



PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on Wednesday, 19th September, 2018 at 7.00 pm.

The Members of the Planning Committee are:-

Councillor Burgess (Chairman)
Councillor Link (Vice-Chairman)

Cllrs. Bennett, Bradford, Buchanan, Chilton, Clarkson (ex officio), Clokie, Dehnel, Galpin, Heyes, Hicks, Knowles, Krause, Macpherson, Ovenden, Waters, Wedgbury

If additional written material is to be submitted to the Planning Committee relating to any report on this Agenda, this must be concise and must be received by the Contact Officer specified at the end of the relevant report, and also copied to Planning.help@ashford.gov.uk, before 3pm on the day of the Meeting so that it can be included or summarised in the Update Report at the Meeting, otherwise the material will not be made available to the Committee. However, no guarantee can be given that all material submitted before 3pm will be made available or summarised to the Committee, therefore any such material should be submitted as above at the earliest opportunity and you should check that it has been received.

Agenda

Page Nos..

1. **Apologies/Substitutes**

To receive Notification of Substitutes in accordance with Procedure Rule 1.2(iii) and Appendix 4

2. **Declarations of Interest**

1 - 2

To declare any interests which fall under the following categories, as explained on the attached document:

- a) Disclosable Pecuniary Interests (DPI)
- b) Other Significant Interests (OSI)
- c) Voluntary Announcements of Other interests

See Agenda Item 2 for further details

3. **Minutes**

To approve the Minutes of this Committee held on 15th August 2018

<https://ashford.moderngov.co.uk/documents/g3248/Public%20minutes%2015th-Aug-2018%2019.00%20Planning%20Committee.pdf?T=11>

4. **Amendment to Minute 107/7/18 - Waterbrook Park, Waterbrook Avenue, Sevington - Application Number 18/00098/AS** 3 - 4

5. **Requests for Deferral/Withdrawal**

Note to Members of the Committee: The cut-off time for the meeting will normally be at the conclusion of the item being considered at 10.30pm. However this is subject to an appropriate motion being passed following the conclusion of that item, as follows:
"To conclude the meeting and defer outstanding items of business to the start of the next scheduled Meeting of the Committee".

6. **Schedule of Applications**

- (a) **18/00410/AS** 5 - 24
- Pett Farm, Pett Lane, Charing, Ashford, TN27 0DS - Change of use of land for the stationing of a residential mobile home in connection with a farm and equestrian business
- (b) **18/00029/AS** 25 - 126
- Land south of the Swan Hotel, Maidstone Road, Charing, Kent - Submission of an outline planning application for up to 135 dwellings (including up to 40% affordable housing) introduction of structural planting and landscaping, informal public open space and children's play area (LEAP), vehicular access from the A20/Maidstone Road and associated ancillary works. All matters reserved with the exception of access from the A20/Maidstone Road
- (c) **17/01926/AS** 127 - 194
- Land rear of Charing Motors Ltd, Northdown Service Station, Maidstone Road, Charing TN27 0JS - Outline application for the erection of up to 17 dwellings and associated infrastructure with means of access from Maidstone Road to be considered in detail
- (d) **18/00947/AS** 195 - 208
- Two Oaks Farm, Bourne Road, Aldington, Ashford, TN25 7AW - Part First Floor Extension

Note for each Application:

- (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) 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 '-'

Note on Votes at Planning Committee Meetings:

At the end of the debate on an item, the Chairman will call for a vote. If more than one motion has been proposed and seconded, the motion that was seconded first will be voted on first. When a motion is carried, the Committee has made its determination in relation to that item of business and will move on to the next item on the agenda. If there are any other motions on the item which have not been voted on, those other motions fall away and will not be voted on.

If a motion to approve an application is lost, the application is not refused as a result. The only way for an application to be refused is for a motion for refusal to be carried in a vote. Equally, if a motion to refuse is lost, the application is not permitted. A motion for approval must be carried in order to permit an application.

KM

11 September 2018

Queries concerning this agenda? Please contact Kirsty Morland (01233) 330499

Email: kirsty.morland@ashford.gov.uk

Agendas, Reports and Minutes are available on: www.ashford.gov.uk/committees

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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
- (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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REPORT OF PRINCIPAL SOLICITOR (STRATEGIC DEVELOPMENT)

WATERBROOK PARK, WATERBROOK AVENUE, SEVINGTON

APPLICATION NUMBER 18/00098/AS

AMENDMENT TO MINUTE 107/7/18

1. At the Planning Committee meeting on 18 July 2018, which I advised, Members resolved to permit the above application, subject (among other things) to the prior completion of a section 106 Agreement/undertaking.
2. The planning obligations to be covered in the Section 106 Agreement were set out in Table 1 in the report of the Head of Development Management and Strategic Sites.
3. The Head of Development Management and Strategic Sites advised the Committee, in her Update Report, of amendments to Table 1 that were required as a result of further discussions with the applicant and with KCC Highways & Transportation.
4. In short, the applicant had agreed to increase its s.106 contribution towards improving the Romney Marsh Road Roundabout from £300,000 to £1 million, but as a result, reduced fixed sums per dwelling would be Paid Regardless of future viability reviews, towards Primary Education, Secondary Education, Healthcare and Outdoor Sports provision. This was agreed by Members in their resolution to grant permission.
5. Unfortunately, in the Minutes of the meeting, these 4 revised Pay Regardless sums from the Update Report were inserted into the wrong column of Table 1.
6. The column headed "Amount required by policy" should have stayed as in the original Report, i.e. setting out the section 106 contribution amounts which planning policies require to be paid for houses, flats, and different dwelling sizes.
7. The 4 reduced fixed sums per dwelling, taken from the Update Report, should have been placed in the Pay Regardless part of the "Impact of Viability" column, i.e. as components of the total sums which would be Paid Regardless if all 400 dwellings permitted are built.
8. The Minutes, containing this error, were approved by the Committee at its meeting on 15 August. Therefore I now recommend that the approved Minutes be rectified to correctly record the decision made on 18 July.

RECOMMENDATION: that within Minute 107/7/18, Table 1 in the Waterbrook resolution (ref. 18/00098/AS), Heads of Terms numbers 2 (Primary Schools), 3 (Secondary Schools), 5 (Local primary and community health service) and 10 (Outdoor Sports Pitches), on pages 228, 229, 230 and 232 respectively, be rectified as follows:-

- (i) insert in the column headed "Amount(s) required by policy" the text from Table 1 in the original Report;
- (ii) move the fixed sum per dwelling from that column and insert it in the column headed "Impact of Viability – Amount proposed for this application" immediately after the words "Pay regardless".

Jeremy Baker

Principal Solicitor (Strategic Development)

11 September 2018

Contact: Jeremy.baker@ashford.gov.uk; Telephone (01233) 330574

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Application Number	18/00410/AS
Location	Pett Farm, Pett Lane, Charing, Ashford, TN27 0DS
Grid Reference	596125/148972
Parish Council	Charing
Ward	Charing
Application Description	Change of use of land for the stationing of a residential mobile home in connection with a farm and equestrian business.
Applicant	Mr B Roberts
Agent	Mrs H Whitehead. Price Whitehead Chartered Surveyors
Site Area	0.05ha

(a) 10/2R 2S (b) Charing PC X (c) KEM 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 comprises a rectangular parcel of land which is situated south east of Pett Farm, adjacent to existing farm buildings. Pett Farm is a working farm and livery stables situated in the parish of Charing.
3. Pett Farm comprises some 100 acre of land, 60 acres of which is arable land that is currently let out. The remaining 40 acres is used for hay making, horse grazing, and for free-ranging pigs. There are 18 horses liveried on site. The pigs currently comprise 9 breeding sows and 1 boar, and their progeny (farrowing indoors twice a year, throughout the year). For 6 months of the year the farm also takes in some 40 sheep.
4. Falling outside of the built confines of the village, the application site is in the countryside and the North Downs Area of Outstanding Natural Beauty (AONB) and is within an area of archaeological potential. Pett Farm lies

adjacent Pett Place a Grade I listed building and Court Barn a converted Grade II* Listed Tithe Barn. Hazel Cottage and Cherry Cottage are Grade II listed and lie south west of Court Barn adjacent to the farm access. Access to the site is through the main farmyard.



Figure 1 Site Location Plan

Proposal

5. Planning permission is sought for the change of use of land for the stationing of a mobile home in the style of a log cabin, to provide residential accommodation for an agricultural worker. The mobile home would be occupied by the applicant who owns and runs the farm and the stables business.

6. The proposed log cabin would measure 12 metres by 6.7 metres wide. Additionally, the roof will project beyond the main living accommodation by 3 metres. The overall length including the roof projection will therefore be 15 metres. The eaves will be 2.4 metres and the overall ridge height will stand at approximately 3.6 metres.
7. It would be stationed on a new concrete slab which is proposed to be laid.
8. Following Officer concerns, the plans have been amended removing a decking area which was proposed on the north west elevation.
9. The Design and Access Statement states that the proposed site will be served by an existing electricity and water supply, and will also be plumbed into the existing sealed cesspool unit that supports the farm office. There will therefore be no requirement to bring any infrastructure to the site to support this new dwelling facility.

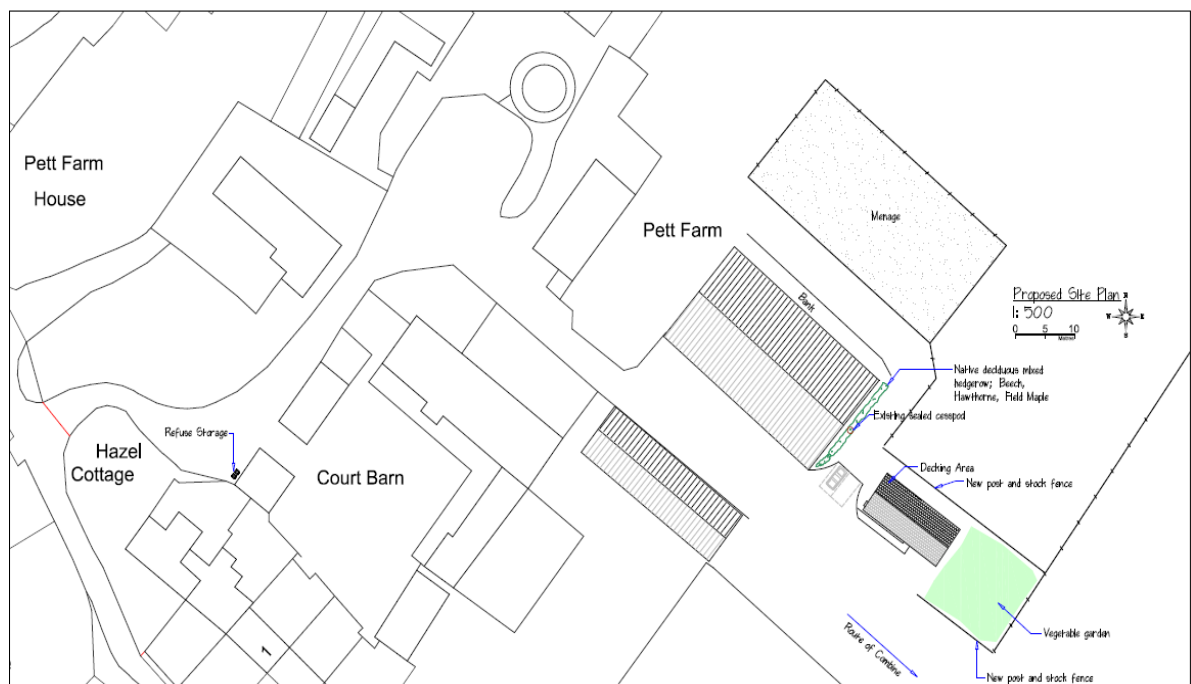


Figure 2: Proposed Site Layout

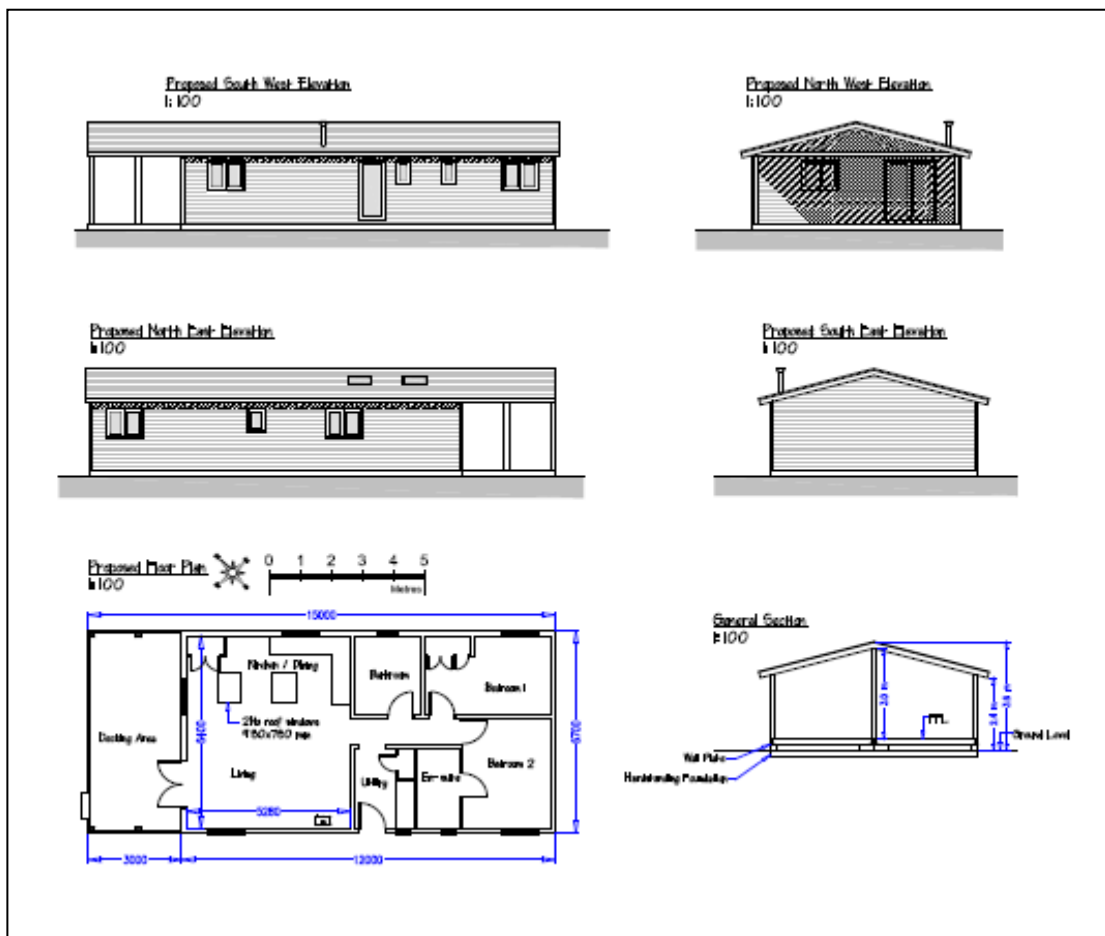


Figure 3: Proposed Plan and Elevations

Planning History

DC	FA	17/01391/AS	Proposed all-weather 20m x 40m horse exercise arena with associated fencing	PERMITTED
DC	CLDE	15/00721/AS	Lawful Development Certificate - Existing - Use of land and buildings for the keeping of horses, DIY livery use, erection of stable buildings, construction of hard surface yard area and erection of horse walker	EXISTING USE IS LAWFUL

Consultations

Ward Member: The Ward Member is an Ex-Officio member of the Planning Committee.

Charing Parish Council: Support the application.

Rural Planning Ltd: Makes the following comment

On balance I would agree with the submissions made on behalf of the applicant that for the successful development of the farming and equestrian business, the applicant needs to reside on site to provide proper care for the pigs and out of hours care and security for the horses, in the absence of their owners. The ability to assure horse owners of a responsible supervisory presence on site at all times is an important factor in being able to rent out liveries.

Regarding the prospective viability of the venture, the applicant has provided detailed budgets over the next three years which indicate, by the third year, a reasonable potential level of net profit, as a return for his labour. Whilst the figures include some non-agricultural and non-equestrian rental income, the figures also assume a high level of notional capital depreciation on vehicles and equipment, and a high level total of other overhead costs, and given the relatively low key nature of the business involved, I would anticipate that there is good scope for those costs to be reduced in practice. In any event, the financial success can only be properly judged after the conclusion of the temporary accommodation period that is sought.

Overall, I consider that a sufficient case of need has been demonstrated for the proposed temporary rural worker accommodation.

Neighbours: **10** neighbours consulted. **2** letters of objection received stating the following

- New residence should not be established in the vicinity an important heritage site.
- Proposed residence is clearly not mobile but is a fixed installation being described as a log cabin.
- Change of use creates a precedent for further residential development.
- No new residences were envisaged in this part of Charing in the recently adopted Neighbourhood Parish Plan or Ashford Borough Plan.
- The proposed log cabin is not in keeping with the style of the surrounding listed buildings.
- Proposal would cause harm to the AONB.
- There are alternative existing properties in and around Charing which could be used for the purposes described in the application.

- Not necessary to live on the premises outside working hours.
- An onsite office building would adequately suffice for the purposes described in the application.
- Proposal will create noise and light thus affecting neighbouring properties and their amenity.
- The applicant is a landlord, he leases out the majority of the surrounding fields and does not work the land himself.
- Proposal will result in unreasonable and unnecessary overlooking and unreasonable loss of privacy.
- No reference is made to additional screening.
- Site of the proposed log cabin is not essential. There are preferable less prominent alternative sites which would not overlook neighbours.
- Unclear whether the mobile will be permitted to remain on site if the supervision of animals is no longer necessary.

2 letters of support received stating the following

- Proposal will bring comfort to us (the liveryes) knowing that there will be someone on site at all times to look after and provide security to horses especially at night.
- Applicant is always trying to improve the yard and invest in new facilities
- Applicant is considerate. During the snow in February he cleared the road to enable the liveryes to get in and attend to the horses. Without this action no-one would have been able to tend to the animals.

Planning Policy

10. 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.
11. The new Ashford Local Plan to 2030 has now been submitted for examination. Following this, the Local Plan Inspectors issued a post-hearings advice note on 29th June 2018 which sets out the elements of the Submission

Local Plan that they consider require amendment in order to be found sound. In the context of paragraph 48 of the NPPF, this note provides a material step towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, it is reasonable to assume that these policies are, in principle, sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' advice, significant weight should be attached to the Inspectors' advice in the application of those policies.

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

Ashford Borough Local Plan 2000

GP12 Protecting the countryside and managing change

Local Development Framework Core Strategy 2008

CS1 Guiding Principles

CS2 The Borough Wide Strategy

CS9 Design Quality

CS20 Sustainable Drainage

Tenterden & Rural Sites DPD 2010

TRS1 Minor Residential Development or infilling

TRS2 New Residential Development Elsewhere

TRS17 Landscape character & design

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

Ashford Local Plan to 2030 (Submission Version December 2017)

SP1 Strategic Objectives

SP6 Promoting High Quality Design

TRA3a Parking Standards for Non Residential Development

HOU5	Residential Windfall Development in the Countryside
ENV3b	Landscape Character and Design in the AONB
ENV4	Light Pollution
ENV9	Sustainable Drainage
ENV13	Conservation and Enhancement of Heritage Assets
ENV15	Archaeology

Supplementary Planning Guidance/Documents

Dark Skies SPD

Landscape Character Assessment

Government Advice

National Planning Policy Framework (NPPF) 2018

14. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
15. Paragraph 48 states in relation to the stages of preparing a Local Plan that:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

 - a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) 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
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”

Amongst other things, paragraph 70 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

National Planning Policy Guidance (NPPG)

Assessment

16. The main issues for consideration are:
- a) Principle of Development and Agricultural Need
 - b) Impact upon Visual Amenity
 - c) Impact upon Residential Amenity
 - d) Archaeology and Heritage
 - e) Highway Safety and Impact upon the local highway network.

Principle of Development and Agricultural Need

17. The application site is located outside a rural settlement and therefore represents a residential use in the countryside. Paragraph 79 of the NPPF states that the development of isolated homes in the countryside should be avoided unless there are special circumstances. Exemptions include an essential need for a rural worker to live permanently at or near their place of work. This approach is consistent (in part) with adopted policy TRS2 of the Tenterden and Rural sites DPD which states that new residential development outside the villages listed in policy TRS1 will not be permitted except in certain circumstances. The policy states that such circumstances include development comprising of an agricultural workers dwelling justified under PPS7.
18. Also material to the consideration of this application is part two of policy HOU5 of the emerging Local Plan 2030. Part two of policy HOU5 is consistent with the NPPF in so far as amongst other things, it states that isolated residential development in the countryside will only be permitted if the proposal is for accommodation to cater for an essential need for a rural worker to live permanently at or near their place of work in the countryside.
19. Policy TRS2 is not entirely consistent within the NPPF so far as it refers to the now cancelled PPS7. However with no guidance provided within the NPPF

or supporting NPPG as to how to interpret 'essential need', the well-established and understood approach set out under Annex A of PPS7 remains useful for LPA's seeking to assess whether there is an 'essential need'.

20. For example, paragraph 12 of Annex A makes provision for temporary residential accommodation where a new dwelling is essential to support a newly created agricultural unit. Accordingly, the principle of temporary residential accommodation is acceptable provided:
 - a) there is clear evidence of a firm intention and ability to develop the enterprise concerned;
 - b) functional need (see paragraph 4 of Annex A of PPS7);
 - c) there is clear evidence that the proposed enterprise has been planned on a sound financial basis;
 - d) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by other workers concerned;
 - e) other normal planning requirements, e.g. on siting and access, are satisfied.
21. Pett Farm comprises some 100 acre of land, 60 acres of which is arable land that is currently let out to a neighbouring farmer. The remaining 40 acres is divided between horse grazing, hay making and for free-ranging pigs. For 6 months of the year the farm also takes in some 40 sheep.
22. The pigs currently comprise 9 breeding sows and 1 boar which are Saddlebacks and Berkshire. They pigs farrow twice a year indoors producing an average of 12+ piglets per litter. These are managed on a free range system with the litters turned out with sows at three weeks old having farrowed in the farm buildings. It is stated in the supporting documentation, that the pigs farrow all year round and that the applicant needs to be on hand to assist with any difficult farrowing, to feed, water and rotate the pigs grazing, and to wean and treat all the stock.
23. There are currently 18 horses liveried on site. There is an outdoor riding arena which has recently been installed. In the absence of their owners, it is stated that the applicant tends to the horses, turning them out, providing food and water and provides care in the event of injury and medical emergency. The applicant is responsible for ensuring the land is properly managed, rotated, harrowed and seeded.

24. From autumn until early spring, 40 or so sheep graze the land. These animals need tending to on a daily basis to ensure there are no foot and/or other medical issues and to safeguard their overall health and safety.
25. The applicant also manages the grass leys with his holding producing hay which is sold to the liveries. The applicant makes all the hay up to the point of baling. The bales are then stored on the farm. The bales are a fire risk and are vulnerable to theft which the farm has been subject to. Whilst the applicant has installed CCTV and this has its uses, the applicant indicates that a physical on site presence would act as a better deterrent.
26. The farm is not served by an existing dwelling and there are no agricultural workers dwellings within close proximity which would enable the applicant to provide the care required for the animals kept on site.
27. The applicant has submitted a budget which demonstrates the projected returns and costs over the next 3 years and indicates that the farm will be making a reasonable level of net profit in the third year which the Council's Agricultural Consultant considers to be achievable. In any event, the financial success of the business can only be properly judged after the conclusion of the temporary accommodation period that is sought.
28. On balance, based upon the submissions made by the applicant and for the successful development of the farming and equestrian enterprise it is considered that there is a need for a responsible worker to be resident on site to provide proper care for the pigs and care and security for the horses, in the absence of their owners. It will also enable care to be provided for the sheep when they are present. A permanent residence on site would also enhance security and enable deliveries to be taken as and when required to the benefit of the successful running of the farming business.
29. With regard to the objectors comment that the proposal would set a precedent for the future, the proposal seeks permission for residential use for which an 'essential need' must and has been demonstrated. Any future proposal for residential development would be assessed upon its own merits against the relevant policy criteria.

Impact upon Visual Amenity

30. The NPPF attaches great weight to the conservation of the landscape and the scenic beauty of AONB's and is supported by emerging policy ENV3b which state that proposals will only be permitted provided the location, form, scale, material and design conserves and enhances the character of the landscape. Objectors have commented on the proposal stating that the proposed mobile would cause harm to the character of the AONB.

31. The proposed development would mean the change of use of land in order to be able to site the log cabin in close proximity to existing farm buildings. The siting and the orientation of the log cabin as applied for allows the applicant to have a direct sight line from his main living accommodation to the main entrance gate and right across the stables and farrowing pens. If the building were re-site, or reoriented for example through 90 degrees the site lines would be significantly restricted. The plan below shows how the sight lines down yard are currently achieved in the proposed orientation and how the sight line would be restricted if the cabin were reoriented.

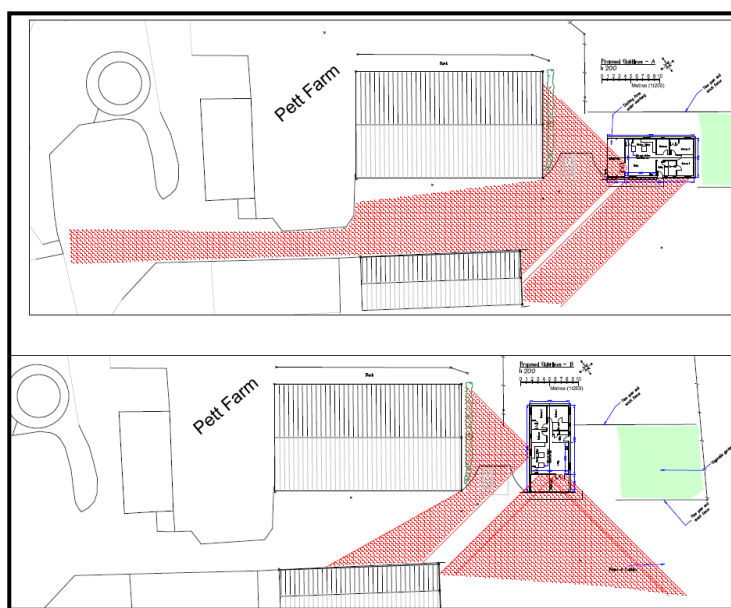


Figure 4 Sight Lines

32. The site directly adjoins the existing farmyard and therefore would link easily into the existing use. The proposed log cabin would not lie in an open or isolated position. The overall visual impact of the cabin would be relatively limited as it is a low lying structure, sited adjacent to the existing farmyard, and so would clearly appear ancillary to the existing farm buildings and would maintain the existing cluster of built development. Any views of the cabin which may be obtainable will be of the cabin in context with far more substantial buildings which exist on the farm and are permanent in nature.
33. In summary, the proposed cabin does not lie in an open or isolated position. Its scale is necessary for its intended purpose and subject to conditions to secure an appropriate colour stain for the timber and a meaningful landscaping scheme, visually, the cabin would comprise acceptable development within the context of the existing agricultural complex. The log cabin would not result in a visually intrusive or incongruous form of

development that would cause demonstrable harm to the character of the countryside or the AONB.

Impact upon Residential Amenity

34. Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. 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.
35. The cabin would be sited over 60m from the nearest residential property (Pett House). Pet House is bounded to the rear by a closed boarded fence which is approximately 1.8 – 2 metres in height. As such, the height of the fence would preclude views from the single storey cabin into the rear garden and windows on the neighbouring property. Therefore the proposal is not considered to cause significant or unacceptable harm to the amenity of the nearby residents in terms of overlooking and loss of privacy. Notwithstanding this, the applicant has agreed to plant hedging along the boundary. This will help to mitigate against any perceived overlooking and can be secured by condition.
36. Considering the proposed mobile is required for residential purposes and would be occupied by a single person it is not considered the proposal would result in significant or unacceptable levels of noise or disturbance.

Archaeology & Heritage

37. The application site lies close to identified sites of Roman activity and to Pett Place, a 16th century residence which may have earlier origins. In determining applications on a site where the proposed development has the potential to impact upon heritage assets with archaeological interest, the NPPF requires LPA's to request the developer to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
38. It is proposed to site the mobile home where there is an existing electricity and water supply and where there is an existing cesspool. There will therefore be no requirement to bring any infrastructure on the site to support the mobile home and the amount of ground works will be minimal. Some excavation will however be required to lay the concrete slab upon which the mobile will stand.
39. Given that there is known archaeology in the area and that remains associated with Roman or later activity could be exposed during the proposed groundwork, a watching brief condition should be attached to the permission. This would meet the requirements of the NPPF and is therefore neither unreasonable nor unnecessary. It would also ensure that any unknown

features of archaeological interest are examined and recorded by an appropriately qualified expert.

40. Set over 50m from the nearest listed building, Court Barn and over 140m from Pett Place, with farm buildings and stables in-between, the development is not considered to result in harm to the setting of these designated heritage assets. Consequently, the relevant tests set out in paragraphs 195 and 196 of the NPPF need not be applied. .

Highway Safety and Impact upon the local highway network

41. The proposed mobile home would be occupied by a single person. There is adequate space within the agricultural complex and adjacent to the proposed log cabin to provide parking to serve the residential unit.
42. The vehicle movements generated by the development would be limited. The proposed development would not generate a type or amount of traffic inappropriate to the rural road network that serves the site.

Human Rights Issues

43. 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

44. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

45. To conclude the Development Plan both adopted and emerging, and the NPPF make provision for dwellings for agricultural works provided it is evidenced that there is an essential need for a rural worker to live at or near their place of work.

46. In this instance it is considered that it has been demonstrated that there is an essential need for the applicant to live on the site, to provide immediate care for the animals in particular the pigs and horses. No other dwelling within the immediate vicinity of the site is available. Financial information has been submitted which details the projected returns and costs over the next 3 years. This has been subject to consultation with the Council's Agricultural Consultant who considers this to be reasonable and achievable.
47. There would be no harm to visual amenity, residential amenity, archaeology or heritage and the development is acceptable in terms of its impact upon highway safety.
48. With no overriding harm, the proposal is considered to be acceptable and in accordance with the Development Plan as a whole. It is therefore recommended that planning permission is granted. It is recommended that planning permission is granted on a temporary basis to enable the LPA the opportunity to re-assess the need for the accommodation once the temporary permission expires.

