sits comfortably within its contextual setting in accordance with policy GP12 of the Local Plan, CS1 and CS9 of the Core Strategy, TRS17 and TRS18 of the Tenterden and Rural Sites DPD and emerging policy S33 of the Local Plan 2030.
147. In terms of the impact of the development on the setting of the adjacent Listed Building, I am satisfied that a scheme can be designed that would not result in either harm or less than substantial harm to the setting of the Listed Building in accordance with policies CS1 of the Core Strategy part a of policy S36 and policy ENV13 of the emerging Local Plan to 2030. Even if any minimal harm were considered to arise, I would deem this to be extremely minimal and certainly less than substantial in accordance with the NPPF test. Any limited harm would be outweighed in this case by the public benefits previously identified.
148. There would be no material harm to neighbouring or future occupier's amenity, highway safety or ecology. In terms of flooding I am satisfied that subject to conditions, the site can be drained in an acceptable way. I am therefore satisfied that the proposal accords with policies EN31 and EN32 of the Local Plan, CS11, CS15 and CS20 of the Core Strategy and TRS17 of the Tenterden and Rural Sites DPD.
149. My assessment of the various issues above indicate that minimal harm would arise as a consequence of residential development here, any incremental harm can be easily mitigated through the imposition of conditions. When balanced alongside the potentially positive social and economic impacts arising from the proposal, in my view the proposal would represent sustainable development. Sustainable development is at the heart of the NPPF and should be seen as the golden thread running through decision taking.

150. 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 demonstrable harm. In addition, the fact the proposed development complies with the relevant criteria contained in emerging site-specific policy S33, and other relevant policies in the current plan, is a significant material consideration. 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 as detailed in Table 1, in terms agreeable the Head of Development Management and Strategic Sites or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve minor changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional planning conditions or deleting conditions) as she sees fit.**

**(B) Grant Outline Planning Permission**

Subject to the following conditions and notes:

**Implementation**

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

**Reason:** To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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



**Reason:** To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Approved Plans**

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

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

### **Architecture**

4. 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.

### **Highways**

5. Prior to commencement of any works on site, a detailed highway layout drawing shall be submitted showing the proposed 30mph speed limit extension in a south westerly direction by approximately 80m. The drawing shall include details of the removal of the existing traffic island, proposed footway to the existing westbound bus stop and details of the new gateway feature to accompany the relocated 30mph speed limit. The works shall be completed prior to the first occupation of any dwelling in accordance with the approved details.

**Reason:** In the interests of Highway Safety.

6. No dwelling shall be occupied until the vehicular access and associated visibility splays identified on drawing number T-04 Revision P2 and hereby approved have been provided in accordance with that plan. The access and visibility splays shall thereafter be retained in accordance with those plans and the area within the visibility splays shall be permanently maintained with no obstructions over 0.9 metres above carriageway level within these splays.

**Reason:** In the interest of highway safety.

7. The details submitted in pursuance of Condition 1 shall show adequate land, reserved for parking and/or garaging to meet the needs of the development and in accordance with the Council's adopted Residential Parking and Design guidance SPD or any adopted guidance or policy which may have superseded it. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown as to preclude vehicular access to this reserved parking area

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

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 Holidays.

**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 Construction and Transport Management Plan shall include, but not be limited to the following:

- a) Routing of construction and delivery vehicles to / from site;
- b) Details of areas for the parking, loading and unloading of plant and materials, and provision on-site for turning for personnel, delivery and construction vehicles;
- c) Details of areas for the storage of plant and materials;
- d) A programme of works including details of the timing of deliveries
- e) Details of temporary traffic management / signage
- f) Details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances; and
- g) Provision of measures to prevent the discharge of surface water onto the highway.

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

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

10. No dwelling shall be occupied until the following works between that dwelling and the adopted highway have been completed in accordance with details approved prior to the first occupation of the dwelling
  - a) Footways, with the exception of the wearing course
  - b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway furniture(if any).
  - c) All wearing courses shall be completed within a year of the occupation of the dwellings to which they relate.

**Reason:** In the interests of Highway and pedestrian Safety.

### **Drainage**

11. Prior to the commencement of the development details of the proposed means of foul water disposal and the maintenance of such, shall be submitted to and approved in writing by, the Local Planning Authority in consultation with Southern Water and such approved works shall be carried out before occupation of any dwelling and thereafter retained and maintained as such.

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

12. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the proposals of the Surface Water Management Strategy by RMB Consultants (dated June 2017) which demonstrates that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

**Reason:** To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not

exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

13. 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:
- a) a timetable for its implementation, and
  - b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

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

### **Environmental protection**

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

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

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

### **Hard and Soft Landscaping/Trees**

15. 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 the approved plans and particulars, without the written approval of the Local Planning Authority.
  - b. If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
  - c. All retained trees shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations). Such tree protection measures shall remain throughout the period of demolition and construction.
  - d. No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
  - e. No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
  - f. No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
  - g. Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
  - h. No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

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

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

**Reason:** In the interest of visual amenity.

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

**Reason:** In the interests of visual amenity

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

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

### **Ecology**

19. No development shall take place (including any ground works, site or vegetation clearance) until an ecological mitigation and enhancement strategy and management plan has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) Updated Ecological scoping survey and any recommended specific species surveys.

- b) Updated Badger survey.
- c) Purpose and objectives for the proposed works.
- d) Detailed design(s) and/or working method(s) necessary to achieve stated objectives.
- e) Extent and location of proposed works, including the identification of a suitable receptor site, shown on appropriate scale maps and plans.
- f) Maps showing the location and types of ecological enhancements.
- g) Aims and objectives of the management.
- h) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.
- i) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works.
- j) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period.
- k) Details of the body or organisation responsible for implementation of the plan.
- l) Ongoing monitoring and remedial measures.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

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

### **Space Standards**

20. The details submitted in pursuance of condition 1 shall show accommodation that complies with the Nationally Described Space Standards and external private space that complies with the Council's Residential Space and Layout SPD.

**Reason:** In the interest of the amenity of future occupiers.

### **Lighting**

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

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

### **Development restrictions**

22. 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.

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

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

### **Refuse**

24. Full details of facilities to accommodate the storage of refuse and material for recycling for each dwelling and its collection by refuse vehicles shall be submitted at the same time as details required to be submitted pursuant to Condition 1 and approved by the Local Planning Authority in writing. The approved details shall be implemented before the occupancy of dwellings to which they relate. Notwithstanding the provisions of the Town and Country Planning (General



Permitted Development) Order 1995, or any other Order or any subsequent Order revoking or re-enacting that Order, such approved facilities shall be retained and maintained and access thereto shall not be precluded.

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

### **Sustainability**

25. Prior to the first occupation of each new dwelling with a designated parking space provided by means of a driveway, carport, or garage, the dwelling shall be provided with at least one electric vehicle charging point. The charging point may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The charging point shall thereafter be retained available, in a working order for the charging of electric vehicles.

**Reason:** To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles.

26. No dwelling shall be occupied, until it has been constructed and fitted out to ensure that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day, as measured in accordance with a methodology approved by the Secretary of State, and a copy of the Notice required by the Building Regulations 2010 (as amended) confirming this, shall be submitted to the Local Planning Authority.

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

### **Broadband**

27. Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction.

**Reason:** in the interests of providing good broadband connections

### Notes to Applicant

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

2. Working with the applicant

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

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

In this instance:

- The applicant was provided with the opportunity to submit further information to address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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

4. "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](http://www.southernwater.co.uk).

5. The applicant is advised that the initial assessment by Southern Water does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that noncompliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

6. The applicant is advised that the detailed drainage design should incorporate an additional analysis to understand the flooding implication for a greater climate change allowance of 40%, as specified in Environment Agency guidance, February 2016. The detailed design should also consider and address the maintenance of water quality before discharge to watercourse.
7. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

### **Background Papers**

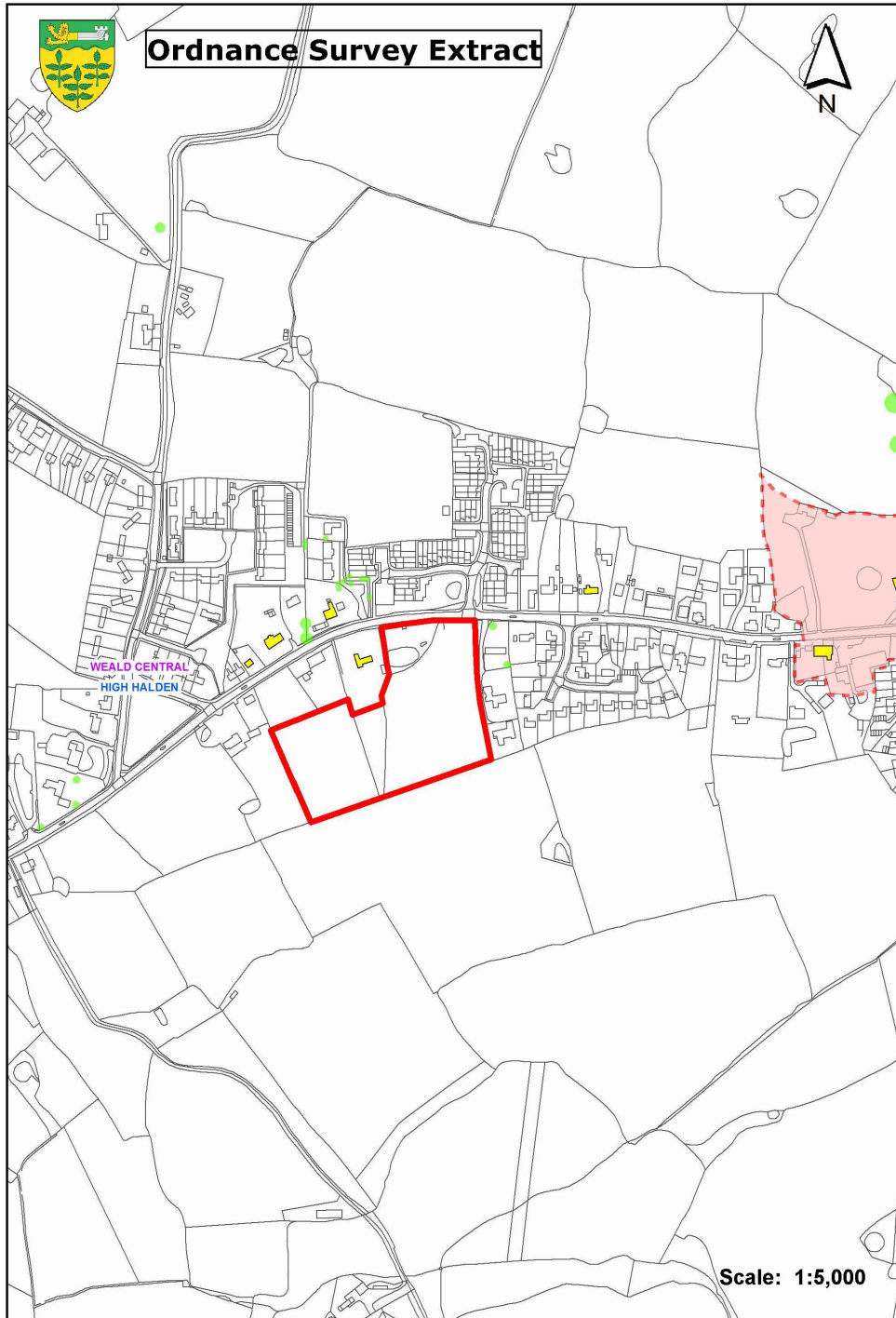
All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 17/00952/AS)

**Contact Officer:** Claire Marchant

**Telephone:** (01233) 330739

**Email:** [Claire.marchant@ashford.gov.uk](mailto:Claire.marchant@ashford.gov.uk)

**Annex 1**



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<b>Application Number</b>	17/01320/AS
<b>Location</b>	Land adjacent to Old Corn Store, Pluckley Road, Charing, Kent
<b>Grid Reference</b>	594740/148783
<b>Parish Council</b>	Charing
<b>Ward</b>	Charing
<b>Application Description</b>	Outline application for the erection of 3No. new dwellings with shared access driveway and associated external works
<b>Applicant</b>	Ms A Pattinson
<b>Agent</b>	Mr N Blunt, Urban Curve Architecture
<b>Site Area</b>	0.33ha

(a) 11/1R, 1S                      (b) Charing PC S                      (c) BTOH -; KCCE X, EH X, BTOD X; SWS X

## Introduction

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

## Site and Surroundings

2. The application site is located to the north west of Pluckley Road to the south of Charing village and comprises the Broadways Slipway, a narrow strip of undeveloped land sited between The Old Corn Store to the south west and Broadway Cottages to the north east. Located on the village periphery the site forms a significant visual break in the continuous line of built development on this section of the road and signals the transition from village settlement to open countryside. The site is in the Charing Farmlands Landscape Character Area.
3. Measuring 2300m<sup>2</sup> in area, the site is surrounded by hedging and mature trees of varied species some of which are subject to the TPO 29 of 2017. The trees and hedge enclose the site and provide the site with a woodland feel. Through gaps in the boundary planting long range views west towards more

distant countryside can be glimpsed. These add to the semi-rural character of the site and its surroundings.

4. The site lies adjacent to Broadway Cottage and opposite Broadway House both of which are grade II listed. The Old Corn Store is also considered to have some Heritage value but is unlisted. Access to the site is via an existing gate serviced by a drop kerb onto Pluckley Road. Historic maps and photos indicate that the site has always been a greenfield site. It once formed part of the extended garden of the Old Corn Store although it appears not to have been used for this purpose for more than two decades.

