



PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on Wednesday, 3rd July, 2019 at 7.00 pm.

The Members of the Planning Committee are:-

Councillor Burgess (Chairman)
Councillor Mrs Blanford (Vice-Chairman)

Cllrs. Chilton, Clarkson (ex-Officio), Clokie, Forest, Harman, Heyes, Howard, Howard-Smith, Krause, Ovenden, Shorter, Smith, Spain, Sparks, Ward and Wright

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(c) 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 the Meeting of this Committee held on 5th June 2019

<https://ashford.moderngov.co.uk/documents/g3453/Public%20minutes%2005th-Jun-2019%2019.00%20Planning%20Committee.pdf?T=11>

4. 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”.

5. Schedule of Applications

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|-----|--|-----------|
| (a) | 17/01868/AS | 3 - 46 |
| | Land rear of St Marys Church between Duxbury and Hill Side, Church Hill, High Halden - Outline application for the residential development of up to 26 dwellings. All matters reserved except for access into the site from Church Hill | |
| (b) | 19/00340/AS | 47 - 80 |
| | Land south and east of, Tilden Gill Road, Tenterden, Kent - Reserved matters application (access, appearance, landscaping, layout, and scale) pursuant to extant outline permission ref 14/01420/AS for the erection of up to 100 dwellings, parking, landscaping, open space and associated works (revision to planning application 18/00448/AS) | |
| (c) | 19/00579/AS | 81 - 142 |
| | Land on the North Side of Highfield Lane, Sevington, Kent - Approval of the appearance, landscaping, layout and scale of the 'Phase 1A works' being the works comprising the estate roads, the sustainable drainage system embedded within open space and the landscaping and layout of that open space (including measures specifically designed for ecological/biodiversity enhancement purposes within that open space) | |
| (d) | 19/00356/AS | 143 - 214 |
| | Oakover Nurseries, Maidstone Road, Westwell, Ashford, Kent, TN26 1AR - Removal of condition 31 on planning permission 16/01387/AS restricting occupation | |

(e) **19/00516/AS**

215 - 250

The Poplars, Kingsnorth Road, Ashford, Kent - Demolition of existing flats at 1 to 14 The Poplars & terrace of 3 houses at 5, 7 & 9 Beaver Lane. Redevelopment of site to provide a sheltered housing scheme of 31 apartments (15 x 1 bed, 16 x 2 bed) for affordable rent & associated parking

(f) **19/00473/AS**

251 - 262

Morghew Park House Smallhythe Road Tenterden, Kent, TN30 7LR - Removal of restrictive time condition on planning permission 13/00900/AS to allow 24 hours per day 7 days per week operation for the gate at position A located to the south of Morghew Park House

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.

DS

27 June 2019

Queries concerning this agenda? Please contact Rosie Reid Telephone: 01233 330565

Email: rosie.reid@ashford.gov.uk

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

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Agenda Item 2

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 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 alone, such as:

- Membership of amenity societies, Town/Community/Parish Councils, residents' groups or other outside bodies that have expressed views or made representations, but the Member was not involved in compiling or making those views/representations, 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: Where an item would be likely to affect the financial position of a Member, relative, close associate, employer, etc.; OR where an item is an application made by a Member, relative, close associate, employer, etc., there is likely to be an OSI or in some cases a DPI. ALSO, holding a committee position/office within an amenity society or other outside body, or having any involvement in compiling/making views/representations by such a body, may give rise to a perception of bias and require the Member to take no part in any motion or vote.]

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 alongside the Council's Good Practice Protocol for Councillors dealing with Planning Matters. See <https://www.ashford.gov.uk/media/2098/z-word5-democratic-services-constitution-2019-constitution-of-abc-may-2019-part-5.pdf>
- (c) Where a Member declares a committee position or office within, or membership of, an outside body that has expressed views or made representations, this will be taken as a statement that the Member was not involved in compiling or making them and has retained an open mind on the item(s) in question. If this is not the case, the situation must be explained.

If any Member has any doubt about any interest which he/she may have in any item on this agenda, he/she should seek advice from the Director of Law and Governance and Monitoring Officer, or from other Solicitors in Legal and Democracy as early as possible, and in advance of the Meeting.

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Agenda Item 5a

Ashford Borough Council - Report of Head of Planning and Development Planning Committee 03 July 2019

Application Number	17/01868/AS
Location	Land rear of St Marys Church between Duxbury and Hill Side, Church Hill, High Halden
Grid Reference	0276/7222
Parish Council	High Halden
Ward	Weald Central
Application Description	Outline application for the residential development of up to 26 dwellings. All matters reserved except for access into the site from Church Hill.
Applicant	Nicholas Parkin, Hamlin Estates
Agent	Catherine Rickett, Rickett Architects Ltd, 168 Parade, Leamington Spa
Site Area	1.56ha

(a) <u>1st Consultation</u> 17/200R/6C/4S HH Parochial Church R	(b) <u>1st Consultation</u> R <u>2nd Consultation</u> R	(c) <u>1st Consultation</u> EA - SW X HE X KWT R KCC Bio R KCC H&T R KCC (Econ) X KCC PROW R KCC Her X EP X PO R RA X <u>2nd Consultation</u> HE X WKPS R KCC Bio X KCC H&T X CS R
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Introduction

1. This application is reported to the Planning Committee because it is a major planning application. The applicants have appealed against non-determination and this is now the subject of a written representation appeal. The purpose of this report is to seek member approval for the grounds for fighting the appeal. As the application is now at appeal the Council is not in a position to determine the application.

Site and Surroundings

2. This 1.56 ha site is situated immediately to the south east of the village of High Halden in the Biddenden and High Halden Farmlands Landscape Character Area which forms part of the Low Weald. Bordering the site to the west is the High Halden Conservation Area with its large number of listed buildings, including the Grade I listed St Mary's Church and Grade II listed Duxbury, which both immediately adjoin the site. To the north, east and south of the site is open countryside. A property, known as Hillside, occupies a large plot immediately to the southeast of the site.
3. The site forms an irregularly shaped field with frontage onto Church Hill, the main route into the village from the south. The land drops away to the south of the site which as a result means the site is elevated in views from the south. Church Hill is a historic route which slopes down steeply from St Mary's Church to the land to the south. With a single carriageway in each direction it has no footways. To either side are historic properties (mostly listed) on large, mature plots with hedgerows/ green margins adjoining Church Hill.
4. The site generally slopes from west to southeast and is laid to pasture. It has a historic pond on its western boundary with the church and Duxbury. The northeast corner of the site falls within an archaeological area centred on the church. A public right of way (PROW) extends across the northern boundary of the site connecting the village through the northern edge of the churchyard to the open countryside to the east.