Recommendation

Permit

Subject to the following Conditions and Note:

1. The use of the site for the stationing of a single mobile home and the occupation of the mobile home hereby permitted shall be carried out only by a person solely or mainly working or last working in the locality in agriculture (as defined in Section 336 of the Town and Country Planning Act 1990) or forestry or a widow or widower of such a person and any resident dependents.

Reason: The site is outside any area in which residential development would normally be permitted unless essential to the local needs of agriculture or forestry.

2. The use of the site for the stationing of a single mobile home shall cease by 19th September 2021 or the cessation of the agricultural and equestrian uses of Pett farm whichever shall occur first. All materials and equipment brought on to the site in connection with the use shall be removed and the land restored to grass.

Reason: The site is outside any area in which residential development would normally be permitted.

3. Prior to the commencement of the development, details of the means of disposal of foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall then be installed in accordance with the approved details prior to the first occupation of the mobile home and shall thereafter be retained in an effective working order whilst the mobile home remains on the site.

Reason: To avoid pollution of the surrounding area.

4. Prior to the commencement of the development, a landscaping scheme for the site which shall include screening to the south east boundary shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out fully within the next available planting season following approval of the details by the Local Planning Authority. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation

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

5. 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.

6. The mobile home hereby permitted shall be finished in a colour, details of which shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced. The approved colour scheme shall be fully implemented before the development is occupied and thereafter maintained.

Reason: In the interests of visual amenity.

7. 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.

8. 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 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/00410/AS.

Contact Officer: Laura Payne

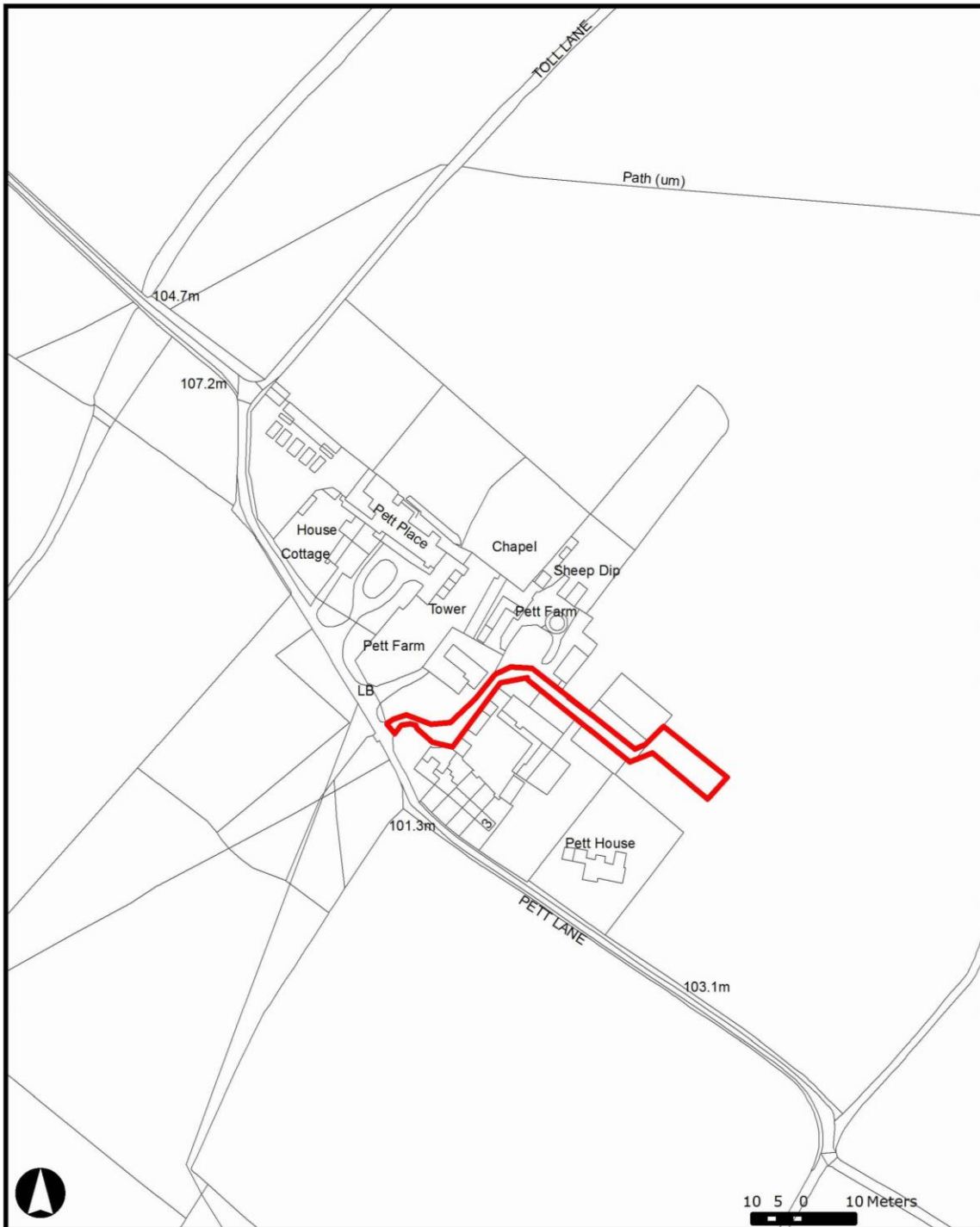
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Annex 1



Ashford Borough Council



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Application Number	18/00029/AS
Location	Land south of the Swan Hotel, Maidstone Road, Charing, Kent
Grid Reference	94744/49482
Parish Council	Charing
Ward	Charing
Application Description	Submission of an outline planning application for up to 135 dwellings (including up to 40% affordable housing) introduction of structural planting and landscaping, informal public open space and children's play area (LEAP), vehicular access from the A20/Maidstone Road and associated ancillary works. All matters reserved with the exception of access from the A20/Maidstone Road.
Applicant	Gladman Developments Ltd c/o agent
Agent	Cater Jonas LLP, One Chapel Place, London, W1G 0BG
Site Area	7.9 hectares

- (a) 134/60R (b) PC - R (c) HS1-X, EMH-X, KFR-X, EA-X, NE-X, KCC Bio-X, KP -X, OSSS-X, KCC SuDS-X, HE-X, NR-X, KCC Arch-X, SW-X, KCC Prow-X, Ram-X, KWT-X, ABC Housing-X, KCC developer contributions-X, WKPS-R, North Downs AONB-R, KCC Highways-X

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.

Site and Surroundings

2. The site comprises largely flat, agricultural land together with part of the grounds of the Swan Restaurant, approximately 7.9 hectares in size. The site is partially subdivided by mature hedgerows and there is an area of tree

planting to the south east. The site is bounded to the east and west by existing field boundaries comprising of vegetation. The existing edge of Charing and in particular the recent Poppyfields residential development follows much of the site's eastern boundary, partially separated from it by a gappy hedgerow.

3. To the south, the site is physically and visually enclosed and bordered by a watercourse and a railway embankment with associated security fencing. The application site is shown in **Figure 1** further below.
4. The wider landscape generally comprises agricultural fields interspersed with patches of woodland cover. The Kent Downs Area of Outstanding Natural Beauty (AONB) lies to the north and its boundary is aligned with the course of the A20 immediately to the north of the site. The Charing Conservation Area is approximately 180 metres to the east at its closet point. Public Footpath AW35 lies to the south running adjacent to the railway line and adjacent to the southern site boundary.
5. The site falls within the Downland Fringes Charing Farmlands Landscape Character Area and is located within Flood Zone 1.

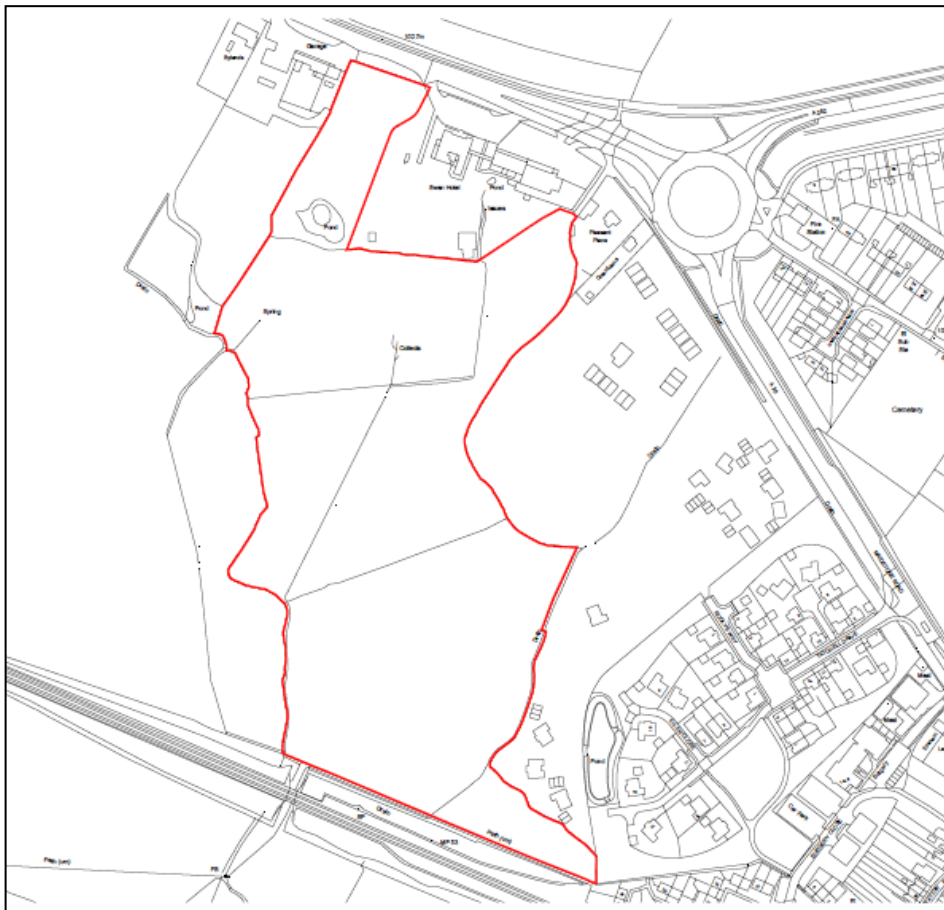


Figure 1: Site location plan

Proposal

6. Outline planning permission is sought for the erection of up to 135 dwellings (including 40% affordable housing), landscaping, informal public open space and a children's play area (LEAP). Vehicular access is proposed from the A20/Maidstone Road. All matters including the detailed design and layout are reserved for future consideration with the exception of the access into the site.
7. Whilst the application is, at this stage, made in outline form, the applicant states that the development would not exceed 32dph with buildings not exceeding 2 storeys in height/9 metres from ground level to ridge.
8. The indicative layout submitted (**Figure 2** below) illustrates one way in which the site could be developed at this density but this level of detail is not for consideration at this stage.



Figure 2: Proposed Indicative layout plan

9. In support of the application, a number of documents have been submitted by the applicant which are summarised as follows below:

Design and Access Statement

- The vision is to provide a distinctive and high quality place that complements the quality and character of Charing.
- The development would create a range of housing to meet the needs of the area and would respect the site's environmental assets. The development framework sets out the parameters of the development but the masterplan (Figure 2 above) is illustrative showing one way in which the site could be developed.
- The proposal seeks to provide a mix of 2, 3 and 4 bedroom properties in a range of dwelling types.
- The development would provide settlement edge public open space, including tree planting, habitat creation, a children's play area (LEAP) and footpath connections.
- The scheme has been developed in line with the Building for Life 12 criteria which are designed to assist the creation of well-designed places.
- The application takes account of national planning guidance and local planning policy.
- The development is considered as a natural extension to Charing.
- The site is sustainably located with easy access to local facilities, public transport links and the local footpath network. Local amenities within walking distance include a doctor's surgery, a post office, a church, pubs/restaurants, a number of stores and a library. The site is also close to a pre-school and a primary school.
- A network of public footpaths provide good connections to the surrounding countryside and villages. Charing Train station is located near to the site and provides connections to Maidstone and Ashford (with direct connections also to London). There are bus services to Ashford, Lenham, Egerton, Pluckley, Harrietsham and Maidstone.
- The site does not fall within any statutory landscape designations. A Landscape and Visual Appraisal (LVA) has been carried out. The report concludes that a residential scheme could be accommodated without any unacceptable landscape or visual effects.

- There is an identified need for new housing and the expansion of Charing will therefore be required.
- Charing is constrained to the north by the AONB. To the east of Charing the landscape is more sensitive in nature. The recent growth at the village has therefore been located in a westerly direction.
- From the lower slopes of the AONB the proposals would be partially obscured by the A20 and vegetation. From higher vantage points within the AONB to the north the proposals would be seen in the context of the existing settlement.
- There would be significant retained existing and proposed green infrastructure as part of the development.
- An ecological assessment has been carried out. Biodiversity and nature conservation is not considered to be a constraint and enhancements and mitigation are proposed.
- A tree survey has been carried out in accordance with the BS guidelines. Whilst the development would result in a loss of a number of trees, the access road has been positioned to retain higher quality individual trees, rows of trees and block planting within the grounds of the Swan Hotel and would see the remaining tree cover (approximately 150 trees) retained within areas of open space, providing an opportunity to secure future management of this tree cover. The layout of the development area within the southern parcel could also allow for the retention of much of the existing tree cover being retained within areas of open space. New tree and hedge planting shown illustrated on the framework plan submitted could also provide an opportunity to significantly increase tree cover within this portion of the site.
- The development would include measures to deal with storm and surface water drainage.
- Carter Jonas (agent) and Gladman (applicant) have engaged in the process of community consultation which has informed the development proposals for the site. A leaflet setting out the development proposals was delivered to businesses and residents in the vicinity of the site.
- A full evaluation of opportunities and constraints has been carried out and has informed the development proposals.
- To reflect local character the design approach would adopt, for example, the commonality of local materials and colour, block patterns, street trees and narrow and wide building plan forms. The emphasis would be upon simplicity

and legibility with well-proportioned buildings and spaces that deliver attractive high quality designs. It is proposed to develop a high quality place which is sustainable, safe and visually attractive.

- The primary vehicle access point would be from the A20/Maidstone Road to the north of the site.
- The proposed density would equate to approximately 32dph. Generally, lower densities would occur along the edges of the development, with higher densities located along the main vehicular access street connecting to the A20/Maidstone Road.
- In order to reflect local character, the buildings within the site would not exceed 2 storeys in height.
- A range of parking solutions would be incorporated into the layout based upon local and national guidance. This would include garages and car ports, on plot driveways, on street parking and shared courtyard parking. Vehicles would be located to ensure that they do not dominate the street scene.
- Traffic calming measures would be incorporated into the development.
- The design would embrace the principles of 'Secured by Design'.

Planning Statement

- The sustainability and development of the Site is supported by ABC through its Strategic Housing and Employment Land Availability Assessment (SHELAA) which assesses the availability, suitability and achievability of land. Support for the Site is also shown through its inclusion as a draft allocation in the Ashford Local Plan 2030 (Policy S55), where it is stated that 'Charing is a large village with a good range of facilities' and 'development in this location would be a continuation of Charing's existing built form and would not encroach into the more visually sensitive areas to the north and east of the village'.
- The Site represents a suitable and sustainable location for housing which is close to the urban area of Charing and its associated services, and will ensure a significant economic boost for the vitality and viability of not just the village but also the wider area.
- The adopted Development Plan is contained within a suite of documents which forms part of the Local Development Framework (LDF). This includes the Saved Policies of the Borough Local Plan (2000), the Core Strategy (2006 – 2021) (adopted 2008) and the Tenterden and Rural Sites DPD (adopted

2010). The weight that its policies can be afforded is substantially reduced as Local Plan policies were not prepared in the context of the NPPF and are now out of date.

- ABC is currently preparing a new Local Plan which sets out the land that needs to be provided in the Borough to accommodate new homes and jobs up to 2030. The most recent consultation took place between July and August 2017 (Main Changes) and representations were submitted to support the proposed allocation of the Site for residential development (Policy S55). These demonstrated that development on the Site will, inter alia:
 - Pay particular attention to the topography of the site, taking into account design guidance set out in the Charing Parish Design Statement and will not impact upon the adjoining AONB to the north;
 - Create an appropriate soft landscaped northern and western edge to the development to establish a clear western boundary with substantial planting;
 - Retain and enhance the current hedge and tree boundaries between the site and the Poppyfields development;
 - Be accessed directly from the A20 / Maidstone Road; and
 - Provide new pedestrian and cycle routes throughout the development to connect with the adjoining residential development and to existing adjacent ProWs.
- ABC published all representations to the Local Plan consultation in November 2017. The Local Plan was submitted to the Secretary of State (SoS) on 22nd December. The EiP is anticipated to start in the spring 2018 with adoption of the Local Plan from the summer onwards.
- Having regard to paragraph 216 of the National Planning Policy Framework (NPPF), on the basis the Plan has been the subject of Regulation 19 consultation in July 2016 and again in July 2017 to ensure it is up to date and meets the requirements of current national policy and guidance, and has now been submitted to the SoS (22nd December), weight should be attached to the draft allocation.
- ABC is currently unable to demonstrate a 5YHLS and as such, paragraph 49 of the NPPF applies. It states that policies for the supply of housing should not be considered up-to-date if the local authority cannot demonstrate a five-year supply of deliverable housing sites. As a consequence, the presumption in

favour of sustainable development as set out in paragraph 14 of the NPPF is engaged.

[HDMSS comment: The submission of this application was in 2017/18. The Council is able to demonstrate a 5YHLS for 2018/19. Furthermore, the EiP has since been completed and the Inspectors have not recommended that the allocation be deleted. The Site therefore forms a part of the Council's approach to demonstration of a 5YHLS]

- The planning statement and the accompanying reports submitted in support of this application confirm there are no adverse impacts which individually or cumulatively outweigh the significant benefits of the development which include:
 - The delivery of affordable housing
 - The delivery of housing in a sustainable location
 - The delivery of green infrastructure
 - A contribution to the economic vitality of the area
 - Economic benefits associated with jobs required during the construction stage (approximately 125 FTE over a 4 year build out)
 - The provision of enhancements to local health services and school provision that would be secured through financial contributions.
 - Off-site highway improvements including a new footpath along the southern boundary of the A20 linking to the existing footway adjacent to the A20/Maidstone Road roundabout to the east of the suite access. The proposed access would provide a pedestrian access to the village centre, primary school and bus stops.
 - Promotion of the use of sustainable transport and the use of nearby Charing train station.
 - Ecological benefits through the protection and enhancement of existing wildlife corridors.

Flood Risk Assessment and Outline Drainage Strategy

- The site is located within Flood Zone 1 and therefore has a very low risk of flooding - annual probability of flooding less than 0.1% (1 in 1000).

- There is a low risk of shallow surface water flooding across the site associated with shallow surface depressions.
- Site falls would be arranged to allow reasonable level; access for occupants and visitors and allowing the site to be free draining in case of local ponding at times of heavy rainfall. Floor levels of the dwellings would be set as high as possible above the flood level giving regard to the necessary access for the less able.
- The development would not result in any reduction in floodplain storage compared to the existing situation.
- Surface water arising from the site could potentially discharge into the existing on-site watercourses.
- The proposed development would increase the proportion of the site covered with impermeable surfaces and would therefore generate more runoff. Attenuation will therefore be required.
- The outline drainage strategy considers that the use of attenuation based SuDS would be feasible with a discharge to the watercourse within the site. Therefore the most effective strategy, in line with the SuDS management train, would be to have a detention basin towards the southern boundary. The required detention basin (or similar) has been estimated to be 575.8m³ for a run off rate restricted to 4 l/s/ha.
- The estimated volume to be retained on site for the 1 in 100 year storm event including the allowance for climate change is between 1042.2m³ and 1276.7m³.
- The site is considered to be a low risk for flooding. It is recommended that the minimum finished floor levels for the development should be set at a nominal height above the proposed ground levels. This is to allow for overland flow during exceedance flows from an extreme event or a drainage failure.
- Access to the site would be elevated above potential flood levels and would therefore always provide safe access to and from the site from Maidstone Road.

Archaeological Desk-Based Assessment

- There are no scheduled Monuments or other designated heritage assets on the site.

- No sub-surface archaeological assets have been recorded on the site in the Kent HER, although based on the available evidence from the surrounding area, the site is considered to have moderate potential for late prehistoric and Roman evidence. Any archaeological evidence, if present, is likely to be of local importance.
- It can be anticipated that that the planning authority's archaeological advisor is likely to seek further archaeological work to be carried out. In the first instance this is likely to comprise a geophysical survey. Based on the limited archaeological interest of the site it is considered that this fieldwork could be undertaken following planning permission, secured by a planning condition.

Arboricultural Assessment

- The site includes the Swan Hotel and grassed field parcels situated to the west of the village. The site is bounded by Maidstone Road along its northern boundary and the railway along its southern boundary.
- Tree cover includes a large number of ornamental trees planted within the grounds of the Swan Hotel and tree cover that has established along the boundaries and centrally within the grassed field parcels to the south.
- The outline proposals have been designed to incorporate the existing trees where possible.
- The proposed access from Maidstone Road would require a road to be constructed through the grounds of the Swan Hotel. The construction of this would require the removal of 3 individual trees and approximately 40 of the 200 trees recorded as groups within the hotel grounds.
- The proposals would see the remaining trees from within the grounds of the Swan Hotel retained within an area designated as public open space which should be considered highly positive from an arboricultural perspective and provides an opportunity to secure future management of this tree cover which will be necessary as it matures.
- The internal layout (at this outline stage) shows the removal of two trees from within an internal row of trees to provide access to the southern section of the site. The removal of these two trees should not constrain the development of the site, being necessary to provide the vehicular link and their removal can be mitigated through new tree planting.
- One group of trees and a single individual tree, both considered unsuitable for retention, would be removed to facilitate the internal layout. This category U

group and individual tree should not be considered material constraints to the development of the site.

- Although the proposed development does require the removal of a number of trees from within the grounds of the Swan Hotel, this is unavoidable and provides an opportunity to secure future management for the retained trees within the grounds of the hotel. The main development area has been designed (at this outline stage) around the existing trees and development should raise no objections from an arboricultural perspective.

Foul Drainage Analysis Report

- The drainage system proposed would be designed in accordance with industry standards and relevant statutory procedures.
- The development's waste water would be discharged to the public sewerage network which is owned and operated by the Sewerage Undertaker (Southern Water)
- Southern Water has carried out an assessment of its sewerage network which concluded that the developments foul water flows should be conveyed directly Charing wastewater treatment works. This is a viable and implementable solution to drain the development, but requires an offsite sewer being laid over a distance of approximately 900 metres. These initial findings resulted from a desktop study and an accurate assessment of the impact of discharging foul water to a public sewer within the site has not yet been carried out due to a lack of reliable data on the performance of the downstream network. The Sewerage Undertaker is therefore building a new hydraulic model of its network to enable alternative connection options to be investigated. This study, which has been commissioned, will allow the Sewerage Undertaker to determine whether conveyance of waste water to the identified point of adequacy is the preferred option, or whether an onsite connection is a feasible alternative.
- The proposed development can therefore 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. Adopting the tests at NPPF paragraph 206, any condition related to foul drainage is unnecessary, irrelevant to planning and unreasonable.

Noise and Vibration Assessment Report

- The dominant noise sources affecting the development site are road traffic from the A20/Maidstone Road and rail movements from the railway line.
- In policy terms, there is no presumption against new development in places with high noise levels, provided that the noise can be adequately mitigated taking into account the economic and social benefits of the proposed scheme.
- The resultant noise levels can be assessed against the guideline values suggested by the World Health Organisation. The internal guideline values are health-based and are therefore relatively inflexible; however adequate noise mitigation is relatively straightforward to engineer. The external guideline values are based on amenity and allow noise to be balanced against any benefits which flow from the location of the proposed scheme.
- The results of the noise survey and assessment indicate that to meet the guideline value of 55dBLAeq (16 Hour) in outdoor living areas in the southern part of the site, gardens should be located on the screened side of dwellings.
- For outdoor living areas located in the northern part of the development site, gardens could be located on the screened side of dwellings. Alternatively, if outdoor living areas were to be located between Maidstone Road and proposed dwellings a close boarded fencing of 1.6m in height located at the end of the garden should be sufficient to protect garden areas located closest to, and with a direct line of sight of Maidstone Road.
- Mitigation requirements will depend upon the detailed design of the proposed development and topography.
- The requirements indicate that for the internal noise levels to be met in living rooms and bedroom during the daytime and night-time periods, with windows closed, standard thermal double glazing would be sufficient across the development site. However, with the windows open the attenuation provided by the façade would allow the internal noise limits to be exceeded in living room and bedroom areas located in northern and southern parts of the development site, during the daytime and night-time periods.
- Acoustic ventilation would therefore need to be installed in living rooms and bedrooms located nearest to, and with a direct line of sight of Maidstone Road and the railway line. Alternatively, to meet the required noise levels, living rooms and bedrooms could be located on the screened side of the proposed buildings, away from the main sources of noise.

- Acoustic ventilation may not need to be installed in the living rooms and/or bedrooms of properties further into the site. However, the requirement for glazing and acoustic ventilation will be confirmed, on a plot by plot basis at the detailed application/reserved matters stage.

Phase 1 Preliminary Risk Assessment

- The study area has been undeveloped agricultural since 1872 mapping with only a small unreferenced building present between 1872 and 1876 mapping. A Sheepwash was recorded as present in the southwest of the study area between 1897 mapping and 1961 mapping.
- The study area currently comprises a large field bound to the north, south, east and west by a drainage ditch. Other drainage ditches run north to southwest and east to west across the centre of the study area. Only limited made ground, up to depths of 0.35mbgl, was recorded in trial holes dug across the study area.
- Potential contamination sources affecting the study area were identified as pesticides and hydrocarbons from adjacent Railway Lines, a Fuel Depot, former onsite Sheepwash and the underlying natural Alluvium deposits.
- These contaminants may pose a risk to future residents (via ingestion/dermal contact/inhalation pathways and explosion), controlled waters (via migration through permeable strata / preferential pathways), buildings and structures (direct contact and explosion), water pipes (direct contact) and flora (root uptake).
- In accordance with the NPPF, it is considered that sufficient information on the potential contaminative status of the study area is available for conditional planning approval to be granted which could include standard prescriptive conditions requiring an appropriate investigation, risk assessment and, if appropriate, a remedial strategy to be completed to the satisfaction of the Local Planning Authority prior to the commencement of any development.

Air Quality and Odour Screening Report

- Consultation was undertaken with Mr Trevor Ford, team leader of Environmental Protection & Licensing at ABC, in order to agree an appropriate methodology for the air quality assessment.
- Following a review of local air quality, there are no AQMAs declared within the Borough. The closest AQMA is located approximately 2.2km to the west of the proposed development site within the neighbouring administrative area of Maidstone Borough Council. The proposed development is not therefore

located within an existing AQMA or known area of concern with regards to poor air quality.

- There are no background air quality monitoring locations in the local area. In order to provide more information on background concentrations at the proposed development site, data has been obtained from the 2015-based default concentration maps provided by Defra on their Local Air Quality Management (LAQM) web pages (<http://lagm.defra.gov.uk/review-and-assessment/tools/background-maps.html>).
- The annual mean air quality objective for both NO₂ and PM₁₀ concentrations is 40-µm³. The background concentrations for the site, are well below these objectives.
- A review of relevant guidance has been undertaken to consider the potential for significant effects during the construction phase of the proposed development. The review has taken into account the Institute of Air Quality Management (IAQM) document 'Guidance on the Assessment of Dust from Demolition and Construction' (February 2014). In accordance with the guidance, it is considered that there will be a 'not significant' effect associated with dust and fine particulate matter associated with activities during the construction phase, with appropriate site specific mitigation measures in place.
- The proposed development site is relatively small and therefore it is anticipated that the proposed development will not have a significant impact on road traffic. Furthermore, the background pollutant concentrations at the site are well below the relevant annual mean air quality objectives. As a result, any slight increase in pollutant concentrations will not cause any air quality objectives to be approached or exceeded at existing or proposed receptor locations.
- In accordance with the Environmental Protection UK (EPUK) and IAQM document 'Land-Use Planning and Development Control: Planning for Air Quality' (May 2015) the impact can be described as 'not significant',
- Using the DEFRA MAGIC tool, it has been identified that the proposed development site is located approximately 850m to the south east of Hart Hill Site of Special Scientific Interest (SSSI) and lies within an Impact Risk Zone, designated by Natural England, for the following SSSIs:
 - Charing Beech Hangers SSSI; and
 - Hothfield Common SSSI

- The Design Manual for Roads and Bridges (Volume 11, Section 3, Part 1, HA207/07, May 2007) states that the potential impacts of changes in air quality on sensitive designated sites, which are located within 200m of an 'affected' road, need to be considered. Currently, the deposition of nitrogen-containing pollutants (e.g. NO_x) is of most concern for sensitive vegetation communities and ecosystems. Following a review of the Air Pollution Information System website, it has been identified that the Charing Beech SSSI and the Hothfield Common SSSI contain sensitive features to deposition of nitrogen-containing pollutants.
- Roads are deemed 'affected' if a proposed development leads to:
 - A change in road alignment of 5m or more;
 - A change in daily traffic flow of 1,000 AADT or more;
 - A change in HGV flow of 200 AADT or more;
 - A change in daily average speed of 10 kph or more; and
 - A change in peak hour speed of 20 kph or more.

Given the size of the proposed development, it is considered that the development will not lead to any of the aforementioned changes to roads surrounding the SSSI. Therefore, the surrounding road network will not be 'affected' by the proposed development and a DMRB assessment of the operational impacts of the proposed development on the SSSI is not required.