### **Proposal**

5. Outline planning permission is sought for the erection of 3 detached dwellings with access and layout to be considered at this stage.
6. The indicative plans submitted with this application illustrate a linear form of development with the three dwellings sharing one access off Pluckley Road. The proposed dwellings would comprise of two chalet bungalows (plots 1 and 2) and a single two storey dwelling (plot 3)
7. Set back behind the roadside trees, Plot 1 would flank Pluckley Road and back onto the rear garden of The Old Corn Store. Plots 2 and 3 would face Pluckley Road with their main gardens to the north east.
8. Two parking spaces are proposed per dwelling. These would be to the south of Plot 1 and the south west of Plots 2 and 3.





Figure 1 Site Location Plan

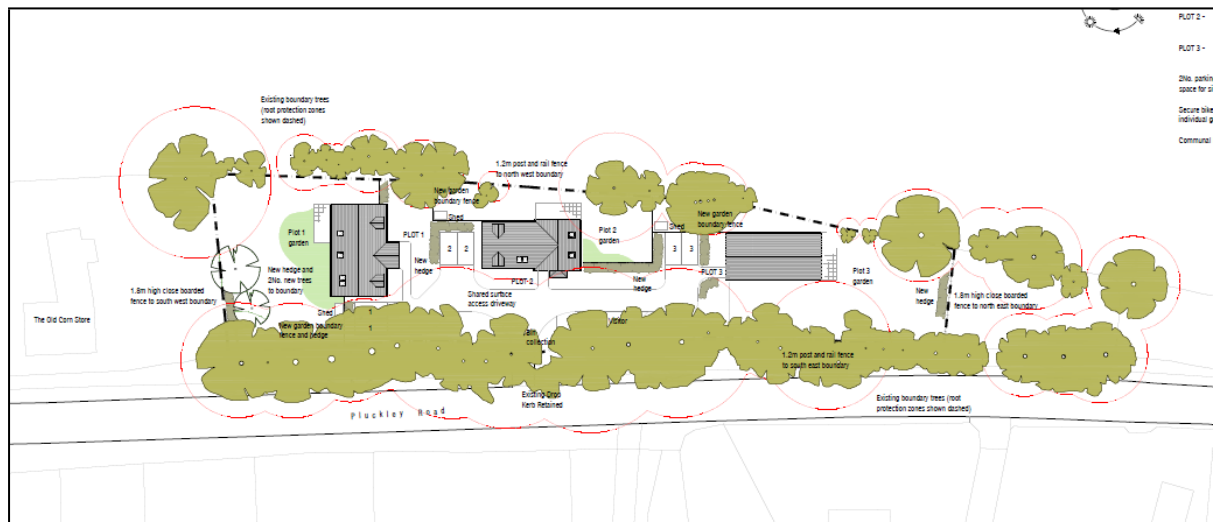


Figure 2: Indicative Layout

### Planning History

DC	OA	01/01476/AS	2 detached dwellings	REFUSED
DC	FA	88/01287/AS	Erection of bungalow and detached garage/workshop on garden/amenity land	REFUSED

### Related History

DC	FA	17/00303/AS	Outline planning application for up to 245 dwellings (including 35% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area (LEAP and MUGA), balancing ponds, vehicular access point from Pluckley Road and associated ancillary works. All matters reserved with the exception of the means of access onto Pluckley Road.	REFUSED
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### Consultations

**Ward Members:** The Ward Member is a Member of the Planning Committee.

**Charing Parish Council:** Support on the condition that a boundary treatment agreement can be agreed with the neighbour.

**KCC Highways:** Do not wish to comment

**KCC Biodiversity:** No Objections subject to conditions ensuring appropriate mitigation measures are implemented regarding dormice.

**Environmental Services:** No Objections subject to conditions regarding disposal of sewage

**Project Office:** No Objection subject to SUDS condition

**Southern Water:** A formal application for a connection to the foul sewer is required

**Neighbours:** 11 neighbours consulted 1 letter of objection received stating the following:

- Proposal is not infill development.
- Not a brownfield site.
- Proposal would undermine the Council's position in refusing the application for 245 homes to the north west of the site.
- Development would cause visual harm on approach to the south of Charing.
- Proposal would lead to future pressure for removal of the established trees.
- Proposal would set a precedent for the ribbon development that is remote from the village centre.
- Need for housing has been met within the Borough's draft local plan.

1 letter of support received stating the following:

- The land is Gault clay and tends to be very wet in winter and as such is only suitable for summer grazing.
- The lot was once part of a garden and maintained as a mown lawn,
- Charing's recent Neighbourhood Plan questionnaire results evidence that the majority of Charing residents feel that small developments of smaller houses are most needed.
- This appropriately scaled development of this small site is entirely in keeping with the identified need.

## **Planning Policy**

9. 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. The new Ashford Local Plan to 2030 has now been submitted for examination and as such its policies should now be afforded some weight.
10. The relevant policies from the Development Plan relating to this application are as follows:-

GP12	Protecting the countryside and managing change
EN9	Setting and entrances of towns and villages
EN10	Development on the edge of existing settlements
EN12	Private areas of open space
EN32	Trees of Importance

**Local Development Framework Core Strategy 2008**

CS1	Guiding Principles
CS2	The Borough Wide Strategy
CS7	The Economy and Employment Development
CS9	Design Quality
CS11	Biodiversity and Geological Conservation
CS20	Sustainable Drainage

**Tenterden & Rural Sites DPD 2010**

TRS1	Minor residential development or infilling
TRS2	New residential development elsewhere
TRS17	Landscape character & design
TRS18	Important rural features

**Ashford Local Plan to 2030**

SP1	Strategic Objectives
SP3	Strategic approach to Economic Development
SP6	Promoting High Quality Design
HOU3a	Residential Development in the rural settlements

HOU5	Residential windfall development in the countryside
HOU12	Residential space standards internal
HOU13	Homes suitable for family occupation
HOU14	Accessibility standards
HOU15	Private external open space
TRA3a	Parking Standards for Residential Development
ENV1	Biodiversity
ENV3a	Landscape Character and Design
ENV4	Light pollution and promoting dark skies
ENV5	Protecting important rural features
ENV9	Sustainable Drainage
ENV13	Conservation and Enhancement of Heritage Assets

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

**Supplementary Planning Guidance/Documents**

Sustainable drainage

Residential Parking

Residential space & layout (External space standards)

Landscape Character Assessment

Dark Skies SPD

**Village Design Statements**

Charing Village Design Statement

**Other Guidance**

Informal Design Guidance Notes 1- 4 2015

Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets Second Edition (December 2017) (GPA 3)

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2012

12. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-Paragraph 55 states to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Isolated new dwellings in the countryside should be avoided unless there are special circumstances such as
- the essential need for a rural worker to live permanently at or near their place of work in the countryside
  - the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
  - the development would involve the re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
  - the exceptional quality or innovative nature of the design of the dwelling.
13. Paragraph 216 states in relation to the stages of preparing a Local Plan that:
- “From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

National Planning Policy Guidance (NPPG)

**Assessment**

14. The main issues for consideration are:
- a) Principle of Development
  - b) Landscape Character and Visual Amenity
  - c) Heritage and impact upon heritage assets
  - d) Residential Amenity
  - e) Highway Safety Parking and Accessibility
  - f) Trees and Landscaping
  - g) Biodiversity and ecology
  - h) Drainage and Sewerage
  - i) Whether planning obligations are necessary

**Principle of Development**

15. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the adopted Development Plan unless material considerations suggest otherwise. Section 70 of the Town and Country Planning Act 1990 is concerned with the determination of planning applications with regard to the provisions of the development plan, so far as they are material and any other material considerations. The site is not allocated for development in the adopted Development Plan and is not proposed for allocation in the emerging Local Plan to 2030. Therefore, it is a potential windfall site in the countryside.
16. The site borders the settlement of Charing to the north east which is identified as one of the villages where minor residential development or infilling would be acceptable. As it does not form part of a built up frontage and due to the number of units proposed it would not comply with policy TRS1 of the Tenterden & Rural sites DPD or with policy HOU3a of the emerging Local Plan to 2030

17. The application site is a greenfield site which lies outside the built confines so would be contrary to policy TRS1. Policy TRS2 covers new residential development in the countryside and sets out the exemptions under which new dwellings may be considered acceptable. The proposal is not for an agricultural workers dwelling, does not involve the re-use or adaption of an existing building, is not for a replacement dwelling or 'local need' scheme. The scheme fails to meet the requirement of this policy and is therefore contrary to the adopted Development Plan.
18. The Council now considers it can demonstrate a deliverable five year housing land supply in accordance with paragraph 47 of the NPPF. This is based on a robust assessment of the realistic prospects of housing delivery on a range of sites in the adopted Development Plan, the Submission Local Plan to 2030 and other unallocated sites taking account of recent case law, the respective deliverability tests in Footnote 11 to para. 47 of the NPPF and the associated national Planning Practice Guidance and the detailed evidence base that supports the Submission Local Plan. Consequently, for the purpose of assessing applications for housing, the 'tilted balance' contained within para.14 of the NPPF where schemes should be granted permission unless the disadvantages of doing so significantly and demonstrably outweigh the benefits, need not be applied. The starting point is therefore whether policies in the Development Plan comply with the NPPF and to consider the relative social, economic and environmental elements of a proposal as these are the three dimensions of 'sustainable development' described in para. 7 of the NPPF.
19. One of the core planning principles of the NPPF is to "take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it." Paragraph 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and isolated new homes in the countryside should be avoided. Charing is an identified local service centre with a good range of services and facilities including a school, surgery, village hall, shops (including a butchers and fishmongers), play area and sports grounds and clubs. There is a regular bus service and trains to Ashford which are within 500m of the site. The site would not be 'isolated' in NPPF terms and therefore it is appropriate to consider the balance of impacts and benefits of the proposal required by para. 14 of the NPPF.
20. The site forms an undeveloped gap on the edge of the village settlement. The character of the west side of Pluckley Road at this point is different to the east side being less developed with more open views of the countryside beyond. There would therefore be a physical environmental impact from the proposed built form. Whilst, the site does not lie within any nationally-designated landscape area, and this would be a moderate scale of development it is difficult to see how the proposal would integrate into the existing frontage.



21. The Council recognises the social and economic benefits of providing housing in terms of meeting need and generating employment, for example, during construction. In addition, future residents would buy goods and utilise nearby services providing economic benefits to the locality. Furthermore, contributions towards infrastructure can be sought from this residential development, the scheme would require infrastructure to support it and can be sought through a planning obligation. In addition to this, it would not lead to the loss of employment, leisure or community facilities. However these benefits need to be set against any harm caused by the development.
  
22. The site is not within the village of Charing as it is on an approach road therefore policy HOU3a would not be applicable. Policy HOU5 of the emerging Local Plan to 2030 covers housing developments adjoining or close to the existing built up confines of settlements such as Charing. It provides a set of criteria against which proposals should be considered and which reflect the guidance in the NPPF. In summary :
  - a. The scale of development should be proportionate to the level of service provision in nearest settlement
  - b. within easy walking distance of basic day-to-day services
  - c. safely accessed from the local road network and traffic can be accommodated
  - d. located where it is possible to maximise public transport, cycles and walking to access services
  - e. conserve and enhance the natural environment and any heritage assets
  - f. be of high quality design
  
23. This policy carries some weight at present and greater weight can now be attributed to housing supply policies such as policies TRS1 and TRS2 with a five year housing land supply.
  
24. The scale of proposed development would be proportionate to the level of service provision in the settlement. It would therefore accord with criterion a). Criterion f) is a reserved matter. The other criteria are assessed in the remainder of the report. In light of the guidance set out in the NPPF the proposed development could be considered to be acceptable in principle subject to no significant or demonstrable harm arising from it.

### **Landscape Character and Visual Amenity**

25. The application is in outline form with access and layout to be considered at this stage. As such in terms of assessing visual impact this relates to the

quantum of development rather than detailed design and the impact of the access point.

26. Saved policies EN9 and EN12 seek to protect the setting of the Borough's villages. Entrances into the villages are important aspects which affect the relationship between the village and the countryside. Much of the character of the rural settlements derive from this relationship, in accordance with these policies. Policy TRS17 requires development in the rural areas to be designed in such a way that it protects and enhances the particular landscape within which it is located. Amongst other things, proposals are required to have regard to the pattern and distribution of settlements, roads and footpaths. The policy also states that existing features that are important to the local landscape character shall be retained and incorporated into the proposed development. This is supported by policy TRS18 and emerging development plan policies ENV3a and ENV5
27. Development along Pluckley Road indicates a traditional settlement edge and pattern of development. Dwellings are scattered at a low density with large areas of open space in between becoming more rural and less dense as one moves further away from the settlement. Architectural styles vary from traditional to modern, and whilst the rural character of the area is partly compromised by the more modern developments that can be seen from the road, the plot sizes are larger and more spacious. The more traditional styles sit within the village edge landscape setting and are set amongst mature trees. There is a strong and well defined transition from the countryside into the village and the rural edge is one where the rural character dominates.
28. The applicant's planning statement states that the site is scrubland of no amenity value. It also states that the land is not designated and contains relatively few significant or particularly distinctive landscape features. Whilst it is agreed that the site does not carry any landscape designations, it does reflect the characteristics of the identified Landscape Character Area, enclosed by native deciduous trees and hedgerow which line the road and separate the site from fields to the north west, the site has a spacious sylvan character. The woodland character of the site is such that the site is considered to make an important environmental and visual contribution to the character and appearance of the area and the entrance into Charing in landscape terms.
29. The proposal is for three detached dwellings forming a continuous line of development from Broadway Cottages to the north east and The Old Corn Store to the south. The proposed layout proposes a residential cul-de-sac with Plot 1, flanking Pluckley Road and Plots 2 and 3 fronting it.
30. The introduction of this number of units of the scale proposed on this site would result in a very suburban and cramped form of development which would be alien and incongruous in comparison with the layout and form of much of the surrounding built development. It would not respect the prevailing

pattern of development along Pluckley Road resulting in the loss of a visually important area of open land on the village fringe. The rural views which contribute to the character of the road, would be lost, causing significant harm to the visual amenity of this gateway into the village, This would be contrary to the guidance contained within the Charing Village Design Statement which states that the sprawl of development should be strictly controlled in order to maintain the sensitive soft edges between the current settlement and the rural landscape.