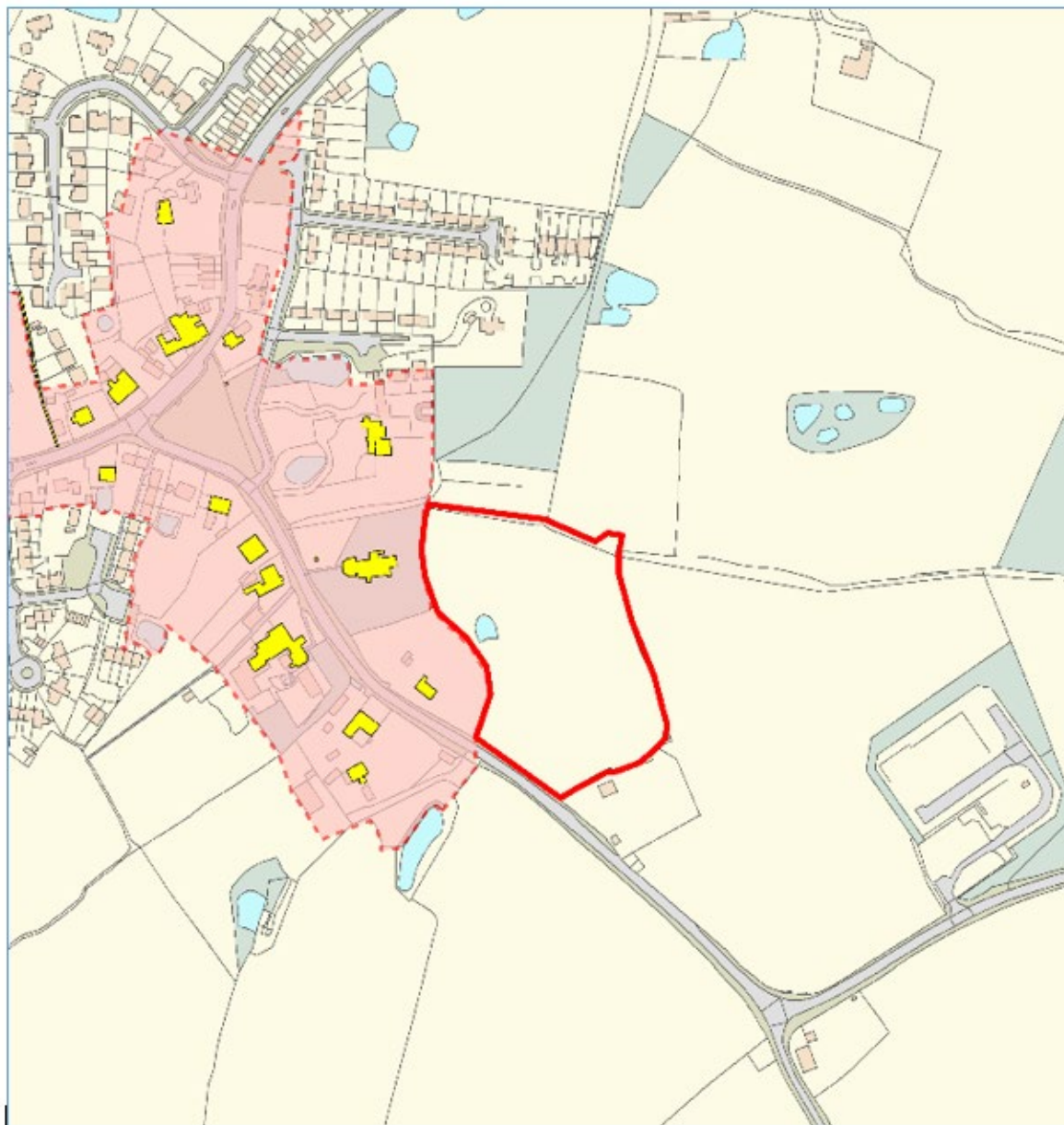


Figure1: Site Location Plan

Proposal

5. This outline planning application is for residential development of up to 26 units with all matters reserved except for access into the site from Church Hill.
6. As first submitted, the application was for 'up to 31 residential units' and included an indicative layout plan showing this scale of development. In response to

concerns raised by the Parish Council and other consultees about the layout, the number of units was reduced, first to 'up to 28 units' and then to 'up to 26 units'. The revised indicative layout plan shows the 26 units with an enhanced buffer with the church. Additional information has been provided by the applicants in support of this revised layout and how it further mitigates for potential impacts in respect of visual impact and the impact on designated heritage assets.

7. The proposal includes an area to the north of the site, in the same ownership, for community use but no details have been provided as part of the application.
8. A plan of the 26-unit layout is shown below. It must be stressed that this is indicative only and not for consideration at this stage.



Figure 2: Indicative layout plan

9. The revised proposal includes traffic calming measures in Church Hill in order to achieve an acceptable access. This involves the cutting back of the foliage on the western side of the lane to provide a 1.8m wide footway and the introduction of a build out with drop kerb to provide a crossing facility and street lighting. The proposed traffic calming scheme is shown in figure 3 below.

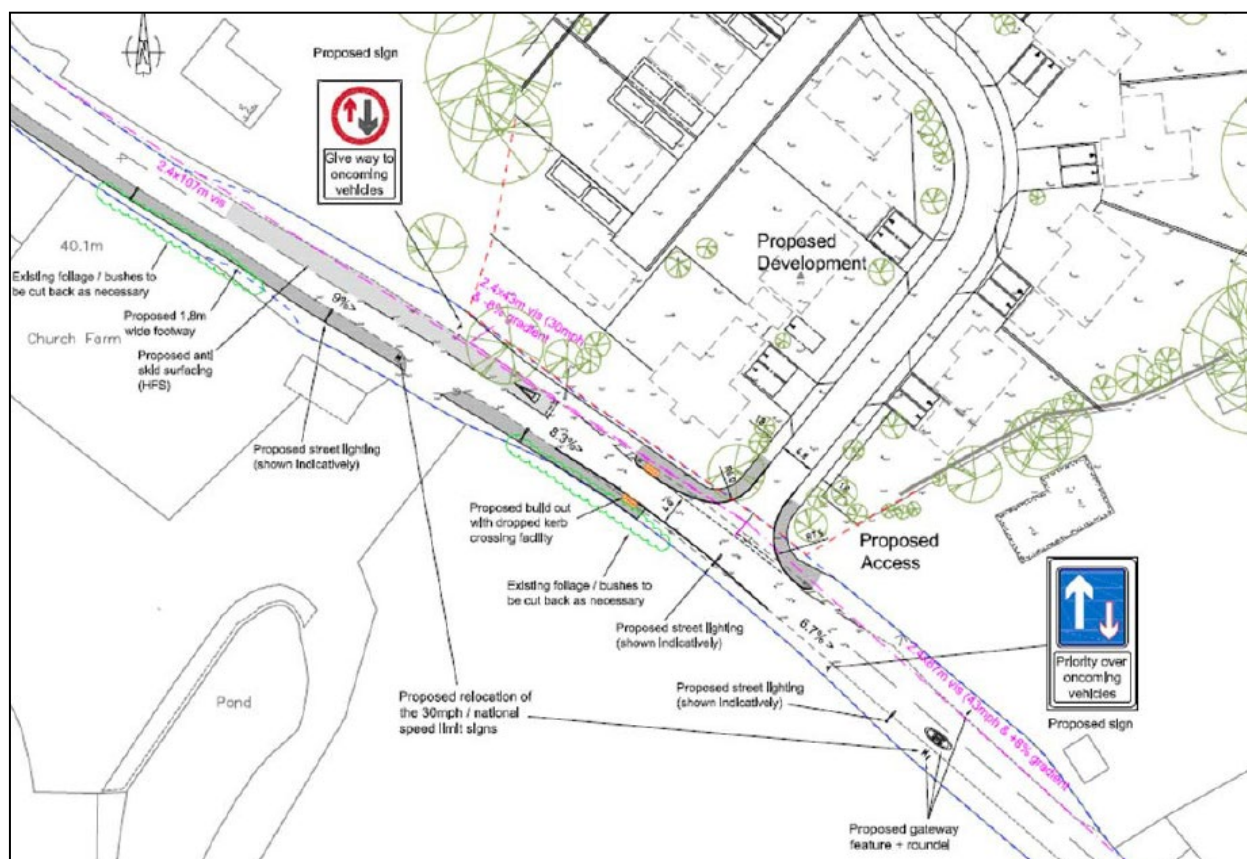


Figure 3: Proposed site access arrangements

The following documents have been submitted in support of the application:

Archaeological and Heritage Statement

This document concludes that the proposed development would have no direct impact on the character and appearance of the conservation area. It judges that there would be a low level of harm to the conservation area through changes to its setting, owing to the relationship between the southern part of Church Hill and the open landscape beyond. The tests set out in the NPPF therefore applies and it is concluded that the harm would be less than substantial, and should be balanced against the public benefits of the scheme. The assessment further concludes that the proposed development would cause some harm to the heritage significance of St Mary's Church through changes to

its setting. This level of harm is judged to be less than substantial as there are no current views between the site and church that contribute to its heritage interest. With appropriate measures, such as increased levels of screening and increasing the distance between built development and church, the impact could be reduced further. The assessment concludes also a low level of harm to Duxbury and Church Farmhouse (both Grade II listed).

Addendum Statement on Heritage Matters

Prepared in response to the comments made by Historic England (HE) on the application in their letter of 2nd February 2018. The Addendum notes that the HE letter does not identify an objection to the positive determination of the planning application. Rather it raises concerns regarding the application on heritage grounds stating that the issues and safeguards that have been raised by them need to be addressed to meet the requirements of paragraphs 131, 132 and 134 of the NPPF.

This Addendum supports the findings of the original report concluding that less than substantial harm would accrue from the development in respect of both the St. Mary Church and the surrounding Conservation Area. It concludes that the revised masterplan has reduced the harm to heritage assets by retaining a larger area of open space on the highest point of the site and on land closest to the church. The revision will serve to maintain a greater sense of openness from within the churchyard, as well as affording enhanced opportunities to provide tree planting which would serve to screen views of the completed development.

Flood Risk Assessment and Drainage Strategy

This report concludes that the site is not in an area prone to flooding. It recommends that due to the clay strata restricting infiltration techniques, surface water runoff should be discharged to an unnamed watercourse located 465m east of the site. The provision of attenuation features, such as a tank, pond or basin, at the lower south east extent of the site would help to attenuate on site.

Revised Flood Risk Assessment and Drainage Strategy

Prepared in response to objections raised by the Council's Project Office on the drainage strategy. It proposes that surface water run-off up to the 1 in 100 year plus 40% climate change allowance event will be attenuated on site and that provision has been made within the site layout for an attenuation feature at the lower southeastern extent of the site.

Landscape and Visual Appraisal and Viewpoints

This report identifies the landscape receptors that have the highest potential to be impacted by this development and their relative sensitivities. Those of high sensitivity

are the relationship with surrounding Low Weald Countryside and the vernacular architecture within the setting of the site. The visual receptor with the highest potential to be impacted by the development is the PROW.

Addendum Landscape and Visual Appraisal

This report has been submitted in support of the revised layout of 26 units which it describes as a positive evolution in the development design that substantially increases the retained buffer around the church and provides open space at the uppermost part of the site, which is most visible from the surrounding landscape. The area of open space also encompasses the existing pond, setting it in a more naturalistic context and facilitating its ongoing positive management. The revised layout also reinforces the eastern boundary hedgerow which provides a natural separation between the proposed development and surrounding countryside.