- Current land uses surrounding the proposed development site have been reviewed and it is considered that there will be no significant air quality, dust or odour issues associated with these land uses for future residents for the following reasons:
 - The proposed development site is bordered to the south by the railway line. The DEFRA technical guidance provides details of railway lines which experience a heavy volume of diesel freight traffic, and which may need to be considered in more detail. This railway line is not included in this document and, therefore, assessment of railway emissions is not considered to be required.
 - Charing Quarry lies approximately 700m to the south west of the site, which is managed by Brett Associates. The full range of the activities taking place within the site is unknown, however, it is understood the quarry is used to extract and process sand. In accordance with the IAQM guidance document 'Guidance on the Assessment of Mineral

Dust Impacts for Planning' (May 2016), dust impact from sand quarries need only be assessed within 250m of the site. Given the distance involved, it is not considered that further assessment is required.

- It is noted that, approximately 700m to the south east, lies Charing Meats slaughter house and immediately to the south of Charing Meats also lies a Sewage Treatment Works (STW). Given the distance of these to the proposed development, and that they do not lie upwind of the site when considering the predominant wind direction, it is considered unlikely that there will be significant odour issues associated with the STW or Charing Meat slaughter house for future residents.
- The review has therefore taken place in accordance with relevant guidance, to consider the potential for impacts during both the construction and operational phases of the proposed development. The report confirms that any effects should be not significant.

Statement of Community Involvement (SCI)

- Carter Jonas have consulted the local community prior to the submission of the planning application. It is considered that the scope of the community consultation has been met with, and gone beyond, the recommendations of local and national planning policies and legislation.
- Carter Jonas has taken account of the views expressed by those who were consulted and has engaged with the local community in a variety of different ways to ensure that their opinions have been considered within the evolution of the scheme put forward.
- The SCI provides a response to the key matters that have been raised through the consultation process. Most of the comments made relate to traffic matters, the need for housing and the capacity of local services that have already been considered.

Transport Assessment

- The site, which currently comprises open land, is located to the west of Charing and is bordered by Northdown Service Station and Greenfield to the west, the A20 Maidstone Road and the rear garden of the Swan Restaurant and other properties to the north, the built form of Charing to the east and the London - Dover railway embankment to the south. The site is undeveloped with the exception of two restaurants located to the north of the site fronting Maidstone Road.

- Access to the development will be via a new priority junction with the A20 Maidstone Road, which is a key design requirement of the draft allocation. A new priority junction would be provided in the north-western corner of the site.
- Access would be onto the A20 Maidstone Road, approximately 170m to the west of the A20 Maidstone Road (W) / A252 Northern Bypass / School Road / A20 Maidstone Road (S) roundabout.
- The main pedestrian access to the site will be via the proposed vehicle access. It is proposed to provide a new footway along the southern boundary of the A20 linking to the existing footway adjacent to the A20 Maidstone Road roundabout to the east of the site access. The proposed access will provide a pedestrian access to the village centre, primary school and bus stops.
- The closest bus stop pair is located on School Road, approximately 350m south east of the site. This bus stop pair is served by routes 10X and 124.
- The impact analysis of the development showed that the proposed Site access priority junction operates well within capacity during the design year of 2024. The assessment showed that the junction will continue to operate within capacity, with no increase in vehicle queuing recorded.
- The modelling results indicate that, the A20 Maidstone Road/Northern Bypass roundabout junction currently operates within capacity and will continue to do so in 2024 with the addition of development traffic. Results also indicate that no increase in vehicle queueing will result from the addition of development traffic.
- The proposed development is considered to be acceptable in terms of meeting national and local policy criteria as it is located within a sustainable location and will have no material impact on the surrounding highway network. There is therefore considered that there is no transport reason why planning permission should not be granted.

Following the initial consultation comments received from Kent County Council Highways and Transportation the following additional technical note was submitted

Highways additional information – N02/AW/15282

- Concerns raised by KCC Highways and Transportation are as follows:
 - The red line boundary appears to be incorrect. The access point curves east and is shown overlaying the current exit point for the Swan Hotel. The red line boundary should include the Swan Hotel and car park frontage, as shown in drawing number 152082/A/04 rev F;

- No emergency access point has been highlighted on the submitted drawings. It would be acceptable for the proposed route through the existing Swan Hotel car park to be used as a secondary access for the site. Any emergency access point must be accessible for a fire appliance and this would need to be demonstrated with tracked drawings.
- The current access point would require all future occupiers of the site to enter / exit via the main access to the north, or the public right of way (PROW) to the south. To encourage sustainable travel additional footway / cycleway connections will be required throughout the site. A suitable connection appears to be available using the existing private access track alongside Pleasant Place, which joins the A20 north of the roundabout;
- A new footway connection is proposed along Maidstone Road following the outcome of the stage 1 road safety audit (RSA). The new footway currently proposes to join a substandard section of footway, which is approximately 1 metre wide, fronting Pleasant Place. The applicants will need to provide a sufficient footway connection to the boundary of Pleasant Place and Cleardowns of at least 2 metres wide for its entire length.
- The red line boundary within Figures 1-4 is incorrect as originally submitted and has been changed to reflect the correct boundary shown in Drawing 152082/A/04 Rev F.
- Emergency Access - emergency vehicles will be able to access the site from the proposed site access. The proposed access provides an area of hardstanding approximately 3.7m wide on the western side of the access. This provision is in line with the guidance outlined within MfS, which specifies a 3.7m carriageway width is sufficient to allow emergency vehicle to manoeuvre through. In the unlikely event of an accident occurring on the access road, which prevents access to the site for another emergency vehicle, the proposed hardstanding will allow an emergency vehicle to pass the obstruction.
- Swept path analysis demonstrating that an emergency vehicle can safely manoeuvre in/out of the site can be viewed at Appendix B.
- KCC also note that it would be acceptable for the proposed route through the existing Swan Hotel car park to be used as a secondary access for the site. It is accepted that an emergency vehicle could use the Swan Hotel car park for access via the proposed access through to the site. However, access for

emergency vehicles can also be achieved without the need for access through the car park.

- Pedestrian Access - KCC has noted that the current access point would require all future occupiers of the site to enter / exit via the main access to the north, or the public right of way (PROW) to the south. KCC indicate that a suitable connection appears to be available using the existing private access track alongside Pleasant Place, which joins the A20 north of the roundabout to provide a new pedestrian/cycle access.
- It is accepted that it would be beneficial to bring forward the route adjacent to Pleasant Place. The feasibility of using this was considered as part of development of the masterplan; however, it is the applicants understanding that there is uncertainty regarding the ownership of this strip of land. In light of this, it was decided not to include this route as part of the proposals.
- As part of the development it is proposed to provide a new footway linking the site access to an existing footway on Maidstone Road to the east of the access. KCC have noted that the new footway currently proposes to join a sub-standard section of footway, which is approximately 1 metre wide, fronting Pleasant Place. KCC have requested that the existing footway will need to be upgraded to the boundary of Pleasant Place and Cleardowns of at least 2 metres wide for its entire length.
- In line with KCC's comments, Drawing 152082/A/04 (G) shows the proposed extension of the footway along Pleasant Place. The existing footway has been upgraded to provide a 2m wide surface, which will tie into the existing footway linking to the David Wilson Homes development.

Landscape and Visual Appraisal

- The Site comprises four pastoral fields, land which currently forms part of the grounds of a restaurant and a block of tree planting to the south east. The field boundaries within the Site are defined by a combination of trees groups, hedgerows and existing ditches / watercourses. Part of the grounds of the 'The Swan' Restaurant, which are situated to the north of the Site, are landscaped and feature numerous trees and a pond.
- The Site is not covered by any landscape quality designation. The majority of land is made up of pastoral farmland as well as part of the grounds of an existing restaurant. The majority of trees within the Site are considered to be of moderate condition. Overall, the landscape of the Site is judged to be of moderate condition.

- The Site lies within the National Character Area 120 'Wealden Greensand'. The Site forms a very small part of this wide character area and consequently will have negligible effects on the overall character area in both the long and short term. The Site has opportunities within it to achieve several points highlighted within the strategic opportunities for the NCA including; '... to plan for and inspire any new development so that it makes a positive contribution to local character', 'Maintaining and enhancing rights of way and open access throughout the area...', '... maintain the predominantly irregular field pattern...', 'Creating enhanced areas of new – and improving any existing – multifunctional natural green space...', 'Promoting the use of sustainable and locally sourced materials, vernacular building techniques and styles, and existing landscape character, to inform design and ensure integration with the surrounding landscape' and '...planning a network of green spaces across the urban areas, urban fringe and adjacent countryside, which can result in multiple benefits for the environment and communities.'
- The Kent Downs AONB lies to the north of the Site beyond the A20. From the lower slopes of the AONB the proposals would be partially obscured by development off the A20 and intervening vegetation. From higher vantage points further north within the AONB the Site would be seen in the context of existing settlement including adjacent development at Poppy Fields. The Site does not form part of the setting to the AONB as it is separated by the A20 road corridor. The Kent Downs AONB covers a very wide area and the proposals effect a relatively small scale area. This in conjunction with the retained onsite vegetation and high proportion of GI proposed for the Site results in overall negligible initial and residual effects on the AONB.
- At a regional scale, the Site lies within the 'Hollingbourne Vale East' character area as described within the Landscape Assessment of Kent (2004). This character area is described as being in very poor condition and of low sensitivity. The Site forms a small portion of this relatively extensive character area. Effects upon this character area are consider to be negligible in both the long and short term.
- Within the Ashford Landscape Character Assessment (2009) the Site lies with the Charing Farmlands Character Area. The proposals are considered to have minor adverse initial and residual effects on this character area which includes land to the east and west of Charing. Guidelines for the character area include "Resist further expansion and development around Charing and the A20". There is an identified need for new housing and expansion of Charing will therefore be required. Charing is effectively constrained to the north by the existing AONB, which runs along the A20. To the east of Charing, the landscape is more sensitive in nature, and was formerly designated as a Special Landscape Area. The recent direction of growth has therefore been located in a westerly direction, with housing at Poppy Fields. The landscape

to the west of Charing has few features of particular landscape merit, and is located adjacent to the existing railway, new settlement and away from the more sensitive historic core. The proposals will continue the historic growth direction of Charing in the 21st century, and will include a large percentage of green infrastructure and retained planting. As stated with the emerging local plan, which was submitted to the Secretary of State in December 2017, development adjacent to Poppy Fields 'would be a continuation of Charing's existing built form and would not encroach into the more visually sensitive areas to the north and east of the village'.

- The landscape within the Site is represented by a mainly agricultural landscape on the fringes of the settlement of Charing and its character is therefore inevitably influenced by its relationship with the urban edge. Various urbanising influences are present including the adjacent railway, the restaurant building to the north of the Site and to the north east and east the adjacent edge of Charing. Overall landscape effects on the Site and immediate landscape are considered to be moderate adverse in the short term reducing to moderate/minor adverse in the long term.
- The visual envelope of the proposed development is restricted to the east by existing settlement and to the south by the railway embankment. The extent to the west is restricted by a minor ridge situated between Hook Lane and Charing Heath Road and to the north it is defined by the top of the ridge within the Kent Downs AONB.
- Visual effects are most marked for existing residential properties in proximity to the Site including properties on the western edge of the adjacent Poppy Fields development and the PRow adjacent to the Site. Effects upon these receptors are considered Moderate Adverse in both the long and short term.
- Away from the Site, visibility of the proposed development diminishes due to a combination of existing development and vegetation. No residential or PRow receptor besides those in close proximity to the Site are expected to have initial or residual effects greater than Minor Adverse.
- The proposed Site is visible from glimpsed views along the bridleway/track within the Kent Downs, to the north of the Site, which forms part of the North Downs Way and Pilgrims Way Cycle Trail. However, the route is heavily enclosed by vegetation. A number of other PRow within the Kent Downs AONB to the north of the Site will experience views of the development. From the lower slope, such as the southern portion of PRow AW2, the Site will be partially screened by existing development off the A20 and intervening vegetation. As the land rises steeply north of the Site the development would form a small element within a distant panoramic view from PRow within the AONB and would be seen in the context of the existing village including recent

residential development at Poppy Fields. The new development would be set within a strong landscape framework, which provides green corridors that will break up the massing of the proposed development blocks. On-site vegetation including the majority of trees in the north of the Site will be retained, wherever possible, helping to partially screen and filter views. As the proposed planting within the development matures, it is considered that this would help to physically and visually integrate the development with the wooded landscape, which is visible on the edge of Charing. Overall, the initial and residual visual effects of the development upon users of the PRowS within the AONB are not expected to be greater than minor adverse.

- The proposed development would be visible from A20 on its approach to Charing and as it passes the Site. Views will include the proposed Site access. Trees in the north of the Site will be retained wherever possible, limiting the magnitude of change experienced. Initial visual effects on users of the A20 will be minor adverse reducing to minor adverse/negligible at year 15. Effects upon other identified road receptors are considered to be no greater than minor adverse/negligible.
- From the railway line views are transient and would form a small portion of a longer journey. Initial and residual effects are considered to be minor adverse. Visual effects upon receptors consisting places of work and recreation are considered to be no greater than moderate adverse in the short term and minor adverse in the long term.
- Overall it is considered the development proposals demonstrate a well-considered approach to the landscape and context of the Site and appropriate development of the Site has the potential to successfully integrate into the local surroundings without any unacceptable landscape or visual effects.

Ecological Appraisal

- Two internationally designated sites lie within 15km of the site.
- The proposed development is connected to the site by a series of footpaths, so it may be subject to a minor increase in visitor numbers.
- Two non-statutory local sites were identified within 1km of the site, Alder Wood and Fen LWS and Hurst Wood LWS.
- The hedgerows on site were mostly high value and are Habitats of Principal Importance under NERC Section 41. The scheme has been designed to protect the hedgerows by incorporating them into the Green Infrastructure of the scheme. Habitat buffers and fronting-on of houses will allow access for long-term management and protect them from future degradation. Only very

small amounts will require removal to accommodate access (in most instances involving only the slight widening of existing gaps) and these can be compensated for through new woody species planting where required. The pond, drainage ditches, mature trees and broad-leaved woodland areas are also considered higher value features and are to be retained and protected within the green infrastructure.

- Botanically, the grassland habitat was reasonably species-rich although no good examples of NERC Section 41 NVC grassland community types were present and neither does the site itself, or parts thereof, qualify at county level as a Local Wildlife Site. With the exception of some calcareous grassland indicator species, no rare or notable plant species were recorded. Overall, the grassland is not of significant conservation value and its loss of some areas of grassland to development can be adequately compensated for through the retention and improved management of selected areas within the scheme, and the overall biodiversity value of the site's grassland can be increased through the creation of new species-rich areas.
- With regards the area of the grassland on site which is most diverse botanically, in the interest of maintaining and enhancing biodiversity in line with the NPPF, it is proposed that this area remains outside of the developable area. The area includes the calcareous influenced grassland at TN1, marshy grassland at TN3 and ditch banks at TN4 in the west of the site. Some of the more species rich semi-improved grassland and marshy grassland areas are also represented here. The scheme retains this area as public open space and it is proposed the grassland will be protected from construction and managed favourably in the long-term as species rich grassland.
- Further enhancements will be achieved through the planting of flowering meadows using suitable calcareous and neutral grassland seed mixtures in areas of the site where soil has been disturbed / stripped. The SUDs to the south provide an additional opportunity for grassland enhancement with the planting of new suitable species-rich marshy / wet meadow grassland.
- The retained habitats will be further enhanced with long-term management. Management of the grasslands, ditches, hedgerows, ponds, broad-leaved woodland, SUDs and mature trees can be secured through conditioning of a Landscape and Environmental Management Plan (LEMP) approved by the LPA at Reserved Matters.
- Potential impacts from recreational use of grassland areas can be reduced with a dog bin. A clearly marked path and some use of soft boundaries should also be considered within the green space to discourage use of some of the better grassland areas without looking unsightly.

- Overall, the proposals will have a neutral to minor beneficial effect on the habitats on site, and in combination with the proposed bat and bird box schemes a minor beneficial effect in the medium to long-term is possible.
- A strategy to protect the higher value area of grassland from construction activities will be submitted and approved by LPA at Reserved Matters that will feed into the Construction and Environmental Management Plan (CEMP). The following recommendations are likely to be included:
 - In addition to the specific grassland mitigation above, the construction mitigation strategy would include similar protection of the retained hedgerows, woodland, ditches and ponds to protect them from construction activities.
 - No badger setts or clear signs of activity were recorded on the application site. Suitable habitat exists on site for this generalist species, and it is possible for badgers to colonise a site prior to construction. As a precaution, a qualified ecologist should conduct a walkover survey prior to construction to reassess the site for badgers.
 - Consultation with KMBRC returned three records of great crested newt within 1km of the site, the nearest being 490m south within a residential garden pond.
 - The hedgerow bases and grassland on site could provide a foraging resource and a place of shelter or rest for the species. There were eight ditches on site and one pond, with a further five ponds within 1km of the site boundary. Access for survey was only granted to those waterbodies on site.
 - D1, D2 and D3 were dry for the duration of the survey season and no further surveys were conducted on these. P1, D4, D5 and D8 were assessed as having below average potential to support populations of great crested newt, with a 20% chance of great crested being present. D6 and D7 were assessed as poor habitat for great crested newt, with a 3% chance of predicted presence.
 - Following survey of the waterbodies, no great crested newts were recorded. With the exception of P2, the ponds within 1km of the site boundary that couldn't be surveyed were isolated from the site by roads or the railway line, so it would be unlikely that any great crested newts breeding in these ponds would be utilising the site.
 - The landscape proposals propose the retention of all waterbodies and hedgerows on site (with the exception of small sections for vehicular access). These hedgerows and ditch lines, as well as a green corridor along the western boundary and dissecting the site, will provide connectivity for great

crested newts into the wider landscape, as it joins with green space to the development to the east of the site. Furthermore, the attenuation basin proposed along the southern boundary will provide increased habitat for great crested newt.

- It is considered great crested newt are not a constraint to development.
- The ditches on site were surveyed for evidence of water vole. No evidence of water vole was found so therefore the species is not considered a constraint the development.

Reptile Survey Report

- The site comprised pockets of grassland, scrub and tall ruderal vegetation, along with ditches and hedgerows, all of which provided foraging, commuting and basking opportunities for reptiles.
- Consultation records revealed multiple records of reptiles in the surrounding local area including common lizard, slow worm and grass snake. These records were all located south and east of the site, with the closest record a grass snake, identified approximately 205m from the site boundary. The railway line and embankment adjacent to the southern boundary of the site was initially considered to provide a potentially good corridor of movement for reptiles, although given the low number of reptiles recorded, and the location of where they were recorded at the furthest point from the railway line, it is not considered a significant corridor, certainly not for the dispersal of populations onto the site.
- One grass snake was found on a single occasion in September on the north-western boundary which constitutes a 'low' population for this species. Despite the site providing suitable habitat for reptiles, in particular grass snake, the survey results indicate that the site is not being utilised by a diverse range of species nor a significant number.
- The site is isolated from the surroundings by the busy Maidstone Road, with arable fields beyond providing low quality habitat, largely restricted to narrow field margins. Adjacent to the eastern boundary, existing residential areas pose a barrier to dispersal (although it is acknowledge that some features within residential gardens regularly provide suitable breeding, foraging and refuge habitat for slow worm).
- Given the current framework plan for the scheme, the substantial areas of GI to be provided together with SUDS surface water control features will ensure that there will be sufficient habitat available to allow the population to be maintained in the long-term. In addition, although the most substantial green

corridor is in the west of the site (and this will include provision of new rough, marsh grassland and suitable aquatic and riparian habitats associated with SUDS), future movement around the sites peripheries will be unhindered with the retention of the southern boundary and east-west corridors of movement maintained along hedgerows H3, H4 and H7.

- The report suggests mitigation measures.

Hazel Dormouse Report

- During surveys in 2015 a single dormouse nest was found late on in the survey season within hedgerow H2 on the western boundary, however, no individuals were seen and the nest was unoccupied. No further evidence of dormouse was recorded during surveys.
- The majority of hedgerows on site are to be retained and incorporated into the landscaping scheme. A section of Hedgerow H8 in the north will be removed to incorporate access and a visibility splay, this will be the largest hedgerow loss within the site. Other losses on hedgerows (H3, H4 and H7), will consist of small sections between 10-12m, to accommodate pedestrian and/or vehicular access to development parcels. The effect of habitat loss itself is therefore considered negligible.
- In terms of potential fragmentation or isolation effects, the breaks in the referenced hedgerows are all less than the distance that dormice are shown to go to ground when moving between areas of suitable habitat so such effects are unlikely to be significant. In order to reduce the potential for such effects, supplementary hedgerow planting either side of intended breaks will be implemented to increase the quality of hedgerow immediately adjacent.
- Green Infrastructure provision in the west of the site adjacent to the hedgerow from which the dormouse nest was recorded forms the most substantial corridor within the scheme (refer to the Landscape Framework Plan 6733-L-03 H). Within the corridor a range of new habitats is to be provided including wetland habitat associated with SUDS, structural landscaping and enhancement to existing woody habitats (including hedgerows) through 'gapping-up' and long term management. All vehicular access is through the north of the site with linear habitats in the south retained and new GI provision adjacent allowing the continued movement of dormice around linear habitat features on the periphery of the scheme. Connectivity east-west is maintained through the retention of the majority of the lengths of hedgerows H3, H4 and H7 with only minor breaks reduced to 12m or less.
- There is some potential for increased predation effects to occur as a result of increased residences and an increase in ownership of domestic cats,

however, there are existing residential properties along the east of the site and it is likely that cats already use the site with an extant population of dormice.

- The report suggests mitigation measures.

Bat Report

- There are three trees (T5, T9, T11) within the proposed development that are classified as high/moderate potential following aerial assessment, however, there is no evidence of roosting bats present. There are three trees which are classified as low (T15, T16 & T17), these have potential for roosting bats but are less suitable.
- The current Landscape Framework Plan will incorporate the majority of the trees within the GI, however, there is potential that trees T9 and T17 may be lost during the construction of the residential dwellings, as these trees are not associated with any boundary features. As documented there was no evidence that bats were using these trees, although they have features that could be used. Features such as those in trees T9 and T17 have the potential to be used in the future. It is therefore recommended that these trees are reassessed prior to the construction phase to ensure that they have not been colonised.
- Consideration will be given to the installation of bat boxes in a number of trees within the GI to increase bat roosting opportunities. This should consist of a variety of boxes that are in sheltered places, at heights of at least 3 metres from the ground and at different aspects.
- Surveys undertaken over the course of 2015 and 2017 confirmed the presence of five species using the site including common pipistrelle, soprano pipistrelle, Nathusius pipistrelle, noctule and serotine. A further four were identified to genus level comprising Pipistrellus sp, Nyctalus sp, Myotis sp and Plecotus sp.
- The most frequently recorded species in all transect and static surveys was common pipistrelle, with a peak number of 583 registrations occurring during the August 2015 survey. The second highest number of common pipistrelles with 284 registrations occurred in June 2015. Nathusius' pipistrelles were only recorded during the September 2015, April 2017 (7a) and April 2017 (7b) static surveys.
- During the manual activity transect surveys the majority of common and soprano pipistrelle activity occurred along hedgerow H2, located on the western boundary, and along ditch D7 which is connects to hedgerow H2.

These features provide foraging opportunities with vegetation and water features that will increase the prevalence of prey items, whose lifecycles may involve an aquatic stage. These areas of the site are also positioned away from roads and represent the darkest parts of the site, but also provide linkages into the wider area.

- Nathusius pipistrelles were not recorded during any activity transect surveys.
- The activity recorded during the static surveys indicates that common pipistrelles come into the site after potentially emerging from roosts within the surrounding area. This is evident because some registrations are first detected during the automated surveys within half an hour after sunset; common pipistrelles usually emerge from roosts approximately 20-30 minutes after sunset, so this correlates with these timings.
- Pipistrelle species are common within the UK and locally, the number of registrations recorded for Pipistrelles would not indicate that the site forms an important resource for foraging or for navigational routes.
- A peak count of 15 noctules were recorded during the June survey. Nyctalus sp were recorded in very low numbers that did not exceed three registrations, during the June (2015 and 2017), July, August and September surveys. Only one noctule was detected during the transect surveys. The number of registrations would indicate that the site does not form an important foraging or commuting resource, owing to the very low number of registrations.
- Myotis sp were recorded during every static survey, with the exception of the September survey and one of the statics deployed during April and June 2017. Peak activity was recorded during the August survey. No more than 6 registrations were recorded during the other static surveys. Myotis sp were only detected twice during the transect surveys with one of the passes recorded during the August transect and another pass from the September dusk survey. There were low numbers of registrations for Myotis sp throughout the site, which would indicate that the site does not form an important foraging or navigational resource for bat species, with only 176 registrations being recorded in total.
- A total of seven serotine registrations were recorded during the 2015/2017 surveys. Serotine encounters were very low across the site, indicating that the site is of limited importance for such species.
- Long-eared bat species were detected during the August static survey, and the September static survey. These low registration numbers suggest that the site is unlikely to be an important resource for these species.

- The report suggests mitigation measures.

Breeding Bird Survey

- No significant populations of species were recorded during the survey.
- The overall breeding bird assemblage recorded was typical of edge-of-settlement / edge of farmland with common and widespread generalist woodland / garden / arable species present. The site provides suitable nesting and foraging habitat for urban, woodland edge and farmland birds in the form of hedgerows, scrub and woodland with the majority of species recorded in association with these features.
- Twelve 'notable' species were recorded on site.
- Habitats onsite are not conducive with habitat preferences for the majority of The Swale SPA / Ramsar designated species, and only one species (mallard) associated with the statutory site was recorded utilising the site during the surveys. Due to the distance between the SPA / Ramsar and site, it is highly unlikely that the mallard recorded are associated with The Swale SPA / Ramsar and therefore does not represent a constraint. Given the very low numbers of the species recorded on site, it is also reasonable to conclude that habitats within the site do not constitute 'supporting habitat' in the context of the SPA / Ramsar
- While NERC S41 and BoCC Red and Amber species such as dunnock, starling and linnet have been classified as confirmed breeders on site, the species observed are all common and widespread both nationally and within Kent, and their presence is typical on a site of this nature, with the whole breeding assemblage observed in this case of no greater than Local nature conservation value.
- Species recorded that are arguably the most vulnerable to impacts of development are the confirmed, probable and possible breeding 'notable' species which were limited to dunnock, starling, linnet, mallard, song thrush, bullfinch, yellowhammer and mistle thrush. The 'notable' non-breeders are considered unlikely to be negatively impacted by proposals.
- Dunnock utilise a wide range habitats including woodlands, farmland, hedgerows, scrub, parks and residential gardens, usually nesting within dense shrubs and hedges. A family of dunnock with recently fledged juveniles were recorded during the May 2015 survey in a hedgerow on the eastern boundary of the site. Nine singing males were also recorded within the boundary and internal hedgerows during the April 2017 survey, suggesting that they are holding territory – a behaviour closely associated with breeding. This habitat

under current proposals will be retained, enhanced and buffered, providing ample nesting opportunities while also providing adequate cover to meet foraging requirements. It is therefore likely that there will be a negligible impact on this species post-development.

- Starling were confirmed as breeding on site during both the May 2015 survey and the April 2017 survey. Enhancements in the form of nest boxes, green infrastructure and residential gardens will be incorporated within the scheme. It is therefore considered that a negligible impact will result for this species post-development.
- Song thrush were recorded during all three survey occasions with a peak count of nine individuals recorded during the May 2015 survey. Song thrush nesting requirements consist of woodland with a thick understorey of shrubs and bramble, and within tall thick hedgerows. Under appropriate management, the retained plantation woodland and hedgerows onsite will provide ample suitable nesting habitat for this species. In addition, the supplementary native planting used to enhance and 'gap up' the retained hedgerows, will provide additional foraging resources in the form.
- A family of linnet with recently fledged young were observed. This species was also recorded during April 2017. Linnet nest within thick and thorny hedgerows, and scrub and bramble which provide good nesting cover. They also require areas which offer adequate seed food, such as rotational set-aside, root and break crops, oilseed rape and the associated arable weeds, for their chicks in spring. It is likely that linnet will be displaced from the majority of the site as urban / residential areas are not their preferred habitat; however, they are known to utilise areas providing there is ample scrub to meet their requirements. It is therefore possible that linnet will continue to utilise the western boundary hedgerow which will be enhanced with supplementary native planting, and buffered with a species rich grassland mix resulting in a minor negative impact post-development of fruit resulting in a negligible impact for this species.
- A pair of mallard were recorded. Mallards are known to tolerate humans and will habituate to urban environments, and under current proposals ditch D8 will be retained within existing habitats, and further suitable habitat in the form of attenuation will be created within the southern extent of the site. It is therefore considered that a minor-positive impact will result post-development for this species.
- Bullfinch have a nesting preference for mixed woodland, parks, large rural gardens and some coniferous forests. Although no breeding behaviour was observed from this species during any survey, a pair of bullfinch were recorded during July 2015. The plantation and broadleaved woodland will be

retained, and onsite hedgerows will be enhanced and buffered maintaining suitable nesting habitat for this species, resulting in a negligible impact for this species post development.

- Yellowhammer were recorded on the western boundary. It is considered that this species is a possible breeder within the application site. Yellowhammer have a nesting preference for thick hedgerows with ditches or wide margins for nesting. Due to the urbanisation of the site, it is likely that this species will be displaced from the majority of the application site, however the enhanced and buffered hedgerows along the western boundary of the site which bound the adjacent arable habitat may still be utilised by this species, or this species will disperse into the neighbouring arable fields resulting in a minor-negative impact.
- A single mistle thrush was recorded. Although no breeding behaviour of this species was observed during the time of survey, habitats which are conducive with mistle thrush preferred nesting habitats are found within the site. Under current proposals the broadleaved trees, plantation woodland to the north, and the broadleaved woodland in the southeastern extent of the site, will be retained, therefore it is considered that a negligible impact will result for this species post-development.