31. The proposed development would alter the settlement pattern significantly and unacceptably by changing the nature of the existing village edge. It would fail to protect or enhance the character of the landscape within which it would be located, would be at odds with the important and established character of the rural edge and would result in a visually harmful form of development due to the proposed location, scale and density.
32. As a result the development would fail to comply with policies GP12, EN9, EN10 EN12, CS1, CS9, TRS17 and TRS18 and it would also be contrary to the guidance contained within the Council's adopted Landscape Character Assessment SPD and the Charing Village Design Statement. The development would also fail to comply with emerging policy SP1, ENV3a and ENV5. The development would also fail to conserve or enhance the natural environment which is contrary to the core planning principles of the NPPF, and would not comply with paragraphs 56 and 64 of the NPPF which opposes development of poor design that fails to take the opportunities available for improving the character and quality of an area.

### **Heritage and impact upon heritage assets**

33. The NPPF attaches great importance to the protection of designated heritage assets. It seeks to conserve heritage assets in a manner appropriate to their significance. Para 129 sets out that the local planning authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. This is supported by local policy CS1 and emerging policy ENV13. This issue was a major consideration at the recent appeal into proposals for 245 dwellings on land to the rear of this site.
34. Pluckley Road is a historic route from Pluckley to Charing. Prior to the arrival of the railway, the development along this road would have been sporadic and limited to intermittent houses along the road frontage. Judging by the differing widths of the road, this was likely a drovers' route, allowing livestock to be moved from pasture to Charing market. Later development has infilled the frontage, particularly to the south east side of the road, leaving the north west side of the road with wide areas of woodland bounding the road; the railway

acting as a natural barrier between the village and the fringe development along Pluckley Road.

35. The application site, possibly originally part of the open meadows to the west, has historically been left undeveloped. As stated above, development along Pluckley Road indicates a traditional settlement edge with sporadic dwellings scattered at a low density with large areas of open space in between. The application site forms an important area of open land, with its boundary planting it makes an important and positive contribution to the setting of the village and significant contributions to the edge of settlement character of Broadway House and Broadway Cottages (both grade II listed).
36. Broadway Cottages forms a pair of C18 cottages and are sited directly adjacent to the north boundary of the site. They are typical rural cottages, of a modest scale, built as farmworkers cottages, on the edge of open fields, fronting what appears to have been a drover's route, linking pasture with a market town. Their significance is, in part derived from their age and condition, but also from their rural setting. Broadway House is a more substantial house, dating from 1800/early C19 and is set back from the road frontage in a much larger plot, as befitting its "higher status" at the time they were built. The Old Corn store is also considered to be a Heritage asset.
37. Whilst the drover's route has been built along to some degree with modern houses, mostly on the southern side and all but a small cul-de-sac, fronting the road, the cottages still benefit from what is essentially their historic rural setting, with a tree belt directly to the south west and large areas of open fields to the west. The survival of historic field patterns, hedgerows and tree belts do not diminish the historical association between these cottages and their rural setting, but they enhance it. It is an established, historic relationship.
38. The submitted proposal would decrease the listed buildings' edge of settlement and semi-rural character. It would result in a suburbanising effect to part of the buildings' setting which has remained undeveloped and rural in character for well over 200 years. This would result in an erosion of the historic interest and legibility of the buildings, specifically of Broadway House as a high status compact detached country dwelling of c.1800 and Broadway Cottages as a row of 18th or early 19th century rural workers dwellings, both of which are currently experienced in a rural fringe location. The development of this site would not preserve this part of the buildings' setting and would result in less than substantial harm, within the meaning of paragraph 134 of the NPPF. Section 66(1) of the 1990 Act places a strong statutory presumption against granting planning permission for development that would fail to preserve the setting of a listed building. It is a matter therefore that must be given considerable importance and weight in the planning balance.
39. Weighing the harm against the public benefits of the proposal pursuant to paragraph 134 of the NPPF. The public benefit would be the increase in

housing supply, biodiversity enhancement and the economic benefits from construction and then the increase in spending from new residents. However whilst these are important benefits they do not outweigh, the level of harm which would be caused, to the setting of these buildings heritage assets as a result of the loss of this open space. Whilst landscaping and appearance are reserved matters and measures could be used to mitigate the impact; the encroachment of this extent of development would lead to the loss of the historical landscape character.

40. The harm to the significance of the designated heritage asset is not outweighed by the public benefit identified and therefore permission should be refused. As a result the development would fail to comply with policies CS1, CS9, TRS17 and ENV13. The development would also fail to comply with emerging policies HOU5 and ENV13. Due regard has been given to the provisions of Section(s) 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and permission should be refused.

### **Residential Amenity**

41. The detailed design of the development is not being considered at this outline stage of the application, as these matters are reserved. It is therefore not possible to judge conclusively whether the development would result in overlooking into the most private gardens and windows of these dwellings. Notwithstanding this, the illustrative site plan and Design and Access Statement show that the development would be set back from the site boundaries to allow for existing vegetation to be retained and enhanced creating a buffer between the proposed and the existing built development. Further, given that the majority of the neighbouring properties have large gardens, consistent with the character of the rural edge of the settlement, I am satisfied that the development could be arranged so that it was not overbearing development.
42. In terms of the future occupiers of the development, should planning permission be granted, the reserved matters applications will need to show that the houses themselves meet with the prescribed space standards for both the houses and gardens which should be sufficiently private. Further, the layout will need to ensure that reasonable levels of privacy would be achieved
43. On balance I consider that the development would not be harmful to residential amenity and the proposals would comply with the Development Plan, NPPF, NPPG and emerging Local Plan 2030 and guidance from the Council and central government in that respect.

### **Highway Safety, Parking and Accessibility**

44. As stated above the NPPF requires proposals to be:
  - a. within easy walking distance of basic day-to-day services

- b. safely accessed from the local road network and traffic can be accommodated
  - c. located where it is possible to maximise public transport, cycles and walking to access services
45. The indicative layout plan indicates that two off road parking spaces per dwelling could be provided in accordance with the Council's adopted residential parking standard. Access to the proposed dwellings would be via the existing access where visibility is good and adequate visibility splays can be provided. The vehicle movements associated with the residential use of the site would not generate significant increases in traffic which would be detrimental to highway safety.
46. Secure and covered cycle storage can be provided in the sheds in the rear gardens. Overall there is no objection in terms of highway safety or capacity the proposal is considered acceptable in terms of its impact upon the highway.
47. With regard to accessibility, the site is situated at some distance from the services within Charing Village including the primary school and shops. Although the railway station is nearby footpath routes to it are substandard as indeed they are going further north towards the main village. The nearest bus stop is some distance away. Pluckley Road is an HGV route and large vehicles regularly over run pavements. This issue was also a major consideration at the recent appeal into proposals for 245 dwellings on land to the rear of this site. In my view although the impact of 3 dwellings is not significant in sustainability terms, the site cannot be said to be within easy walking distance of day-to day services or located where it is possible to maximise use of public transport.

### **Trees and Landscaping**

48. Saved local development plan policy EN32 protects important trees and woodland within the borough, stating that when assessing proposals involving trees the Council will consider the value of existing trees affected and decide whether they are important in their particular context. Where they are, they will have to be protected both in the layout design and during the construction of any buildings. Proposals that would damage or result in the loss of important trees will not be granted planning permission. This is up to date with NPPF which states planning permission should be refused for development which results in the loss of trees found outside of ancient woodland unless, the need for and the benefits of the development in that location outweigh the loss.
49. According to the submitted Arboricultural statement the proposal would result in the immediate loss of 11 individual trees and 2 groups (para 4.1. arb impact assessment) out of a total of 40 individuals and 5 groups surveyed. The trees

to be removed are Category C and Category U trees and are of low quality. Their loss would therefore be acceptable in this instance. With all of the retained trees being Category B trees, (moderate quality) and subject to a TPO, the sylvan character of the site would be mostly retained.

50. The proposed layout indicates that the proposed development would not compromise the retained trees by building within their root protection areas and, that the proposed dwellings would not experience significant or unacceptable levels of overshadowing which would necessitate significant pruning, crown reduction and/or crown lifting which, would be detrimental to the longevity of the retained trees. The applicant proposes to enhance landscaping along the edges of the site and to incorporate additional trees into the site layout.
51. On balance no significant or unacceptable harm, to the retained and protected trees would result from this proposal.

### **Biodiversity and ecology**

52. Guiding Principles set out within Policy CS1 of the LDF CS identify objectives of ensuring protection of the natural environment and the integration of green elements enhancing biodiversity as part of high quality design. Against these overarching objectives, Policy CS11 of the LDF CS specifically requires development proposals to avoid harm to biodiversity and seeks to maintain and, where practicable, enhance and expand biodiversity. This is also included within policy ENV1 of the draft ALP. Policy CS9 and emerging policy SP6 seek to ensure that natural features of interest are incorporated to celebrate local distinctiveness as well as respond to landscape character and help to minimise the ecological footprint of Ashford's growth over time. These policies pre-date, but are aligned with, the general advice in section 7 of the NPPF on the importance of good design and section 11 which relates to conserving and enhancing the natural environment
53. Whilst accepting that the majority of the site has been cleared and there with limited intrinsic ecological value, there are still habitats and features in and around the site that have intrinsic ecological value and the potential to support protected and designated species, including hedgerows and trees. In particular the ecological report submitted with the application identifies a presence of varies species of bat, dormice and reptiles.
54. Following consultation with KCC Ecology and Biodiversity, and the submission of additional information by the applicant, it is considered that ecological and biodiversity issues can be subsequently mitigated through conditions should planning permission be granted. In light of this I am satisfied that the development would not be harmful to protected species and their habitats and that ecology and biodiversity can be enhanced through the appropriate use of conditions.

### **Drainage and Sewage**

55. The site is located within flood zone 1 and therefore at low risk from flooding from other sources. No flood mitigation measures are therefore required
56. The development will incorporate measures to deal with storm and surface water drainage which are in accordance with all current national and local guidance. It is noted that a discharge rate of 2//s/ha will be required in order to comply with the requirements of the SUDs SPD which would be appropriate
57. Foul drainage would be discharged into the existing foul sewer using an underground pumping station. A connection to the mains sewer would be required from Southern Water.
58. The proposals have been assessed by the Council's engineer and they have raised no objection subject to conditions for a detailed design, implementation and management. This would comply with the Development Plan, NPPF, PPG, emerging Local Plan 2030 and Council's SPD.

### **Planning Obligations**

59. The development for three dwellings would not warrant infrastructure or affordable housing contributions, as per guidance set out in Paragraph 13 of the NPPG, to make the development acceptable in planning terms.

### **Human Rights Issues**

60. 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**

61. 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**



62. Paragraph 14 of the NPPF planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the framework, taken as a whole; or specific policies in the framework indicate development should be restricted.
63. The proposal would be contrary to policies TRS1 and TRS2 Development Plan and is not currently allocated, so is a windfall site. Whilst the Council can demonstrate a five-year supply of deliverable housing the application still has to be considered in light of the NPPF's presumption in favour of sustainable development as emerging policy HOU5 has not gone through examination.
64. The application would be on the edge of the village and is unallocated in the emerging Local Plan. Three units on this gateway into the village would result in an overdevelopment of the site where development is transitioning to the countryside beyond. The proposal would have an urbanising effect on this edge of village location.
65. The proposal would also result in the loss of an important area of open space which makes a valuable contribution to how Broadway House and Broadway Cottages (both grade II listed) are read from public vantage points and their relationship to the countryside outside the built settlement causing significant harm to their historical setting.
66. Whilst there would be some are social and economic benefits allowing residential development in this rural area, these would not be outweighed by significant and harmful adverse social and environmental impacts of allowing this proposal and its inconsistency with important policies in the NPPF Consequently, the proposal would not follow the golden thread of sustainable development in the NPPF and fails to comply with the requirements of the NPPF and Development Plan policy as whole. For this reason therefore I recommend the application is refused policies

## **Recommendation**

### **Refuse**

#### **on the following grounds:**

1. The proposal would be contrary to Policies CS1 and CS9 of the Local Development Framework Core Strategy 2008, Policies TRS1, TRS2, TRS17 and TRS18 of the Tenterden and Rural Sites DPD 2010 and Policies GP12, EN9, EN10 and EN12 of the Ashford Borough Local Plan 2000, and emerging Policies SP1, SP2, SP6, HOU5, ENV3a, ENV5 and ENV13 and of the Ashford Borough Local Plan 2030, and the National Planning Policy Framework, and

would therefore represent development contrary to interests of acknowledged planning importance which are not considered to be outweighed by the benefits of the development cited by the applicant, for the following reasons:

- a) the quantity, form and extent of the proposed development would result in the loss of a visually significant gap in the frontage to Pluckley Road and thus would not be consistent with the looser, rural grain of development in terms of the scale, setting and layout along this part of Pluckley Road and would fail to maintain the transition to the countryside causing significant visual harm and urbanisation to the setting of and southern entrance to Charing village
  
- b) The development by virtue of its scale and location would result in the loss of a historically important area of open land which makes an important and significant contribution to the setting of the adjacent listed buildings (Broadway Cottages and Broadway House) thereby causing harm to their significance as Heritage assets.