The revised layout addresses recommendations in the LVA concerning the PROW by setting the footpath within the open space for almost half of its length. This, it states, would retain views from the PROW for the benefit of users. Furthermore, the footpath corridor is significantly widened in the new layout. It is therefore concluded that the effects on this route would be entirely acceptable in visual terms.

Preliminary Ecological Assessment

This study concludes that the site has medium – high value with regards to biodiversity noting the presence of the pond and the need for an appropriate mitigation strategy. It identifies the need for further survey work in respect of nesting birds, bats, reptiles and great crested newts. It also sets out some recommendations in respect of enhancements.

Interim Bat Activity Surveys

This study concludes that there are at least 7 species of bat using the site for foraging and commuting with a level of bat activity and bat species diversity identified as moderate to low. The vegetated northern, eastern and western boundaries form an important feature for the bat species present and as such these features should be retained or where this is not possible the landscape design should incorporate alternative flight lines associated with retained trees. To ensure the site stays suitable for bats a lighting strategy is advised. It is noted that without such a lighting strategy, the development could result in a severance of bat commuting routes and disruption of bat foraging areas. To ensure the sites integrity for bats is maintained, it is proposed that the lighting design should be considerate to the requirements set out in the Bat Conservation Trust's 2009 document 'Bats and Lighting in the UK'.

Great Crested Newt and Reptile Survey

This survey identifies a small population of GCN within the waterbody within the site together with suitable GCN terrestrial habitat. On this basis, a European Protected Species Mitigation (EPSM) license will need to be sought and approved by Natural England prior to works commencing on the site. The report identifies areas to be covered by such a license application.

Transport Statement

This statement concludes that the impact of the development is not severe and there is no reason why the proposals should be resisted on highway grounds. It lists the following key findings:

- The proposed site is in a sustainable location with good access to public transport services
- There are no outstanding highway safety issues which the proposed development would exacerbate
- The site can be accessed safely by refuse vehicles
- The vehicle access is deemed safe and appropriate
- The anticipated trips from the site demonstrate that the increase will not be significant to lead to the detriment of the safe operation of the existing local highway network
- Pedestrian access to the site will be improved by upgrading PROW AT 155 between the site and Church Hill
- The developer is proposing to construct, if feasible, a car drop off area on Church Hill to try and improve the parking issues associated with the school on Church Hill.

Letter from agent, dated 9th January 2018

In this letter the agent makes a case for the proposal in terms of general housing delivery, the lack of leeway and the need to ensure windfall sites are brought forward. He highlights the need to refer to the proper context for the consideration of windfall sites (Policy HOU5) highlighting another case in the borough (Ref No 16/01271/AS) and the need to ensure the delivery of affordable housing and the wider role of parish councils.

(HP&D comment: The Council has a five year housing land supply. Each application is different and is determined on its own merits. The delivery of affordable housing is a material consideration that is given weight in the planning balance.)

Planning History

There is no relevant planning history.

Consultations

Scheme as submitted for up to 31 units

Ward Members – One of the Ward Members is a member of the planning committee. No comments have been received from the other ward member.

High Halden Parish Council - strongly objects to this application on a large number of grounds:

- The scale is inappropriate to the surrounding area.
- The village has three housing sites already - 135 dwellings in total – which in contrast to the developer's assertion cannot be described as 'limited housing growth'.
- Detrimental to the setting of the conservation area and Grade I listed church. The harmful effect on setting and significance of these important heritage assets would not be outweighed by public benefit.
- Loss of an important open space which is integral to the character and appearance of the CA.
- Unacceptable increase in traffic in the vicinity of the school.
- Urbanising effect of the proposed highway works in Church Hill.
- Exacerbate parking difficulties in Church Hill, especially at school drop off. The proposed three car drop off bay at the school is inadequate.
- This site remains the only site which could help alleviate the congestion and major local concerns surrounding the school and associated traffic safety issues where the proposed transfer of the top part of the site would also address other parking issues, the church, and potentially play a wider community benefit.
- The TA is misleading/ inaccurate in a number of respects: youth bus is not a bus service; traffic readings taken on just one day of the year and therefore not representative (although even these record speeding); Church Hill is described as a 'slight incline' (which is not the case) that supports cycling. It is the view of the PC that the steepness of Church Hill precludes cycling as an alternative means of gaining access to the village for the average cyclist.
- Removing kissing gate and laying tarmac or compacted stone on existing footpath through church yard are not appropriate for ancient setting.
- Adverse impact on ecology. The survey fails to mention the SNCI (Pond Wood) which is 550 m from the site.
- Numerous inaccuracies in Planning Statement and the PC disputes assertions that the development can be easily integrated into the existing settlement such that there is no need for substantial improvement to infrastructure.

Environment Agency No comment as it falls outside their remit as a statutory consultee.

Southern Water No objection subject to a condition requesting details of the proposed means of foul and surface water sewerage prior to construction. An informative is also advised in respect of the need to make a formal application for connection to the public sewerage system.

Historic England Historic England has concerns regarding the application on heritage grounds. It considers that the issues and safeguards outlined in their advice need to be addressed in order for the application to meet the requirements of paragraphs 131, 132 and 134 of the NPPF. In determining this application it advises the LPA to bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Kent Wildlife Trust objects. Whilst the site is not within or adjacent to any statutory or non-statutory sites of nature conservation importance there is considerable species and habitat interest on site, including the potential for protected species. It comments that a protected species survey has not been provided and supports the comments made by KCC Biodiversity. It also remarks that the application demonstrates no aspiration for on-site enhancement which is particularly disappointing considering its position adjacent to the church yard and surrounded by rural land on a village fringe.

KCC Biodiversity advises that additional surveys are required prior to determination. In respect of the proposed enhancements it comments that the details of this could only be agreed once it is understood what ecological mitigation is required.

KCC Highways and Transportation raises a number objections setting out how they could potentially be overcome.

KCC Economic Development requests contributions in respect of primary (Woodchurch Primary school) and secondary education (Homewood Phase 2 expansion) and libraries. An informative is also advised in respect of securing broadband.

KCC PROW objects to the scheme on the grounds that the plans appear to reflect the walked line of the path as opposed to the legal definitive alignment. It indicates that the applicant will need to provide amended plans reflecting the correct legal alignment or they will need to seek a legal diversion of the path to proceed with this layout. It advises an informative with respect to any future planning permission.

KCC Heritage (Archaeology) No objection subject to a condition.

Environmental Protection No objection subject to conditions with respect to sustainable transport and sewage disposal.

Project Office (Drainage) Objects on the grounds of concerns about compliance with ABC Sustainable Drainage SPD, in particular that insufficient space has been made available within the layout to accommodate SUDS. Furthermore, the proposed masterplan does not correspond with the plans provided within the FRA / Surface Water Drainage Strategy and as such the area identified for attenuation cannot be sited in the location shown due to space constraints/siting of dwellings. Notwithstanding, the discrepancies in the plans provided, the attenuation tanks shown within the drainage strategy are located in rear gardens providing potential problematic access for routine maintenance. It also raises inconsistencies with calculations.

Rambler's Association No objection as whilst the PROW is not enhanced, it would be protected

Neighbours - 17 neighbours were consulted. 200 objections were received and 4 responses in support of the proposals. 6 general comments were received which didn't raise any additional material considerations.

A neighbour objection has been received from High Halden Parochial Church which comments on the speculative nature of this proposal. They disagree that the benefits of this scheme (cited as community car parking; affordable housing; highway alterations) would outweigh the dis-benefits. The PCC also disagrees with the agent's position a failure to support this development could give rise to the risk that owners of allocated sites would seek to maximise development of their land.

The letters of objection raise the following issues:

- There is no need for further development in the village – points to site allocations in local plan and other smaller developments that are taking place within the village at the old council yard and precinct 13;
- The developer lead community engagement has shown a lack of understanding about the concerns of local people and the supporting information contains inaccuracies and assumes that the development is acceptable;
- Impact on rural setting;
- Loss of amenity – Church Fields is an irreplaceable resource for people living in the area – with spectacular views – some of the best in the village – from the PROW;
- Loss of biodiversity – the church and its surrounding are rich in wildlife;
- The Ecological survey makes a convincing case for not developing the site;
- Impact on historic heart of the village, the setting of St Mary's Church and the conservation area. Impact on archaeological remains;
- More development will put pressure on local school places;

- Ground movements in the vicinity during construction could damage the church which has undergone repair work recently;
- Church Hill cannot cope with the increased traffic flows that would arise from this development. Detrimental to highway safety.

The letters of support raise the following issues:

- The site is well related to the village centre;
- The provision of extra community parking is a major benefit of this application;
- The proposed highway works are a solution to existing problems in the street.

Re-consultation following amended details to reduce the scheme to up to 26 dwellings

High Halden Parish Council - The Parish Council continues to strongly object to this application. It further comments as follows:

- The buffer zone between the church and proposed development is insufficient.
- The proposed street lighting and yellow lining would urbanise this part of the village and are unacceptable.
- The proposals would have an adverse visual impact on Church Hill.