Updated Ecological note dated 03 September 2018

- This note has been prepared in response to comments received from KWT, Lucy Simmons (resident) and Jacky Langton (resident).
- The application site has been visited on a number of occasions by ecologists in order to assess habitats present, specifically the Phase 1 Habitat survey which was initially undertaken in March 2015, subsequently updated in April 2017 and then to undertake Phase 2 botanical (NVC) assessments on 15th June 2017. Surveys were undertaken by appropriately experienced and competent field ecologists who held BSBI Field Skills Identification Certificates (FISC) at level 4 or above. The recommended minimum level for Phase 1 Habitat surveyors is FISC level 3 with FISC level 4 being the minimum competency level required to completed NVC assessments.
- Within the Ecological Appraisal (FPCR, November 2017), the description and evaluation of grassland was discussed in the context of initial Phase 1 Habitat survey and subsequent NVC assessment. It was the conclusion within the Ecological Appraisal that the grassland present on the application site is not considered to be species rich in its present state owing to the low frequency of indicator species recorded. This is a view with which Kent Wildlife Trust concur in their consultation response letter.

- It is acknowledged that across the site, some 14 plant indicator species have been recorded from grassland (both by FPCR and other interested parties) and these include species indicative of both semi-improved neutral grassland and of more calcareous influences, most likely resulting from localised basic hydrology given the latter were mostly recorded from areas adjacent to drainage features. Whilst acknowledging the latent potential for the grassland on site to be restored to Lowland Meadow, a UK BAP priority / NERC S41 habitat of principal importance, the grassland in its current state would not qualify.
- Notwithstanding the above, the key areas of grassland exhibiting greatest levels of biodiversity, and those subject to Phase 2 NVC assessment in 2017 (see Target Notes 1, 3 & 4, Figure 3 Phase 1 Habitat Survey Plan / NVC stands 5 & 6 Figure 4 NVC Quadrat Location Plan) have been retained within Green Infrastructure in the west of the proposed development where proposed corridors had been widened to accommodate. In addition, the majority of linear corridors of Green Infrastructure within the proposed development are not simply narrow buffers to retained hedgerows and drainage ditches but corridors of up to 20m or wider that accommodate a range of habitats including hedgerows, riparian communities and grassland.
- Whilst no single grassland area exceeding 0.8ha is provisioned within the proposed development, 3.29ha (excluding proposed LEAP & attenuation features) of Green Infrastructure is proposed and a significant proportion of this will comprise retained grassland habitat. There does exist potential for footfall, fouling and littering to have adverse impacts on retained grassland and riparian habitats during the operational phase of the proposed development; however, these potential impacts can be reduced through appropriate fencing, suitably provisioned dog/general waste disposal facilities and appropriate signage. Many examples of where a balance between the maintenance of high value grassland habitats and recreational interests can be achieved can be observed nationwide.
- Measures for the protection of retained grassland and riparian habitats, along with trees and hedgerows during the construction phase will be included in a Construction Environment Management Plan (CEMP) which can be agreed with the LPA and secured through an appropriately worded condition attached to Outline Planning Consent (see paragraph 4.16 of the Ecological Appraisal).
- A comprehensive Landscape and Ecological Management Plan (LEMP) shall also be devised and agreed with the LPA in order to ensure that retained and newly created habitats are managed appropriately to maximise biodiversity and meet specific biodiversity aims. Given that county rarities (bog pimpernel *Anagalis tenella*, blue water speedwell *Veronica anagallis-aquatica* and adder's tongue *Ophioglossum vulgatum* to mention some) have been

recorded on site in areas of habitat to be retained within green infrastructure, protection measures detailed within the LEMP are likely to include appropriate fencing and restricted public access to retained areas where these plant populations exist. Long-term species monitoring of these areas, in addition to more general habitat monitoring can easily be provisioned within a LEMP, again secured through an appropriately worded condition attached to planning consent.

- Methods for monitoring plant populations that would be used are detailed in Common Standards Monitoring Guidance for Vascular Plant Species (DEFRA Feb 2004) although it should be noted that the Kent rarities recorded at this site do not feature as 'Individually Qualifying Species' listed at Appendix II. For the monitoring of grassland habitats, methodology would follow Natural England Higher Level Stewardship (HLS) Farm Environment Plan (FEP) Manual criteria i.e. Keys 2a and 2b. Typically monitoring would not be undertaken annually.
- Enhancements have been proposed (see paragraph 4.11-4.13 of the Ecological Appraisal) that will aim to maintain biodiversity interest across the site including SUDS attenuation basins that, designed appropriately can significantly increase marginal and riparian habitat throughout the proposed development. As suggested in correspondence received from Kent Wildlife Trust, SUDS and the provision of habitats adjacent to retained ditches and watercourses do present an opportunity given the underlying hydrology/geology to create, restore or enhance wet woodland, a NERC S41 habitat of principal importance and a habitat threatened in Kent, small areas of which could be accommodated, in particular in the south of the site.
- Whilst some issues have been raised regarding the effects of, "water quantity and natural overland flow processes across the site and downstream", the SUDS strategy for the proposed design will follow current guidance provided through the NPPF that states new developments should implement sustainable drainage systems (SUDS) as a means of storm water control in order to maintain flow rates at levels no greater than the pre-developed baseline conditions but also to improve water quality. The removal of potential pollutants and contaminants can be optimised by the implementation of source control features that may include permeable paving, filter strips, ditches, swales and tertiary attenuation bodies that through a process of filtration and settling will remove suspended contaminated sediment from the volume of stormwater runoff and prevent such discharge of contaminants into the West Brook. Details of proposed mitigation to reduce any potential likely effects of local changes in hydrology arising from the proposed development upon the West Brook (and Great Stour) are included within the Flood Risk Assessment & Outline Drainage Strategy (LK Consult Ltd, January 2018).

- It has been noted that in some correspondence, it has been inferred that FPCR is in some way 'affiliated' with Gladman Developments Ltd. FPCR are a multidisciplinary consultancy that operate nationwide providing ecology (and other) services to a range of clients that in addition to developers includes charities, Local Government, non-governmental conservation organisations and independent domestic clients. Whilst in this instance we are employed by Gladman Developments Ltd in our capacity as ecological consultants we are an independent professional company committed to providing unbiased advice.

Planning History

10. There is no recent and relevant planning history.

Consultations

Ward Member: The Ward Member, Councillor Clarkson is a Member of the planning committee. No comments have been received.

Charing Parish Council: Object stating the following:

"Highways: We concur with the comments of KCC Highways, regarding the need to provide suitable footways along the A20 and the need for a cycle and pedestrian access via the field access adjacent to Pleasant Place. Failure to provide this would make the cycle and pedestrian access far less sustainable as the increase in distance will probably be the difference between people walking to the village and driving.

Emergency Vehicle access – The current proposals appear inadequate. If the main site access is blocked, then the immediately adjacent area is also more likely to be blocked, we see no reason why the emergency vehicle access should not be provided via the field access adjacent to Pleasant Place.

In addition we are concerned about the creation of two adjacent accesses on to the A20 (the second is proposed to serve the houses on the adjacent site to the rear of Northdown Garage). The road arrangement within the developments is such that vehicles from either development, plus potentially the remainder of S55, could use either access point. Thus in heavy traffic, e.g. morning rush hour, if a queue formed at one access then vehicles could opt to use the other forming a separate second queue, this could then lead to vehicles from both access points trying to turn right across the traffic. Meanwhile potentially vehicles could also be trying to turn right into the site via the filter lanes. This then create a complex vehicle movement arrangement that significantly increases the likelihood of further serious accidents on this busy section of road. We therefore urge strong consideration of a single combined access to avoid this dangerous situation.

Impact on AONB: Further screening would be needed to the North and Western boundaries (the latter to protect also the views when approaching from the West). As currently proposed the application is not considered to sufficiently protect views into and out of the AONB from public footpaths.

Hydrology: No reference is made in the application to the potential impact of the development on the protected water sources. This raises serious concerns on the potential impact of any development of this land on the Drinking water supply for Charing and Ashford. The implications of a failure to protect this supply are such that we consider this issue is fundamental to any assessment of the suitability of this site and should be considered at Outline stage.

Future Development: This application is proposed as part of the S55 site allocation in the emerging Local Plan, however the submission argues against the suitability of the rest of the S55 site for housing, as the access to the remainder of S55 is through either the current application site or the land to the rear of Northdown's garage. This raises a number of issues: Is either access suitable for a further increase in numbers? Do the current proposals potentially prevent development of the remainder of the S55 site making it undeliverable or subject to ransom strips? If so can a development on one part of a site allocation that potentially prevents the development of the rest, be acceptable in policy terms?

Housing Mix and Tenure: The submission claims to reflect identified community housing needs but, no evidence to support this is provided. In fact to the contrary, no mention is made of providing modest-cost open market starter homes, modest family housing or bungalows, all of which have been identified as being high on the list of local need requirements.

Emerging Policy: The proposals place significant weight on the S55 site allocation policy in the emerging plan and state that only limited weight should be given to the current (2008) local plan when considering the development of the site. They then rely on the current local plan for affordable housing numbers. Our view is that a consistent approach must be taken. Therefore as the emerging local plan is relied on for the site allocation, this same plan should also be used for other relevant policies. On this basis the proposals should be providing 40% affordable housing and also 5% self-build plots.

[HDMSS comment: The application has been amended to include 40% affordable housing in line with emerging policy]

Accountability: Given the known significant issues on the adjacent Poppyfields development in relation to both foul and surface water drainage, we would urge the inclusion in any consent of robust measures to ensure that the developer of the land can be held accountable for future issues that may arise.

[HDMSS comment: This could be secured by condition.

Technical Errors /Misleading information: The application Red line appears to be significantly wrong near the entrance, we consider this to be material to the application as the highways access drawings show reconfiguration of the access arrangement and carpark for the Swan hotel which currently is outside the redline but would in themselves require planning.

[HDMSS comment: This has been amended]

The Nesting Birds survey referenced in Ecology reports and responses, was not at the time of writing available online for reference.

[HDMSS comment: This was subsequently made available and further consultation carried out.]

No meaningful public consultation took place.”

- Charing Parish Council, in support of their application have also submitted a report entitled Hydrological Appraisal of Charing’s Future Development and Public Water Supply. This report concludes the following:
- The proposals for large-scale development across an important Chalk scarp spring-line demonstrates an inherent lack of understanding of hydrological processes, and they would have an adverse impact on public water supply and environmental baseflows in the Upper Stour. Groundwater discharge at the Chalk-GC spring-line and Gault Clay runoff at Charing provide a significant contribution to the water available in the Folkestone Beds aquifer used for public water supply and baseflow in the Upper Stour. The aim of SuDs is to promote water infiltration and water retention so that runoff rates are similar to pre-development conditions: in practice, a natural regime is rarely achieved with large-scale developments. Poor design of the attenuation pond at Poppyfields results in excessive water retention, thereby reducing baseflow in West Brook, which has reduced the potential for aquifer recharge. Information contained in the Wheler FRAs is insufficient and inaccurate, so the impact of proposed development on flooding cannot be assessed.

Kent County Council Highways and Transportation: Initially objected stating the following:

‘In principle the highway authority (HA) are satisfied with the proposals, which are in accordance with pre-application discussions with the applicant. The applicants proposed access into the site provides a right turn lane facility from the A20, and sufficient width is shown to allow refuse vehicles to safely enter and exit. Visibility

splays are demonstrated in accordance with standards outlined in the Manual for Streets (MfS) and as such the main access layout is considered acceptable.

Request further information to be submitted in relation to the following:

- 1.) Amendments to the red line (the red line boundary should include the Swan Hotel and car park frontage, as shown in drawing number 152082/A/04 rev F).
- 2.) No emergency access point has been highlighted on the submitted drawings. It would be acceptable for the proposed route through the existing Swan Hotel car park to be used as a secondary access for the site.
- 3.) The current access point would require all future occupiers of the site to enter / exit via the main access to the north, or the public right of way (PROW) to the south. To encourage sustainable travel additional footway / cycleway connections will be required throughout the site.
- 4.) A new footway connection is proposed along Maidstone Road following the outcome of the stage 1 road safety audit (RSA). The new footway currently proposes to join a sub-standard section of footway, which is approximately 1 metre wide, fronting Pleasant Place. The applicants will need to provide a sufficient footway connection to the boundary of Pleasant Place and Cleardowns of at least 2 metres wide for its entire length.

Following the submission of amended plans to address these concerns KCC Highways have been re-consulted and have commented as follows;

- The extent of the red line boundary has now been confirmed, and the applicants have agreed to provide footway widening along Maidstone Road to connect into the existing footway fronting the property Cleardowns (as shown in drawing 152082/A/04 rev G).
- The HA raised concerns about the lack of alternative routes into the site, in terms of emergency access and alternative routes for active forms of travel such as walking and cycling. Within the additional information supplied by the applicant they confirmed that an emergency / pedestrian access route using the existing track alongside Pleasant Place would be a beneficial link for the development, but it was decided not to include this route due to uncertainty of ownership. The HA would request that ownership be identified and that the applicants investigate whether they have any access rights over this track which appears to directly serve land within the applicants control. This route would be far more beneficial for future occupants to reach the school and bus stops. If the applicants can demonstrate that they do not have access rights over this track then the HA would be willing to discuss alternative access arrangements.

[HDMSS comment: The applicant has subsequently confirmed, following a land registry search, that the land in question is unregistered and the landowners do not have a right of way over it. Therefore a pedestrian link cannot be provided at this point].

ABC Project Office (Drainage): No objections

KCC SUDs/Lead Local Flood Authority: No objections subject to conditions stating the following:

“The proposed drainage scheme included in the planning application is considered sufficient at this stage. The proposal utilises a large attenuation area to the south of the site along with the retention of the existing ditches and watercourses. It is important to limit runoff from the site to 4 litres per second per hectare of the proposed contributing area to the drainage system. This has already been acknowledged in this phase of the planning application. It is reiterated that this is followed when advancing to the next phase of planning so that the proposed site adheres to the Sustainable Drainage SPD by Ashford Borough Council (2010). Any future reserved matters applications will be required to demonstrate that the sustainable drainage scheme is delivered within the proposed layout. Due to the presence of springs within the site, it is likely that shallow groundwater will be encountered. Ground investigations should be undertaken prior to any detailed design work to determine whether there would be any impact on the development and/or design of the drainage systems. The retention and enhancement of existing watercourses described further below will assist with the conveyance and management of groundwater and flows from the springs.”

River Stour Kent IDB: No objection stating the following:

“Whilst the site is outside of the River Stour IDB’s district, it does drain to it via ordinary watercourses and therefore has the potential to affect IDB interests, downstream flood risk in particular. Surface runoff from the site must be restricted to Greenfield conditions, and to a maximum of 4l/s/ha in accordance with ABC’s SuDS policy. Details of the SuDS should be agreed in close consultation an agreement with KCC’s Flood & Water Management Team and ABC’s own Project Engineer and should adequately consider the effects of any local springs (on storage capacities). I note and support the recommended conditions by KCC, but would add that the final agreed SuDS should be put in place prior to the construction (not occupation) of the houses to ensure that downstream land and property is not put at an increased flood risk during the construction phase”

ABC Environmental Protection: No objection stating that mitigation against road and rail noise will be required and a detailed mitigation scheme should therefore be submitted prior to commencement of any development. The design and layout of the development should be influenced by the noise assessment provided. Also advises

that where acoustic ventilation is required to achieve internal noise levels, consideration must be given to how thermal comfort may also be achieved in relation to those properties. Also requests conditions relating to the reporting of any unexpected contamination, construction working hours, a code of construction practice, the provision of electric vehicle charging points, and a condition concerning light trespass at sensitive windows.

[HDMSS comment: I recommend that if planning permission is granted a scheme of mitigation against road and rail noise is submitted at the reserved matters stage because the design and layout will be directly influenced by this to ensure an acceptable level of amenity is provided].

Ashford Borough Council Open Space and Play: No objections stating the following;

‘At a potential 135 dwellings the development is required to provide public open space both on and off site.

Off-site contributions are sought in relation to:

- Outdoor sport
- Play
- Allotments
- Strategic Parks
- Cemeteries

The ‘LEAP’ play area as shown on the Framework Plan is not required; play will need to be provided as an offsite contribution.

Informal open space provided as part of the development must be integrated within the built development, entirely overlooked, genuinely useable and fully accessible all year round. The public open space must include all the necessary infrastructure and planting to create a quality landscape scheme.

More detail will be necessary on the approach for the attenuation scheme and existing watercourses. SUDS design must be considered in terms of a landscape feature and as an important part of the green infrastructure; concrete headwalls and kee-klamp style railings will not be approved. The design must not be of a uniform, engineered approach, and must add value to the landscape character

The existing watercourses and pond should be enhanced and incorporated positively into the scheme. The features provide opportunities to create high quality, interesting open spaces. To ensure permeability of the scheme a number of crossing points will be necessary, at least two per run.

The scheme must also provide several high quality links to the Poppy Fields development to the east, and potential adjacent development to the west.

[HDMSS comment: Whilst this remains an aspiration it is no longer proposed as a requirement under policy S55 as a result of the Local Plan Inspectors' comments received early summer 2018]

It is acknowledged that there is impact on views from PROW within the AONB. The Framework Plan indicates very little proposed vegetation and therefore it is not clear how the development will mitigate for the impact. The presumption has been to rely on vegetation provided by adjacent development at the Swan Hotel.'

High Speed 1: No comments to make.

Kent Police: No objections.

Natural England: No objections.

Housing Manager: No objections subject to 40% affordable housing being provided in line with the emerging development plan.

Kent County Council Senior Archaeological Officer: No objections subject to a condition requiring the submission of an archaeological watching brief. Comments are summarised as follows:

In view of the size and location of this proposed development there is potential for significant archaeology to be impacted by the scheme. The site lies in an interesting area topographically with the presence of springs and high water table. The site contains the source of several streams feeding into the Stour river complex and there are a few nearby mills associated with the water channels, some of which could be of medieval origin or earlier. There is potential for prehistoric and later activity, particularly industrial activity. There are known prehistoric sites nearby including Iron Age and earlier activity to the south. Burleigh Farm quarry revealed evidence of Roman industrial activity and Roman activity could extend northwards towards the Pilgrims Way, which is a major routeway considered to be of prehistoric origin.

Charing town itself is an important medieval settlement. It was an Archbishop's residence and the medieval market town flourished close to the palace itself and served as a focal trading and travelling centre for the surrounding area. The site

does potentially contain evidence of post medieval and modern farming and water management with outbuildings and managed ditches and field boundaries evident on the 1st Ed OS map.

Cultural heritage does not seem to be addressed in the Design and Access Statement but the application is supported by a Deskbased Assessment by CgMs. Although this is termed a deskbased assessment it is so brief that I would suggest it is more of a Heritage summary. There is no in depth assessment of the archaeological potential, historic buildings assessment or historic landscapes. A more detailed assessment would have been helpful, especially in view of the limited data on the HER. It will be crucial to demonstrate the impact of this scheme on the historic character and significance of Charing as a medieval market town and as a potential resting place for pilgrims heading for Canterbury. As such a robust assessment of the historic landscape should be undertaken to ensure impact of the scheme is fully demonstrated.

It may be that the HER is limited for this site and there are no known archaeological sites on the site itself but there are significant sites nearby which suggest potential for as yet unidentified prehistoric and later remains to survive on site.

In terms of archaeological remains, there is a need for a robust programme of archaeological assessment, especially fieldwork. Fieldwork could include geophysical surveying although the high water table may limit effectiveness. There would need to be geoarchaeological and palaeo-environmental fieldwork, as well as regular trial trenching.

There are no designated heritage assets on the site itself but the impact on the historic character and significance of Charing village needs to be considered robustly and in detail. In terms of archaeology, it would be preferable for a more detailed assessment to inform the decision making process but as this is an outline application with some flexibility in groundworks Archaeology can be addressed through a planning condition.

Highways England: No objections.

Kent Wildlife Trust: Objects to the application stating the following:

“A lighting strategy should be submitted in order to reduce impact upon breeding birds, invertebrates and bats using the boundary hedgerows and trees for foraging. This should be supported by condition, as should a conservation management plan for the future management of these features.

During the consultation last year on the main modifications of the Local Plan, this site was highlighted to Kent Wildlife Trust by a local resident. We made the following comments:

...Kent Wildlife Trust has been contacted by a concerned local resident regarding this site. Although it is not designated land, there are a number of chalk springs and streams running across the site, which it is understood feed the Great Stour River. This needs to be investigated further and it is vital that it can be demonstrated that there will be no negative impact upon the river, which becomes a Local Wildlife Site (AS23 River Great Stour) just downstream from this point."

At the present time, it is not apparent that this has been taken into consideration in the design detail and has not been covered in potential impacts. It is also disappointing that the opportunity for enhancement on this site, with some good natural features and obvious opportunities for net gain through well-designed green infrastructure, has not been taken forward."

Ramblers' Association: No objection.

Kent Downs AONB Unit: Object stating the following:

"From the AONB, the application site is viewed as rural undeveloped countryside. The development of this site would be seen from the AONB as an urbanisation of the countryside, and extension of the existing unnatural recent extension to the built form of Charing that has taken place at Poppyfields. The Ashford Landscape Character Assessment carried out in 2009 places this site within the Charing Farmlands Character Area, which is concluded to be of high sensitivity and overall guidelines include resisting further expansion and development around Charing and the A20. Clearly the proposed development would be in conflict with these guidelines. The location of the site adjacent to the boundary of the AONB also means that the application should be assessed against emerging Ashford Local Plan draft policy ENV3b and the proposal as submitted is considered to fall some way short of meeting the objectives of this policy.

For development of this site to be acceptable in terms of impact on the AONB it will be imperative that appropriate mitigation is incorporated into the scheme. While we note that the application is submitted in outline form, we nevertheless consider that the Development Framework Plan that sets out the parameters for development of the site provides insufficient mitigation for impacts on the AONB and in light of this we disagree with the conclusions of the LVIA that the overall residual effects on the AONB are negligible.

The screening impact of trees to the rear and west of the Swan Hotel in views of the site from the AONB is considerable. While we note it is proposed to retain the trees, the majority of these trees are on land not within the application site and therefore there is no mechanism in place for ensuring their retention. Given the proposed allocation of land to the east and west of the Swan Hotel for development, it is likely that there will be future pressure for the Swan Hotel to be redeveloped. If these trees were to be removed, there would be a significant opening up of views of the

application site from the adjacent AONB. Unless the land on which these trees are located is brought into the application site in order for control to be gained over their retention, there is a need for structural tree planting to be provided along the northern boundary of the application site to provide mitigation in views from the AONB.

In addition, it is considered that insufficient tree planting is proposed throughout the site as a whole. The Development Framework Plan provides for retention of existing trees around the perimeter of the site and within it, the proposed tree planting is very limited. In order to help filter views of the development from the AONB, in addition to tree planting along the northern boundary of the site to the rear of the Swan Hotel, structural tree planting along the existing proposed green infrastructure corridors is required, in particular along the north-south ditch immediately behind the hotel grounds and the east-west ditch proposed as a potential footpath/cycle link and to the rear of Pheasant Place and Jasmine House. Without the incorporation of such planting, the AONB Unit disagrees with the conclusion of the LVIA that the proposals will be in accordance with the guidelines for the Hollingbourne Vale AONB Character Area and that the development would result in a no greater than minor adverse visual effect on users of PRow in the AONB.

[HDMSS comment: This is an outline application and therefore the layout and landscaping is not for consideration. Sufficient tree retention and landscaping would therefore be secured at a later date should planning permission be approved in outline].

Kent County Council Countryside and Access: No objections subject to conditions and request S106 contributions to secure an upgrade to footpath AW35 to a cycle track with a 3m green corridor.

Kent County Council Ecology: No objections stating that the submitted information has satisfied them that the ecological interest of the site can be maintained within the proposed development site if managed appropriately in the long term. Advise that that there is a need for detailed mitigation strategies to be submitted with the reserved matters applications if planning permission is granted.

Southern Water: No objections subject to conditions.

Environment Agency: No objections subject to conditions relating to contamination, waste and foul and surface water drainage.

Kent Fire and Rescue: No objections subject to the final layout providing access for appliances.

Kent Lead Local Flood Authority: No objections stating that the proposed drainage scheme included in the planning application is considered sufficient at this stage. Recommends conditions.

Charing Archaeological Group: Object stating that they consider the heritage and ecology assessments to be defective. Also states that because of the findings of the hydrologists that the proposal should be rejected.

WKPS: Object stating the following:

1. The infrastructure of the village is under extreme pressure from the various proposals for additional housing.
2. If all current applications are permitted the village will have grown by 37% since the last census without additional infrastructure to ensure sustainable development. The infrastructure needs of the village need to be looked at comprehensively before further development is permitted.
3. The layout of the site looks cramped.

134 neighbours consulted, 60 letters of objection received. Issues are summarised below:

- There are sufficient brownfield sites within Charing that could be developed for housing.
- The site comprises agricultural land.
- Residents chose to live in Charing for the slower pace of life and green open spaces. The towns should be expanded rather than the villages.
- The plans indicate a footpath line to the adjacent Poppyfields development. This will not be possible without the owners giving permission.
- Any proposed affordable housing should be located away from the boundary with private property.

[HDMSS comment: The application is in outline with the layout reserved for future consideration (reserved matters). Layout is therefore not being considered]

- Drainage and sewerage standards and compliance have not yet been addressed on the Poppyfields development by the developer and ABC. Until the existing issues on that site have been resolved, additional planning applications for development should not be granted.

- The development would put additional; pressure on local services that will not be able to cope.
- Construction work on the adjacent residential development of Poppyfields went on for over two years and residents were subjected to noise, disturbance, dust, upheaval and inconvenience. The development would result in overlooking and a loss of privacy for existing residents.
- The development would devalue neighbouring properties.

[HDMSS comment: This is not a material consideration]

- The development would not match the objectives of central Government because the development would fail to improve the environment locally and nationally.
- The proposed development would not be sustainable.
- The houses being built in the villages are not affordable so local people are being forced out.
- The site floods and there are drainage problems in the area.
- The additional traffic that would be associated with this development would represent a highways safety risk.
- The development would be out of character with the character of the surrounding area.
- The local roads are in poor condition and the additional traffic will make them worse.
- Charing surgery has a waiting list and the local hospital is inadequate.
- The transport assessment refers to a 5 year period during which the number and seriousness of traffic accidents were few. Current statistics (up to 2017) shows that there have been a significant increase in road traffic accidents.
- The new access would not be fit for purpose. Turning right out of Charing garage is currently very dangerous.
- The increased traffic and the motor cyclists who use the A20 as a racetrack will cause major problems.
- The existing drainage will not be able to cope with the new development.

- There are already drainage issues related to storm and foul drains that affect the adjacent Poppyfields development. Such issues should be resolved before further developments are approved.
- The site is located within a groundwater protection zone. There are a number of springs on the site where the aquifer from water falling on North Downs chalk meets clay. Water from the springs runs over the largely clay soil to a nearby stream. The stream later runs over sand into which some of the water drains. This is close to the pumping station from which Charing gets its drinking water.
- Protecting the groundwater in Charing from contamination is essential.
- It is not clear if a green buffer is proposed between Poppyfield's and the new development.

[HDMSS comment: The application is in outline only and the layout and landscaping are matters reserved for future consideration].

- There should be a clear demarcation and space between the new development and the existing.
- The design of the development should reflect the historic character of Charing.
- The location of the development off the A20 will encourage car use.
- There is limited space within the village centre to securely leave bicycles if new residents chose to use this mode of transport.
- An objective of the landowner, The Wheler Foundation, is the maintenance and preservation of lands of historical educational landscape value or natural beauty, for the benefit of the public whether or not educational.
- The development would include too few affordable houses.
- The developer has not carried out a comprehensive programme of community engagement as the application suggests.
- There is declining employment in the village. Residents will have to travel for work.
- Additional traffic will result in additional pollution.
- The development does not include employment proposals.

- The development would ruin the views from neighbouring developments and would result in a loss of trees and wildlife.
- There are inadequate parking facilities in the village.
- Smaller developments should be promoted around the village rather than development in one location.
- The development and the additional traffic it would bring would severely limit future works to the A20.
- The development would be contrary to planning policy.
- The affordable homes would not be affordable and are not just for local people.
- Charing has already fulfilled its housing quota.
- The development could contaminate the water supply.
- Houses in the area are selling. There is therefore insufficient demand.
- The development would change the character of the area enjoyed by walkers.
- A number of rare plants have been found on the site some of which were not spotted by the applicant's ecologist. The site is therefore a very important and rare habitat. The Council should consider developing the cornfield up to Hook Lane instead rather than develop this important meadow.

Planning Policy

11. 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.
12. The new Ashford Local Plan to 2030 has now been submitted for examination. Following this, the Local Plan Inspectors issued a post-hearings advice note on 29th June 2018 which sets out the elements of the Submission Local Plan that they consider require amendment in order to be found sound. In the context of paragraph 48 of the NPPF, this note provides a material step towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need

for amendment to policies in the Plan, it is reasonable to assume that these policies are, in principle, sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' advice, significant weight should be attached to the Inspectors' advice in the application of those policies.

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

Ashford Borough Local Plan 2000

GP12 – Protecting the countryside and managing change.

EN9 – Setting and entrances to towns and villages.

EN10 – Development on the edge of existing settlements.

EN27 – Landscape conservation.

EN31 – Important habitats.

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 for new housing development.

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 and Construction

CS11 – Biodiversity and Geological Conservation

CS12 – Affordable Housing

CS13 – Dwelling Mix

CS15 – Transport

CS18 – Meeting the Community's Needs

CS20 – Sustainable Drainage

Tenterden & Rural Sites DPD 2010

CHAR2 – Land south of Maidstone Road

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 development

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

Ashford Local Plan to 2030 (Submission Version December 2018)

SP1 – Strategic Objectives

SP2 – The Strategic Approach to Housing Delivery

SP6 – Promoting High Quality Design

S55 – Charing, Land Adjacent to Poppyfields

HOU1 – Affordable Housing

HOU3a – Residential Development in the Rural Settlements

HOU5 – Residential Windfall Development in the Countryside

HOU6 – Self and Custom Built Development

ENV1 – Biodiversity

ENV3a – Landscape Character and Design

ENV4 – Light Pollution and Promoting Dark Skies

ENV5 – Protecting Important Rural Features

ENV6 – Flood Risk

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 Space

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

Sustainable Design and Construction SPD April 2012

Public Green Spaces & Water Environment SPD 2012

Dark Skies SPD 2014

Charing Village Design Statement 2002The Charing VDS has been formally adopted by Ashford Borough Council.