### **Note to Applicant**

#### 1. Working with the Applicant

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

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

In this instance

- The applicant was informed/advised how the proposal did not accord with the development plan, that no material considerations are apparent to outweigh these matters and provided the opportunity to amend the application or provide further justification in support of it.

## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 17/01320/AS)

**Contact Officer:** Laura Payne

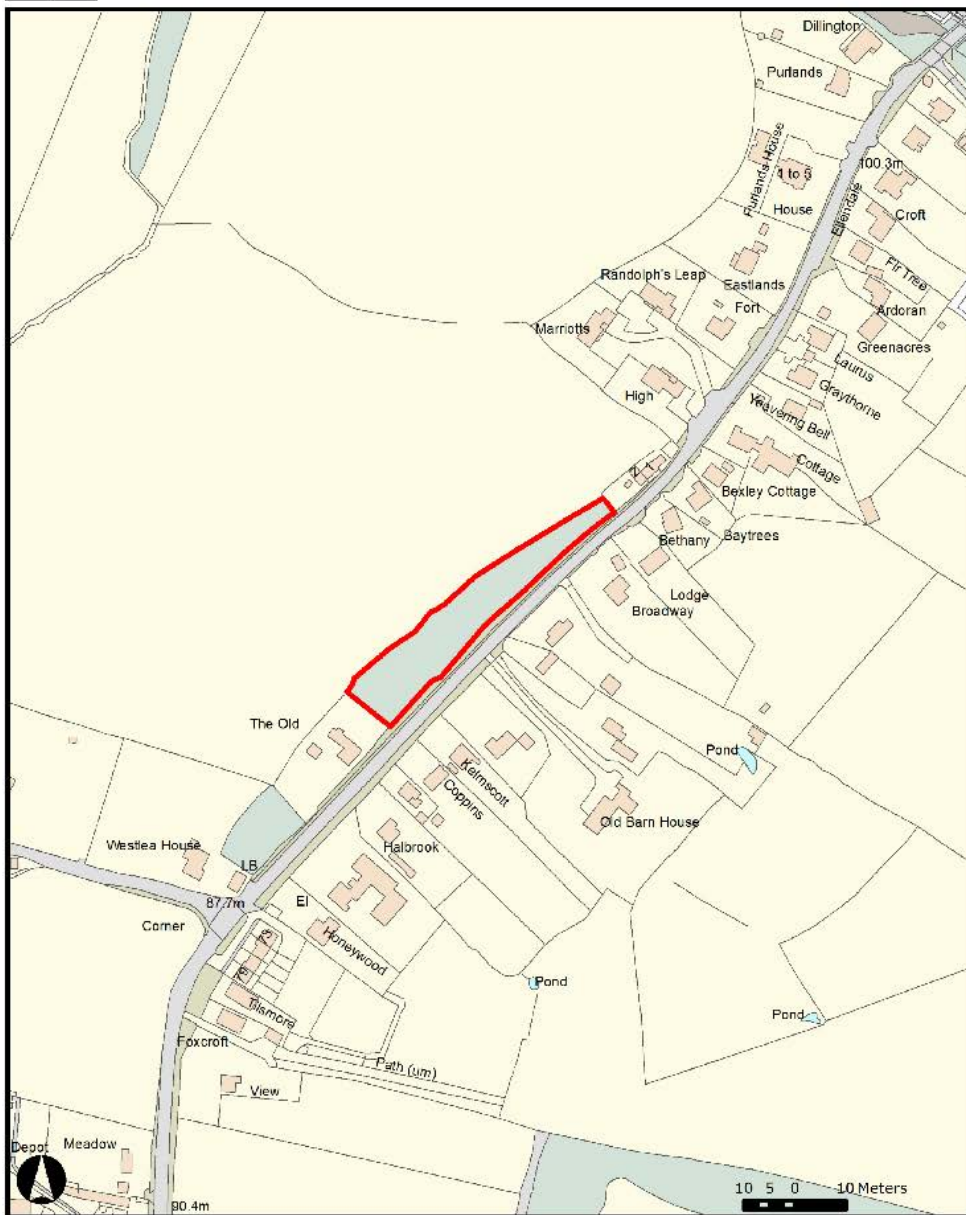
**Email:** [Laura.Payne@ashford.gov.uk](mailto:Laura.Payne@ashford.gov.uk)

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Annex 1



# Ashford Borough Council



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<b>Application Number</b>	18/00065/AS
<b>Location</b>	37 Sparkeswood Avenue, Rolvenden, Cranbrook, Kent, TN17 4LZ
<b>Grid Reference</b>	84477/31588
<b>Parish Council</b>	Rolvenden
<b>Ward</b>	Rolvenden & Tenterden West
<b>Application Description</b>	Proposed 3 bedroom detached dwelling adjacent to 37 Sparkeswood Avenue
<b>Applicant</b>	Mr A Burgess, 37 Sparkeswood Avenue, Rolvenden
<b>Agent</b>	N/A
<b>Site Area</b>	0.047ha

(a) 10/12R 2+                      (b) R                                      (c) KHS/-

## Introduction

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

## Site and Surroundings

2. The application site is within the built confines of Rolvenden and is within part of the residential garden of a semi-detached two storey dwelling, No 37 Sparkeswood Avenue. The existing property benefits from off road parking in tandem.
3. The street scene is characterised by two storey semi-detached and terraced dwellings within the immediate vicinity of the site. Large open green spaces exist to the front of the properties which are set back from the road.
4. Rolvenden Conservation area abuts the rear of the site and the site is located within the High Weald Area of Outstanding Natural Beauty (AONB).



Figure 1 - Site Location Plan



Figure 2- Aerial photograph with site outlined in red

## Proposal

5. Planning permission is sought for the erection of a detached two storey dwelling within the residential garden to the north of No 37 Sparkeswood Avenue.
6. The original submission indicated that the proposed dwelling would benefit from two off road parking spaces, utilising the existing driveway serving No 37. As part of the proposal, a new driveway serving No 37 would be constructed.
7. Due primarily to the width of the existing driveway, these parking arrangements were considered to be substandard. Consequently, the driveway dimensions have been amended to 2.5m x 5m, so that adequate parking provision can be accommodated for both the existing and proposed dwelling.

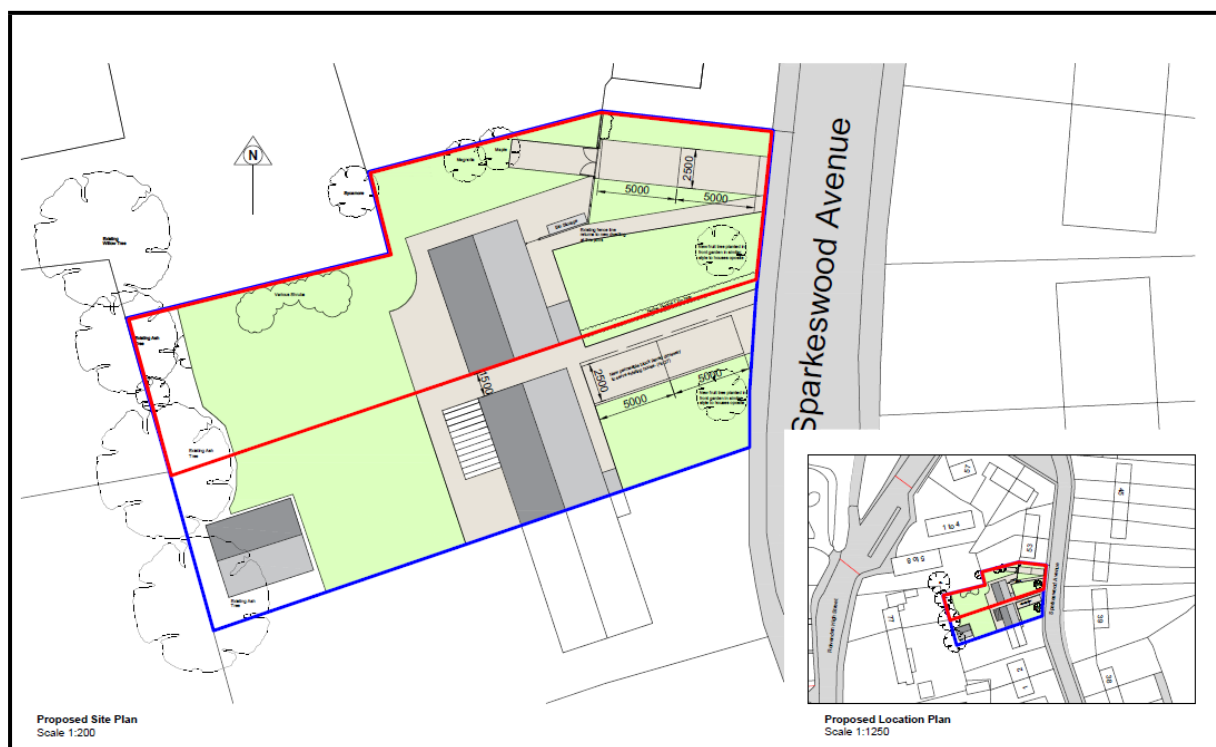


Figure 3 - Block and Site Location Plans





**Figure 4 - South and East (side and front) elevations**



**Figure 5 - north and west (side and rear) elevations**

## Planning History

There is no recent relevant planning history for this site.

## Consultations

**Ward Member:** Cllr Bennett

**Rolvenden Parish Council:** Object for the following reasons:

- Contrary to policies CS1, CS9, TRS1 and those emerging in the new Local Plan.
- Harm to the character of the area through infilling of an important open space which would result in a terracing effect.



- Loss of view [**JDCM comment:** this is not a material planning consideration]
- Loss of on street parking in a road which already has a parking problem
- Additional parking would result in loss of green space and loss of on road parking which is confirmed in the draft NP [**JDCM comment:** the Neighbourhood Plan (NP) is not currently adopted so is afforded limited weight at present. The weight afforded to the NP is considerably less than that afforded to the Development Plan until it reaches an adoptable standard so as to form part of the Development Plan]
- Application 15/00058/AS at No 14 for a new dwelling was similar to this proposal and was refused and dismissed at appeal.
- Request input into design and materials proposed which have not been considered at this stage.
- The developer should not be permitted to use the road or verge during construction.

**KCC Highways and Transportation:** consulted; the development does not warrant the involvement of the Highway Authority.

**10 neighbours consulted:** 13 objections received with the following concerns:

- Set a precedent for future development [**JDCM comment:** each application is assessed on its own merits]
- Design is out of character with other properties.
- Harm to the character of the area.
- Parking in the Avenue is already insufficient.
- Highway safety as a result of loss of on road parking and increased traffic.
- Access for construction vehicles.
- Loss of light.
- Loss of privacy.
- Loss of view [**JDCM comment:** this is not a material planning consideration]
- Loss of mature trees.

- Loss of habitat [**JDCM comment:** the site is part of a maintained garden which is of low ecological value in terms of protected species]
- Loss of green space.
- Existing large development elsewhere within the village.
- Rolvenden Neighbourhood Plan raises concerns about parking on the Avenue.
- Pressure on local infrastructure.

2 general comments received raising the following:

- Impact of boundary fencing between the site and our driveway [**JDCM comment:** this can be controlled by condition but is a civil matter to be agreed by neighbours]
- The open space to the front should be maintained [**JDCM comment:** permitted development rights prevent such development other than porches, this can be controlled by condition]
- Insufficient parking.
- Loss of light.

## Planning Policy

8. 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. The new Ashford Local Plan to 2030 has now been submitted for examination and as such its policies should now be afforded some weight.
9. The relevant policies from the Development Plan relating to this application are as follows:-

### **Ashford Borough Local Plan 2000**

EN16 – Development in Conservation Areas

**Local Development Framework Core Strategy 2008**

CS1 – Guiding Principles

CS2 – Borough Wide Strategy

CS6 – The rural settlement hierarchy

CS9 – Design Quality

CS15 – Transport

CS20 – Sustainable Urban Drainage

**Tenterden and Rural Sites Development Plan Document 2010**

TRS1 – Minor Residential Development or Infilling

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

**Emerging Ashford Local Plan to 2030**

SP1 – Strategic Objectives

SP6 – Promoting High Quality Design

HOU3a – Residential windfall development within settlements

HOU10 – Development of Residential Gardens

HOU12 – Residential space standards internal

HOU14 – Accessibility Standards

HOU15 – Private External Open Space

TRA3a – Parking Standards for Residential Development

TRA6 – Provision for Cycling

ENV1 – Biodiversity

ENV3b – Landscape Character and Design in AONBs

ENV7 – Water Efficiency

ENV9 – Sustainable Drainage

ENV14 – Conservation Areas

### **Supplementary Planning Guidance/Documents**

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

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

### **Village Design Statements & Neighbourhood Plan**

Rolvenden Neighbourhood Plan (regulation 14 consultation draft 2017) - The Neighbourhood Plan is currently out for consultation and can only be given limited weight at present. Any proposed changes suggested by the Inspector will need to be considered and made and then the plan put out for local referendum with 50% of the turnout in favour before being adoptable as part of the Development Plan.

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2012

11. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF.
12. Paragraph 216 states in relation to the stages of preparing a Local Plan that:

“From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

  - the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

The following sections of the NPPF are relevant to this application:-

- Paragraph 53 which relates to the development of residential gardens
- Paragraph 115 which relates to the conservation of designated landscapes which include Areas of Outstanding Natural Beauty.