Historic England continues to have concerns about this proposal on heritage grounds. While there are not intended views out, or as stated by EDP 'an experience of views', from the churchyard eastwards towards the site, the fact that the church historically stood on the edge of the village towards its southern end is nevertheless appreciable through the trees bordering the churchyard, and the rural nature of the proposed site contributes to this. This notwithstanding, HE accepts that the reduction in the number of houses and the inclusion of a buffer zone between the church and the proposal in the north western part of the site would somewhat reduce the level of harm caused to the church's significance through change to its setting, although it continues to think that it would cause some harm.

It does not think that the reduction in the number of houses and positioning in the north of the site addresses its concerns regarding the proposal's effect on the conservation area. The rural origins of the village is appreciable in views out from the southernmost end of the conservation area towards surrounding fields to the south and east and in views as it is approached from the south. The site can be glimpsed within these views and constructing houses within this would reduce our appreciation of the relationship between the village (and consequently the conservation area) and the wider countryside when entering or leaving the village.

Paragraph 190 of the National Planning Policy Framework states that any harm to a designated heritage asset, including conservation areas, should be minimised, and that

any remaining harm, should require a clear and convincing justification as per paragraph 194. While it is accepted that some harm has been minimised by the reduction in the number of houses and the creation of a buffer zone between the church and the site, HE continues to think the harm could be further minimised, particularly in the southern area of the site.

HE also reiterates its previous comments stating that the site is not allocated, highlighting the strong policies embedded within the Local Plan to protect and enhance the historic environment still stand. It notes that the applicant has agreed to prepare a Design Code, and it emphasises that paragraph 192 of the National Planning Policy Framework requires local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness and that this is further embedded within the Local Plan.

KCC Biodiversity Following the submission of additional information KCC is now satisfied that the proposal is acceptable subject to conditions.

KCC Highways and Transportation No objections in respect of the reviewed and updated Transport Statement. It is satisfied with the details provided in respect of personal injury crashes and that these do not raise any issues of a recurring crash pattern that would be exacerbated by the proposal. It is also satisfied that the traffic generation figures do not cause concern in relation to highway capacity. It comments that the new vehicular access into the site together with new village gateway and extended speed limit offer a workable solution which significantly improves visibility from the site and that the traffic calming measures would slow vehicle speeds. The proposed footway in Church Hill would provide all weather direct access to the primary school and village centre. The demonstrated refuse vehicle swept path analysis is acceptable. No objections are made subject to a number of conditions which includes the delivery of the proposed highway improvement schemes as detailed in appendix D and F prior to occupation of the first dwelling.

Weald of Kent Protection Society objects, commenting that the numerical revision makes no difference to the concerns of residents or the problems the development will cause. It objects to the proposal of the grounds of:

- The site is not allocated in the adopted plan;
- The development would destroy the heavenly views and peace and quiet of the church and particularly the graveyard where so many of the residents' relatives are buried and would irreparably damage the spiritual heart of the village; 3) It would cause major traffic problems on Church Hill and on turning onto the A28; 4) It would urbanise this beautiful end of the village with building, noise and light pollution. It adds that it has supported a number of recent developments in the village but strongly opposes this one which has to be one of the most inappropriate sites within the borough.

Cultural Services has requested further details on the proposals for open space. It comments that the Landscape and Visual Impact assessment does not allow for winter views. An appraisal taken after leaf fall would have more value. The appraisal photographs show vegetation in full leaf, which is misleading when assessing impact on

views and landscape receptors. It comments that this has particular reference to the church, which can be seen from the site and is only partially screened with vegetation.

The LVA has not considered the impact of the development on PROW AT154, north of the site where it crosses through the church yard, or considered views from the churchyard north of the site which is publically accessible and in use. The indicative layout is showing poor residential boundary treatment with fencing onto the public footpath.

Neighbours - 215 residents; consulted. 105 objections were received and 3 in support. A further letter raised a general comment.

These responses raise similar issues to those raised as part of the first consultation. A number of the letters of objection point out that the reduction in unit numbers does not make the development any more acceptable or address previous concerns regarding impact on the CA / setting of listed buildings or cramming.

Planning Policy

10. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
11. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
12. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Local Plan 2030

SP1 – Strategic objectives

SP2 – The strategic approach to housing delivery

SP6 - Promoting high design quality

HOU1 – Affordable housing

HOU3a – Residential windfall development within settlements

HOU5 – Residential windfall development in the countryside

- HOU12 – Residential space standards internal
- HOU15 – Private external amenity space
- HOU18 – Providing a range and mix of dwelling types and sizes
- TRA3a – Parking standards for residential development
- TRA5 – Planning for pedestrians
- TRA6 – Provision for cycling
- TRA7- The road network and development
- 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
- ENV9 – Sustainable drainage
- ENV12 – Air quality
- ENV13 – Conservation and enhancement of heritage assets
- ENV14 - Conservation areas
- ENV15 – Archaeology
- COM1 – Meeting the community's needs

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

Supplementary Planning Guidance/Documents

Affordable Housing SPD, 2009

Sustainable Drainage, October 2010

Residential Parking and Design Guidance, October 2010

Landscape Character, April 2011

Residential Space and Layout, October 2011

Public Green Spaces and Water Environment, July 2012

Dark Skies, July 2014

Informal Design Guidance

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

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

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

Government Advice

National Planning Policy Framework (NPPF) 2018

National Planning Policy Framework 2018

Planning Policy Guidance

Technical housing standards – nationally described space standard

14. 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 10 - Supporting High Quality Communications
- 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
Chapter 16, Para 184 – These (heritage) assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Assessment

15. The main issues for consideration are:

- Principle of development
- Landscape Impact/ Visual amenity
- Impact on designated heritage assets
- Impact on residential amenity
- Highway Safety
- Flood Risk / Drainage (surface and foul)
- Biodiversity
- Contamination
- Housing mix / affordable housing
- Other matters
- Whether planning obligations are necessary

The principle of the development

16. The Council can currently demonstrate a 5 year housing land supply and therefore the policies in the adopted Local Plan relating to the supply of housing are afforded full weight. 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.

17. The Local Plan has 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 is sound and justified. High Halden is considered to be one of the higher tier settlements.
18. 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. High Halden).
19. 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 not an allocation.
20. The relevant policies for residential windfall development are Policy HOU3a (within settlements) and Policy HOU5 (in the countryside). As the site falls outside the built up confines of High Halden, it is Policy HOU5 applies.
21. Policy HOU5 is permissive of residential development ‘adjoining’ or ‘close to’ the existing built-up confines of a number of settlements listed in the policy providing it meets a number of strict criteria. High Halden, as a larger more sustainable settlement, is included as a HOU5 village and the adjacency of this site to its built-up confines requires the proposal to be assessed against the criteria in the policy. Only proposals that meet the criteria will potentially be considered appropriate for development.
22. These criteria are set out and considered below:
 - a) *The scale of development proposed is appropriate to the size of the settlement and the level, type and quality of day-to-day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in the Local Plan and committed development in liaison with service providers*

I am satisfied that this is the case. High Halden is one of the more sustainable village settlements. It has a number of facilities, including a shop, pub and primary school.

- b) *The site is in easy walking distance of basic day-to-day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services*

I am satisfied that this is the case.

- c) *The development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider network without adversely affecting the character of the surrounding area*

The proposal includes traffic calming measures in Church Hill to address highway safety concerns which were raised by KCC H&T. Whilst KCC no longer raise objections to the proposal, I consider that these measures would adversely affect the character and appearance of the conservation area by urbanising Church Hill which, in contrast to the A28 in the northern part of the village, is a rural lane (see section on 'Visual Impact'). I do not therefore consider that the proposed development satisfies this criterion.

- d) *The development is located where it is possible to maximise the use of public transport, cycling and walking to access services*

This could only be achieved with the implementation of the traffic calming measures in Church Hill (which include the provision of a footway). As stated above these measures would adversely affect the character and appearance of the CA.

- e) *The development must conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality*

I am not satisfied that development here would conserve and enhance the natural environment or preserve or enhance heritage assets - see relevant sections below.

- f) *The development (and any associated infrastructure) is of a high quality design and meets the following requirements: -*

- i) *It sits sympathetically within the wider landscape*

I do not consider this to be the case - see section below on Landscape Impact.

- ii) *It preserves and enhances the setting of the nearest settlement*

I do not consider this to be the case - see section below on Landscape Impact.

- iii) *It includes an appropriately sized and designed landscape buffer to the open countryside*

This is not the case - see sections below on 'Landscape Impact' and 'Landscaping'.

- iv) *It is consistent with the local character and built form, including scale, bulk and the materials used.*

This is an outline application where scale and appearance are reserved matters.

- v) *It does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents.*

See section on Residential Amenity

- vi) *It would conserve biodiversity interest on the site and / or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1.*

See section on Biodiversity

I therefore conclude that whilst the site is locationally sustainable it does not meet all of the criteria for residential development in the countryside identified in Policy HOU5. The proposal is therefore contrary to the development plan for the reasons set out in the remainder of this report.

Landscape impact/ Visual Amenity

23. Policy ENV3a requires all proposals for development in the borough to demonstrate a particular regard to a number of landscape characteristics, proportionately, according to the landscape significance of the site. These include in particular: landform, topography and natural patterns of drainage.
24. Policy ENV5 seeks to protect important rural features including rural lanes which have a landscape, nature conservation or historic importance and public rights of way.
25. Policy HOU5 sets out a list of criteria which must be met if the development is to be deemed acceptable on this site. These include that the development (and any associated infrastructure) is of high quality design and sits sympathetically within the wider landscape. It also requires that development preserves or enhances the setting of the nearest settlement and includes an appropriately sized and designed landscape buffer to the open countryside.