Other Guidance

Informal Design Guidance Notes 1- 4 (2015)

Government Advice

National Planning Policy Framework (NPPF) 2018

15. 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:-
- Chapter 2: Achieving sustainable development
 - Chapter 4: Decision making
 - Chapter 5: Delivering a sufficient supply of homes
 - Chapter 8: Promoting healthy and safe communities
 - Chapter 9: Promoting sustainable transport
 - Chapter 11: Making effective use of land
 - Chapter 12: Achieving well-designed places
 - Chapter 14: Meeting the challenge of climate change, flooding and coastal change
 - Chapter 15: Conserving and enhancing the natural environment
 - Chapter 16: Conserving and enhancing the historic environment

16. The Submission Local Plan is a material consideration and the emerging policies should be attached some weight in decision-making. Paragraph 48 of the NPPF States:

“Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced its 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 weight that may be given);
- The degree of consistency of the relevant policies in the emerging plan to this framework (the closer the policies in the emerging plan to the policies in the framework, the greater the weight that may be given).”

Assessment

17. The main issues for consideration are:
- (a) 5 Year Housing Land Supply and Status of the Emerging Development Plan and the Principle of the Development
 - (b) Location and Sustainability
 - (c) Visual Amenity
 - (d) Residential Amenity
 - (e) Heritage and Archaeology
 - (f) Highway Safety
 - (g) Biodiversity and Ecology
 - (h) Trees and Landscaping
 - (i) Affordable Housing
 - (j) Drainage and Sewerage
 - (k) Other Matters

(l) Whether Planning Obligations are Necessary

5 Year Housing Land Supply, Status of the Emerging Development Plan and the Principle of the Development

18. At the time of submission of this application, the Council had recognised that it was unable to demonstrate a 5 year supply of housing until 2018/19.
19. The Council has recently had the opportunity to demonstrate a deliverable five year housing land supply in accordance with paragraph 73 of the NPPF, at the Local Plan Hearings. 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 and the associated national Planning Practice Guidance and the detailed evidence base that supports the Submission Local Plan.
20. The Local Plan Inspectors' recent advice to the Council confirms that following the completion of the Local Plan Examination Hearing sessions on 13 June, they have concluded that there is a 5-year housing land supply. Consequently, for the purpose of assessing applications for housing, the 'tilted balance' contained within para.11 of the NPPF (where schemes should be granted permission unless the disadvantages of doing so significantly and demonstrably outweigh the benefits) does not need to be applied.
21. The Local Plan was submitted for examination in December 2017. The hearing stage of the Local Plan examination was completed on the 13 June 2018. If the Plan is found to be 'sound', the Council may adopt the Plan as soon as practicable following receipt of the Inspector's report unless the Secretary of State intervenes. Once adopted, the Local Plan 2030 will form the main part of the statutory development plan for the borough. Formal adoption is expected in early 2019.
22. The emerging Local Plan policies should now be afforded weight in the planning balance.
23. On the 29th July 2018 the Council received the Local Plan Inspectors' post hearing advice (document reference ID/10). This document, in paragraphs 14-17 summarises the Local Plan Inspectors' conclusions on Housing Land Supply matters, following the completion of the Local Plan Examination Hearing sessions on 13th June. This confirms that the Inspectors have found that a 5-year housing land supply exists of 7,730 dwellings (after discounting various proposed allocations which they recommend omitting from the Local Plan), and they have concluded that there is a 5-year housing land supply in the Ashford Borough.

24. On 3 March 2016 Ashford Borough Council received an application from Charing Parish Council for the designation of a Neighbourhood Area. On 31 May 2016, Ashford Borough Council approved the designation of the Charing Neighbourhood Area. Since this time the Parish Council have been working on the preparation of their Neighbourhood Plan which has included a number of meetings with officers at Ashford Borough Council. A Regulation 14 version of the plan has yet to be published although recent discussions with the Parish Council indicate that this will be published for consultation shortly in response to the boroughs Local Plan 2030. In light of the above, no weight can be attributed to the emerging neighbourhood Plan at this time.
25. The submission Local Plan of December 2017 proposes to allocate this site for housing development. The site covers part of allocation S55 which seeks to provide an indicative capacity of 180 dwellings. **Figure 3** below illustrates the extent of site S55. At the time of writing this report no planning applications have been received for the remainder of S55 which is shown with the dashed black line. Land falling outside of S55 and subject of application 17/01926/AS also reported on this agenda is shown with a dashed red line. I have shown with a dashed green line additional land forming part of the current application that comprises a clump of mature trees close to the railway lines.

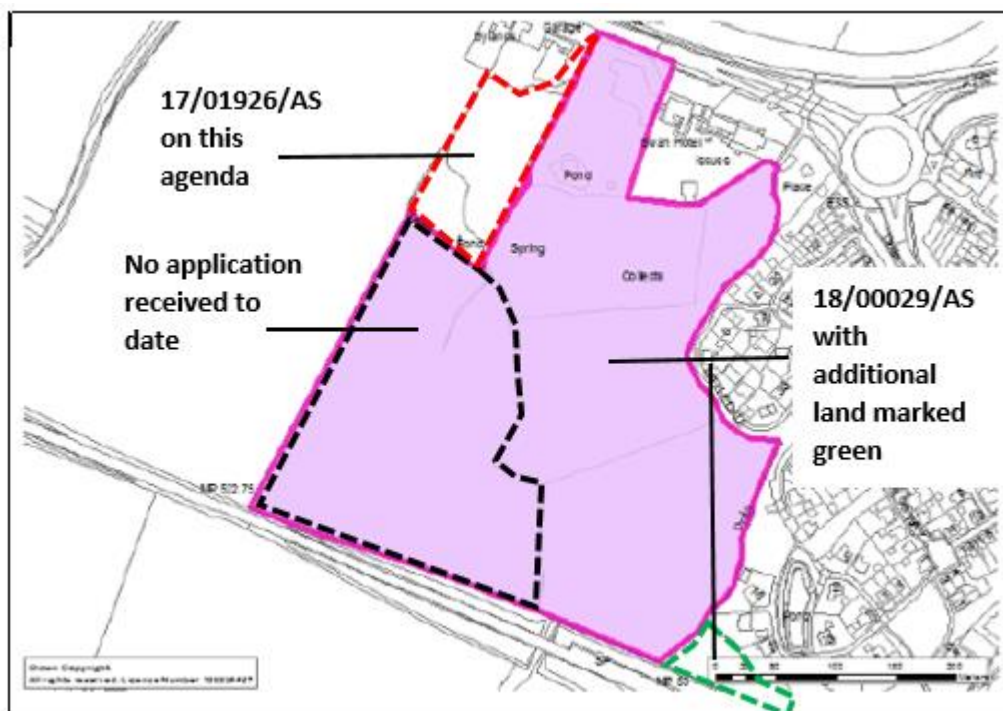


Figure 3: Proposed Local Plan Allocation S55

26. 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.
27. The National Planning Policy Framework is one such material consideration. As set out above, the Framework indicates that the weight to be attached to existing policies in the development plan will depend according to their degree of consistency with the Framework.
28. The application proposes a development of up to 135 residential units on a predominantly greenfield site that adjoins the edge of the existing built up area.
29. 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.
30. Policy CS1(c) states, as an objective:
'Protection for the countryside, landscape and villages from adverse impacts of growth and the promotion of strong rural communities'
31. 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.
32. Policy CS6 sets out the rural settlement hierarchy in which Charing is deemed a tier 2 settlement. These are the villages identified as being acceptable for taking new development through site allocations and in line with this Charing was allocated two development sites previously in the Tenterden and Rural Sites DPD. These sites now have the benefit of planning permission with the Poppyfields site which is adjacent to site S55 being completed.
33. 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 Charing 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.”

34. According to definition the site is outside the built confines of Charing, and the erection of up to 135 dwellings cannot be considered to represent minor development/ infilling as set out in Policy TRS1 either.
35. 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).
36. The emerging Local Plan 2030 continues to pursue a hierarchical approach towards the distribution of housing development across the borough in a planned and sustainable way.
37. 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 (i.e. Charing).
38. 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. This site is one such proposed allocation.
39. Within the emerging plan the application site is identified under site policy S55 as being suitable for residential development. The allocation forms part of a larger site with an indicative capacity of up to 180 dwellings. The draft allocation is confirmation of the fact that the Council considers the principle of residential development on the site as acceptable and sustainable in principle.
40. Emerging policy S55 states the following:

Land to the west of the Poppyfields development is proposed for residential development for an indicative capacity of 180 dwellings.

Development proposals for the site shall:

- a) *Be designed and laid out in such a way as to integrate the development into the existing settlement, with particular attention given to the topography of the site, taking into account design guidance set out in the Charing Parish Design Statement and impact upon the adjoining AONB.*

The development should be comprised of a mix of dwelling types a maximum of two storeys in height, and should take account of the residential amenity of neighbouring occupiers;

- b) Create an appropriate soft landscaped northern and western edge to the development to establish a clear western edge to the development with substantial boundary planting;*
 - c) Retain and enhance the current hedge and tree boundaries between the site and the Poppyfields development;*
 - d) Be accessed directly from the A20;*
 - e) Provide new pedestrian and cycle routes throughout the development to connect with the adjoining Poppyfields development and to existing adjacent PRow;*
 - f) Provide an appropriate contribution towards the provision, management and maintenance of related community facilities and infrastructure;*
 - g) Provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider; and*
 - h) Provide future access to the existing sewerage infrastructure for maintenance and upsizing purposes.*
41. The Inspectors Post Hearing Advice Note (ID10) also includes detailed matters regarding the wording of some of the policies. In paragraph 53 of this document the Inspectors refer to policy S55 stating:

“There appears to be some doubt as to whether a pedestrian and cycle access through site S55 into Poppyfields would be achievable. Nevertheless, it is not an essential pre-requisite for the development of the site. As such, and to be effective, the policy should be amended to remove this requirement and instead retain it as an aspiration”.

A further minor change requested in ID10 that relates to the wording of all site policies is that the wording ‘up to’ should be replaced with the phrase ‘indicative capacity’. This is to ensure that the policies do not unnecessarily restrict the supply of housing on allocated sites.

42. The inspectors made no specific further comments in relation to policy S55. It is therefore reasonable to assume that they consider the policy to be sound and therefore acceptable in principle with the exception of these minor changes.

43. In relation to weight to therefore to be attributed to policy S55, for the reasons set out in the remainder of this report, the proposed development is considered to comply with the relevant criteria contained within the site specific policy. Policy S55 is considered to be a material consideration to be given significant weight in the determination of this application. Further, this site will make a contribution to the Council maintaining a 5YHLS. The delivery of this site would also help to boost the supply of housing which is a requirement of the NPPF. The specific S55 policy criteria is tested in the subsequent sections of this report and subject to compliance with these criteria the development proposed can be considered to be acceptable in principle.
44. The south-eastern corner of the site falls within allocated site CHAR2 in the Tenterden & Rural Sites DPD. However the indicative layout does not propose built development here, and given that CHAR2 has been comprehensively developed under an earlier planning permission and reserved matters approval, in my view built development would not be appropriate on this residual part of CHAR2 to the rear of residential properties built under that permission and in what is a wooded area. A condition to this effect is recommended.

Location and Sustainability

45. Paragraph 79 of the NPPF seeks to direct housing development away from isolated locations.
46. The site, whilst outside of the built confines as defined within the Development Plan and in particular policies TRS1 and TRS2, is not considered to be an isolated location in planning terms.
47. The site is located approximately 800m from Charing High Street where there are a range of local services and facilities within reasonable walking distance. These include a doctors surgery, a post office, a church, a pub, restaurants, a number of retail units, a primary school, village hall, sports facilities and a library. There is also a network of public footpaths that provide access to the surrounding countryside and villages.
48. Charing train station is also located close to the site (approximately 888m away following the route of Maidstone Road and Station Road) and there are bus stops also located within a reasonable walking distance. Both of these provide access to a variety of onward destinations. As a result, the site cannot be considered to be physically isolated from services and is located where it would help maintain or even enhance the vitality of the existing community. This is a material factor that weighs in favour of the proposal.

Visual Amenity

49. There would be a landscape character impact and an urbanising effect from the construction of up to 135 dwellings on the setting of the village of Charing, the surrounding countryside and the AONB. Paragraph 170 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:
- a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.
50. 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.
51. Chapter 15 of the NPPF deals specifically with conserving and enhancing the natural environment. Para 172 states that “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection.....”. It goes on to state that “major developments in such areas should be refused other than in exceptional circumstances, where it can be demonstrated that the development is in the public interest”.
52. Policy GP12 of the adopted Plan seeks to protect the countryside for its landscape and scenic value (it is, however, no longer consistent with national policy to protect the countryside ‘for its own sake’). Policy EN27 of the local plan is also concerned with landscape conservation.
53. 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. Policy TRS18 of the Tenterden and Rural Sites DPD seeks to protect important rural features including semi-natural woodland. In addition the NPPF states that development that would result in the loss or deterioration of irreplaceable habitats, including ancient woodland, should be refused (Para 118). Policy EN30 also covers nature conservation sites.
54. 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 to 2030 which sets out similar core principles for development within the borough.
55. 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 states 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.

56. Whilst not a designated landscape, the site is located within the Charing Farmlands (Hollingbourne Vale East) Landscape Character Area (LCA). This character area has been assessed as having a high landscape sensitivity with the overall development guidelines being to restore the landscape.
57. Although currently undeveloped, and with extensive views of the North Downs, the site no longer retains a strong rural character. The proximity and visibility of the existing development to the east, the railway embankment to the south and the audibility of road and rail noise are all detractors which increase the sense of the proximity of the village edge.
58. Visually the site is largely enclosed by vegetation and/or development to the east and west, by the railway embankment to the south and by existing development to the north, largely restricting publicly accessible near views to the footpath, thus removing wholly or in part existing views to the north. However, the site is already influenced by the proximity of residential development and infrastructure, and it is concluded that development could form a relatively natural extension to more recent development without significantly changing the character of the village edge. Viewed from the AONB, the site is a small, partially visible area adjacent to visible existing development. An increase in the built form across the site, of a nature similar to the existing residential development is considered therefore unlikely to change significantly the scale of visible development or the character of the existing view. The landscape and visual effect of an increase in built development within the site on the setting of, or views on the setting of, or views from the AONB are therefore not considered to have significant adverse effects subject to appropriate mitigation through design, materials, layout and landscaping.
59. In terms of layout and landscaping, these are both reserved matters as are the proposed scale and appearance. The indicative layout submitted is simply one way in which the site could be developed. That said, there are elements of this framework that would be desirable such as connectivity with the adjoining site S28 (Charing Motors) together with pedestrian and cycleway connections to the Poppyfields development. This would be investigated in detail at any subsequent reserved matters stage.

60. However, emerging Policy S55(d) requires the allocation to be accessed directly from the A20. With the Local Plan Inspectors having taken the view that a connection to Poppyfields is not achievable at this time, this means that the whole of the allocated site will need to access the A20 through this application site, unless alternative access is arranged for the site remainder through site S28 in due course. Therefore it will be necessary to secure by condition that an access route is reserved to serve the site remainder through this site (unless it becomes unnecessary as a result of alternative access to the A20 becoming available).
61. For these reasons, I therefore conclude that the proposed development of the site would sit sympathetically within the wider landscape, and subject to appropriate mitigation would not cause significant and demonstrable harm to the wider landscape character or visual amenity. I therefore consider that the proposal would, in this respect comply with the requirements of the current and emerging local plan policies.

Residential Amenity

62. 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.
63. The nearest residential properties are located to the eastern side of the site on the Poppyfields residential development. Satisfactory distances could be maintained between the proposed and existing dwellings. Taking this and the proposals for robust landscaping which are required in policy S55, I am satisfied that the development of the site can be achieved without causing demonstrable harm to the amenities of existing neighbours through loss of privacy, loss of light, immediate outlook or by having an overbearing presence and that the amenity relationships between proposed new homes would, similarly, be acceptable.

The increase in vehicular activity associated with the proposed development is one that I do not consider to result in any demonstrable harm through undue noise and disturbance. Furthermore, having regard to the guidance contained in the NPPG, I have not been presented with any evidence which suggests that the increase in traffic associated with this proposal would increase noise traffic impacts in such a way that would cause changes to behaviour and attitude. I am therefore satisfied that there would be no adverse noise effects resulting from the increased traffic movements associated with the proposed development.

64. The indicative plan submitted demonstrates that gardens could be provided to a size that would comply with the Council's residential space and layout SPD together with emerging policies HOU12 and HOU15. This would be further considered at any reserved matters stage. In addition internal space standards which would be required to comply with national standards would also need to be considered at this stage.
65. Given the above, I am satisfied that the development would not result in harm to the residential amenity of neighbouring or future occupiers and would comply with the requirements of part (d) of emerging policy SP1 which requires a development to be designed in a way that protects the residential amenity of neighbouring dwellings. The development is therefore in accordance with the NPPF as well as that emerging policy.

Heritage and Archaeology

66. There are no listed buildings within the site, no known archaeological remains and it is not located within the Conservation Area or its setting or that of any listed buildings. That said, given the relative size and location of the proposed development it is recognised that there is potential for significant archaeology to be impacted by the scheme. In particular it is recognised that there is potential for prehistoric and later activity, particularly industrial activity. There are also known prehistoric sites nearby including Iron Age and earlier activity to the south.
67. Kent County Council's senior Archaeological Officer has been consulted and has raised no objections to the development but has requested that further archaeological assessment is carried out which can be secured by a planning condition.
68. Given the above, and the proximity of this site to the historic village of Charing I would consider it appropriate that an archaeological watching brief condition is imposed should planning permission be granted. Subject to this, I consider that there would be no adverse impact upon any heritage assets or their setting as a result of this development.

Highway Safety

69. 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.

70. 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.
71. Access to the development is proposed via a new priority junction with the A20/Maidstone Road. This is required by criteria d) of policy S55. The main pedestrian access would be via this access. A new footpath would also be provided along the southern boundary of the A20 linking the existing footpath adjacent to the A20 Maidstone Road roundabout to the east of the site. This will provide pedestrian access from the site to the village centre, Charing Primary school and the nearby bus stops which I support in assisting 'every-day' journeys.
72. The submitted transport assessment has considered the effect of the development upon the local network and it concludes that the priority junction would operate well within capacity levels.
73. In terms of an emergency access to the site, the Parish Council's comments have been noted. The proposed access road would allow for access for emergency vehicles due to the width of the carriageway which is in line with current MfS guidelines. Whilst it is accepted by the applicant that emergency vehicles could access the site via the Swan hotel it is not deemed to be necessary or an impediment to granting outline planning permission.
74. The development would be able to provide parking in accordance with the Council's Residential Parking SPD and the updated standard in TRA3 of the ALP 2030. Details of parking can be secured by condition and will be shown in detail when reserved matters applications are submitted to the Council.
75. Kent Highways and Transportation have been consulted and raise no objections to the proposed new access from the A20 to service the development of S55. Thus, any future application that comes forward for the remaining part of S55 not forming part of the current application currently would be expected to be accessed by that same access point to the A20.
76. The Council's policy approach to the development of S28, the adjacent development site reported elsewhere on this agenda, provides for that site to be developed for residential purposes retaining the existing access to the A20: the policy for S28 does not require it to only be designed with vehicle access from the A20 via S55. Thus, the Council's emerging Local Plan approach for two adjacent housing sites proposes the scenario of two accesses from the A20 relatively close to each other. I note the concerns of the Parish Council in this respect but (i) the EiP Inspectors have not raised any concerns in this regard and (ii) KH&T, the local highway authority, has

considered the highway safety acceptability of the two applications and has also not raised any objection.

77. 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 as well as pedestrian safety.

Ecology and Biodiversity

78. 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 that is appropriate. Policy EN30 seeks to ensure that development would not cause adverse impacts to protected species.
79. Guiding Principles Policies CS1 (a) (d) and (k) of the Core Strategy 2008 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 also reflected in policies HOU5 and ENV1 of the emerging Ashford Local Plan to 2030.
80. 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.
81. The proposed development offers ecological enhancements and the retention of the existing boundary treatments. Further, additional landscaping would help to provide enhanced habitats and wildlife corridors throughout the site.
82. Following consultation with KCC Ecology and Biodiversity, I consider that ecological and biodiversity impact issues can be subsequently mitigated through the use of planning conditions and by ensuring that applications for reserved matters include the spatial implications of mitigation as a clear design layer influencing site layout.

Trees and Landscaping

83. Tree cover on the land that currently forms part of the grounds of the Swan Hotel include 8 groups of trees and 7 individual trees. Overall this equates to approximately 200 trees that are a mixture of deciduous and evergreen

species. The southern part of the application site also includes unmaintained hedgerows which form the site boundaries. Within these, individual trees and groups of trees are located.

84. The majority of the trees within both the northern and southern parts of the site have been identified as being of moderate quality (category B). The proposed new access to the site from Maidstone Road at the northern boundary would require the removal of trees T2, T3 and T5 together with approximately 40 trees from group G3 and all of group G2.
85. In order to achieve the access as required of policy S55, the loss of some trees is to be expected given the current coverage. That said, the access road is proposed to be positioned in such a location that would allow for the retention of higher quality individual trees, rows of trees and blocks of vegetation which I support. The applicant also proposes to retain approximately 150 trees within the northern part of the site which could also be further enhanced by additional green infrastructure.
86. It is also proposed that two sections of hedgerow would be removed to ensure access to the whole of the site. The applicant's proposal to plant proposed new hedgerows is supported as appropriate mitigation and, should planning permission be granted, would need to be included as part of the landscaping scheme for the site to be submitted to the Council for approval as a reserved matter. A landscape scheme would also need to take account of policy S55 (requirements b) and c) which requires appropriate retention and enhancement of the site boundaries.
87. Because the current application is in outline it is not possible to conclude which additional trees would need to be removed to facilitate the development at the southern part of the site. The proposed indicative layout, whilst not for consideration at this stage, does demonstrate that it would be possible to develop the site and maintain the majority of the remaining healthy trees within the site.

Affordable Housing and Housing Mix

88. The site is in excess of 15 units and in excess of 0.5ha and therefore the scheme should provide 35% affordable housing under the adopted development plan policy CS12 of the Core Strategy. However, emerging policy HOU1 requires an uplift in provision to 40% and as the Submission Local Plan now carries some weight in decision making this requirement for 40% needs to be provided. The mix of affordable housing requires a split between social rented (10%) and other forms of affordable housing (30% including a minimum 20% shared ownership). This would be addressed in the legal agreement and the applicant is in agreement with this.

89. The indicative layout proposes a mixture of detached, semi-detached and terraced housing. This would ensure an acceptable housing mix as required by policy CS13 and HOU18 and can be secured by condition.

Flooding, drainage and sewerage

90. Policy CS20 states all development should include appropriate sustainable drainage systems (SUDS) for the disposal of surface water, in order to avoid any increase in flood risk or adverse impact on water quality. Emerging Policy ENV9 also seeks this and requires compliance with the adopted Sustainable Drainage SPD.
91. The site is in Flood Zone 1 and at low risk from flooding due to watercourses. The applicant has submitted a drainage strategy for the site which confirms that a run-off rate of 4 l/s/ha would be achieved which would be in accordance with the Council's SPD.
92. As layout is now not for consideration there is no reason why a compliant drainage strategy cannot be agreed before other elements of layout are considered in detail so that the former is not compromised by the latter. A drainage condition to this effect is proposed and KCC & ABC Drainage raise no objection as a result.
93. In light of the above I consider the proposal acceptable in respect of drainage and flood risk.
94. Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure which the developer will need to do in order to comply with the requirements of S55 (g) . As such Southern Water have requested a condition requiring full details of the foul drainage strategy to be submitted and approved in consultation with themselves as the service provider. It would be appropriate for this to be submitted at the reserved matters stage.
95. In respect of surface water, a final strategy is also yet to be formulated but would be controlled by condition requiring the details to be provided at the time of the reserved matters as this may impact upon the number of units provided on the site as well as the layout.
96. The concerns of local residents and the Parish Council are also noted and it is agreed that care should be taken to ensure that the drinking water supply is protected. As such the detailed drainage strategy should consider the existing water sources and then ground investigations should be undertaken prior to any detailed design work. The retention and enhancement of existing watercourses would assist with the conveyance and management of the

groundwater and flows from the existing springs. A maintenance schedule would also form part of any condition to ensure future appropriate management to minimise as far as possible the risk of contamination.

97. Southern Water, the Environment Agency and both the Local Lead Flood Authority and the Council's drainage engineer have raised no objections and endorsed this approach.

Other Matters

Socio/Economic benefits

98. 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 economic benefit.
99. The increase in the local residential population would increase expenditure in the local economy as this would 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.

Noise

100. Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location and should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new developments and avoid noise giving rise to significant adverse impacts on health and the quality of life.
101. The Council's Environmental Protection Team has raised no objection to the development subject to the imposition of conditions which ensure internal and external noise levels remain within an acceptable range to ensure that the future residents do not experience unacceptable levels of amenity through noise. I have covered the importance of ensuring noise is carefully taken into account in detailed plot/parcel design further above in this report.

Planning Obligations

102. Emerging policy S55 requires contributions to community facilities and infrastructure. 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
103. 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.
104. The development would trigger a requirement to provide 40% affordable housing.
105. KCC have requested a contribution towards projects at a primary and secondary education and additional book stock for Charing library.
106. The Council have identified projects for offsite contributions in accordance with the Public Green Spaces and Water Environment SPD although some projects are still to be confirmed.
107. The NHS Canterbury and Coastal and NHS Ashford Clinical Commissioning Groups have not formally responded in respect of this application however for other schemes in Charing they have sought contributions to the extension of the Charing Surgery to increase capacity.
108. None of the projects identified have pooled more than 5 developments. Should projects not be identified for some of these potential contributions or indeed some projects get amended then delegated authority is requested to amend the S106 agreement accordingly.

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.	<p><u>Affordable Housing</u></p> <p>Provide not less than 40% of the units as affordable housing, comprising 10% affordable / social rent units and 30% Affordable Home Ownership Products (including a minimum of 20% shared ownership) 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 registered provider's nominations agreement.</p>	<p>Up to 54 units comprising:</p> <p>10% affordable / social rent units and 30% Affordable Home Ownership Products (including a minimum of 20% shared ownership)</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</p>	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to Core Strategy policy CS12, the Affordable Housing SPD and guidance in the NPPF and emerging policy HOU1</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
2.	<p>Children's and Young People's Play</p> <p>Contribution towards local play area project. Details to be confirmed.</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as children's and young people's play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use children's and young people's play space and the play space to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
3.	<p><u>Outdoor Sports</u></p> <p>Contribution towards local outdoor sports provision. Project to be confirmed.</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	Before completion of 75% of the dwellings	<p>Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces & Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				maintained and the maintenance period is limited to 10 years.
4.	<p>Strategic Parks</p> <p>Contribution towards local outdoor sports provision. Project to be confirmed.</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2, CS18 and CS18a, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent</p>

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
			of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
5.	<p><u>Informal/Natural Space</u></p> <p>On site provision and ongoing maintenance</p>	<p>To be provided up to the value of £434 per dwelling for capital costs and £325 per dwelling for maintenance</p> <p>0.65 ha in area; if the open space is sub-divided then individual open spaces must be a minimum of 0.25ha. Public open space smaller than 0.25 ha will not be acceptable.</p>	<p>Scheme for provision and maintenance to be submitted and agreed by the LPA</p> <p>Completed before occupation of 50% of the dwellings.</p> <p>Necessary as improvements to the informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use informal/natural green space and the space to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				maintained and the maintenance period is limited to 10 years.
6.	<p>Allotments</p> <p>Contribution towards – project to be confirmed</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>Necessary 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>Directly related as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
7.	<p><u>Cemeteries</u></p> <p>Project to be confirmed.</p>	<p>£284 per dwelling for capital costs</p> <p>£176 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as cemeteries are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Ashford Local Plan 2030 Submission Version policies COM1 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will require cemeteries and the cemetery provided would be available to them.</p>

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
			Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
8. Primary Schools Contribution towards the expansion of Charing Primary School	£3,324 per applicable house £831 per applicable flat	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	Necessary. The proposal would give rise to an additional 38 primary school pupils. There is no spare capacity at Charing school 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

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>NPPF.</p> <p>Directly related as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
9.	<p>Secondary Schools</p> <p>Project: Phase 2 Expansion of Highworth Secondary School</p>	<p>£5,091.60 per applicable house</p> <p>£1,272.90 per applicable house</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary. The proposal would give rise to an additional 27 secondary school pupils. Capacity at the local secondary school within the vicinity will have to increase to meet the demand generated and pursuant to Core Strategy policies</p>

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
			<p>CS1, CS2 and CS18, saved Local Plan policy CF21, Ashford Local Plan 2030 submission version policies COM1 and IMP1, Developer Contributions/Planning Obligations</p> <p>SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is</p>

Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)
10.	<p>Libraries</p> <p>Contribution for additional bookstock for Charing library</p>	£48.02 per dwelling	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>
			<p>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> <p>Necessary as more books required to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is based on the number of dwellings.</p>

Planning Obligation			Regulation 122 Assessment	
	Detail	Amount(s)	Trigger Point(s)	
11.	<p>Health Care</p> <p>Extension to Charing Surgery.</p>	<p>£504 for each 1-bed dwelling</p> <p>£720 for each 2-bed dwelling</p> <p>£1,008 for each 3-bed dwelling</p> <p>£1,260 for each 4-bed dwelling</p> <p>£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>Necessary as additional healthcare facilities required to meet the demand from 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>Directly related as occupiers will use healthcare facilities and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
12.	<p><u>Community Learning and Skills</u></p> <p>Contribution towards the reconfiguration of services at Ashford Gateway.</p>	£34.45 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as community learning and skills (adults) service is at capacity and the development would generate 6 new clients pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use the community learning and skills service.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is based on the number of dwellings.</p>
13.	<p><u>Youth Services</u></p> <p>Contribution towards Ashford street based and community activities.</p>	£27.91 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on	<p>Necessary for youth services to meet demand that would be generated (3.6 clients) and pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19,</p>

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
		occupation of 50% of the dwellings	<p>KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use the community learning and skills service.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is based on the number of dwellings.</p>
14.	<p><u>Footpath Upgrade</u></p> <p>Upgrade to the surface of AW35 to a cycle track.</p>	Amount to be confirmed for capital costs and maintenance.	<p>Necessary as the proposed development would generate an increase in use of the adjacent Public Rights of Way, specifically footpath AW30. Public footpaths must be maintained in order to continue to meet demand pursuant to Core Strategy policies CS1, CS2 and CS18, Ashford Local Plan 2030 submission version policies COM1 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p>

Planning Obligation			Regulation 122 Assessment	
	Detail	Amount(s)	Trigger Point(s)	
15.	<p><u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.</p>	<p>£1,000 per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years</p>	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>
<p>Regulation 123(3) compliance: 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>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p>				

Human Rights Issues

109. 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

110. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

111. The site is not allocated for development in the adopted development plan.
112. 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 Charing”, 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 in terms of new housing development.
113. Notwithstanding the conflict identified in the paragraph above, the site is allocated for development in the emerging Local Plan 2030 under policy S55. The emerging plan has been through its examination and the Inspectors post-hearings advice letter received which does not propose any significant changes to / deletion of this policy. As such, policy S55 is a significant material consideration, and the fact the proposed development complies (subject to the conditions and planning obligations recommended) 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
114. Other material considerations include the benefits associated with the scheme which include its ability to help to boost the supply of housing in accordance with paragraphs 59 and 67 of the NPPF and its sustainable location. Other recognised social and economic benefits include enhancing the vitality of an existing rural community by virtue of its relatively sustainable location close to

the built up confines of Charing, delivery of affordable housing, economic benefits from construction and occupation.