### National Planning Policy Guidance (NPPG)

## **Assessment**

The following issues are considered to be raised by the application:

- The principle of the development
- Visual Amenity
- Residential Amenity
- Highway Safety and Parking

## **Principle**

13. The site is located within the built confines of the village of Rolvenden. Therefore the most relevant policies against which to assess whether the principle of development is acceptable are policies TRS1 of the Tenterden and Rural Sites DPD and policy HOU3a of the emerging Local Plan to 2030, both of which allow for minor residential infilling within the built up confines. Both of these policies identify Rolvenden as one of the settlements where such development is acceptable in principle subject to certain criteria.
14. Criteria a of policy TRS1 states that development must be able to be easily integrated into the existing settlement without the need to substantially improve the infrastructure or other facilities. The proposal is for a single dwelling house, which would benefit from the range of facilities already provided within the village of Rolvenden, which are all in close proximity. The increase of one dwelling would not necessitate financial contributions towards improvements to infrastructure or other facilities. Guidance contained within the NPPG indicates that it is not considered reasonable to impose such a burden on developments of this size. Given this, it is considered that the first criteria is met.

15. In accordance with criteria c of policy TRS1, there would not be any displacement of other active uses such as employment, leisure or community use as this is a part of the private garden area serving an existing dwelling. However, the loss of garden is something which will be addressed later in this report as this is a material consideration.
16. In summary, the proposal would comply with policy TRS1 in respect of the proposal being situated within the built confines of the village of Rolvenden, where minor residential development of this nature is accepted. The proposal would not necessitate improvements to infrastructure or other facilities. The other requirements of the policy are addressed in the sections which follow below.

### **Visual amenity**

17. TRS1 requires any proposal to be of a layout, scale, design and appearance that is appropriate to the character and density of its surrounding area.
18. The immediate surrounds are characterised by blocks of semi-detached and terraced properties. The building line for each block is staggered which provides relief within the street scene. Figure 3 shows that the proposal would follow the front and rear building line established by the block comprising numbers 35 and 37. In this respect, the proposal would not interrupt the rhythm or pattern of development, but would continue to reflect the established spatial layout.
19. Number 37 currently benefits from a plot that is substantially larger than that of its immediate neighbouring properties. As such, the subdivision of the plot can be accommodated to reflect the plot sizes and thus density of development surrounding the site. To this end, the development would not appear cramped, and in officer's view, does not represent overdevelopment.
20. Dwellings in Sparkeswood Avenue retain a similar appearance to one another. The bulk, scale and design of the proposed dwelling is not dissimilar to the existing dwellings within the immediate vicinity. In this instance, contextually, to design a dwelling similar in appearance to the existing dwellings, is considered to be an appropriate response. Details of materials can be secured by condition to ensure the new dwelling would assimilate with the neighbouring dwellings.
21. Concerns have been raised by neighbours and the Parish Council regarding a terracing effect as a result of a cramped form of development. Whilst this would infill a space between No 37 and No 53, given the orientation of the proposed dwelling in relation to No 53, (which is set significantly further

forward).in officer's view, sufficient relief and spacing would exist between the two dwellings preventing a terracing effect.

22. For the reasons above, the proposal is considered to comply with the design, scale and form aspect of policy TRS1.
23. Criteria d of policy TRS1 indicates that proposals that result in the loss of public or private open spaces or a gap which is an important part of the settlement will not be supported. The width of the side gap between number 37 and 53 is not commonly replicated along Sparkeswood Avenue. In most instances, blocks of dwellings are located in relatively close proximity to one another. The defining characteristic along Sparkeswood Avenue is the set back of dwellings from the road and the existing greenery to the frontages. The proposal allows for the retention of this defining characteristic. In terms of the side gap between no. 37 and 53, this is enclosed by a closed boarded fence and whilst tree planting is visible, overall, the gap makes a relatively limited contribution to the street scene. Given the above, and the acceptably of the design and layout of the proposed dwelling within the plot it is not considered that the proposal would result in the loss of an important gap within the street scene which would be harmful to its character.
24. The proposed dwelling would result in the loss of part of the garden to the northern side of No 37. Paragraph 53 of the NPPF and emerging Local Plan policy HOU10 seek to avoid inappropriate development within residential gardens. The loss of the garden would only be acceptable should the development not result in harm to the character of the area. As outlined above, the development would sit comfortably within the plot and street scene, reflecting the established building line, of the neighbouring dwellings and would be of the same width, height and design as the existing dwellings within the immediate vicinity. Therefore, the proposed development would not result in an inappropriate form of development within this residential garden.
25. The site is within an area designated as an AONB. Paragraph 115 and policy ENV3b afford great weight to the conservation and enhancement of designated landscapes in accordance with their significance. Given the context of the site and the location, form, scale, materials and design, it is considered that the development would conserve the appearance of the area and not be detrimental to its special character.
26. The rear of the site abuts the Rolvenden Conservation Area. Given the separation distance of the proposed dwelling to the Conservation Area, and the acceptability of the development as detailed above, the proposal is not considered to harm the character or appearance of the conservation area or its setting.

27. In light of the above, the proposal would not be unacceptable in visual terms and would comply with requirements of policy TRS1.

### **Residential Amenity**

28. Policy HOU10 seeks to ensure a good level of amenity for adjoining residents as a result of the development of residential gardens. The proposed development would be situated in a set back position in relation to No 53 and in line with the front and rear building lines of the existing dwelling, No 37. Given this, there would not be an overbearing impact upon the neighbouring dwellings or the most private garden area of these neighbouring dwellings.
29. The front windows of the proposed dwelling would face east, the two closest to the neighbour at No 53 would serve non-habitable rooms. The furthest window at first floor on the east facing elevation would serve a bedroom, it is not considered that the angle of view from this window would result in a level of overlooking which would result in a loss of privacy to No 53. The rear facing windows would be over 22m at the closest point to the nearest neighbouring dwellings. Given this relationship, the proposed dwelling would not result in an unacceptable loss of privacy.
30. Emerging policy HOU15 and the Council's adopted Residential Space Standards (for external space) seek to ensure sufficient external amenity space for future occupiers. The proposal would comply with the standards required by the emerging and adopted guidance. The internal space standards for the proposed dwelling would comply with the Nationally Described Technical Standards and emerging policy HOU12. Given this, the dwelling would provide sufficient living accommodation for future occupiers.
31. In light of the above, the proposal would not result in harm to residential amenity.

### **Highway Safety & Parking**

32. Local residents and the Parish Council state that there is an existing parking issue in the immediate area. Due to this, local residents and the Parish Council have raised concern regarding the loss of on-street parking resulting from the creation of additional parking and improvements to existing parking to serve the proposed development.
33. The existing off road parking and vehicle cross-over which serves No 37 would be improved to serve the proposed development. Subject to undertaking the improvements to the current parking arrangements (which can be secured by condition) the proposed parking to serve the development



would comply with the Council's Residential Parking SPD and emerging policy TRA3a for a dwelling of this size.

34. To off-set the loss of off-road parking to serve No 37, a new permeable parking area to accommodate two vehicles would be provided to the front of number 37. This can be secured by condition which will ensure that the existing dwelling also complies with the Council's Residential Parking SPD and emerging policy TRA3a..
35. With regard to the concern raised by local residents and the Parish Council, it is important to note that the formation of a permeable surface for vehicle parking and the formation of an access onto an unclassified road do not require the benefit of planning permission. As such, the applicant could legitimately construct an additional access and additional parking without the benefit of planning permission. In terms of the impact upon on street parking, this would result in a similar scenario to that which would arise as a result of this proposal. In officer's view, this is a material consideration which should be afforded substantial weight.
36. On this basis, and given that the proposal includes adequate provision to serve the existing and proposed development in accordance with the Council's standards, in officers view there is no justifiable grounds to refuse the application for reasons relating to parking provision. Whilst the creation of the new access would result in the loss of an on road parking space, given the potential fall-back position and in light of the scheme complying with the Council's adopted standards, on balance, it is considered that the proposal is acceptable and would not adversely impact upon highway safety.

#### **Other issues**

37. Concerns have been raised regarding the loss of mature trees on the site prior to this application being considered. There is no control over the trees or vegetation on site, and so their removal does not represent any breach of planning controls.
38. There are several trees to the rear of the site which are well separated from the proposed dwelling. These are mature Ash trees. The separation distance of the trees from the proposed dwelling would prevent incursion into the root protection areas of these trees. A condition can be imposed to ensure protection of these trees during construction and which prevents the loss of any mature vegetation on the site which has shown as retained on the block plan.
39. The Parish Council refer to a planning application adjacent to No 14 Sparkeswood Avenue that was previously refused and dismissed at appeal.

The Parish Council indicate that the refused scheme is comparable to this scheme. However, in officers view, the two applications are contextually different in terms of their layout, scale and form. The application relating to land adjacent to No 14 proposed a bungalow, and would have resulted in a cramped form of development, as the plot was narrower in width. In addition, the bungalow was set back further from the road and at right angles to neighbouring dwellings and therefore failed to reflect the established pattern of development. The proposal therefore constituted an incongruous form of development.

## **Human Rights Issues**

40. 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**

41. 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**

42. The proposed development is located within the built confines of Rolvenden where there is access to a range of services and facilities. The proposal would comply with policies TRS1 and HOU3a in respect of minor residential infilling in a rural settlement.
43. The layout is acceptable and the proposed dwelling would be well designed and in keeping with the street scene.
44. The proposal would not result in the loss of an important gap and would not result in harm to the designated landscape or the setting of the adjacent conservation area, the characters of which, would be preserved.
45. The proposal would not result in harm to residential amenity.

46. In terms of highway matters, given the potential fall-back position and in light of the scheme plying with the Council's adopted standards, the development is not considered to significantly impact upon highway safety.
47. Overall, it is considered that the development would comply with the guidance contained within the NPPF and the adopted and emerging policies of the Development Plan.

## Recommendation

### Permit

#### Subject to the following Conditions and Note:

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. Written details including source/manufacturer, and samples of bricks, tiles and cladding materials to be used externally and in the construction of any hard surfacing shall be submitted to and approved in writing by the Local Planning Authority before any works above foundation level and the development shall be carried out using the approved external materials.  
**Reason:** In the interests of visual amenity.
3. The vehicle parking spaces to serve number 37 Sparkeswood Avenue and the development hereby permitted shown on drawing number (GA02B) shall be provided in accordance with the approved plan prior to the occupation of the dwelling hereby approved 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 these reserved parking spaces.  
**Reason:** Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.
4. Prior to the first occupation of the dwelling hereby approved, details of refuse storage facilities shall be submitted to and approved in writing by the Local

Planning Authority. The approved refuse storage shall be completed prior to the first occupation of the development and shall thereafter be maintained. .

**Reason:** In the interests of visual amenity.

5. Prior to the first occupation of the dwelling hereby approved, details of bicycle storage facilities showing a covered and secure space shall be submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to the first occupation of the development and shall thereafter be maintained. .

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

6. Details of walls and fences to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority before any works above foundation level. The walls and fences shall then be erected before the dwelling is occupied in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

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

7. Prior to the commencement of the development details of drainage works, designed in accordance with the principles of sustainable urban drainage, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and maintained in accordance with these details.

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

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

**Reason:** To protect the amenity of local residents in accordance with Policy CS1 of the Local Development Framework Core Strategy.

9. Prior to the commencement of development, details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and

used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.

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

10. Prior to works commencing on site, details of parking for site personnel as well as details of loading and turning areas for construction traffic shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be provided and retained throughout the development. The approved parking, loading and turning areas shall be provided prior to the commencement of development.

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

11. The approved development shall be carried out in such a manner as to avoid damage to existing vegetation and landscape features to be retained by observing the following: All areas and features to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012 or otherwise to the satisfaction of the Local Planning Authority. Such protection measures shall be installed prior to the commencement of development and remain throughout the period of construction; No materials or equipment shall be stored within the protected area and no works shall be carried out within the protected area without the written consent of the Local Planning Authority. Operations adjacent to protected areas shall be carried out in a manner to prevent contamination from dust, litter, and other contaminated substances.

**Reason:** To preserve the character of the Conservation Area and protect existing vegetation including mature trees on the site.

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

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no hardstanding shall be laid to the front of the dwelling hereby approved or No 37 Sparkeswood Avenue which would

otherwise be permitted under Classes F of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

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

14. 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.

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

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

## Note to Applicant

### 1. Working with the Applicant

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

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

In this instance .....