26. Policy SP6 promotes high quality design requiring consideration of a number of criteria including “character, distinctiveness and sense of place” and “Quality of public spaces and their future management”.
27. Policy HOU5 sets out a list of criteria which must be met if the development is to be deemed acceptable on this site. These include that the development is “consistent with local character and built form”.
28. The site falls within the Biddenden and High Halden Farmlands Landscape Character Area which forms part of the Low Weald. One of the key characteristics is the “Historic settlements of Biddenden and High Halden situated around distinctive churches.” The overall guidelines for the area are to conserve and improve the landscape, including “conserving long views out across the Weald”.
29. The development would be accessed from Church Hill to the west which forms a rural lane of landscape and historic importance. The proposed traffic calming measures would have an urbanising effect on the lane contrary to Policy ENV5. There are a number of public rights of way on the site and within the vicinity of the site that would be affected by this proposal. One PROW extends across the northern boundary of the site from west to east linking the churchyard and historic village core to the surrounding countryside. There are long views from this PROW of the Low Weald to the south. The proposed development would obstruct these views and change the rural character of the PROW. (It should be noted also that the proposed layout shows properties hard up against the PROW, providing a bleak side-on relationship to it). In this respect, also, the proposed development would be contrary to Policy ENV5.



Figure 4: Showing rural character of Church Hill

30. The site is adjoined to the west by the village conservation area and a number of listed buildings, including the Grade I St Mary's Church, and to the north, east and west by open countryside. The site forms a ridge which slopes down to the south providing long views of open countryside from the church yard as well as the PROW. Due to its elevated position, the rural village edge in the vicinity of the site is prominent in views from the south. This is especially the case in the winter months when the planting to these site boundaries is denuded. The site is therefore sensitive in terms of its relationship to the village; the village conservation area and the wider landscape. The applicant's own Landscape Assessment supports this view describing the strong relationship between the site and surrounding Low Weald countryside as one of 'high sensitivity'. The impact of any development on the public footpaths extending across the site is also described as of 'high sensitivity'.
31. The indicative layout plan submitted with this application (see figure 2 of this report) shows a landscape buffer along the western side of the site with the conservation area/church, which is intended to reduce the impact of the proposed development on designated heritage assets. It also shows some limited additional planting to the southern and eastern boundaries with open countryside. Whilst these interventions are intended to help to reduce the impact of development on the village and its setting, the development would obstruct views, out of the conservation area and from the PROW, of the countryside beyond thereby harming the visual connection between village and its rural setting. It would also impact on wider views of the village from open countryside, especially as it has already been noted, in the winter months when the boundary planting is denuded.
32. Whilst this proposal is an outline application, with all matters reserved except for access from Church Hill, the indicative layout does not demonstrate that an acceptable proposal can be achieved for this quantum of development. The indicative layout shows units backing onto the sensitive southern boundary of the site with open countryside and indeed one of these units is exceedingly close to this boundary. Furthermore, the indicative layout relates poorly to the open spaces and key movement routes (such as the PROW) within the development with properties backing / siding onto these public spaces. This brings into question both the quality of those public spaces and the ability of any development to contribute positively to sense of place. I do not consider that the proposed development would sit sympathetically within the wider landscape or preserve the setting of the village.
33. As the village is approached from the south, it has a distinctly rural feel. Church Hill, as it has already been noted, is a rural lane. The properties to either side are detached historic dwellings on large plots that are one plot deep. (This contrasts with the character of the village abutting the A28 which is generally more intensive, often with development behind the main building line). The proposed

development would introduce an intensive back-land development into this southern part of the village which is inconsistent with the local character and form of Church Hill.

34. I therefore conclude that the proposed development would conflict with a number of policies in the local plan which seek to protect the landscape and rural features. It would have an adverse landscape impact and be harmful to the visual amenity of the area.

Impact on designated heritage assets

35. Policy ENV13 seeks to preserve or enhance the heritage assets of the borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness. It goes on to say:

“Development will not be permitted where it will cause loss or substantial harm to the significance of a heritage assets or their settings unless it can be demonstrated that substantial public benefits will be delivered that outweigh the harm.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, or where a non-designated heritage asset is likely to be impacted, harm will be weighed against the public benefits of the proposal, including securing the optimum viable use of the heritage asset.”

The above reflects the guidance set out in the NPPF.

36. Policy ENV14 relates to development within conservation areas, allowing such proposals providing they enhance the character and appearance of the area and its setting. It sets out criteria which need to be fulfilled, including
- d) The development should not generate levels of traffic, parking or other environmental problems which would result in substantial harm to the character, appearance or significance of the area.
 - f) The development would not prejudice important views into or out of the conservation area;
37. There are a number of designated heritage assets in the vicinity of the site that would be affected by these proposals. These include the High Halden Conservation Area, which immediately adjoins the western boundary of the site and the large number of listed buildings within it, including those listed buildings immediately adjoining the site: the Grade I listed St Mary’s Church and the Grade II listed property known as Duxbury – and other listed buildings on Church Hill whose setting would be affected by the development. Church Hill itself is a non-designated heritage asset: a historic rural lane, the importance of which has already been noted in an earlier section of this report. It forms the artery within this part of the conservation area, with historic, largely listed, buildings to either side.
38. Historic England has emphasised the importance of these designated heritage assets stating:

“The Grade I listed church is an exceptionally fine example of a medieval rural parish church. It is within the conservation area which itself is significant as a good example of a small Kentish hamlet formed around a triangular village green whose origins are probably closely linked to farming.”

“The conservation area, is centred on the junction between the A28 and Church Hill, with the church at its historic core. Modern development has stretched out along the A28 to either side, but Church Hill has retained its rural character, with sparsely set out, historic properties, in large plots. This rural character makes a significant contribution to the setting of these Listed building, in particular the Grade I Listed church, which with its churchyard, is enhanced by the tranquillity of its current setting. The approach to the conservation area, from the south, along Church Hill is of a contrast to that along the A28 and provides a typical soft transition between an historic rural lane and a small settlement.”

39. The proposal would impact upon these heritage assets in a number of ways. It would prejudice views into and out of the conservation area; the long view out of the conservation area from the graveyard, in particular, across the site to the Low Weald is such an important view that would be prejudiced by the development. Views into the conservation area from the site are also affected. This is conflicts with Policy ENV14 (f). Indeed, the openness of the site itself forms part of the rural approach to the conservation area as the village is approached via the PROW that extends across the site. The proposed traffic calming measures in Church Hill, which are necessary to facilitate the development, would have an urbanising affect to the detriment of its character and appearance. This would be in conflict with Policy ENV14 (d).

40. These spatial and visual connections between the conservation area and site are appreciated by Historic England as follows:

“Buildings within the conservation area have always had a direct relationship to surrounding fields, which help illustrate its modest origins. This is appreciable in views out from the conservation area towards surrounding fields to the south and east (ie towards the application site) and in views as it is approached from the south. It adds that the church historically stood on the edge of the village towards its southern end and this can be appreciated in views out from the church yard looking east. Historic England concludes that the rural setting of the conservation area contributes to its significance and to the significance of the grade I listed Church of St Mary;”

41. Historic England notes the assertion in the heritage assessment that views of the site from ‘the church and surrounding churchyard are heavily filtered, if not entirely screened’ and that due to the lack of historical connection and views the development of the site would not cause harm to the significance of the church. However, the photos provided to substantiate this are taken in the summer, when screening is at its best. In winter this is not the case, and the trees do not provide a heavy filter between the site and church/churchyard. Furthermore, whilst there is not a direct historical connection between the site and the church, it nevertheless forms part of the wider setting of the heritage asset and construction on it would cause a loss of significance, as its rural quality would be severely compromised. Overall the

proposed development would cause harm to the setting of both the church and the conservation area.

42. The applicants sought to address the concerns raised by Historic England by reducing unit numbers and providing an area of buffer planting within the site with the boundary to the churchyard. Whilst Historic England has indicated that these changes would somewhat reduce the level of harm caused to the church's significance through change to its setting, the fact remains that the proposed development would cause harm and it would not address concerns regarding the proposal's effect on the conservation area. The rural origins of the village is appreciable in views out from the southernmost end of the conservation area towards surrounding fields to the south and east and in views as it is approached from the south. The site can be glimpsed within these views and constructing houses within this would reduce appreciation of the relationship between the village (and consequently the conservation area) and the wider countryside when entering or leaving the village.
43. In conclusion, I consider that development on such an exposed, visually prominent site, would encroach on the setting of both the conservation area and the listed buildings, in a significantly harmful way. It would also prejudice views from the graveyard/conservation area and alter the character of Church Hill. Whilst the harm is less than substantial it is at the higher end of less than substantial in this case. When using the NPPF test and that of policy ENV13, it is nonetheless unacceptable. The public benefits to having this development – increase in housing; temporary economic benefits during construction - are significantly outweighed by this harm. I therefore consider that the proposal is contrary to local and national planning policies which seek to protect the historic environment.