115. I conclude that the proposed development subject to the approval of the reserved matters and subject to the imposition of conditions would not result in material harm to landscape character and neighbor amenity. The proposals would represent an appropriate form of development that would sit comfortably within its contextual setting.
116. The development, subject to control through planning conditions, would not harm matters of ecological interest, highway safety, heritage assets or result in unacceptable flood risk.
117. Foul and surface water drainage can be adequately dealt with in accordance with the requirements of the NPPF, adopted development plans, SPDs and emerging local plan 2030.
118. In terms of noise, and contamination, again this would be addressed subject to conditions, so that the site can be developed in an acceptable way.
119. My assessment of the various issues above indicate that minimal harm would arise as a consequence of residential development here and 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.
120. Whilst the proposal fails to accord with the adopted development plan in terms of the location of new housing, the proposed development complies with the relevant criteria contained in emerging site-specific policy S55 that seeks to allocate it in the ALP 2030 as a site for residential development as well as other relevant policies in the adopted plan. This is, in my opinion, a significant material consideration. As such, and taking into account the points made in my Assessment, I recommend that planning permission should be granted subject to the prior completion of a s.106 agreement. The site represents a valuable contributor to the 5YHLS.
121. Development in this location would be a continuation of Charing's existing built form and would not encroach on the more visually sensitive areas to the north and east of the village.
122. A mix of dwelling types, no more than two storeys in height is proposed which is in line with the requirements of the emerging Local Plan.

123. The site would be accessed directly from the A20 in line with the requirements of policy S55. Kent County Council have been consulted on the application and raise no objections to the proposed access in terms of highway safety.
124. 40% affordable housing would be provided in line with the emerging Development Plan.

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 Manager in consultation with the Head of Legal and Democratic Services, with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Manager to make or approve minor changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional planning conditions/obligations, amending planning conditions or obligations or deleting planning conditions or obligations) as he/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.

4. 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.

Architecture

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

Reason: In the interest of visual amenity.

Highways

6. No dwelling shall be occupied until the vehicular access and associated visibility splays identified on drawing number 152082/A/04 G 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) Details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances; and
 - e) 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.

11. No dwelling shall be occupied until space has been laid out and equipped within the site for covered bicycle storage on each dwelling plot (or communal space in the case of apartment buildings) in accordance with approved details that shall be submitted to the Local Planning Authority for approval at the same time as the details required pursuant to Condition 1. Such approved covered bicycle parking shall be retained in perpetuity.

Reason: To ensure the provision and retention of adequate off-street parking and storage facilities for bicycles in the interests of highway safety and to promote cycle use in the interests of facilitating more sustainable patterns of movement related to local trips.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, any car barns provided in accordance with the details required to be submitted in accordance with Condition 1 shall not be further altered through the addition of further doors or any other structure that would preclude their use for the parking of vehicles without the prior permission of the Local Planning Authority in writing.

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

13. Prior to the first occupation of any of the units hereby permitted the following shall be carried out in accordance with details previously submitted to and approved in writing by the Local Planning Authority:

- A 2m wide footpath along the southern frontage of the A20 linking the junction of the proposed development to the roundabout as shown on approved drawing 152082/A/04 G

Reason: In the interest of highway & pedestrian safety and to ensure the development is integrated with the village and accessible by sustainable modes of transport

Drainage

14. The details required by Condition 1 (layout) shall demonstrate that requirements for surface water drainage can be accommodated within the proposed development layout. A detailed sustainable surface water drainage strategy shall at this stage be 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 10 year storm) can be accommodated and discharged from the site at a controlled discharge rate not exceeding 4 litres per second per hectare and in accordance with Ashford Borough Council's Sustainable Drainage SPD. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

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.

15. No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- An as-built general arrangement plan with the location of drainage measures and critical features clearly marked

- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including 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

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

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 the NPPF and its associated Non-Statutory

Technical Standards.

16. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

17. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason. To protect controlled waters, including groundwater and to comply with the National Planning Policy Framework.

18. The details submitted pursuant to Condition 1 shall show the provision of a water-butt to all dwelling houses and any single flats provided with a private amenity space.

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

Environmental protection

19. 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).

20. Light trespass into the windows of any sensitive premises (e.g. residential properties, hospitals) shall not have a Vertical Luminance greater than 5 Lux.

Reason: In the interests of the amenities of neighbouring light-sensitive development

21. 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:

22. Prior to the commencement of development, a scheme for protecting the dwellings hereby approved from noise from road and rail noise shall be submitted to and approved in the Local Planning Authority. The approved protection measures shall thereafter be completed before the approved dwellings / development are occupied, and thereafter shall be retained as effective protection.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise.

23. 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.

Hard and Soft Landscaping/Trees

24. 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.

25. 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.

26. 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

27. No dwelling shall be occupied until an adoption / landscape management plan, including management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens as well as details relating to the adoption of the public highway and sewerage system shall be submitted to and approved in writing by the Local Planning Authority.

The approved adoption / 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, sewerage systems and the public highway are provided in an acceptable manner are properly maintained in the interest of the amenity of the area and to maximise the scope of their ecological value.

28. No development shall take place until full plan and cross-section details of any proposed earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed grading and mounding of land areas including the existing and proposed levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation, surrounding landforms, fences and buildings. Development shall only be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the area

Ecology

29. Prior to the first occupation of any dwelling hereby permitted, a Landscape and Ecological Mitigation Plan (LEMP) covering the whole site shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
- a) Description and evaluation of features to be managed;*
 - b) Ecological trends and constraints on site that might influence management;*
 - c) Aims and objectives of management;*
 - d) Appropriate management options for achieving aims and objectives;*
 - e) Prescriptions for management actions, together with a plan of management compartments;*
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period);*
 - g) Details of site inspections to ensure the management plan has been implemented and identify any ongoing repairs;*
 - h) Dates of ongoing monitoring and management plan review;*
 - i) Details of the body or organisation responsible for implementation of the plan;*

j) Ongoing monitoring or remedial works.

The works shall be carried out in accordance with the approved details and shall thereafter be maintained as such.

Reason: in the interests of Ecology and biodiversity

30. 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). 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: In the interest of visual amenity, residential amenity and for matters of ecological interest.

31. Prior to the occupation 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. The development shall thereafter be carried out in strict accordance with the approved details unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development will enhance the ecological value of the site/surroundings.

Heritage

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

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

Space Standards / Access

33. The details submitted pursuant to Condition 1 of this permission shall show buildings which are a maximum 2-storey height and form. Where second floor accommodation is proposed this must be provided wholly within the roof space. The details shall also show how each unit accords with the National Prescribed Space Standards for internal space and the Council's adopted Residential Space & Layout SPD for external space or any other standard agreed by the Local Planning Authority.

Reason: To ensure that the scale of new residential development remains appropriate for the site and in the interest of visual amenity and the residential amenity of future residents.

34. The layout details required to be submitted pursuant to Condition 1 of this permission shall be accompanied by layout plans (together with other plans and sections as may be necessary) to demonstrate the provision of level thresholds to all dwellings (and/or thresholds with shallow ramps where level thresholds cannot be provided).

Reason: To ensure that dwellings will be accessible

Development restrictions

35. 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.

36. 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.

37. Details submitted pursuant to condition 1 above shall show a housing mix that is consistent with the local housing needs of Charing.

Reason: In order to ensure the development provides an appropriate housing mix to reflect the housing needs of Charing in accordance with policy CS13 of the Core Strategy.

Refuse

38. 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 2015, 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

39. 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.

40. 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

41. 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

Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner by;

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

In this instance

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

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/00029/AS.

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Annex 1



Ashford Borough Council



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Application Number	17/01926/AS
Location	Land rear of Charing Motors Ltd, Northdown Service Station, Maidstone Road, Charing TN27 0JS
Grid Reference	94637/49690
Parish Council	Charing
Ward	Charing
Application Description	Outline application for the erection of up to 17 dwellings and associated infrastructure with means of access from Maidstone Road to be considered in detail
Applicant	Charing Motors Ltd
Agent	Lee Evans Planning, St Johns Lane, Canterbury, Kent CT1 2QQ
Site Area	1.04 hectares

- (a) 9/2R & 1+ (b) Charing - R (c) KH&T – X; KCC SuDS – X; SWS – X; KCCE – X; EA – X; SSOS – X; KCCDC – X, PO (Drainage) – X; Housing – ; EH – X, ES – X, , NHS –; KWT – R; AONB Unit - +; KCC Minerals – X; KCC Heritage – X; Charing Arch Group – R; KCC PROW -; Kent Police - +

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.

Site and Surroundings

2. The application site comprises a 1.04 hectare area of land the bulk of which is rectangular in shape and sited to the rear of Charing Motors and service station.

There is a narrower piece of land which joins the rectangular part of the site to the A20. The site is largely laid to grass and there are no trees of any significance within the site. There are however trees and native hedge planting along the southern and western boundaries. To the south east corner is a pond which links to drainage ditches to the south, west and through the site. To the west of the site is a detached dwelling known as Bylands whilst to the east is the Swan Hotel. To the south are agricultural fields (although these have been proposed for allocation in the Ashford Local Plan 2030 submission document for residential development for up to 180 dwellings under policy S55) whilst north of the rectangular area of land, where the majority of the development would take place, is the MOT and workshop building as well as the petrol filling station (PFS) and shop which comprises Northdown Services and Charing Motors. Both are within the applicant's ownership. The service station is part single storey and part two storey and set behind the station forecourt. The workshop building is a functional commercial building to the west of this and was recently granted permission in 2012

3. There is a change in levels from north to south with the land dropping by approx. 7m from the northern part where the access is proposed from the A20 to the southern boundary. The main village centre lies approximately 700m to the east of the site. Currently however the pedestrian access linking this site to the village would require crossing the A20.
4. The site forms countryside within an area characterised as the Charing Farmlands Landscape Character Area. The character of this area is that of a gently undulating landform, open views across arable land, small clusters of woodland etc. The railway line disturbs the field pattern and the A20 is a detracting feature. Recent developments in Charing spread out from the historic core. Immediately opposite, but separated from the site by the A20, is the North Kent Downs AONB. There are no public rights of way in the vicinity of the site or affected by the development of this site.
5. The site lies within land designated as a Ground Source Protection Zone and an area of Ground Water Vulnerability.
6. A site plan is attached as Annex 1 to this report.



Figure 1 - Site Location Plan

Proposal

7. Outline planning permission is sought for the erection of up to 17 dwellings. The only matters for consideration under this application are the principle of the development and the means of access from the A20. Matters such as appearance, landscaping, layout, scale and access through the site are all reserved matters for consideration at a later date should outline planning permission be granted. Initially it was proposed that layout would also be considered in detail but this was deleted from the application following concerns raised by officers.
8. The indicative layout shows a central spine road emanating from the existing junction from the A20. The indicative layout (not for consideration) is shown in figure 2 below. This shows a mix of housing types including flats semi-detached and detached houses either side of the access road. The indicative layout shows the potential opportunity to provide either vehicular and/or pedestrian

access into S55 to the south although this is not a requirement of emerging policy S28 and therefore may not come forward at the reserved matters stage. All units are shown fronting the access road with front gardens and off road parking. It is proposed that all dwellings will be two story in height and this could be controlled by condition to ensure that is what is put forward for consideration at the reserved matters stage.

9. An indicative landscaping proposal has also been submitted which shows a strong and bolstered landscaping scheme around the perimeter of the site as well as a linear belt of tree and hedge planting through the site to provide further screening of the development as well as ecological enhancements. The development would not require the removal of any trees or existing boundary planting.
10. The proposed density of development is approximately 17 units per hectare.



Figure 2- Indicative Layout

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

Planning, Design & Access Statement

- This sets out the context for the proposed development in terms of the site and surroundings as well as the adopted and emerging development plans and Government guidance. It states that it is proposed to provide 7 affordable units as part of the outline scheme to be secured through a legal agreement. This equates to 40% as required by HOU1 of the emerging Local Plan. It also states that the housing mix will meet the requirements of policy CS13 of the adopted Core Strategy. The statement confirms that the development will also meet or exceed national and local space standards and will not have any unacceptable impacts on highway safety, residential amenity, ecology, heritage assets, noise, contamination or flood risk. It also confirms that the applicant is willing to enter into a S106 agreement in respect of developer contributions that are CIL compliant.

Transport Assessment

- This looks at the entire site allocation which includes the petrol filling station and associated shop, the adjacent workshop building as well as the remainder of the undeveloped site to the rear. Although this application excludes the petrol filling station (already granted planning permission for 3 commercial units on the ground floor and 3 flats above under planning application reference 17/00865/AS) and the workshop, the transport statement looks at the impact of the traffic associated with the allocated site as a whole which includes these elements.
- The statement advises that the site is within a reasonable walking distance of Charing village and well related to exiting public transport links, facilities, amenities, sports facilities and the local primary school.
- As a result of the development combined with the development granted planning permission under 17/00865/AS and the retention of the workshop building overall there will be reduction in vehicle movements to and from the site. It states that there will a reduction of 43 trips in the AM peak and 73 in the PM peak.
- Parking can and will be provided in accordance with the Council's Residential Parking SPD.
- Swept path analysis demonstrates that the access can accommodate the private car, fire tender, refuse vehicles and pantechincons.
- The required sightlines of 2.4m x 120m can be provided to both the east and the west.

Flood Risk Assessment & Drainage Strategy Report

- Like the transport assessment this looks at the site allocation as a whole so includes the workshop building and the petrol filling station (as redeveloped) as well as this application.
- The site lies within Flood Zone 1 and is therefore at a low risk of fluvial flooding.
- An assessment of peak foul water flow has been carried out in accordance with Sewers for Adoption 6th edition and states that the development as a whole will generate a peak foul flow rate of 1.06 litres/second. It is proposed to pump the foul water from the development site due to the levels changes to the existing sewerage system which runs along the A20.
- It proposed parking areas will be permeable to accommodate storm events with a 30% allowance to accommodate climate change.
- Run off from the roofs of the proposed 17 dwellings will be conveyed to private soakaways designed to accommodate storm events with a 30% allowance to accommodate climate change.
- Final surface water discharge would be to the surrounding existing watercourse with run off limited to the site's existing surface water run off rate.

Phase 1 Environmental Assessment (Desk Study Report)

- Concludes that there are likely to be sources of contamination on the site that could have impacted the soil from the onsite and past activities particularly those immediately to the north. The risk to human health following the completion of the development could be classed as very low to moderate. The risk to new buildings and underground services again would be low to moderate.
- The site overlies a major aquifer and is within a ground source protection zone. The foul water will be discharged via the existing mains system as it is at present. Surface water would be via soakaways installed on the site. Consequently the risk to controlled waters would be classed as low to moderate. As a result a detailed Phase II intrusive investigation of the site is required which can be controlled by condition

Ecology

- The Preliminary Ecological Survey establishes that there is only 1 pond to the east which has potential for Great Crested Newts (GCN) and the surrounding land would provide terrestrial habitat. That said there are no other ponds within

500m and GCN are more likely present where there are clusters of ponds within 500m and good terrestrial habitat.

- In respect of reptiles, bats, barn owls, badgers, Dormice and birds it concludes that subject to conditions along with ecological enhancements then these would not be adversely impacted upon.
- A Herpetological Survey was undertaken to establish the likely presence of GCN and reptiles on the site following best practise. The pond was inspected on 1st May 2017 but was empty and dry. The reptile survey revealed 1 grass snake. The conclusion is that there would be no adverse impact on herpatiles.
- A bat survey was also undertaken. Bats were recorded passing through the site with over 90% being the common pipistrelle bat. Recommendations are made in respect of lighting. In terms of potential bat roosts the petrol filling station building was surveyed. No bats were seen emerging from the building during the survey period and as such it is recommended that no further surveys are required.

Landscape

- Initially no landscape appraisal was provided although a visual diagram of the site (and that estimated after landscaping has established for 10 years) has been provided. The D& A Statement makes a landscape assessment stating that the site is on the edge of the village. It states that the site is near the foot of the AONB but does not lie within it. It does however form part of the Charing Farmlands LCA. It states that whilst visible from the west and north these views are already influenced by existing built development. The development will be visible from the AONB as the land rises to the north. These would however be distant views with the site seen in the context of the existing built development of the village. Careful attention to design and materials along with robust landscaping would ensure that the site is not visually intrusive in the surrounding landscape or from distant views from the AONB.
- Following concerns raised the Kent AONB Unit a Landscape and Visual appraisal was produced with many viewpoints taken from the AONB close to the Pilgrims Way and along Bowl Road. It demonstrates that whilst the site is viewable from distance it is viewed in the context of existing development and with the appropriate use of materials and ensuring the development is two storey in scale and a comprehensive landscaping scheme is devised and maintained then it would not detract from the character, appearance, setting and enjoyment of the AONB.

Heritage

- No Heritage Statement was provided as one was not required for validation purposes. There are no listed buildings or conservation areas close to the site that would be affected in any way. The site is not one known to contain archaeology or to be of archaeological interest nor is it close to any such designation. That said Charing is a historic village and it would be appropriate to condition of an archaeological watching brief.

Acoustic Assessment – Nov 2017

- This assessment has been produced with advice from the Council's Environmental Services team to take account of noise from the workshop building and the commercial uses that would replace Northdown service station and noise from the A20. The report concludes that the site is suitable for residential development subject to the glazing used in the dwellings ensuring an acceptable level for internal noise along with alternative ventilation. It concludes that the use of the site overall would result in a low noise impact and that 1.8m fencing around the perimeter of rear gardens will result in acceptable external noise levels.

Minerals Assessment Report

- A review of the Adopted Kent Minerals and Waste Local Plan (KMWLP) identifies that there may be minerals (aggregates in the form of sands and gravels) on or near the site.
- Records indicate that it is unlikely that there are competent quantities of usable materials on or near the site.
- Site Investigation reveals that there are no usable aggregates under the site and reinforces the opinion that there are unlikely to be aggregates close by in sufficient quantities to be economically viable to extract.
- The area to the south of the site where the KMWLP indicates there may be deposits, is not viable for extraction purposes given the constraints of nearby buildings, the railway and presence of a major highway which would all prevent economic extraction of aggregates even if such did exist.
- KMWLP expressly states that planning consent should not be withheld for Mineral Safeguarding reasons if there are no aggregates on the site or in economically viable quantities nearby.
- Planning Consent should not be withheld for Mineral Safeguarding reasons.

Planning History

17/00865/AS - Outline application for the erection of up to 18 dwellings and associated car parking, access and associated works – withdrawn.

12. There is no other planning history for this site. That said the allocation as a whole contains the petrol filling station as well as the workshop building. The latter was granted planning permission in 2012 (ref 12/00161/AS) and subsequently implemented. The PFS was granted planning permission for redevelopment to 3 commercial units on the ground floor with 3 flats above in 2018 (ref 17/00865/AS). The latter permission has not yet been implemented.
13. The site as a whole is proposed for allocation for approximately 20 dwellings under policy S28 of the submission version of the Local Plan to 2030.

Consultations

Ward Member: The Ward Member is an Ex-Officio member of the Planning Committee.

Charing Parish Council: Object:

- The red line does not include the land required for the new footpath linking the site to the village on the southern side of the A20 (HofDM&SS comment: This is on highway land and would be subject to a S278 agreement and as such does not need to be included in the application site).
- Supporting information relates to the withdrawn application and not this application.
- Site lies outside of the built confines of the village and does not constitute an allocation under the adopted development plan. Although a proposed allocation in the emerging local plan this has not yet been adopted. (HofDM&SS: the site is a proposed allocation in the emerging Local Plan 2030 and was deemed acceptable by the Inspectors at the examination in public).
- Concur with concerns raised by the AONB unit.
- Landscape Visual Assessment is misleading where it states the development will be totally screened by landscaping in 5-10 years.
- Highway and pedestrian safety concerns given increased traffic flows and close proximity of the access proposed for this site and the development behind under policy S55 which is subject to an outline application for 135 dwellings.

- Flood risk, Drainage & Contamination – The D&A statement says there is a low to moderate risk to human health and controlled waters. Further investigations are needed.
- Revised layout appears to build over a watercourse (HofDM&SS: Layout is not for consideration at this stage)
- S106 Contributions will be required if planning permission is granted. These should go towards improved community facilities and car parking in the village.

A further representation was received raising the following concern:

- Accesses for sites S28 & S55 are very close together. These developments will significantly increase traffic onto the A20 particularly during peak hours. This would be particularly problematic for vehicles wishing to exit and turn right to go towards Ashford or Canterbury. A single access point for these development sites should be considered. The third access to the service station close by will add further problems. It appears KH&T have only considered each access separately and not together. The accesses are only just within the 40mph limit so vehicles are likely to be exceeding this.

Kent Highways and Transportation: Object but these can be addressed provided:

- Sightlines of 2.4m x 120m can be achieved.
- Provision of a 2m wide footway to link the site to the village to avoid residents having to walk along the verge or cross the A20 to access the footpath to the north of the A20.
- Even distribution of the 4 visitor parking spaces through the site.
- Updating of tracking diagrams.
- Provision of an adoption plan.

Re-consultation: following receipt of amended/additional plans and information raise no objection subject to conditions.

KCC Flood & Water Management: holding objection as the drainage strategy does not account for the EA guidance of February 2016 on how to use climate change allowances in FRAs. The design needs to accommodate the 1:100 year storm with a 20% allowance for climate change and additional analysis undertaken to understand the flooding implications for a greater climate change allowance of 40%. The design and calculations should be undertaken in accordance with the Council's SUDs SPD.

They state that in order to accommodate these requirements that the design may need to be minimally modified and may need additional mitigation allowances.

Re-consultation: Following further discussions with officers they withdraw their holding objection subject to the imposition of conditions

Project Delivery Engineer (Drainage): - Raise a holding objection endorsing the comments made by KCC Flood Water Management.

Re-consultation: Following further discussions with officers they withdraw their holding objection subject to the imposition of conditions

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

- There appears from records that there could be a public sewer crossing the site and its exact positioning needs to be determined before the layout is agreed.
- SW can provide sewage disposal to service the development. A formal application for connection to the public sewer will be required.
- No objection to surface water draining into surrounding water courses.
- The development lies within a Source Protection Zone defined under the EA's Ground Protection Policy. Consultation with the EA is necessary in this respect.

KCC's Ecological Advice Service: - No objection subject to conditions. Advise that sufficient information has been submitted to determine the application. They consider the site to be of relatively low ecological value currently. They are satisfied that there will be no adverse impact on protected species and that with conditions covering lighting on the site and ecological enhancements/protection the ecological value of the site can be improved.

Environment Agency: - No objection subject to conditions but state:

- Controlled waters are sensitive in this location.
- Proposed development site is within Source Protection Zone 2 and located upon a principal aquifer.

Without conditions covering the following, the EA would object in line with Para 109 of the NPPF because it cannot be guaranteed that the development would not put at unacceptable risk from, or adversely be affected by, unacceptable levels of water pollution:

- Remediation strategy to deal with risks of ground contamination and the submission of a verification report
- Prevention of any development if further unidentified contamination is found.
- No infiltration of surface water into the ground unless agreed by the LPA.
- Foul drainage to be discharged to a main sewer
- Piling / foundation designs to be agreed by the LPA

KCC Developer Contributions: no objection subject to planning obligations for primary schools and libraries. They do not wish to seek secondary school contributions due to the pooling restrictions under Reg123 of the CIL Regs.

Housing: no comments received (JDCM: Affordable housing is to be provided at 40% in line with emerging policies and layout is not for determination at this stage)

Environmental Health: no objection subject to conditions relating to:

- Provision of electrical charging points
- Details of sewage disposal
- Imposition of the suggested conditions of the EA
- Details of glazing / ventilation and 1.8m high boundary treatments to protect residents from noise.

Environmental and Contracts (Street Scene & Open Spaces Officer): no objection.

Culture and the Environment (Open Space): no objections and request a planning obligation for contributions required under the Public Green Spaces and Water Environment SPD. They also state:

- None of the open space shown on the indicative layout would count towards Public Open Space.
- No details of the management of areas of open space and landscape buffers has been provided.
- Current layout is unacceptable.
- Landscape & Visual Assessment is limited to an assessment of views and greater consideration on impact on the setting of the AONB is needed.

NHS Canterbury and Coastal and NHS Ashford Clinical Commissioning Groups:

No comments received to date although a project for the extension to Charing Surgery has previously been identified for S106 contributions.

Kent Police: comment that the applicants do not appear to have considered crime prevention and no application for Secured By Design has been made. (JDCM: Layout is a reserved matter and these comments will be brought to the applicants attention).

Kent Wildlife Trust: Object and state the following:

- The site is not within or adjacent to any statutory or non-statutory sites of nature conservation importance. There is however the potential for protected species to be present on the site.
- The proposed access road to go through the southern boundary will require hedge removal and full details of ecological mitigation for this should be provided before the application is determined (JDCM: There is no policy requirement for vehicular access through the site to link through to the allocation to the south (policy S55). Access through the site along with siting is not for consideration at this stage).
- A lighting strategy for the site needs to be submitted.
- Opportunities for ecological enhancements not shown.

KCC PROW – No comments received.

Kent Downs AONB Unit: Whilst not objecting make the following comments:

- The development does not lie within the AONB but would impact upon its setting. The Kent Downs AONB Management Plan 2014 – 2019 under policy SD8 clearly states that proposals which negatively impact on the setting of and views to and from the AONB will be opposed unless they can be adequately mitigated.
- The development has the potential to impact on the setting of the AONB. From the AONB the site is viewed as rural undeveloped countryside unconnected from the village. Whilst proposed allocation S55 would link the development to the village this policy has yet to be adopted.
- The proposed landscaping and layout would mitigate the impact of the development from the AONB. If approved a condition requiring the implementation of the Landscape Master Plan will be required.
- The proposed scale parameters in terms of the height of the proposed development is acceptable.

KCC Minerals & Waste: - No Objection stating that the geological investigation of the development site is thorough and includes trial trenching etc. Safeguarded Sub-Alluvial River Terrace Deposits cannot be substantiated on the site despite being indicated in the Kent Minerals & Waste Local Plan.

KCC Heritage:- No objection subject to a condition requiring an archaeological watching brief and make the following comments:

- The site of the application lies within an area of general potential associated with prehistoric, Roman and later activity. The spring line location of the site would be favourable for prehistoric occupation and recent investigations to the south have located prehistoric remains. There is also potential for later industrial and agricultural activity, given the access to water and routeways. Metal detectorist finds have been recorded in the fields to the west and south. Although the site is located to the south-west of the medieval focus of Charing, this settlement was an important place due to the presence of the Archbishop's Palace and Charing developed as an important medieval market town.
- There is potential for prehistoric and later archaeology to survive on this site and formal assessment would be appropriate. I note the application is not supported by an Archaeological desk based assessment. There is mention of archaeology in the Design and Access Statement but this does not provide a reasonable assessment and I do not agree with the proposed mitigation.
- It would be preferable for an application of this size to be supported by a reasonable assessment of heritage issues, in accordance with NPPF section 12 paragraph 128.

Charing Archaeological Group: Object making the following points / comments:

- The site lies outside of the built confines where new residential development is resisted. The Charing Parish Design Statement states:

“Future development should not be allowed to sprawl further into the countryside” and “Preservation of locally cherished views, such as those to and from the Downs.....should be given priority”.
- There is insufficient ecological information submitted by the applicant
- Iron age activity and associated Romano-British activity is considerable in the parish and this has resulted in coin deposits from the first century BC to the end of the Roman period. This application should not be determined independently of the southern development under proposed policy S55.

Neighbours: Neighbours: 9 neighbours were consulted. 3 representations received. 2 object to the application and the other raises general comments:

The objections summarised below:

- Charing has enough houses already and more will result in the destruction of a healthy rural community
- Increases the formation of an A20 urban corridor
- Would further ruin views from the AONB and Pilgrims Way
- Site is outside of the village envelope and not identified for development by the Parish Council
- Proposal ignores the Charing Parish Design Statement.
- Layout indicates that 2 houses would be built on a spoil heap and across a water course.
- Contamination is an issue given previous uses.
- Development will impact on public water supply
- Residents will have to cross the A20 to get to the village (JDCM: amended plans have been provided to show the creation of a footpath on the southern side of the A20 to link the site to the village).
- Impact upon ground water/aquifer
- 1.8m fencing recommended by Environmental Health will add to the urban appearance of the development.
- The development goes against the Neighbourhood Plan (JDCM: this is in its early stages of preparation and is not in the public domain. As such it cannot be given any weight at this stage).
- Loss of an important employment facility and amenity – unsustainable.
- Proposed tree planting would impact upon foundations of the new dwellings.

The general comment is summarised below:

- The site like S55 is a sensitive setting from a ground water protection point of view and an appropriate site investigation and risk assessment may be required in consultation with the EA prior to the grant of planning permission.