- the applicant/agent was updated of any issues after the initial site visit,
- the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://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 18/00065/AS)

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**Telephone:** (01233) 33073

Annex 1









Figure 1 Site Location Plan

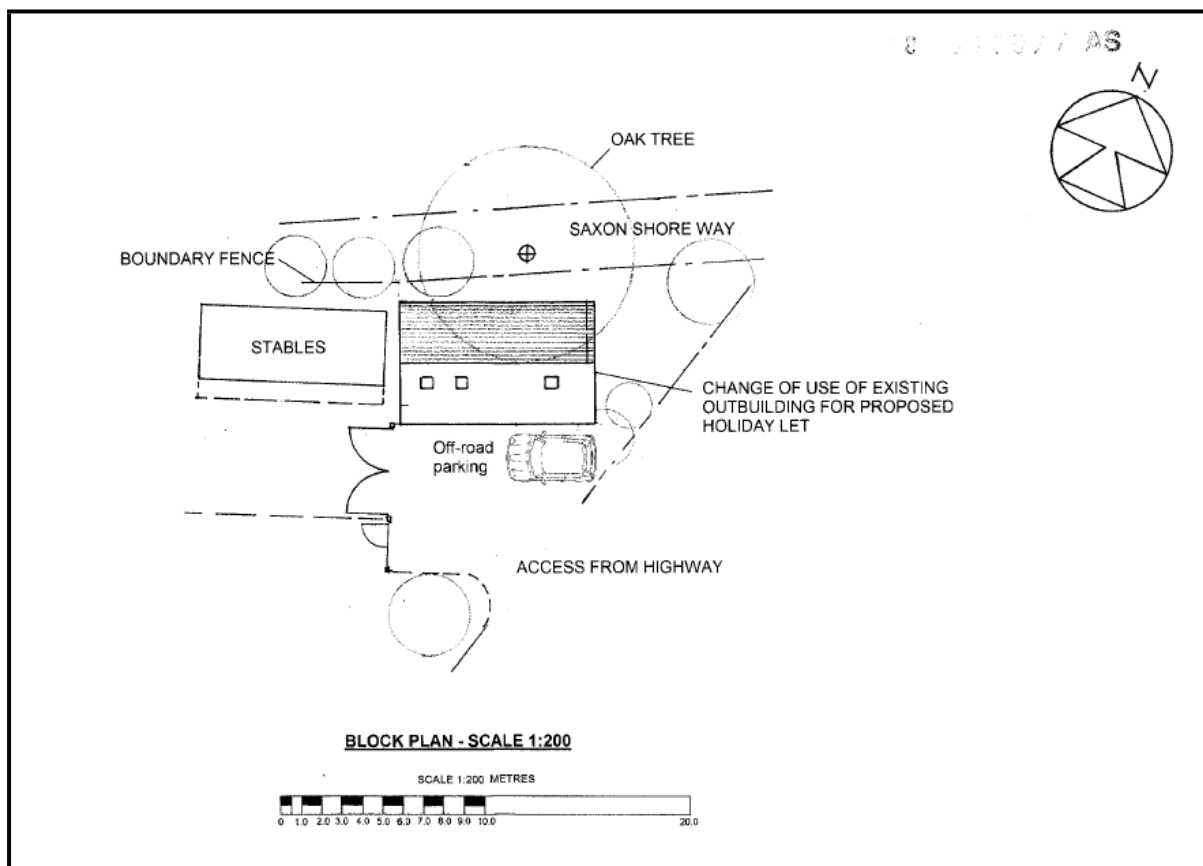


Figure 2 Block Plan

## Proposal

4. The application seeks full planning permission for the change of use of the existing outbuilding to a holiday let property. The building will contain a kitchen/living room, two bedrooms and a bathroom.

## Planning History

14/00739/AS Erection of outbuilding for a home office, workshop and playroom. Approved.

02/01016/AS Demolition of extension to cottage and construction of a new one and a half storey extension. Approved.

01/01486/AS Erection of stables and hay store. Approved.

98/01033/AS Extensions and improvements to the cottage. Approved.

## Consultations

**Ward Members:** Neither Ward Members, Cllr. W. Howard or Cllr Miss Martin, are a members of the Planning Committee.

**Aldington and Bonnington Parish Council:** No objections

**Kent Highways Right of Ways:** No objections, providing the public footpath is not obstructed.

**Ramblers Association:** No comments received.

**Neighbours:** 1 neighbour was consulted. A site notice was posted and the application was advertised in the press.

One representation has been received objecting to the application on the following grounds:

- The building has already been used as a dwelling
- The building is sited close to a neighbouring property and if approved it would result in noise and disturbance for the neighbour
- It is in a remote rural area well away from any local services

## Planning Policy

5. 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. The new Ashford Local Plan to 2030 has now been submitted for examination and as such its policies should now be afforded some weight
6. The relevant policies from the Development Plan relating to this application are as follows:-

### **Local Development Framework Core Strategy 2008**

CS1            Guiding Principles

CS9            Design Quality

### **Tenterden & Rural Sites Development Plan**

TRS11	Conversions of rural buildings to non-residential uses
TRS12	Conversions of rural buildings to tourist-related residential uses
TRS17	Landscape character & Design
TRS18	Important Rural Features

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

### **Emerging Ashford Local Plan to 2030**

SP1	Strategic Objectives
EMP4	Conversion of rural buildings to non-residential uses
EMP	Tourism
ENV3a	Landscape Character and Design

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

### **Supplementary Planning Guidance/Documents**

Residential Parking and Design Guidance SPD 2010

Landscape Character SPD 2011

Dark Skies SPD 2014

### **Government Advice**

National Planning Policy Framework (NPPF) 2012.

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

9. Paragraph 216 states in relation to the stages of preparing a Local Plan that:

“From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

9. The following sections of the NPPF are relevant to this application:-

- Paragraph 14 sets out the mechanism for determining applications in accordance with the presumption in favour of sustainable development.
- Paragraph 17 sets out the core planning principles including always seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; contribute to conserving and enhancing the natural environment, conserve heritage assets.
- Section 7 sets out requiring good design.
- Section 11 sets out conserving and enhancing the natural environment. Paragraph 118 contained within this section states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss.
- Section 12 sets out conserving and enhancing the historic environment.

National Planning Policy Guidance (NPPG)

## **Assessment**

### **Introduction**

10. There have been allegations made that the outbuilding has been used and occupied as a single independent dwelling. These matters have been

investigated by the Enforcement Section and it has been confirmed that the outbuilding is not being used as a single independent dwelling. It has been used by the current owners for ancillary domestic use in conjunction with the existing dwelling at "Thatched Cottage"

### **Principle**

11. The use of a domestic outbuilding for a holiday let would be in line with planning policies which encourage rural tourism in the area. The development of rural tourism in the area will bring positive benefits to the local rural economy. The building is of adequate size and floor area to accommodate normal family holiday use. The conversion of the building to a tourist related activity is acceptable and is in line with policy TRS12. It needs to be subject to a condition that restricts the occupancy of the building to holiday makers or tourists.
12. The outbuilding is a permanent, substantial structure which does not require complete or large scale reconstruction to convert it into a holiday let property. The holiday let use would not generate excessive vehicular traffic generation which would be inappropriate for the surrounding rural road network. The conversion of the building to a holiday let can be carried out in a manner which preserves its integrity and character. The proposals would not result in an adverse impact upon the adjoining properties, the locality and the surrounding landscape.
13. It would appear that the principle of these proposals would not conflict with policies TRS12 and EMP4 and can be accepted from a planning point of view.

### **Visual Amenity**

14. Policy CS1 and CS9 of the Council's Core Strategy expect development proposals to be of high quality design.
15. Policy TRS11 indicates that the scale and nature of the proposed use should not result in any significant adverse impacts on the character of any settlement, buildings or the surrounding landscape.
16. There are no external alterations proposed for the outbuilding which is to be converted to a holiday let property. The external appearance of the building will not be changed and the existing visual amenities of the site and its surrounding

### **Residential Amenity**

17. Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. One of these principles is

that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

18. The change of use of the single storey outbuilding on the site is not expected to have a negative impact upon the residential amenities enjoyed by the occupants of the adjoining dwelling to the site at "Thrift Cottage", which is sited on the opposite side of the adjoining road of Cherry Orchard Lane. This property is sited over 40 metres away from the applique siting of the building in relation to the adjoining dwelling is acceptable and is sited sufficiently far enough away from the neighbours so as not to undermine their residential amenities.

### **Noise and Disturbance**

19. It is not considered that the use of the building for holiday let purposes will lead to excessive noise and disturbance that would undermine the residential amenities of the occupants of the neighbouring property at "Thrift Cottage" on the other side of Cherry Orchard Lane.. This adjoining property is sited over 30 metres from the proposed holiday let building. It is also separated by Cherry Orchard Lane, which runs between the site and "Thrift Cottage".The outbuilding for holiday let purposes is sited sufficiently far enough from the adjoining property so as not to cause such problems. The residential amenity of the occupants of "Thatched Cottage" can be adequately safeguarded by the imposition of planning conditions which links the holiday let to "Thatched Cottage". The existing dwelling is closer and it seems likely that any behaviour issues would be dealt with by the owners who will be present on site and nearer.

### **Highway Safety**

20. Policy CS15 of the Core strategy and the Councils Residential Parking SPD relate to transport and parking.
21. There is an existing vehicular access to the site from the adjoining highway. The amount of vehicular traffic generated to and from the site from these proposals is not expected to be excessive and have an unacceptable impact upon local highway safety. There is adequate car parking and vehicular turning facilities on the site to accommodate the vehicular traffic generated by these proposals, together with the access and parking requirements for "Thatched Cottage" on the site.

### **Heritage**

22. 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 such assets and their setting.
23. Policy CS1 of the Council's Core Strategy (CS) lists conservation and enhancement of the Borough's historic environment as one of its key planning objectives.
  24. Emerging policy ENV13 states that proposals which protect, conserve and enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported.
  25. These criteria are consistent with Government policy set out in the NPPF. The NPPF is supported by the Planning Practice Guidance (PPG). The Historic England Good Practice Advice notes provide information to assist in implementing the policies in the NPPF and the guidance in the PPG.
  26. There are no external alterations proposed for the building to be converted to a holiday let property. Consequently, there are no proposals which would have an adverse impact upon the adjoining listed building and its character and setting. Therefore, there would be no harm to the character of the traditional rural building and its setting will be preserved. As such, the public benefits test set out at NPPF paragraph 134, need not be applied in this instance.

### **Ecology**

27. Policy CS11 of the core strategy states that development should avoid harm to biodiversity and geological conservation interests. 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.
28. These policies are consistent with the NPPF which indicates that the planning system should contribute to and enhance the natural and local environment.
29. The present condition of the building has been assessed and Natural England's Standing advice has been referred to. There are no features applying to the present condition of the building that suggest any protected habitat or species would be affected by the proposal.

### **Human Rights Issues**

30. 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**

31. 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**

32. In light of the above assessment I am satisfied that the proposed development would comply with the requirements of Development Plan policy and Central Government planning guidance. The use of the building for holiday let purposes would not have an adverse impact upon the amenities of the Lane. The site has adequate space to provide car parking and turning facilities for vehicles to enter and leave the site in forward gear. The proposals will provide economic benefit to the local area by the provision of tourist facilities.
33. There would appear to be no planning objections to these proposals and accordingly a recommendation that planning permission should be granted has been made.

## **Recommendation**

### **Permit**

#### **Subject to the following Conditions and Notes:**

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

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

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

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

- 3 The building hereby approved shall be used for holiday accommodation let purposes only and shall not be used for primary residential accommodation as a dwelling at any time to the satisfaction of the local Planning Authority

**Reason:** Such a use would conflict with planning policy which restricts separate residential use.

4. Prior to the commencement of the development details of drainage, works, designed in accordance with the principles of sustainable drainage, shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out and maintained in accordance with these details.

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

5. The building for the holiday let shall not be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To avoid pollution of the surrounding area.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A-D of Part 1 of Schedule 2 and Class A 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.

7. An up to date register shall be kept, in legible English, of the main or home address of each of the owners of (and, if different, each of the occupiers) and of any guests using the holiday let and shall make the register available for inspection by the Local planning Authority at an address notified in writing to the Local Planning Authority at 48 hours notice.

**Reason:** To enable the Local Planning Authority to monitor the occupation of the holiday let to ensure that the establishment of a permanent residential use

of the site, which would be contrary to Development Plan policies and detrimental to the character of the area, does not take place.

8. The holiday let hereby approved shall not be operated independently or subdivided from the dwelling known as “Thatched Cottage”, Cherry Orchard Lane, Bonnington, Ashford, Kent, TN25 7AZ unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of residential amenity of the future occupiers of the dwelling.

9. 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.

10. The holiday let shall not be occupied or the approved use commenced until details have been submitted to and approved in writing by the Local Planning Authority showing space laid out within the site for two cars to be parked and for vehicles to turn so that they may enter and leave in a forward gear. The parking and turning shall be carried out in accordance with the approved details.

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

11. 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.

12. 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.

### **Note to Applicant**

1. Working with the Applicant

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

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

In this instance:

- the applicant/agent was updated of any issues after the initial site visit,
- the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://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 18/00097/AS)

**Contact Officer:** Harry Heywood

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**Telephone:** (01233) 330237

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Wednesday the 23<sup>rd</sup> May 2018 at 7.00pm

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## Update Report for the Committee

The following notes and attached papers will be referred to at the meeting and will provide updated information to the Committee to reflect changes in circumstances and officer advice since the reports on the agenda were prepared

3. **Minutes** – To approve the Minutes of the Meeting of this Committee held on the 18<sup>th</sup> April 2018
4. Requests for Deferral/Withdrawal – **none**.
5. Schedule of Applications
  - (a) **17/01446/AS - Land North East of 74, North Street, Biddenden, Kent - Outline planning application for the erection of up to 110 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from North Street. All matters reserved except for means of access to North Street**

Page 39

**Campaign to Protect Rural England, Kent branch (CPRE):** have made the following comments:

- new Local Plan 2030 at advanced stage so should be afforded significant weight
- the Council has allocated sufficient sites in the Local Plan 2030
- not demonstrated why this agricultural land should be released for development  
[HDM&SS comment: this is grade 3 agricultural land, this is lower quality demonstrated by its use for grazing and the loss would be acceptable]
- harmful effect on the landscape setting of Biddenden and its approach
- disproportionate development for village
- no evidence that this level and timing of additional development is needed to support the retention of existing services
- inadequate public infrastructure
- cumulative impacts of development

**Ramblers' Association:** object and have raised the following matters:

- heavier use of PROW AT12
- omission of hardening of PROW AT12

5 additional representations to object were received.