Impact of residential amenity

44. The NPPF and adopted development plan both require that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
45. The closest property is Hillside immediately to the south of the site. The indicative layout shows a unit in close proximity to this property which would be unacceptable. It should however be possible to devise a layout on this site that would not be harmful to the residential amenity of existing residents.
46. Whilst some of the gardens shown on the indicative layout plan appear to be substandard, it is accepted that a scheme could be achieved that accords with the standard. This is a matter that can be controlled by condition.
47. I consider that a layout could be achieved that would not be harmful to residential amenity.

Highway safety

48. KCC Highways is satisfied that a satisfactory access into the site can be achieved providing the proposed traffic calming measures are implemented. On this basis, they raise no objection on highway safety grounds subject to a condition requiring the implementation of the traffic calming scheme.
49. The applicant maintains that the traffic calming measures / safety and community gains offered by this proposal are specific to this site and provide a substantial additional planning gain. For the reasons already discussed in the previous two sections of this report, I consider that the proposed traffic calming measures would have a significantly harmful effect on the character and appearance of the rural lane. The measures are only needed in the first place to facilitate the development. I do not agree with the applicant that these measures represent a substantial planning gain.

Flood Risk / Drainage (surface and foul)

50. The site falls within flood zone 1 where risk from tidal or fluvial flooding is low. The potential risk of flooding comes from surface water runoff as a result of development on a green field site.
51. The drainage strategy relies on flow control and on site attenuation to accommodate storm events up to and including the 1 in 100 year plus 40% climate change event. Due to the clay strata, which restricts the use of filtration techniques, the applicant has indicated that surface water would be attenuated on site by provision within the site layout of features such as a tanks, swales, ponds etc. within the topographically lower south eastern extent to the site. The Council's policy on sustainable drainage and Sustainable Drainage SPD set out the features of an acceptable SuDS scheme. The reduction in unit numbers and increased amount of on-site open space will help achieve an acceptable SuDs scheme on this site. Whilst there is an outstanding drainage objection to the scheme, as this is a greenfield site a suitable and sustainable SUDs system will be achievable and this can be controlled by condition in the event of the appeal being allowed.
52. Foul water will drain into the existing sewer in Church Hill. A new connection should be agreed with Southern Water and this can be controlled by condition.
53. In light of the above, I consider that subject to conditions the proposal will not result in any adverse flood risk and that drainage can be adequately accommodated on site.

Biodiversity

54. Policy ENV1 states that proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. Proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats... and networks of ecological interest... including.... water features, ditches, dykes and hedgerows, as corridors and stepping stones for wildlife. Where harm to biodiversity assets cannot be avoided, appropriate mitigation will be required in line with a timetable to be agreed with the Local Authority. Normally any mitigation measures will be

required to be delivered on-site, unless special circumstances dictate that an off-site model is more appropriate.

55. The Conservation of Habitats and Species Regulations 2017 requires Ashford Borough Council, the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, Ashford Borough Council must consider whether it is likely that a European Protected Species (EPS) Licence from Natural England will be granted, and in so doing must address the three derogation tests when deciding whether to grant planning permission for the proposed development. Regulation 55(9)(b) states that the appropriate authority shall not grant a licence unless they are satisfied "*that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.*"
56. In respect of maintaining the population at a favourable conservation status the results of the Ecological Appraisal / surveys are summarised in the proposals section of this report. The site is of medium / high ecological value. KCC Biodiversity is satisfied that the submitted documents provide details of mitigation to ensure the ecological interest of the site is maintained. The submitted mitigation in conjunction with the site plans are satisfactory to demonstrate that the proposed mitigation is implementable. The mitigation has detailed that habitat creation/enhancements carried out within the areas of open space within the north and east of the site and the existing site boundaries would be retained within the site. It advises that a detailed mitigation strategy is submitted as a condition of planning permission. Conditions are also requested to mitigate for the ecological impacts in respect of lighting and the need for an ecological management and enhancement plan.
57. Based on the information submitted and the responses received from KCC, I am satisfied that the LPA had fulfilled its duty to appropriately assess the development under Regulation 9(5) of the conservation of Habitats and Species Regulation 2010. Subject to conditions, the proposed development is not considered to result in any adverse impacts to matters of ecological importance in accordance with the relevant policies set out in European and UK law as well as in the adopted development plan and NPPF.

Contamination

58. This is an undeveloped site and as such the only likely source of contamination would be from pesticides etc. used in conjunction with its agricultural. The likelihood therefore of contamination being present is low and could be controlled / remediated through use of conditions.

Housing mix / affordable housing

59. The exact housing mix is not for consideration at this stage, and will be dealt with at the reserved matters stage. The mix would need to accord with Policy HOU18 of the adopted Local plan and can be conditioned to meet local housing need.

60. In respect of affordable housing, under policy HOU1 of the adopted Local Plan, this would require the development to provide 40%. The 40% would need to consist of 10% of total number of units as Affordable/Social Rented and 30% of the total number of units as Affordable Home Ownership Products of which 20% of the total number of Affordable Home Ownership Product units shall be shared ownership.
61. The affordable housing element would be secured as such in perpetuity through the S106 Agreement.
62. Policy HOU6 requires a proportion (5%) of the dwellings to be delivered as self-build units on sites of more than 20 units. This can be secured through S106 agreement and is outlined in Table 1 as required by the policy.
63. In light of the above I consider the proposed housing mix and the affordable housing element to be acceptable in principle.

Other matters

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

Whether planning obligations are necessary

66. 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
67. The planning obligations in Table 1 have been assessed 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. As the applicant has not entered into a S106 Agreement with the

Council then this constitutes a reason for refusal in this case. Clearly, should an acceptable S106 Agreement be provided as part of the appeal then the Council would not contest this reason for refusal.

68. As a proposal for 10 or more dwellings the development would trigger a requirement to provide 40% affordable housing split into the mix as set out in the report. 20% of the dwellings shall be built to higher accessibility standards (Part M4 (2) of the Building Regulations). KCC have requested a contribution towards projects at a primary school and secondary school and additional book stock for libraries.
69. 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.
70. The NHS Canterbury and Coastal and NHS Ashford Clinical Commissioning Groups has not, as yet, requested S106 contributions. Confirmation is being sought as to whether they would like to see a contribution towards the extension / improvement of Ivy Court Surgery and this will be reported at planning committee if a response has been received.
71. 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)	
<p>1. Affordable Housing Provide not less than 40% of the units as affordable housing, comprising 10% affordable / social rent 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</p>	40%	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 SP1 & HOU1 of the Local Plan 2030, the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>

	with the registered provider's nominations agreement.			
2.	<p><u>Accessible Housing</u></p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p> <p>In accordance with policy HOU14 part a).</p>	Provide on-site 20% of all units.	Prior to first occupation of any dwelling to be built in accordance with the standard.	<p>Necessary as would provide accessible housing pursuant to SP1, HOU14 of Local Plan 2030 and guidance in the NPPF.</p> <p>Directly related as accessible homes for those with reduced mobility would be provided on-site.</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>
3.	<p><u>Children's and Young People's Play</u></p> <p>Contribution towards the modular play system for the children's play area at Hopes Grove. TBC</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	Before completion of 75% of the dwellings	<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 Ashford Local Plan policies COM1, COM2, IMP1 & IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p>

				<p>Directly related as occupiers will use children’s and young people’s play space and the play space to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
4.	<p><u>Informal/Natural Space</u></p> <p>Contribution towards 6 x picnic benches and purchase of 1.8 acres of land off Church Hill near to St Mary’s Church and Churchfield House for retention and maintenance as a wildflower meadow. TBC</p>	<p>£434 per dwelling for capital costs £325 per dwelling for maintenance</p>	<p>Before completion of 75% 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 Ashford Local Plan policies COM1, COM2, IMP1 & IMP2, 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 maintained and the maintenance period is limited to 10 years.</p>
5.	<p><u>Outdoor Sports</u></p> <p>Contribution towards provision of a MUGA on the sports field at Hopes Grove, outdoor gym for Hookstead Green and drainage works to the sports fields at Hopes Grove. TBC</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Ashford Local Plan policies COM1, COM2, IMP1 & IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

<p>6.</p>	<p><u>Strategic Parks</u></p> <p>Contribution to project TBC at Conningbrook</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 Ashford Local Plan policies COM1, COM2, IMP1 & IMP2, 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>
<p>7.</p>	<p>Allotments</p> <p>Contribution towards a project to identify and acquire land within the Parish of High Halden for</p>	<p>£258 per dwelling for capital costs</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</p>

	allotments and start up costs. TBC	£66 per dwelling for future maintenance		<p>order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, COM3, IMP1 and IMP2, 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>
8.	<p>Cemeteries</p> <p>Contribution towards the upkeep of the graveyard at St Mary's Church.</p>	<p>£288 per dwelling for capital costs</p> <p>£1766 per dwelling for future maintenance</p>	Before completion of 75% of the dwellings	<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 Local Plan 2030 Policies SP1, COM1, COM2, COM3, IMP1 and IMP2, 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> <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>
9.	<p>Primary Schools</p> <p>Project: Towards the expansion of Woodchurch Primary School</p>	<p>£3,324 per applicable house</p> <p>£831 per applicable flat</p>	<p>Half the contribution upon occupation of</p> <p>25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary. The proposal would give rise to an additional 38 primary school pupils. There is no spare capacity at Charing school and pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' 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</p>