Planning Policy

14. 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 completed its examination hearing sessions and the Council has received post-hearings advice from the Local Plan Inspectors; as a result its policies should now be afforded weight in accordance with para. 48 of the NPPF.

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 and villages

EN10 - Development on the edge of existing settlement

EN31 - Important habitats

EN32 - Important trees and woodland

HG3 - Design in villages

CF7 - Main drainage in villages.

CF21 - School requirements

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:-

Local Plan to 2030 (Submission Version December 2017)

SP1 -Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

S28 - Charing – Northdown Service Station, Maidstone Road

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

Sustainable Design and Construction SPD April 2012

Public Green Spaces & Water Environment SPD 2012

Dark Skies SPD 2014

Village Design Statements

Charing Parish Design Statement

Charing is proposing to have a Neighbourhood Plan although preparation of this is at an early stage. It is not in the public domain and as such cannot be afforded any weight.

Other Guidance

Informal Design Guidance Notes 1- 3 2015

Government Advice

National Planning Policy Framework 2018

National Planning Policy Guidance

Technical housing standards – nationally described space standard

National Planning Policy Framework 2018

15. 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. 213). The following sections of the NPPF are relevant to this application.

Relevant sections:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport

- Chapter 11 – Making effective use of land
 - Chapter 12 – Achieving well-designed places
 - Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
 - Chapter 15 - Conserving and enhancing the natural environment
 - Chapter 16 - Conserving and enhancing the historic environment
16. The Submission Local Plan is a material consideration and the emerging policies should be attached some weight in decision-making. Paragraph 48 of the NPPF States:
- “Local Planning Authorities may give weight to relevant policies in emerging plans according to:
- The stage of preparation of the emerging plan (the more advanced its 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 weight that may be given);
 - The degree of consistency of the relevant policies in the emerging plan to this framework (the closer the policies in the emerging plan to the policies in the framework, the greater the weight that may be given).”

Assessment

17. The main issues for consideration are:
- (a) Five year housing land supply
 - (b) The principle of the development
 - (c) Sustainability & location of the development
 - (d) Landscape character, visual amenity & Impact on the setting of the AONB and views from it
 - (e) Impact on Residential Amenity

- (f) Heritage and impact upon heritage assets
- (g) Transport and highway safety
- (h) Ecology and biodiversity
- (i) Flooding/drainage/water supply and sewerage
- (j) Trees and landscaping
- (k) Affordable housing and housing mix
- (l) Other matters
- (m) Whether planning obligations are necessary

(a) Five year housing land supply

18. The Local Plan Inspectors' post-hearings advice Note of the 29th June 2018 has confirmed that they consider the Council is able to demonstrate a 5 year housing land supply based on the changes to the Submission Local Plan that they are indicating are required to make the Plan sound. This means that the Council can satisfy the requirement of paragraph 59 and 67 of the NPPF and all relevant policies for the supply of housing should be considered up-to-date with full Development Plan status weight applied.
19. 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. Charing is considered to be one of the higher tier settlements being a tier 2 settlement under policy CS6 of the adopted Core Strategy.
20. The submission Local Plan of December 2017 proposes this site along with the frontage development of the PFS and workshop for an indicative capacity of 20 dwellings under policy S28.

24. Policy CS6 sets out the rural settlement hierarchy in which Charing is deemed a tier 2 settlement. These are villages identified as acceptable for taking new development through site allocations and indeed Charing was allocated two sites for development in the Tenterden & Rural Sites SPD. These have both been granted planning permission with the site at Poppyfields completed.
25. 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 Charing 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.”
26. According to definition the site is outside the built confines of Charing, and the erection of up to 17 dwellings cannot be considered to represent minor development/ infilling as set out in Policy TRS1 either.
27. 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).
28. 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.
29. 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 (i.e. Charing).
30. 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. This site is one such proposed allocation.
31. Within the emerging plan the application site is identified (under policy S28) as being suitable for residential development. Policy S28 states that the indicative capacity for the site as a whole is 20 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 principles identified above. As part of the site allocation, the PFS has been granted permission for 3 commercial units with 3 flats above. This development in conjunction with the redevelopment of the PFS would mean the delivery of up to 20 units on this site in line with the emerging policy. Emerging policy S28 states that:

“Land at Northdown Service Station is proposed for residential development for up to 20 dwellings. Development proposals for this site shall:

- a) Be designed and laid out in such a way as to protect the character and setting of the countryside. Particular attention needs to be given to topography of the site and advice in the Charing Parish Design Statement;*
- b) Provide vehicular access onto the A20 Maidstone Road, as shown on the proposals map;*
- c) Retain the existing employment uses on the frontage where possible;*
- d) Retain and enhance the hedge and tree boundaries around and within the site particularly where there is adjoining countryside;*
- e) Ensure that any land contamination issues are satisfactorily investigated and resolved or mitigated.*

- 32. 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 through its examination and the Inspector’s report for proposed changes to make the plan sound has now been reviewed and being considered. Policies within this plan carry weight.
- 33. In terms of the weight to be attached to relevant policy S28, 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 S28 is considered to be a significant material consideration.
- 34. 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.
- 35. One minor change proposed by the Local Plan Inspectors to the policy above (and other site allocations) is that the wording ‘up to’ should be replaced with ‘indicative capacity’ so as not to unnecessarily restrict the supply of housing on allocated sites. There are no other changes to this policy proposed and the Inspectors considered the allocation acceptable and sustainable subject to

criteria a)-e) as set out above being satisfied. Based on this it is very likely that the policy will form part of the adopted Local Plan 2030 with the minor modification to the wording and as such the policy can be afforded weight at this stage. Indeed this site will make a contribution to the Council maintaining a 5 year housing land supply and thereby being in a stronger position to resist inappropriate developments on unallocated sites outside of the town and village confines within the Borough. The delivery of this site will also help to boost the supply of housing which is a requirement of the NPPF. The criteria of the policy is tested in subsequent section of this report but subject to compliance with these the development proposed can be considered acceptable in principle.

(c) Sustainability - Location of the Development

36. The NPPF seeks to resist isolated new homes in the countryside (para 79). This is consistent with the thrust of policies TRS1 and TRS2.
37. The site, whilst outside of the built confines of Charing as defined under policies TRS1 & TRS2, is not in an isolated location. The application site is located adjacent to an established tier 2 settlement within easy walking distance of the centre of the village. There are a wide range of local services and facilities including a shops, primary school, cafes, public house, village hall, sports field and open space, children's play areas, church, train station etc. within Charing. There are bus stops located within walking distance of the site. Therefore, the site is not regarded as being physically isolated from services and is sustainably located hence the Inspectors acceptance of this site allocation without modification to the site area or indicative capacity.

(d) Landscape character, visual amenity & Impact on the setting of the AONB and views from it

38. There would be a landscape character impact and to a degree an urbanising effect from the construction of up to 17 dwellings on the setting to Charing. This is a historic village at the foot of the North Kent Downs AONB and the rural landscape surrounding the village, is typical of the wider countryside. Paragraph 170 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, sites of biodiversity or geological value and soils”*

39. 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.
40. Chapter 15 of the NPPF deals specifically with conserving and enhancing the natural environment. Para 172 states that “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection.....”. It goes on to state that “major developments in such areas should be refused other than in exceptional circumstances, where it can be demonstrated that the development is in the public interest”.
41. Policy GP12 of the adopted Local Plan seeks to protect the countryside for its landscape and scenic value, which is consistent with the NPPF.
42. 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.
43. 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.
44. Although the development is not in the AONB it is visible at range from it i.e. the Pilgrims Way etc. Kent Downs AONB Unit (officer level view) acknowledge that the site lies outside of the designated AONB but contributes to its setting as identified in the Kent Downs AONB Management Plan 2014 – 2019. Policy SD8 of this plan amongst other things states that development proposals that adversely impact on the setting of the AONB will be opposed unless they can be satisfactorily mitigated. This is also reflected in Para 6.33 of the Core Strategy. The AONB Unit raises concerns over the urbanising effect the development will have on the countryside, and its visual separation from the village in the absence of policy S55 (indicative capacity of 180 dwellings) of the emerging Local Plan being adopted. This proposed site allocation abuts the eastern and southern boundaries of this site. They consider that the landscaping strategy with a good layout will reduce the impact of the development when viewed from the AONB. The AONB unit consider the scale parameters as set out in the application (for 2 storey development) to be acceptable.

45. In respect of these comments, particularly in respect of Policy S55, whilst the Local Plan has yet to be formally adopted it has been through its examination in public and whilst some amendments to the policy are suggested the allocation itself along with this site was considered acceptable in principle by the Inspectors and both will almost certainly form part of the adopted development plan in due course.
46. In terms of the layout and landscaping these are both reserved matters as is scale and appearance. The indicative layout is unimaginative and very suburban in appearance with a spine road and pedestrian footpaths to either side of this. It has an over engineered appearance and is parking dominated. It offers no sense of place or sense of arrival. As a result of these concerns the application was amended to leave layout as a reserved matter. The indicative layout shows the potential for vehicular access to site S55. This is not a requirement of policy S28, however it is referred to as an aim in the reasoned justification for the policy, at para. 4.296, and some form of connectivity to S55 would be desirable, if it can be achieved. This can be investigated in detail at the reserved matters stage however is not a matter that should be controlled through condition as part of this application.
47. The site, along with S55, falls within the Charing Farmlands Landscape Character Area. The landscape analysis states that the condition is poor with some detracting features (i.e. railway line and A20). The sensitivity is considered high with the guidelines seeking to restore and to ensure the setting of the AONB is conserved.
48. The landscape visual assessment shows there will be views of the development from the AONB and countryside to the west. That said it is set behind existing development to the north and viewed in the context of the existing built development of the village along with the proposed allocation at S55 (currently subject to an application for outline planning application and is under consideration). However I consider that the proposed development of this site would not be visually unacceptable or harm the setting of the AONB provided appropriate layout, landscaping, scale and appearance (particularly materials) is achieved at the reserved matters stage, whether development on site S55 comes forward at the same time or not. The development is of public interest given is proposed allocation for housing in order that the Council can demonstrate a 5 year housing land supply (and in turn better resist inappropriate speculative developments) and to boost the supply of housing. The development will also help to maintain and support existing and new amenities in the village and provide some further sustainable growth.

49. In light of the above I consider the proposal acceptable in principle in respect of its impact on the countryside and setting of the North Kent Downs AONB.

(e) Impact on Residential Amenity

50. 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.
51. 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 the occupants of Bylands to the west through loss of light, immediate outlook or by having an overbearing presence. The flats permitted above the proposed commercial units at the front of the site (not yet under construction), where the PFS currently is, are a significant distance away and would not be adversely impacted upon nor would they unacceptably overlook the proposed development. If the PFS is ultimately not redeveloped its retention would not prejudice the delivery of this site on amenity grounds
52. The indicative layout plan suggests that gardens can be provided to a size which complies with the Council's Residential Space and Layout SPD and emerging policies HOU12 & HOU15 and this can be secured by condition.
53. The reserved matters application should also ensure that the internal accommodation proposed complies with the National Space Standards. This can be secured by condition.
54. Given the above, I am satisfied that the development would not result in harm to the residential amenity of neighbouring or future occupiers. The development is therefore in accordance with the adopted and emerging development plans and the NPPF.

(f) Heritage and impact upon heritage assets

55. There are no listed buildings or conservation areas impacted upon by this proposed development. The site is not recognised as having archaeology or being of archaeological potential. The Charing Archaeology Group has objected to the application. They state that the site lies outside of the built confines of Charing and is contrary to the 2002 Charing Parish Design Statement which states "Future development should not be allowed to sprawl into the countryside." And "Preservation of locally cherished views, such as those to and from the Downs....should be given high priority". The group identify that there

was iron age activity and associated Romano-British activity in the parish resulting in coin deposits from the first century BC to the end of the Roman period.

56. Given its proximity of this site to the historic village of Charing I would consider it appropriate that an archaeological watching brief condition is imposed should planning permission be granted and this is an approach endorsed by KCC Heritage. Subject to this I consider that there would be no adverse impact upon any heritage assets or their setting as a result of this development. Issues raised surrounding views to and from the AONB have already been set out in this report.

(g) Transport and highway safety

57. 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.
58. 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.
59. It is proposed to alter and improve one of the existing accesses that currently serve the PFS in order to service this development. The access has been modelled to accommodate all vehicle types up to a pantechicon. The A20 where this access is proposed is subject to a 40mph speed restriction. The required sightlines of 2.4m x 120m can be achieved in both and east and west direction.

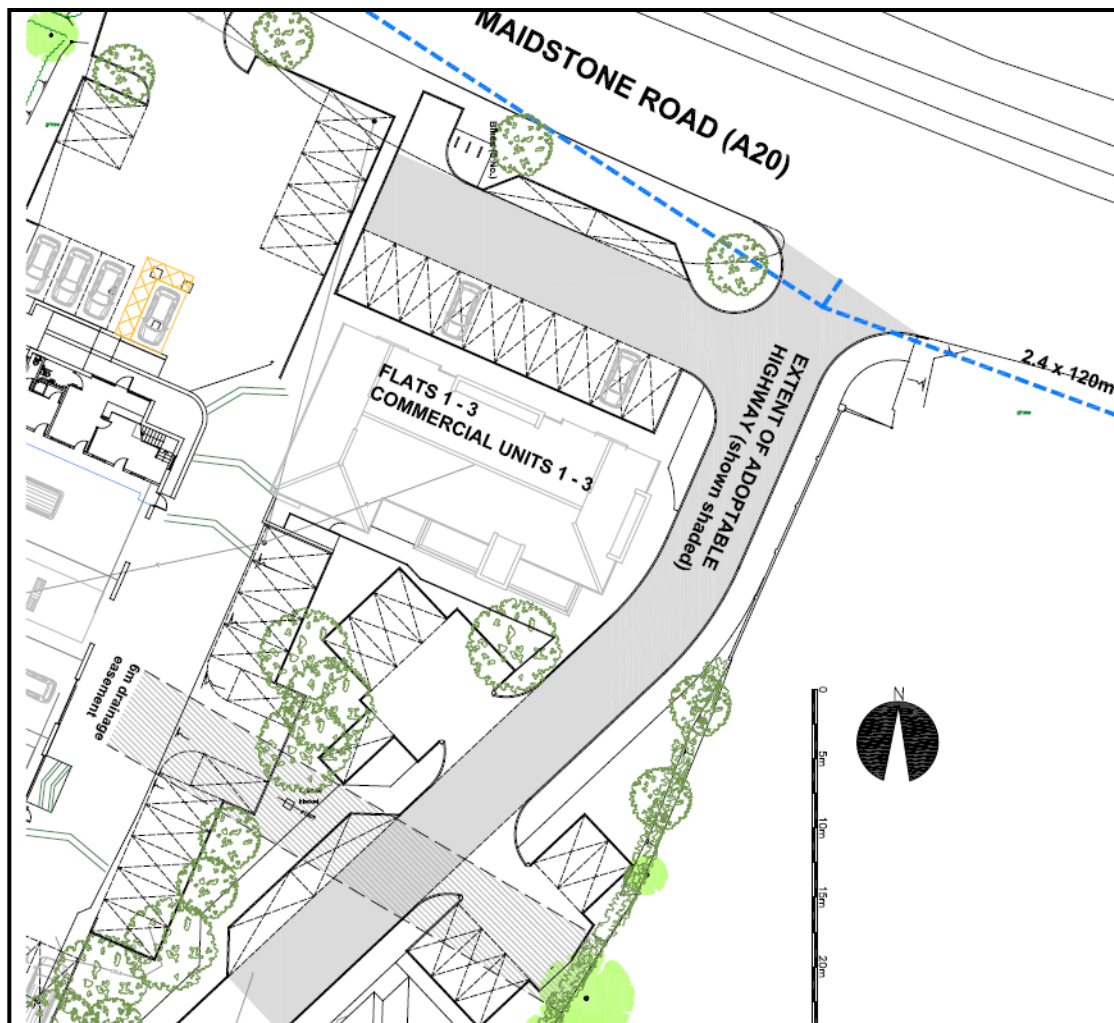


Figure 4 - Plan to show sightlines and area for potential adoption by KCC

60. The proposed site layout illustrates a 5m wide access with a spine road running through the site. The first section of this would be constructed to an adoptable standard. The indicative plans show footways either side of this access road. A potential for there to be a vehicular and/or pedestrian access link into S55 to the rear is also shown albeit this is not a requirement of either policy S28 or S55. Notwithstanding this such an access is referred to in the text accompanying policy S28 and it may be preferable from an urban design perspective to provide some linkage between the two sites to improve connectivity and integration between the two sites.

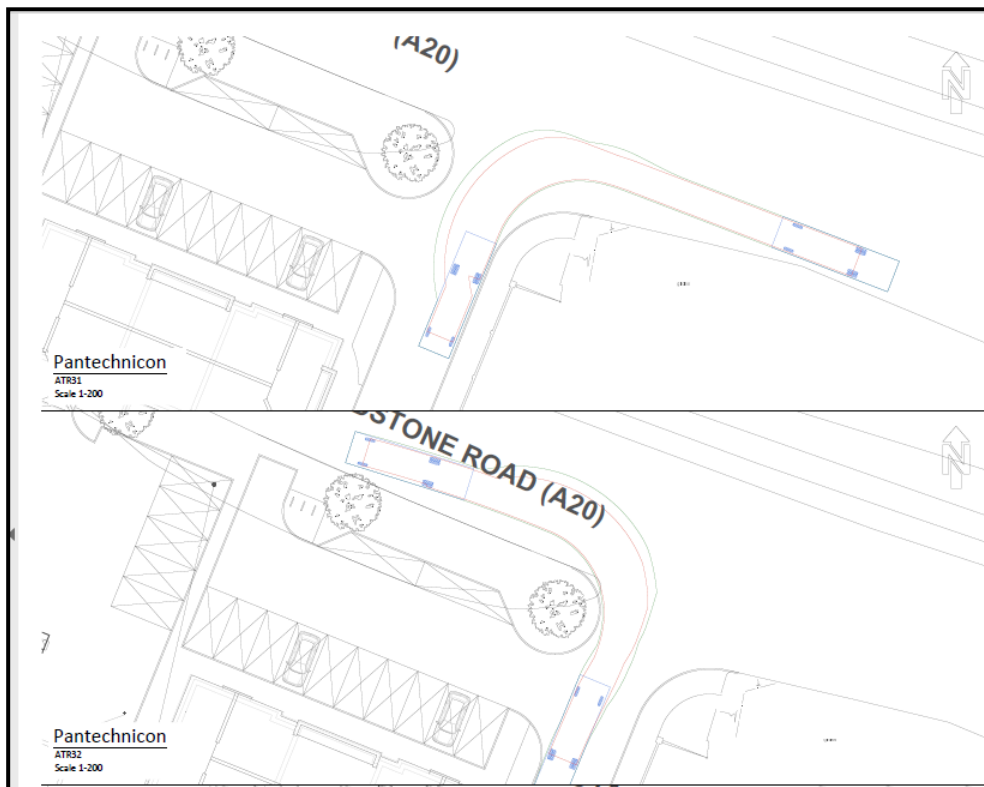


Figure 5 - Pantechnican tracking at the entrance / exit to the A20

61. A new 2m wide footpath is shown proposed to the southern side of the A20 linking the site to the village as currently there is only one to the north and would require residents to cross the A20 to access this which would be detrimental to both pedestrian and vehicular safety. The new footpath would address this issue as well as link the site to the village in a sustainable way. This would be on highway land and can be secured via condition.

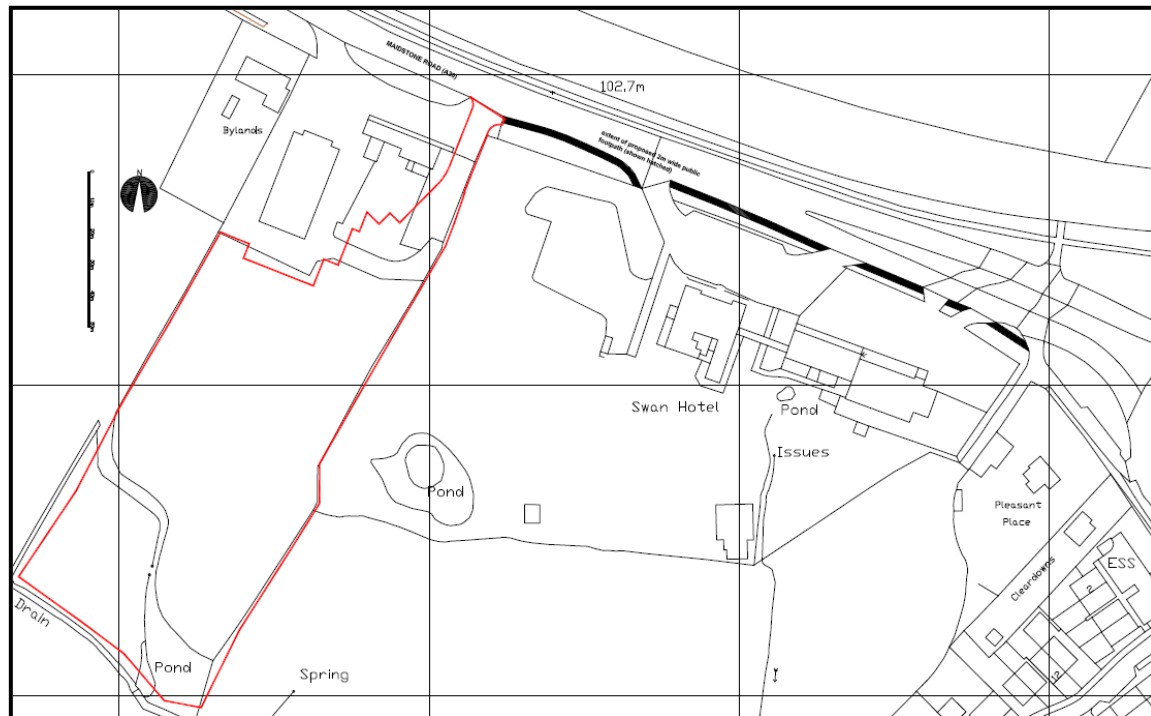


Figure 6 - Proposed pedestrian/Cycle footway to link the site to the village

62. In terms of traffic movements associated with the development this is set out in the summary of the transport assessment in the proposals section. The applicants have carried out a Trip Rate Information Computer System (TRICS) assessment for the site which shows that the development would generate a total of 11 trips in the AM peak (08:00 – 09:00hrs) and 12 in the PM peak (17:00 – 18:00hrs) for the residential properties (including the 3 flats recently granted permission). The trips associated with the commercial space granted planning permission would equate to 4 in both the AM & PM peaks. Total trip rates would be 15 in the AM peak & 16 in the PM peak. The existing PFS, shop and flat on the site currently generate 57 trips in the AM peak and 88 in the PM peak. As such the development of Site S28 as a whole would result in a significant reduction in the volume of traffic on the A20 and vehicular movements onto and exiting the A20 over the existing situation. Even if the PFS is not redeveloped there is adequate capacity on the A20 to accommodate the small increase in vehicle movements arising from this development
63. The development would be able to provide parking and visitor parking in line with the Council's Residential Parking SPD and this is proposed to be secured by condition for when reserved matters applications are submitted.

64. 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 as well as pedestrian safety.

(h) Ecology and biodiversity

65. 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, section 7 of the NPPF on the importance of good design and section 15 which relates to conserving and enhancing the natural environment.
66. The site is predominantly laid to grass. There is a pond in the south east corner and drainage ditches to the south and west and running through the southern part of the site. A preliminary ecological survey along with a follow up Bat Survey and Herpetological Survey have been submitted in support of the application. The report confirms that the site is not of value for nature conservation and the absence of natural features and habitats within the development area confirms its lack of importance for biodiversity. The development can provide ecological enhancements. There were no signs of badger on the sites.
67. In terms of bats 4 species of bats were recorded foraging/commuting during the emergence and activity surveys. 90% of these were the common Pipistrelle bat. There was no evidence of bats emerging from the service station building to the north. The perimeter existing planting is to be retained and bolstered thereby ensuring foraging opportunities will be retained/enhanced. Lighting on the site will be important in terms of minimising its impact on bats and can be controlled by condition.
68. Great Crested Newts (GCN) & Reptiles – The terrestrial habitat which comprises the site could be suitable for GCN & Reptiles. The pond on the site was surveyed but was found to be empty and dry. There is not a good network of ponds within 500m of the site between which GCN can move. The reports concludes that there will be no impact upon GCNs. In terms of reptiles 1, grass snake was revealed. The reports advise that the south eastern corner of the site

should be retained with a 5m buffer between the site and the ditch retained. This being the case there would be no adverse impact on reptiles.

69. In terms of Barn Owls & Dormice there is a possibility that these could forage across the site. Whilst some foraging habitat would be lost, much is retained around the perimeter and there is good foraging habitat in the surrounding area and as such the Barn Owl would be unlikely to be adversely affected. In respect of dormice these were recorded in the ecological survey for site S55. There could be dormice present within the hedgerows surrounding the site. Low numbers however were recorded within S55 and as the proposed development will retain and enhance the majority of the boundary planting the dormouse will be unlikely to be impacted upon and further survey work unnecessary. To avoid the dormouse being impacted upon during the construction and operation phase a condition to cover vegetation clearance, planting, timing of works and details of hedgerow management is necessary.
70. Whilst I note the concerns raised by KWT and in the letters of objection, the survey information has been fully assessed by the ecologists at KCC who raise no objections on ecological grounds subject to conditions.
71. In light of the above I do not consider that the proposed development would adversely impact on matters of ecological importance subject to the imposition and compliance with conditions.

(i) Flooding/drainage/water supply and sewerage

Flooding/Drainage

72. Policy CS20 states all development should include appropriate sustainable drainage systems (SUDS) for the disposal of surface water, in order to avoid any increase in flood risk or adverse impact on water quality. Emerging Policy ENV9 also seeks this and requires compliance with the adopted Sustainable Drainage SPD.
73. The site is in Flood Zone 1 and at low risk from flooding due to watercourses. The applicant has submitted a drainage strategy for the site which ensures that run-off from it would not exceed the existing run-off rate (and therefore not exacerbate flood risk elsewhere) and would utilise the existing drainage ditches adjacent to the site which then feed into the wider drainage network. Whilst in principle this may be acceptable, the strategy has not been based on the Council's adopted SPD and does not take into account to 2016 changes the EA produced on accommodating climate change. The site is however a green field site proposed in the emerging Local Plan for residential development. As layout is now not for consideration there is no reason why a compliant drainage strategy cannot be reached and agreed before layout is considered in detail so

that the former is not compromised. A drainage condition to this effect is proposed and KCC & ABC Drainage raise no objection as a result.

74. In light of the above I consider the proposal acceptable in respect of drainage and flood risk.
75. Concerns have been raised in the representations over water supply and whether the water quality will be affected given the site lies overlies a major aquifer and is within a Ground Protection Zone. Southern Water has raised no issues over water supply and up to 17 units in this application will not materially impact upon this. Detailed contamination and drainage conditions are requested to ensure water quality is not compromised. Further the PFS at the front currently poses a significant risk to ground water quality. The planning permission granted to redevelop this (and which forms part of this site allocation) will result in a considerable improvement and a significant reduction in risk of polluting the ground water supply. A professional contractor will need to be engaged for such works and would be at risk of prosecution by the EA should such a pollution event occur. The EA and Drainage Authorities are satisfied that with the imposition of conditions there would be no unacceptable risk of ground water supplies being affected and indeed future risk of pollution reduced.

Sewerage

76. There is a public sewer network on the A20 which the development can link to. As the site is lower than the A20 a pump will be required to enable connection to the existing sewerage system. Southern Water has raised no objection to this, subject to conditions and an agreement to connect to the existing sewerage system, and there is capacity in the existing network to accommodate the development.
77. 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.

(j) Trees and landscaping

78. There are no trees within the site that would require removal and it is proposed that the existing perimeter planting is retained and significantly bolstered. There would also be landscaping within the site. Whilst a landscaping master plan has been provided, landscaping is a reserved matter and is for consideration at a later stage should outline planning permission be granted.

(k) Affordable housing and housing mix

79. The site is in excess of 15 units and in excess of 0.5ha and therefore the scheme should provide 35% affordable housing under the adopted development plan policy CS12 of the Core Strategy. However, emerging policy HOU1 requires 40% and as the Submission Local Plan carries some weight in decision making this requirement shall be requested for this development equating to 7 units. The mix of affordable housing requires a split between social rented (10%) and other forms of affordable housing (30% including a minimum 20% shared ownership). This matter would be addressed in the legal agreement and the applicant is in agreement with this.
80. The indicative layout proposes a mix of flats, semi-detached and detached houses which will ensure an acceptable housing mix as required by policy CS13. This can be secured by condition.

(l) Other matters

Socio/Economic benefits

81. 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.
82. The increase in the local residential population would increase expenditure in the local economy as this would 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.

Noise

83. Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location and should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new developments and avoid noise giving rise to significant adverse impacts on health and the quality of life.
84. The Proposed development would be set back a considerable distance from the A20 and behind the existing Northdown service station which has full planning permission for redevelopment. That said noise from the A20 is still a material consideration as is the potential noise conflict from the nearby workshop building and the commercial ground floor uses which form part of the full planning permission for the redevelopment of Northdown Service Station. In terms of the workshop building, this is a new building which is highly insulated and designed

to minimise noise outbreak given the rural setting and the close proximity of the dwelling Bylands to the west. Since its construction and use there have been no noise complaints. Given that the proposed development would be considerably further away from this workshop building than Bylands then there is unlikely to be any conflict. The commercial units associated with the redevelopment of Northdown Services are for A1 – A3 uses and B1(a) office use which do not generate any significant noise. The acoustic report, as set out earlier in the report, concludes that the site is suitable for residential development subject to the glazing used in the dwellings ensuring an acceptable level for internal noise along with alternative ventilation. It concludes that the use of the site overall would result in a low noise impact and that 1.8m fencing around the perimeter of rear gardens will result in acceptable external noise levels. Even if the PFS is not redeveloped this is not a noisy use that would impact adversely on the amenity of future residents.