The objections are summarised below:

- inadequate infrastructure
- increase traffic congestion
- have agreed to 45 new homes (17/00258/AS)
- harm to air quality
- harm to the character of the area
- harm to heritage assets
- disproportionate development for the village
- narrow footways to village  
[HDM&SS comment: highway improvement works to increase this to 1.8m wide]
- surface water flooding  
[HDM&SS comment: see para. 164-166 this could be addressed at the detailed design stage]

Page 57 - errata

95. It is agreed that the site carries no landscape designations. However, the site does reflect elements of local landscape character that are important to the rural village edge setting of Biddenden. It is removed from the main village settlement as from the western boundary to the North Street (A274) this boundary comprises isolated dwellings and farms, with substantial breaks in built form. The development would not form a natural extension to the existing village, as development on the ~~western~~ *eastern* side of North Street is sparser than the opposite side of North Street.

Page 69 - errata

148. Within Biddenden there is a bus service *every 90 minutes* between 06:20 to 22:25 *with a reduced service out of term time*, Monday to Saturday to Maidstone, Headcorn and Tenterden with a bus stop 550 metres from the centre of the site around a 7 minute walk.

Page 81 - errata

5.	<b>Adult Social Care</b>  Project: Tenterden Day Centre adaptations and changing place facility	£77.58 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<b>Necessary</b> as enhanced facilities and telecare required to meet the demand that would be generated pursuant to Core Strategy policy CS18, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.  <b>Directly related</b> as
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			<p>occupiers will use community facilities and the facilities and services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
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Page 90

**That Members resolve that if the application had been determined by Ashford Borough Council they would have**

**Refused**

**on the following grounds:**

Amendments to the grounds for refusal in *italics*.

1. The proposal would represent unsustainable and unacceptable development contrary to saved Ashford Borough Local Plan 2000 policies GP12, EN9, EN10 and EN27, Core Strategy 2008 policies CS1, CS6 and CS9, Tenterden and Rural Sites DPD 2010 policies TRS1, TRS2, TRS17 and TRS18, submission Local Plan 2030 policies SP1, SP2, SP6, ENV5 and HOU5, the National Planning Policy Framework and Planning Policy Guidance, *the adopted Landscape Character SPD and the Biddenden Village Design Statement for the following reasons:-*

a) the scale and quantum of proposed development in this third tier settlement with fewer *day-to-day* facilities and services than higher tier settlements would have an adverse cumulative impact on *the sustainability of the Development Plan spatial strategy* in conjunction with existing planned *development*;

b) the eastern edge of village location is an important gateway into the village and this the scale, amount, location and disposition of development proposed would have a significant adverse urbanising impact, out of character with the established edge of settlement character and traditional rural settlement form, and would be unacceptably harmful to the visual amenity and character of the area. It would erode this established edge of settlement character which acts as an important transitional area between the village and countryside beyond and

~~the character~~ so that it would be unacceptably harmful to the local landscape character of the village, its distinctiveness and sense of place;

c) the extension of the village to the east would harm a valued landscape which forms part of the Biddenden and High Halden Farmlands Landscape Character Area, impacting upon its acknowledged local rural character that forms an important component of *the environs* and approach to Biddenden;

d) the amount and location of the development proposed would have an adverse impact on the character and landscape views currently available from PROW AT12, to the detriment of the landscape and how the settlement of Biddenden is experienced by users within that landscape, as well as the amenity of the PROW;

e) The scale and quantity of the development proposed, when taken cumulatively with other development planned for the settlement, would represent a level of growth out of proportion to the size, scale and character of Biddenden, which could not be successfully integrated into the village in visual and functional terms.

2. The proposal would be contrary to Core Strategy 2008 policy CS1, Tenterden and Rural Sites DPD 2010 policy TRS17, submission Local Plan 2030 policies SP1, SP6, HOU5 and ENV13, the National Planning Policy Framework and Planning Policy Guidance and would result in less than substantial harm to the significance and setting of a number of designated heritage assets, which is not outweighed by the public benefits of the development cited by the applicant, for the following reasons:-

a) the amount and location of development would result in a loss of *the* open setting and *have* an urbanising effect on the setting of the listed buildings at 41 North Street, The Laurels/ Tow House and 66 and 68 North Street, in conflict with s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990;

3. The proposal would be contrary to the KCC Guide to Development Contributions 2007, SPG3 Developer Contributions / Planning Obligations 2001, Public Green Spaces and Water Environment SPD 2012, saved Local Plan 2000 policy CF21, Tenterden and Rural Sites DPD 2010 policy TRS19, policies CS1, CS2, CS8, CS18 and CS18a of the Core Strategy 2008 and submission Local Plan to 2030 policies COM1 and COM2, the National Planning Policy Framework and Planning Policy Guidance. The necessary planning obligation has not been entered into in respect of the list below so that the proposed development is unacceptable by virtue of failing to mitigate its impact and failing to meet the demand for services and facilities that would be generated and the reasonable costs of monitoring the performance of the necessary obligations:

a) 35% of the units as affordable housing;

b) a financial contribution towards ~~projects to~~ primary and secondary school infrastructure projects, library bookstock, improved adult social care facilities, improvements to outdoor sports pitches, improvements to play area, strategic parks project and extensions and upgrade of doctor's surgery; and

c) contributions to heritage projects by Biddenden Parish Council.

as set out in Table 1.

(b) **17/00952/AS - Land East of Hope House, Ashford Road, High Halden, Kent - Outline application for a residential development of up to 28 dwellings with access from the A28**

3 further representations have been received objecting to the proposal on the following grounds:

- Highway safety:  
Development of this size will make access on to the main road very dangerous;
  - The visibility splays are insufficient in both directions;
  - The measurements supplied by the applicant have not been verified by the council (**Officer Comment:** The application has been subject to consultation with Kent Highways and Transportation (KH&T) KH&T consider that the sight lines are adequate);
  - Independent measurements show them some way short of the applicants measurements.
- Pedestrian Safety
  - The DoT recommends a footpath width of 1.5m to allow for wheelchairs/pushchair users and pedestrians to pass comfortably. At the moment they can only achieve 0.8m without causing the footpath to be dangerously close to the passing HGV, farm traffic and other vehicles.
  - Pedestrians will be expected to cross the road to get to the village centre between 2 junctions with the reduced visibility and in an area that cars speed as proved by the applicants report.
- The proposals will exacerbate flooding;
- The plans are incorrect – neighbouring properties such as Hope House have not been plotted correctly.
- Impact upon wildlife;
- Impact upon listed buildings;
- The report does not address the large number of other sites which are more suitable, all have a better safety aspect and less objections.

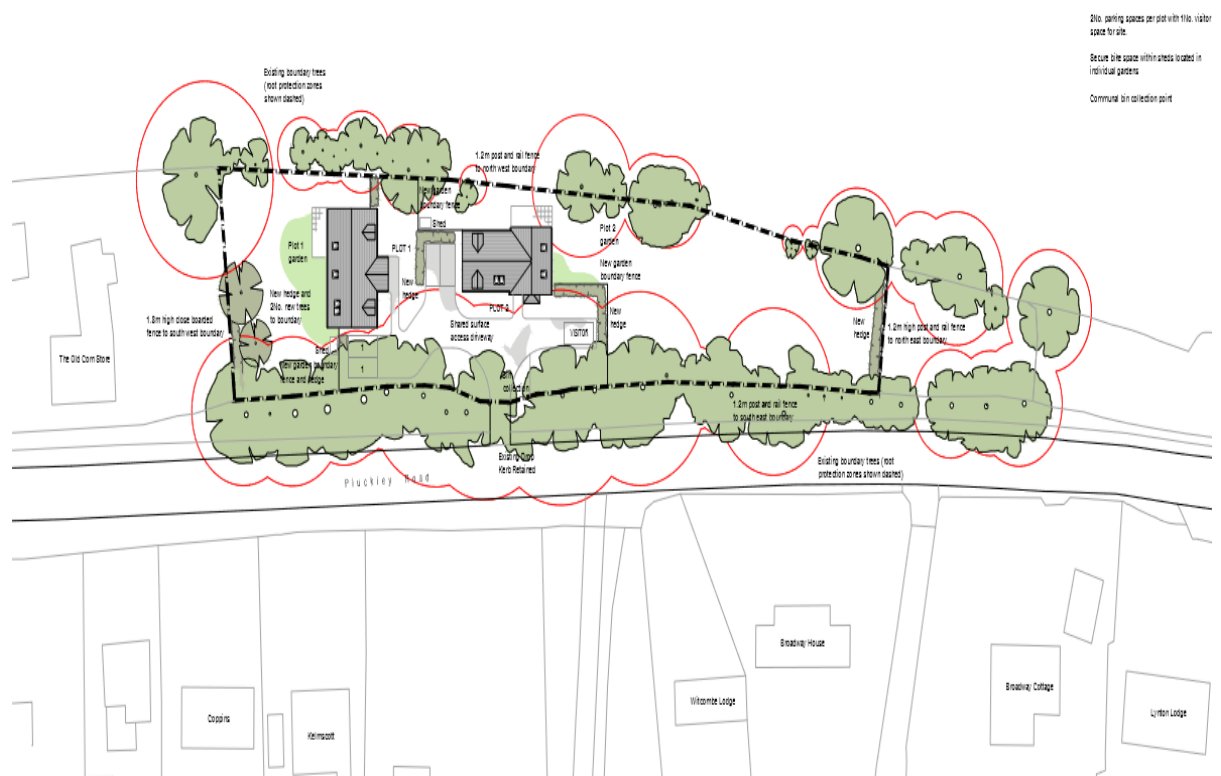
18/00262 Ransley Farm site – Cala Homes proposal to HH PC **50 properties** - plans submitted, 7 resident objections and Parish Council support

- 16/01198/AS Former Kent Highways Depot **25 properties** - Been granted and site clearance is now underway
- 17/00538/AS Precinct 13 site **13 properties** are under way with 3 houses have been completed and sold. Flats are yet to be developed.
- ABC 2030 S58 - Stevenson Brothers Site (MC101) **50 properties**
- ABC 2030 S60 - Land at Pope House Farm (MC103) **50 properties**

- The above yet to be submitted although Pope House Farm has reached consultation point
  - 17/01868 Church Field Church Hill High Halden – DLP Planning Ltd proposal to HH PC **29 properties** - plans submitted with resident and Parish Council Objection
- With current construction the village will see in the next few years an increase of 38 residential properties. In addition to this Ransley Farm (18/00262) site has been submitted for consideration of 43 properties which has a greater mix of Social and affordable meeting the village needs. Further to this Land at Pope House Farm has reached consultation point. Which would take the increase to 131 properties (18%), within a village that currently has 750.
  - The road does not have the capacity to serve the development especially in peak times of the day;
  - The proposal will increase the amount of traffic;
  - The development does not accommodate local needs and is not affordable for local people;
  - The mix of dwellings should be 90% affordable to 10% large 3 to 4 bedroom houses;
  - The school will be expected to take additional children;
  - The doctors surgeries are already oversubscribed.

(c) **17/01320/AS - Land adjacent to Old Corn Store, Pluckley Road, Charing, Kent - Outline application for the erection of 3No. new dwellings with shared access driveway and associated external works**

Since the preparation of the report, the agent has requested the application be amended to two dwellings. This plan removes the third property and in doing so significantly increases the already large spacing to Broadway cottages to over 120m and removes any buildings from in front of Broadway House. In his view this overcomes the reasons for refusal. He has been advised that it would need



to be withdrawn from the agenda and re-advertised as materially different to that applied for. He has therefore requested it to stay at 3 dwellings but that members be advised this is an option. A revised layout is shown below.



He has also submitted some photos of the site.



View from outside Broadway Cottage looking south

Site Entrance



Site Entrance

View from outside Broadway House looking south west



View from outside Coppins looking north

Site Entrance

2 Broadway Cottages

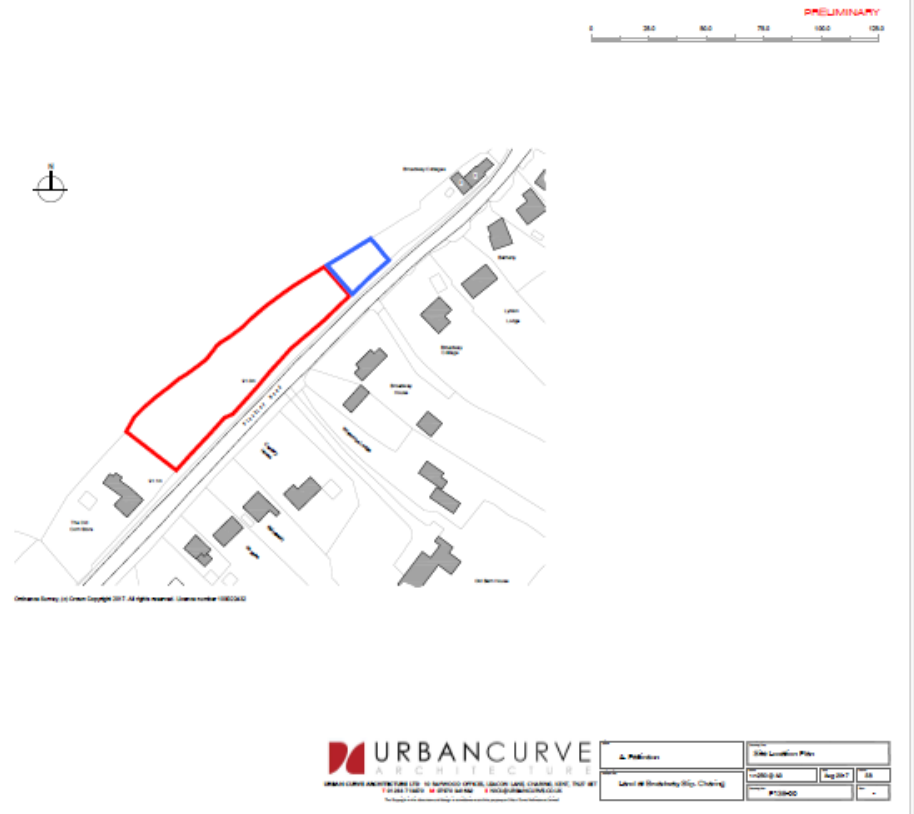


View south from No 2 Broadway Cottages

He has also submitted an urban grain analysis of the two dwelling option.