				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.
10	<p>Secondary Schools</p> <p>Project:- Towards Homewood Phase 2 expansion</p>	<p>£ 4115.00 per applicable house</p> <p>£1,029.00 per applicable flat</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> <p>To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)</p>	<p>Necessary as no spare capacity at any secondary school in the vicinity and pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF</p> <p>Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered</p>

				accommodation specifically for the elderly.
11	<p>Libraries</p> <p>Towards additional bookstock for the mobile library service attending in High Halden</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 Local Plan 2030 Policies SP1, COM1 and KCC's 'Development and Infrastructure – Creating Quality Places' 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>
12	<p>Health Care</p> <p>Project to be confirmed.</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>	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 Local Plan 2030 Policies SP1, COM1 and IMP1 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>

		£1,728 for each 5-bed dwelling or larger		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.
13	<u>Monitoring Fee</u> Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)	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.
<p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the council web site in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs.</p> <p>If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.</p>				

Human Rights Issues

72. 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

73. 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

74. Applications should be determined in accordance with the adopted development plan unless material considerations suggest otherwise. Whilst this development would deliver up to 26 units of housing, including 40% affordable housing and have some economic benefits during the construction phase, these benefits are far outweighed by the negative impacts of the proposal.
75. The proposed development, whilst locationally sustainable, would introduce development onto a prominent edge of village site where views of the Low Weald from the church are characteristic of its landscape character thereby harming its rural setting. It would encroach on the adjoining village conservation area and setting of listed buildings, including the Grade I listed St Mary’s church which immediately adjoins the site, impacting on the adjacency of these assets to open countryside which is important to their significance / setting. Furthermore, the required traffic calming measures in Church Hill would have an urbanising effect on this rural lane, itself a non designated heritage asset within the conservation area, which together with the adjacent historic buildings contributes to the character and appearance of this part of the conservation area. Whilst only indicative in terms of its layout, a relatively intensive backland development of this scale would be inconsistent with local character and form in this part of Church Hill.
76. The proposed development would conflict with a number of policies in the local plan that seek to protect the landscape, rural features, visual amenity

and the historic environment and that the harm caused would significantly outweigh any limited benefits of the scheme. On this basis the proposal represents an unsustainable and harmful development of the site.

Resolved:

If the Local Planning Authority had been able to determine the application, the Committee would have refused to grant permission on the following grounds:

(1) The proposal would be contrary to Policies SP1, SP2, SP6, HOU1, HOU5, HOU14, ENV3a, ENV5, ENV13, ENV14, COM1, COM2, COM3 and COM4 of the Ashford Local Plan 2030 and the National Planning Policy Framework and would therefore represent development contrary to interests of acknowledged planning importance which are not considered to be outweighed by the benefits of the development cited by the applicant, for the following reasons:-

- (a) The proposed development would have a significant adverse visual impact on land forming part of the Low Weald National Landscape Character Area and the Biddenden and High Halden Farmlands Landscape Character Area (LCA), impacting upon its rural character that forms an important component of the setting of High Halden and views out into the countryside from the conservation area. This is due both to the prominence of the site in the wider landscape, due to its elevated position, and its undeveloped state. The erection of dwellings and infrastructure on the site would unacceptably urbanise and domesticate this important undeveloped area to the detriment of the visual amenity of the area. This harm is further exacerbated by the proposed traffic calming measures that are required to Church Hill to enable access into the site. This would urbanise this historic rural lane. The proposal would also be highly visible from the public right of way to the north thereby exacerbating the visual harm. The proposal represents unsustainable development which would detract from the character and appearance of the countryside and visual amenity of the area.
- (b) The proposed development would introduce an intensive backland form of development which would be inconsistent with local character and built form in this southern approach into the village which is characterised by a low density of development with dwellings set on large plots and just one plot deep and fronting Church Hill. This would be at odds with the prevailing form and grain of this part of the village and would further exacerbate the visual harm identified in reason a) above.

- (c) The proposed development would have less than substantial harm on the significance of the heritage assets, namely the conservation area of the Grade I listed church and Grade II listed property known as Duxbury. The proposal lies on land forming an important part of the setting of both. This is due to the loss of this undeveloped rural land and its urbanisation and domestication as a result of the proposed development. It thus represents an unsustainable development. The public benefit of providing up to 26 houses does not outweigh the less than substantial harm.
- (d) The proposal would be contrary to the KCC Guide to Development Contributions 2007, SPG3 Developer Contributions / Planning Obligations 2001, Ashford Local Plan 2030 policies COM1, COM2, COM3 & COM4, Public Green Spaces and Water Environment SPD 2012, Affordable Housing SPD 2009 and the National Planning Policy Framework and Planning Policy Guidance. The necessary planning obligation has not been entered into in respect of the list below so that the proposed development is unacceptable by virtue of failing to mitigate its impact and failing to meet demand for services and facilities that would be generated and the reasonable costs of monitoring the performance of the necessary obligations:
- 40% of the units as affordable housing comprising.
 - A financial contribution towards strategic parks project, outdoor sports pitches, informal/natural green space project, play space project, cemetery project, health care infrastructure project, library bookstock, primary and secondary school infrastructure projects based on the yield of the housing mix. As set out in Table 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 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

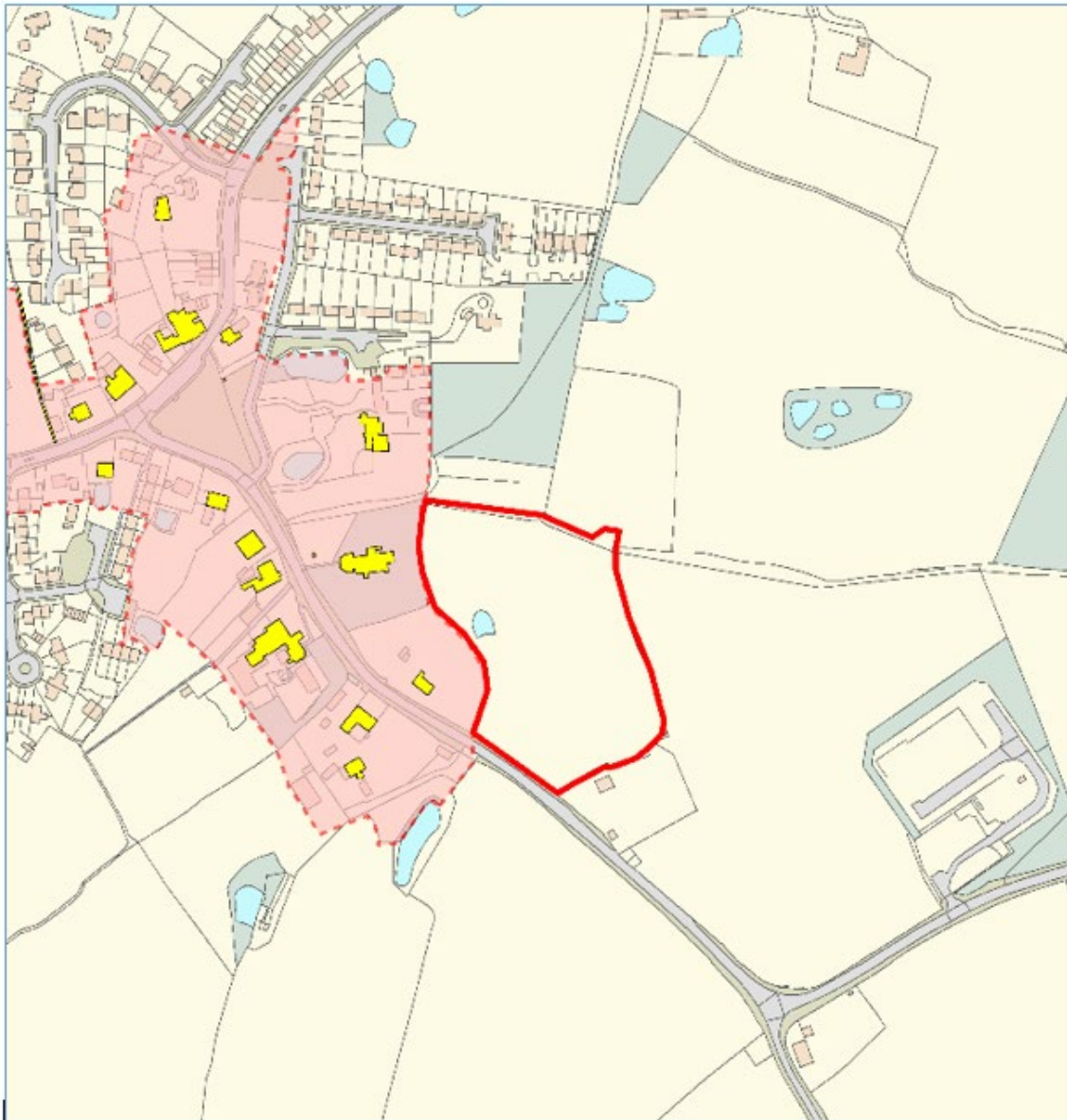
- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent 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 17/01868/AS)