85. The Council's Environmental Protection Team has raised no objection to the development subject to the imposition of conditions which ensure internal and external noise levels remain within an acceptable range to ensure that the future residents do not experience unacceptable levels of amenity through noise. I therefore consider that there would be no unacceptable conflict between the development and existing and potential noise sources that cannot be adequately addressed by conditions to ensure an acceptable internal and external living environment for the future residents of this development.

Contamination

86. As part of this application a Phase 1 Environmental Assessment (Desktop study) Report was submitted. This states that sources of contamination are likely to be present on the site given the past activities, particularly those to the north (PFS / Workshop). The risk to human health following the development would however be low to moderate as would the risks to buildings and underground services. The report acknowledges clearly that the site overlies a major aquifer and is within a Ground Protection Zone.
87. Foul water is proposed to be discharged via the existing mains system as is currently the case and Southern Water has stated there is capacity and raise no objection. In respect of surface water, a final drainage strategy is yet to be formulated but would be controlled by condition requiring the details to be provided at the time of or prior to the submission of the reserved matters as this may impact upon the number of units provided on the site as well as the layout. Surface water would be discharged at a controlled rate to the surrounding drainage ditches/network utilising soakaways where possible. A detailed Phase II intrusive investigation is required and both the EA and EH are happy with this approach and raise no objection subject to conditions. As such the proposal is acceptable in terms of its impact upon ground waters.

(m) Whether planning obligations are necessary

88. 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
89. 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.
90. At a proposal for 17 dwellings the development would trigger a requirement to provide 40% affordable housing.
91. KCC have requested a contribution towards projects at a primary school and additional book stock for Charing library. Due to pooling restrictions under Reg123 of the CIL Regs they are not seeking secondary school contributions.
92. The Council have identified projects for offsite contributions in accordance with the Public Green Spaces and Water Environment SPD although some projects are still yet to be confirmed.
93. The NHS Canterbury and Coastal and NHS Ashford Clinical Commissioning Groups have not formally responded in respect of this application however for other schemes in Charing they have sought contributions to the extension of the Charing Surgery to increase capacity.
94. None of the projects identified have pooled more than 5 developments. Should projects not be identified for some of these potential contributions or indeed some projects get amended then delegated authority is requested to amend the S106 agreement accordingly.

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.	<p><u>Affordable Housing</u></p> <p>Provide not less than 40% of the units as affordable housing, comprising 10% affordable / social rent units and 30% Affordable Home Ownership Products (including a minimum of 20% shared ownership) 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 registered provider's nominations agreement.</p>	7 units	Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to Core Strategy policy CS12, the Affordable Housing SPD and guidance in the NPPF and emerging policy HOU1</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>

Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)
2.	<p>Children's and Young People's Play</p> <p>Contribution towards outdoor gym equipment for children and young people within Charing</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>
			<p>Necessary as children's and young people's play equipment is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use children's and young people's play equipment and the play equipment to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and</p>

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
			maintained and the maintenance period is limited to 10 years.
3. <u>Informal/Natural Space</u> Contribution towards – project to be confirmed	£434 per dwelling for capital costs £325 per dwelling for maintenance	Before completion of 75% of the dwellings	<p>Necessary as improvements to the informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use informal/natural green space and the space to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				maintained and the maintenance period is limited to 10 years.
4.	<p><u>Outdoor Sports</u></p> <p>Contribution towards outdoor gym equipment within Charing</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as outdoor sports facilities 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 & Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports facilities and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
5.	<p>Strategic Parks</p> <p>Contribution towards a new BBQ area at Victoria Park, Ashford</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2, CS18 and CS18a, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
6.	<p>Allotments</p> <p>Contribution towards – project to be confirmed</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>Necessary 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>Directly related as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
7.	<p>Primary Schools</p> <p>Contribution towards the expansion of Charing Primary School</p>	<p>£3324 per applicable house</p> <p>£831 per applicable flat</p>		<p>Necessary as no spare capacity at Charing school and pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, saved Local Plan policy CF21, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings and</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.
8.	<p>Secondary Schools</p> <p>None</p>	<p>£0</p> <p>KCC do not wish to seek contributions from this scheme due to the CIL Reg 123 restrictions</p>	N/A	N/A
9.	<p>Libraries</p> <p>Contribution for additional bookstock for Charing library</p>	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as more books required to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books to be funded will be available to them.</p>

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
			Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is based on the number of dwellings.
10. Health Care Project to be confirmed	£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	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as additional healthcare facilities required to meet the demand from 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>Directly related as occupiers will use healthcare facilities and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and</p>

Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)
11.	<p><u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.</p>	<p>£1,000 per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)</p>
<p>Regulation 123(3) compliance: 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>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p>			

because the amount has been calculated based on the estimated number of occupiers.

Necessary in order to ensure the planning obligations are complied with.

Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.

Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.

Human Rights Issues

95. 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

96. 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

97. The site is not allocated for development in the adopted development plan.
98. 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 Charing”, 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.
99. Notwithstanding the conflict identified in the paragraph above, the site is allocated for development in the emerging Local Plan 2030 under policy S28. The emerging plan has been through its examination and the Inspectors report received which does not propose changes to / deletion of this policy. As such policy S28 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
100. The Council now considers it can demonstrate a deliverable five year housing land supply. Whilst this site is not allocated for development in the adopted Development Plan it is proposed for development in the emerging Ashford Local Plan 2030. Whilst this is not yet adopted, it has been through its Examination in Public and the Inspectors report on proposed changes is currently being considered by the Council. The Inspectors have not proposed

that this site be deleted or housing numbers/site area amended. As such the policy can be afforded greater weight than when the document was at the submission stage. The proposal complies with the criteria contained within policy S28 and the site will help to ensure that the Council maintains its 5 year housing land supply and is therefore in a better place to resist inappropriate speculative developments on sites not allocated in the plan/emerging plan.

101. Other material considerations include the benefits associated with the scheme which include its ability to help to boost the supply of housing in accordance with paragraphs 59 and 67 of the NPPF and its sustainable location. Other recognised social and economic benefits include enhancing the vitality of an existing rural community by virtue of its relatively sustainable location close to the built up confines of Charing, delivery of affordable housing, economic benefits from construction and occupation.
102. I conclude that the proposed development subject to the approval of the reserved matters and subject to the imposition of conditions would not result in material harm to landscape character and neighbor amenity. The proposals would represent an appropriate form of development that would sit comfortably within its contextual setting.
103. The development, subject to conditions, would not harm matters of ecological interest, highway safety, heritage assets or result in unacceptable flood risk.
104. Foul and surface water drainage can be adequately dealt with in accordance with the requirements of the NPPF, adopted development plans, SPDs and emerging local plan 2030.
105. In terms of noise, and contamination, again this would be addressed subject to conditions, so that the site can be developed in an acceptable way.
106. 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.
107. 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. The fact the proposed development complies with the relevant criteria contained in emerging site-specific policy S28, 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 changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional planning conditions or deleting conditions, and deleting planning obligations in the event that no relevant project is identified) 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.

4. 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.

Architecture

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

Reason: In the interest of visual amenity.

Highways

6. No dwelling shall be occupied until the vehicular access and associated visibility splays identified on drawing number 08347-(00)210 – 1st 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) Details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances; and
- e) 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.

11. No dwelling shall be occupied until space has been laid out and equipped within the site for covered bicycle storage on each dwelling plot (or communal space in the case of apartment buildings) in accordance with approved details that shall be submitted to the Local Planning Authority for approval at the same time as the details required pursuant to Condition 1. Such approved covered bicycle parking shall be retained in perpetuity.

Reason: To ensure the provision and retention of adequate off-street parking and storage facilities for bicycles in the interests of highway safety and to promote cycle use in the interests of facilitating more sustainable patterns of movement related to local trips.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, any car barns provided in accordance with the details required to be submitted in accordance with Condition 1 shall not be further altered through the addition of further doors or any other structure that would preclude their use for the parking of vehicles without the prior permission of the Local Planning Authority in writing.

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

13. Prior to the first occupation of any of the units hereby permitted the following shall be carried out and opened for public use in accordance with details previously submitted to and approved in writing by the Local Planning Authority:

- A 2m wide footpath/cycleway along the southern frontage of the A20 linking the junction of the proposed development to the roundabout as shown on approved drawing 08347-(00) 209 Rev A

Reason: In the interest of highway & pedestrian safety and to ensure the development is integrated with the village and accessible by sustainable modes of transport

Drainage

14. A detailed sustainable surface water drainage scheme for the site shall be submitted to (and approved in writing by) the local planning authority either at the same time as the submission of the reserved matters or prior their submission. The detailed drainage scheme shall demonstrate that due consideration has first been given to the possibility of utilising infiltration techniques and 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 within the curtilage of the site without increase to flood risk on or off-site. Should the use of infiltration prove to be beyond being reasonably practical then any surface water leaving site shall not exceed the discharge rates specified within Ashford Borough Council's Sustainable drainage SPD. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The development shall then be carried out in accordance with the approved details.

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.

15. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

16. No building hereby permitted shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- A general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including 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

The development shall then be carried out in strict accordance with the drainage scheme as approved and shall subsequently be maintained in accordance with these details.

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. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

18. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall then be carried out in strict accordance with the details approved and shall subsequently be maintained in accordance with these details.

Reason. To protect controlled waters, including groundwater and to comply with the National Planning Policy Framework.

19. The details submitted pursuant to Condition 1 shall show the provision of a water-butt to all dwelling houses and any single flats provided with a private amenity space.

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

Environmental protection

20. 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 21.

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).

21. 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:

a). A preliminary risk assessment which has identified:

- all previous uses;

- potential contaminants associated with those uses;
- conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site.

b). A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The results of the site investigation and the detailed risk assessment referred to in (b) 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.

d) 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 (c) 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.

(Note: The submitted Phase I Environmental Assessment (ref. 07544/23), dated 25 May 2017, prepared by Soiltec Laboratories Ltd. Is sufficient to discharge part (a) of the above condition. The report recommends that intrusive site investigations to be carried out. We concur with these recommendations; however, groundwater sampling and analysis should also be undertaken in order to assess the risk to groundwater.)

22. 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.

Reasons: 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.

23. 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.

Reasons: 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. Foul drainage should be discharged to mains sewers where possible. Only clean uncontaminated surface water may be discharged to ground. We would require details of all proposed foul and surface water drainage to be submitted with any application made for a specific site

24. 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.

25. Prior to the commencement of development, a final glazing/ventilation scheme for protecting the dwellings from noise from the PFS, workshop and traffic noise (in accordance with the Able Acoustics Report P1269/01) shall be submitted to and approved in the Local Planning Authority. The approved protection measures shall thereafter be completed before the approved dwellings / development are occupied, and thereafter shall be retained as effective protection.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise.

- 25A. In accordance with the Able Acoustics Report P1269/01 1.8 metre garden barrier/fences are to be installed around the perimeter of any external amenity areas. These barriers/fences shall be completed before the approved dwellings are occupied, and thereafter shall be retained as effective protection.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise.

Hard and Soft Landscaping/Trees

26. 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.

27. 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.

28. 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

29. No dwelling shall be occupied until an adoption/landscape management plan, including management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens as well as details relating to the adoption of the public highway and sewerage system shall be submitted to and approved in writing by the Local Planning Authority. The approved adoption/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, sewerage systems and the public highway are provided in an acceptable manner are properly maintained in the interest of the amenity of the area and to maximise the scope of their ecological value.

30. No development shall take place until full plan and cross-section details of any proposed earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed grading and mounding of land areas including the existing and proposed levels and contours to be formed, showing the relationship of proposed mounding to

existing vegetation, surrounding landforms, fences and buildings. Development shall only be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the area

Ecology

31. 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). 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: In the interest of visual amenity, residential amenity and for matters of ecological interest.

32. Prior to any works commencing on site a reptile mitigation and management plan shall be submitted and approved by the LPA. It must include the following information:

- Updated ecological surveys (if over 2 years old)
- Aims and Objectives of the report
- Methodology to carry out the precautionary mitigation
- Timing of the works.
- Details of enhancements (shown on a plan)
- Management plan for green space/reptile mitigation area
- Monitoring

The works must be implemented in accordance with the submitted details / plans

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

33. Prior to the occupation 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. The development shall thereafter be

carried out in strict accordance with the approved details unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development will enhance the ecological value of the site/surroundings.

34. Prior to any works commencing (including vegetation clearance) a detailed precautionary mitigation strategy and enhancement plan must be submitted to the LPA for written approval. The submitted information must include the following:

- Details of species to be used within the enhancement planting
- Methodology to clear vegetation
- Time of year works are to be carried out.
- Details of information to be provided to residents on hedgerow management

The works must be implemented as detailed within the approved report

Reason: In the interest of ensuring the preservation of protected species and their habitat.

Heritage

35. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

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

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

Space Standards/Access

36. The details submitted pursuant to Condition 1 of this permission shall show buildings which are a maximum 2-storey height and form. Where second floor

accommodation is proposed this must be provided wholly within the roof space. The details shall also show how each unit accords with the National Prescribed Space Standards for internal space and the Council's adopted Residential Space & Layout SPD for external space or any other standard agreed by the Local Planning Authority.

Reason: To ensure that the scale of new residential development remains appropriate for the site and in the interest of visual amenity and the residential amenity of future residents.

37. The layout details required to be submitted pursuant to Condition 1 of this permission shall be accompanied by layout plans (together with other plans and sections as may be necessary) to demonstrate the provision of level thresholds to all dwellings (and/or) thresholds with shallow ramps where level thresholds cannot be provided).

Reason: To ensure that dwellings will be accessible

Development restrictions

38. 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.

39. 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.

40. Details submitted pursuant to condition 1 above shall show a housing mix that is consistent with the local housing needs of Charing.

Reason: In order to ensure the development provides an appropriate housing mix to reflect the housing needs of Charing in accordance with policy CS13 of the Core Strategy.

Refuse

41. 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 2015, 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

42. 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.

43. 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

44. 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 paragraph 38 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 requested pre-application advice.
- The applicant responded positively to matters raised in relation to drainage, landscaping, parking and highways.

- 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. The applicants attention is drawn to the informatives as set out in the Environment Agency's letter dated 09/01/2018 and the comments made by Kent Police dated 16/01/18

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 17/01926/AS.

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Annex 1



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Application Number	18/00947/AS
Location	Two Oaks Farm, Bourne Road, Aldington, Ashford, TN25 7AW
Grid Reference	04845/36026
Parish Council	Bonnington
Ward	Saxon Shore
Application Description	Part First Floor Extension
Applicant	Mrs Sarah Hartles, Two Oaks Farm, Bourne Road, Bonnington, Ashford
Agent	Ian Upton Architects Ltd, The White House, Bonnington, Ashford, TN25 7BP
Site Area	Approximately 0.25 Hectare

(a) 5/0

(b) X

(c)

Introduction

1. This application is reported to the Planning Committee because the applicant is a member of staff.

Site and Surroundings

2. The dwelling comprises an approximately 1950s brick and tile bungalow with a roughly 'L' shaped footprint of about 140 square metres. It sits within a curtilage of less than a quarter of a hectare which also accommodates a small concrete garage outbuilding and small domestic polytunnels. The site is surrounded by substantial hedging with a narrow access and a gravelled forecourt to the front of the bungalow.
3. The site is located within a small cluster of residential uses at the junction of Bourne Road and Rocky Bourne Road in the Parish of Bonnington. It lies within the 'Bonnington Wooded Landscape' Area (LCA) with extensive blocks of woodland surrounding the site, which along with the dense roadside hedges in the area, give a strong sense of enclosure.

4. A site plan is attached as **Figure 1** below.



Figure 1 - Site Location Plan

Proposal

5. The application seeks full planning permission for a first floor to be constructed on the existing broad foot of the existing 'L' shaped footprint to provide additional bedrooms for the applicant's family. The two-storey element would have a ridge height of about 2.5 metres greater than the existing bungalow's ridge with a hipped roof and pitch angles to match those of the existing bungalow. A catslide roof on the north west facing elevation would replace the existing concrete garage and form an open sided covered area.

6. Fenestration would look towards the road and the rear garden. There would also be two rooflights in the north west facing roof slope to provide light to a centrally located bedroom and loft-space.
7. Amendments have been made to the proposed development during the consideration of the application comprising a reduction in the eaves height of the extension to reduce its bulk, scale and massing. **Figure 2** below shows the site layout and **Figures 3 – 6** the proposed elevations.



Figure 2: Block Plan



Figure 3: Front and Side Elevations



Figure 4 - Rear and Side Elevations

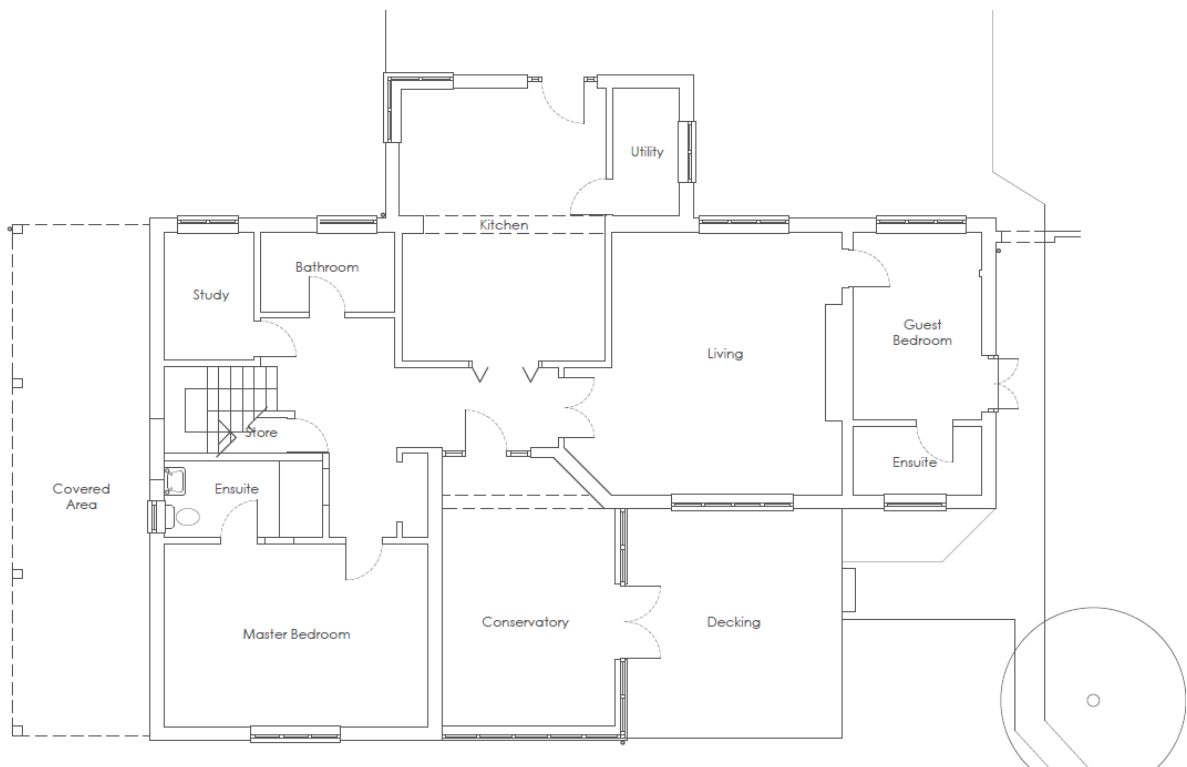


Figure 5: Ground Floor Plan

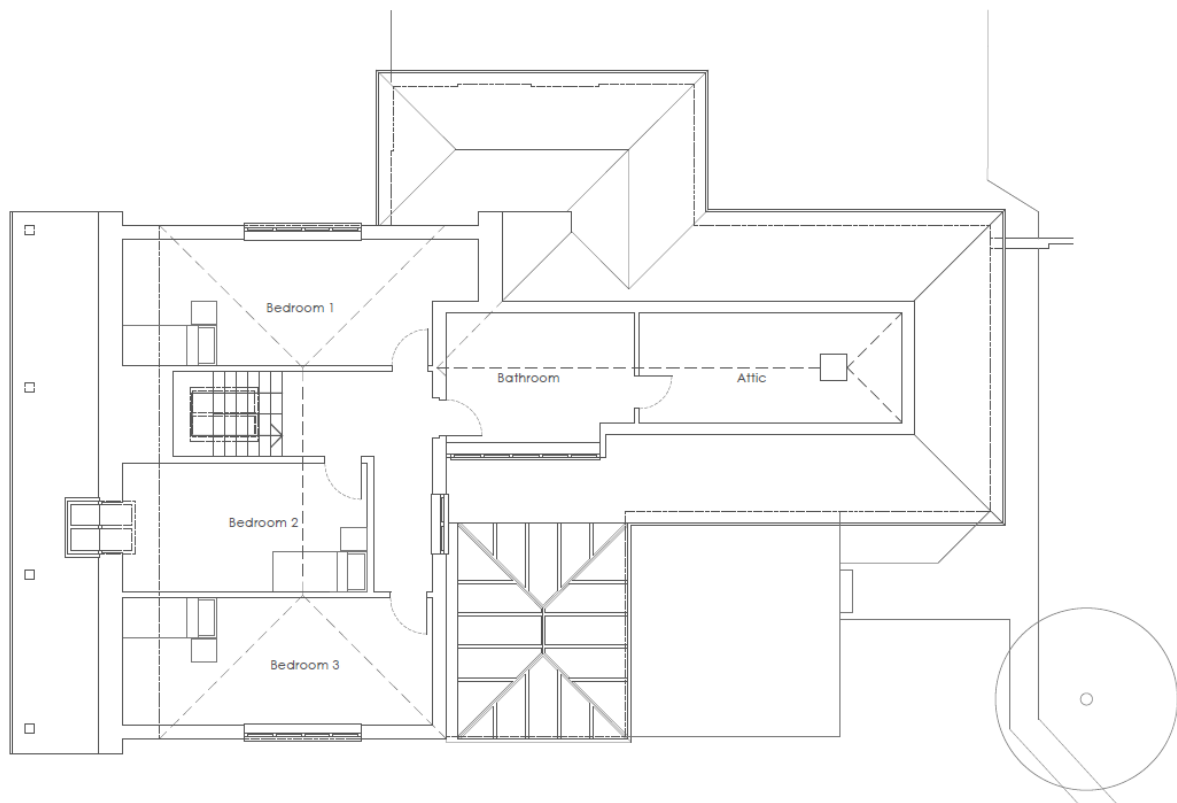


Figure 6: First Floor Plan

Planning History

10/01071/AS – Planning Permission granted for a replacement front extension

Consultations

Ward Members: The Ward Members are not members of the Planning Committee. No representations received at the time of drafting the report

Parish Council: Aldington and Bonnington Parish Council raise no objections to the application

Neighbours: 5 neighbours were consulted. No representations have been received.

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.

9. The new Ashford Local Plan to 2030 has now been submitted for examination. Following this, the Local Plan Inspectors issued a post-hearings advice note on 29th June 2018 which sets out the elements of the Submission Local Plan that they consider require amendment in order to be found sound. In the context of paragraph 48 of the NPPF, this note provides a material step towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, it is reasonable to assume that these policies are, in principle, sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' advice, significant weight should be attached to the Inspectors' advice in the application of those policies.
10. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

GP12 – Protecting the Countryside and managing change

HG9 – Extensions to dwellings in the countryside

Local Development Framework Core Strategy 2008

CS1 – Strategic Objectives

CS9 – Design Quality

Tenterden and Rural Sites Development Plan Document 2010

TRS 17 - Landscape Character and Design

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

Ashford Local Plan to 2030 (Submission Version December 2017)

SP1 – Strategic Objectives

SP6 – Promoting High Quality Design

HOU8 – Residential Extensions

ENV3a – Landscape Character and Design

Supplementary Planning Guidance/Documents

SPG10 – Domestic Extensions in the Urban and Rural Areas

Village Design Statements

None

Informal Design Guidance

Contained within SPG10 above

Government Advice

National Planning Policy Framework (NPPF) 2018

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 2018 Revision (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:-
13. Paragraph 124 states that: “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process”.
14. Paragraph 170 states that: “Planning policies and decisions should contribute to and enhance the natural and local environment by ... recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits.
15. Paragraph 48 states in relation to the stages of preparing a Local Plan that:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) 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
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”

Assessment

16. The main issues for consideration are:

- Principle
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway safety

Principle

17. Domestic extensions to lawful dwellings within the countryside are normally acceptable in principle subject to other material planning considerations.

Visual amenity

18. The original single storey dwelling would become two-storey albeit a low profile two-storey home. The current scheme before Members is now considered to continue the original character of the building and, whilst higher, replicates its symmetric form in terms of roof pitches, detailing and materials.

19. There are other two storey dwellings in the immediate area and the resultant building would not appear unduly prominent in its surroundings. As set out in the Landscape Character assessment there is a strong sense of enclosure in the surrounding area and the proposal would conform to this character and sit comfortably in its surroundings with no harm to the character and appearance of the countryside.

20. The proposed amended scheme is now considered acceptable in design, form and scale and would be well screened by surrounding hedging and tree cover. As such the proposal is considered to be acceptable in the immediate

and wider landscape. The proposal is considered to accord with Policy HG9 of the adopted Local Plan, HOU8 of the emerging Local Plan as well as the aims and objectives of the Council's adopted guidance contained within SPG10 – Domestic Extensions in Urban and Rural areas

Residential amenity

21. First floor front and rear windows look towards the road and the public realm and in the case of the rear elevation towards the open countryside with no residents affected. The two rooflight windows in the north west facing elevation would be some distance from the neighbouring property and screened by trees and hedging to the extent that there would be no harmful overlooking and subsequent loss of privacy to the occupants of this property. There would therefore be no harm to residential amenity.

Highway safety

22. No changes to access arrangements are proposed and there is sufficient parking and turning available on the existing forecourt to serve the requirements of the extended dwelling. There would therefore be no harm to highway safety.

Human Rights Issues

23. 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

24. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

25. The proposal is considered acceptable in principle and accords with the Development Plan, emerging policy and the Council's adopted guidance in the form of SPG 10 – Domestic Extension in the Urban and Rural Area.

26. The proposal is considered to be of an acceptable design and would have no undue harmful impact on the visual amenity of the area or the character of the Bonnington Wooded Landscape' Area
27. The proposal would have no impact on adjacent residential amenity.
28. The Parish Council have no objections to the proposal and no contrary representations have been received from local residents.

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. 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 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 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative 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 agent was updated of issues after the initial site visit,
- The applicant was provided the opportunity to submit amendments to the scheme and address design 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.

Background Papers

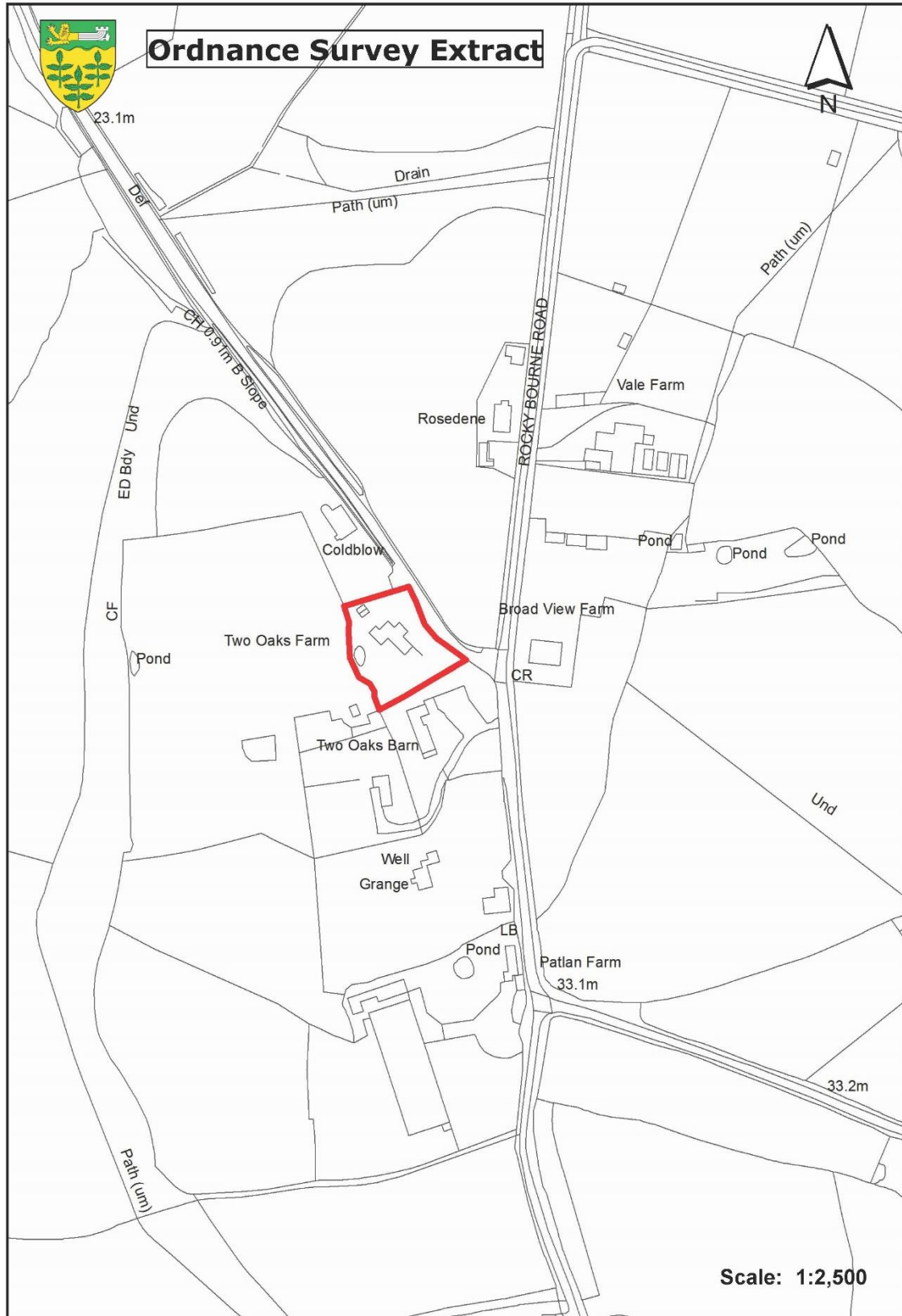
All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/00947/AS.

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Annex 1



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