Finally, the site plan in the report is incorrect – the correct site area is as below.



- (d) **18/00065/AS - 37 Sparkeswood Avenue, Rolvenden, Cranbrook, Kent, TN17 4LZ - Proposed 3 bedroom detached dwelling adjacent to 37 Sparkeswood Avenue**

At the request of Cllr Bennett, the Parish Council comments are attached in full at **Appendix 1**.

The PC have also submitted two photographs which are on display.

- (e) **18/00097/AS - Thatched Cottage, Cherry Orchard Lane, Bonnington, Ashford, Kent, TN25 7AZ - Change of use of existing outbuilding to a holiday let**

**Amended condition 03 on page 207**

This should read as follows:

The holiday let hereby approved shall be used for holiday accommodation only and shall not be occupied by any person as their sole or main place of residence.



**Reason:** The establishment of a permanent residential use of the building would be contrary to Development Plan policies and detrimental to the character of the area and in turn could lead to the creation of a substandard dwelling without adequate living space, amenities, access and parking.

## Appendix 1

# Rolvenden Parish Council



Wealden  
House  
Grand  
Parade  
Littlestone  
Kent TN28  
8NQ

27 February 2018

Planning application 18/00065/AS 37 Sparkeswood Avenue,  
Rolvenden Rolvenden Parish Council objects to the proposal on  
the following grounds.

The site is adjacent to the Rolvenden Conservation area and within the High Weald Area of Outstanding Natural Beauty. This application is in contravention of Ashford Borough Council Policy TRS1 (b) in that the proposal increases the density of buildings and TRS1 (d) the loss of gap which is an important characteristic of Sparkeswood Avenue. The proposals are also contrary to Policy CS1 clause (d) and Policy CS9 clause (a).

The proposals are also in contravention of the forthcoming Local Plan 2030 policies HOU3 (b) and (c) and policy HOU10 (a) and (e).

The NPPF states that it is inappropriate for the development of gardens for housing. The NPPF also states that new development should also preserve or enhance the character of the conservation area and protect the landscape vale and scenic beauty of the AONB.

1. Sparkeswood Avenue was designed to have generous open space at roadside and between houses. The proposed development would detract from, and be harmful to, the visual amenity of the area.
2. There is already insufficient parking for residents in Sparkeswood Avenue, and this development would I create an additional load on the capacity and further inconvenience to residents. The following photographs have all been taken in the vicinity of the application site.



In additional detail.

1. The proposed dwelling would not be appropriate and would diminish the existing form and appearance of the location and Sparkeswood Avenue as a whole, detracting from and harmful to the visual amenity of the area.

The land for Sparkeswood Avenue was provided by local landowner Mr Thoburn, with the instruction that it should be attractive and spacious, in the manner of 'garden village' design.

The Avenue was designed with the deliberate use of trees, curves and bends, spacious verges and garden areas, and with the conscious allowance of spaces between houses at various points.

There are several houses where there are generous spaces in which a house could have been constructed if the architect and council had so intended. These gaps break up the flow of development and add to the sense of space and greenery.

The gaps also allow a visible connection from the Avenue through to the High Street in one direction and to the open countryside in the other, providing a constant confirmation of the place of the Avenue within the village.

To allow a house in this garden would close the space, diminish the sense of space and connection, and create a more terraced impression. The precedent would also be likely to create opportunities for all similar gaps to be infilled, creating a much diminished space, and reduction in character and connection.

Residents talk of the attractiveness of living in this area of the Avenue where the view from the windows is onto the open space and through to the High Street. They also describe how the evening sun comes through the gap. This benefits all residents, not only those adjacent.

2. The proposal shows provision of a driveway which theoretically accommodates the additional parking required by the development.

However every crossover causes the loss of parallel kerbside parking for at least one car, and more likely 2 due to the constraint on the positions available and due to the narrowness of the carriageway.

Additionally the loss of parking would be for the general use of residents. Existing residents who are already short of parking will lose some of the limited availability, while the new residents would have their own private parking spaces.

The shortage of parking space is already such that cars are often parked on grass verges and footpaths to the detriment of everyone else, damaging the verges, and limiting space for other vehicles, including emergency and service vehicles.

The Parish Council heeded requests to try to resolve the parking problem, and in 2011 carried out a survey and detailed assessment. Leaflets were circulated and residents consulted.

While it was confirmed that there was a shortage of space, it was decided that additional parking space would be to the detriment of the Avenue. Also, the creation of spaces required the loss of the green frontages, but the number of spaces gained would be very small due to the consequential loss of parallel parking spaces.

Residents frequently bring up the subject, and we have to advise that there is no easy solution, but we recognise the problem and will take whatever measures we can to improve it, or at least stop it becoming worse.

#### Additional comments.

We wish to refer the planning officer to the previous proposal for number 14 Sparkeswood Avenue (15/00058/AS) which was a similar infill situation.

*In particular we note the comment in the decision notice: The proposed dwelling, by virtue of its siting, scale, design and appearance combined with the narrow width of the plot and limited road frontage, would relate poorly to the existing form and layout of development in the locality. As a result, the development would introduce a cramped, visually incongruous and intrusive form of development that would fail to respond positively to the established character and grain of Sparkeswood Avenue, detracting from and harmful to the visual amenity of the area.*

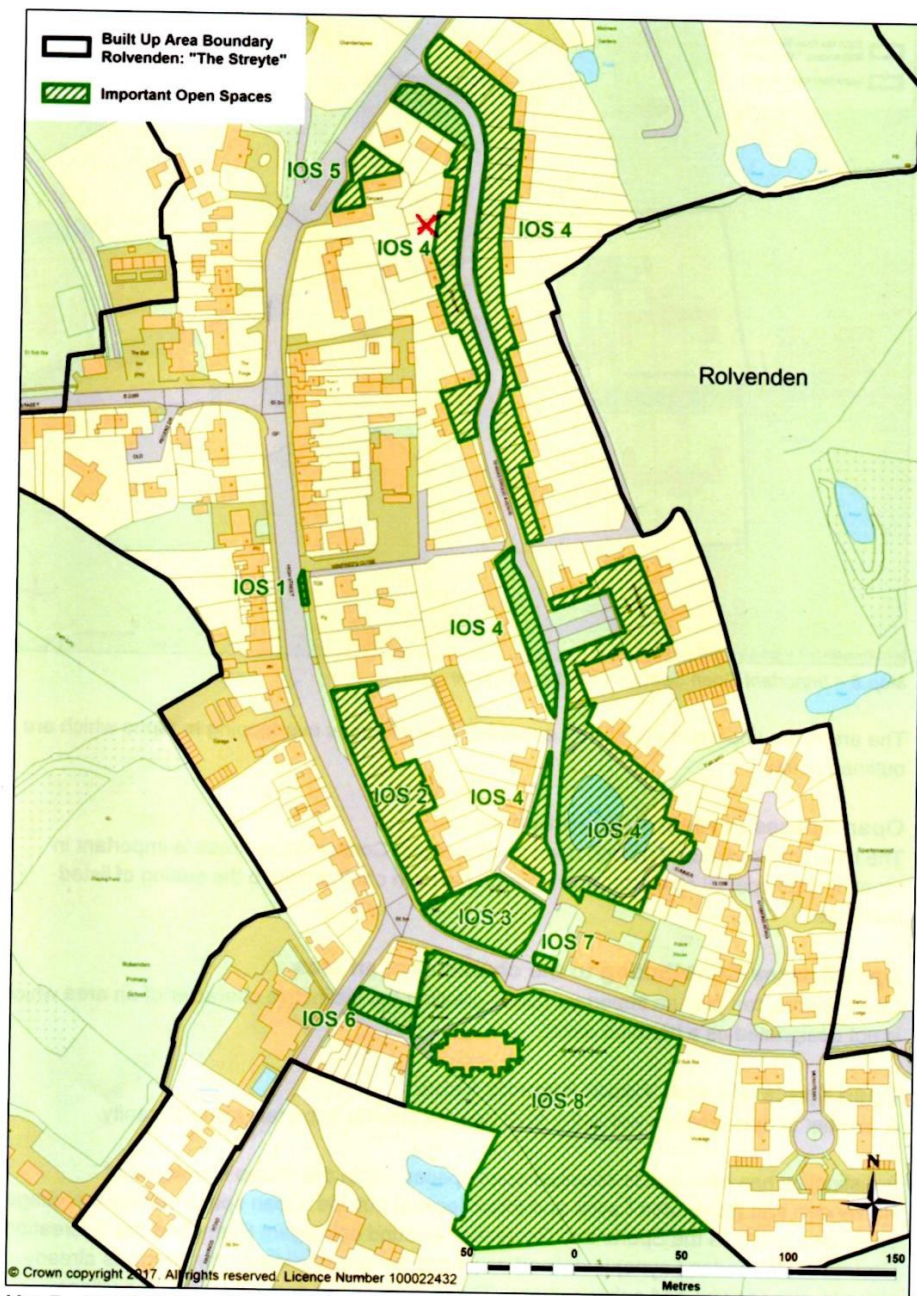
While the current proposal is for a larger plot, the situation is similar.

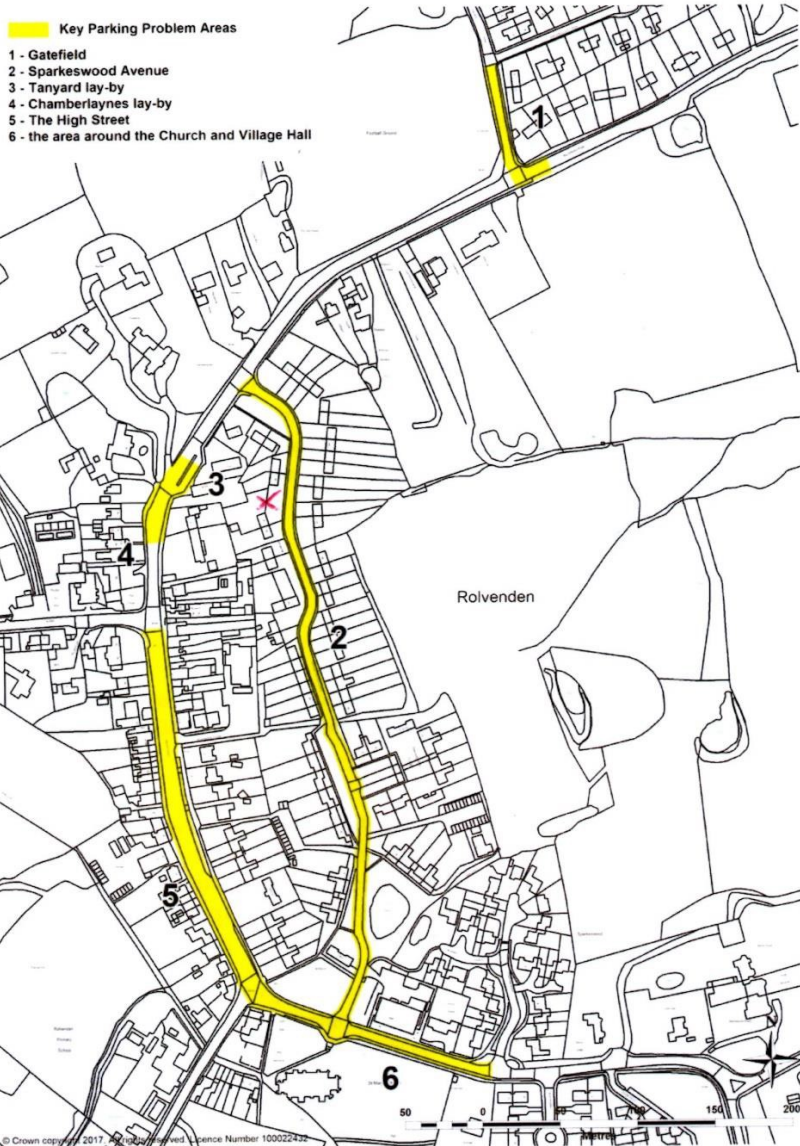
*At appeal, the Inspector noted, in his report rejecting the appeal, that: (Sparkeswood Avenue) is of a generally green and verdant character, with houses set back from, but fronting the road, giving the area a feeling of spaciousness.*

Spaciousness is the key, and the proposed development would remove that from this point in the Avenue, and could lead to similar infill in all larger gardens, as well as causing additional parking difficulties, all to the considerable detriment of residents and the village as a whole.



We attach two plans from the Draft Neighbourhood Development Plan which is currently at consultation stage. These confirm that parking is considered already to be a problem.





Map 2 - Problem Parking Areas

In the event that approval was considered further then there are technical matters to consider.

The proposed driveway for existing house number 37 shows the new driveway being approximately 3m wide, but a dimensioned plan is to be preferred. We also consider that a swept path should be shown on the plan to indicate the amount of road frontage that will be lost.

The existing driveway on the proposed development is not dimensioned. We consider that it should be, and that it also be 3m wide and constructed to the modern requirements for drainage within the site. The plan should also show the swept path, combined with that for the new drive. This will also allow the Planning Officer to consider the number of roadside parking spaces which will be lost.

We would also request the opportunity for input to the design and materials proposed, which have not been considered at this stage, and that the developer is not permitted to use the road or verge during construction.