Contact Officer: Katy Magnall
Email: katy.magnall@ashford.gov.uk
Telephone: (01233) 330259

Annex 1



Application Number	19/00340/AS	
Location	Land south and east of, Tilden Gill Road, Tenterden, Kent	
Grid Reference	89372/33117	
Town Council	Tenterden	
Ward	Tenterden South	
Application Description	Reserved matters application (access, appearance, landscaping, layout, and scale) pursuant to extant outline permission ref 14/01420/AS for the erection of up to 100 dwellings, parking, landscaping, open space and associated works (revision to planning application 18/00448/AS)	
Applicant	Mr M Besant, Redrow Homes, Prince Regent House, Quayside, Chatham, Kent, ME4 4QZ	
Agent	Mr D Leadon, Urbanissta Ltd, First Floor, East Side, London, N1C 4AX	
Site Area	5.6 ha	
(a) 273/4R	(b) R	(c) KF&R – X, WKPS – R, ABC OS – X, High Weald AONB – X, KHS – X, KCC SUDs – X, Police – X, NE – X, EA – X, ABC Housing – X, AAG – X, KCC PROW – X, KCC Arch – X, ABC Refuse – X, SW – X, KCC Biodiversity – awaiting comments.

Introduction

1. This application which is a major development is reported to the Planning Committee at the request of the Ward Member Councillor Knowles.
2. The application is an alternative approval of reserved matters application to planning application 18/00448/AS which was deferred by the Planning Committee of 12 December 2019 and again on the 16 January 2019. The applicant has appealed to the Secretary of State against non-determination of 18/00448/AS and as such the decision now rests with the Planning

Inspectorate for that particular application. As result of this, this substitute approval of reserved matters application has been submitted with the objective of addressing the Council's previous reasons for deferral.

Site and Surroundings

3. The site comprises an irregular shaped piece of undeveloped land of approximately 5.6 ha in size. It is located to the south eastern edge of Tenterden where it adjoins the Shrubcote Estate which is a series of modern residential developments dating from the 1950's onwards.

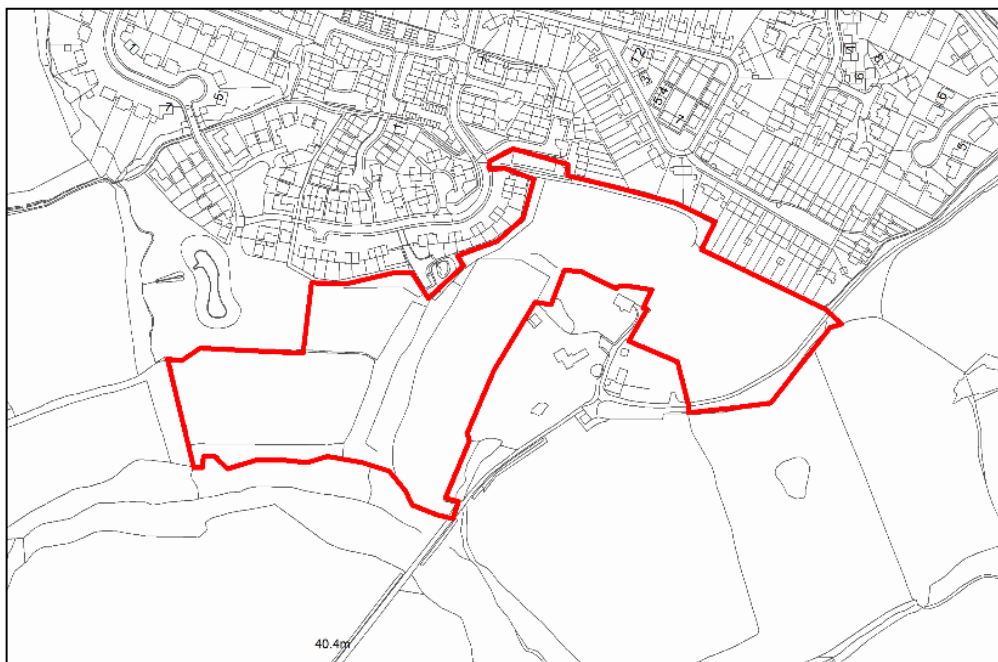


Figure 1: Site location plan

4. The character of the existing development here is one of modern semi - detached and terraced dwellings and flats, two storey in height and set out along a series of cul-de-sacs. In general the immediate modern residential development is of no great architectural character or merit, is not distinctive to the area and is very much of its time.
5. The site is bounded to the north by the rear gardens of dwellings along Tilden Gill Road, Shrubcote and Priory Way - and to the east, south and west by open countryside and an area of ancient woodland. The site is also located adjacent to the northern edge of the High Weald Area of Outstanding Natural Beauty.

6. Long views over open countryside characterise the site which comprises of rough grassland, together with belts of woodland.
7. There are a number of trees in the centre of the site which are protected by virtue of a Tree Preservation Order. A further 14 trees and 4 groups are also subject of a recent TPO which was served on the 16 November 2018.
8. A group of 4 residential properties, including 2 listed buildings – the former Belgar Farmhouse (now known as Belgar and a barn converted into two dwellings - Weavers Barn and Old Belgar Barn as well as Belgar Oast House, are positioned in the centre of the southern edge of the site. As such their curtilages are surrounded by the permitted development site on 3 sides.



Figure 2: Locations of the listed buildings and TPO's

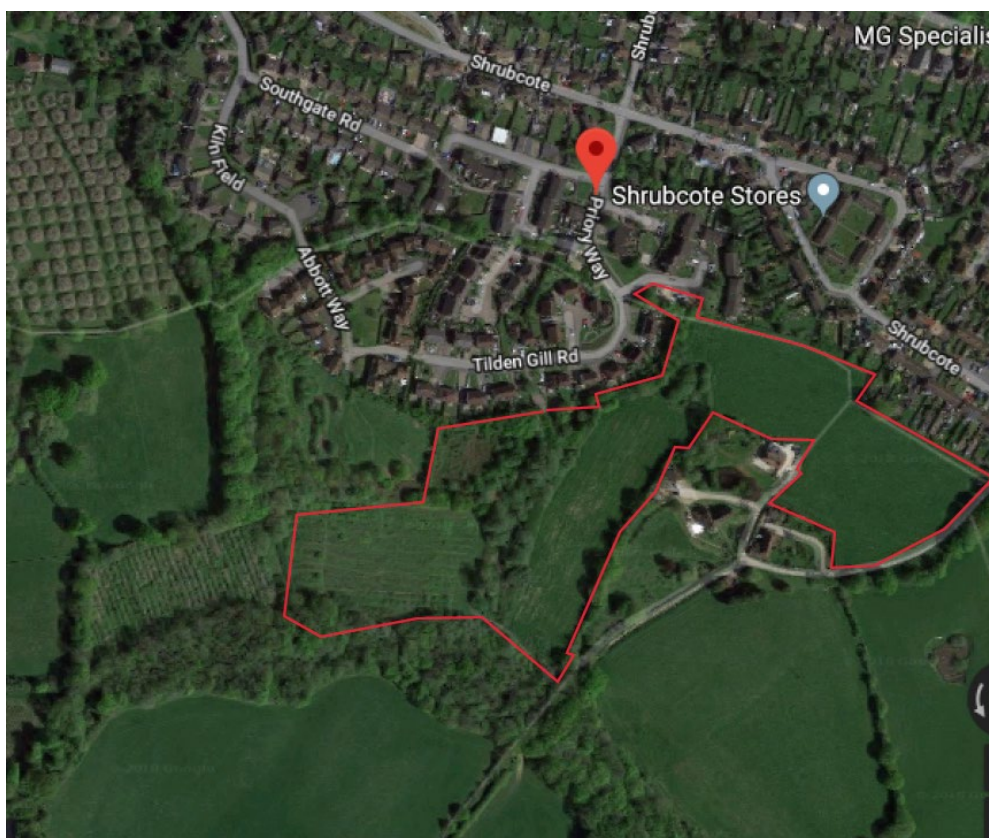


Figure 3: Site Location Aerial Map

Proposal

9. The proposed development has the benefit of outline planning permission granted on appeal in 2016 for a residential development of up to 100 dwellings. The proposal would provide 35% affordable dwellings in accordance with the outline approval.
10. Reserved matters (for access, appearance, landscaping, layout, and scale) is sought pursuant to extant outline permission ref 14/01420/AS for the erection of 100 dwellings, parking, landscaping, open space and associated works.
11. The development proposed is largely the same as the previous reserved matters application (18/00448/AS) last considered by the Planning Committee of the 16 January 2019 with a few minor amendments proposed which are a direct response to the committee's reasons for deferral.

12. The amendments incorporated into the reserved matters application are as follows:

- Flat blocks B and C relocated away from the boundary with the adjacent AONB.
- The height of flat blocks A, B and C reduced to 2.5 storeys.
- A wider buffer strip incorporated between the development and the Belgar Farm group of buildings. In addition no buildings are now proposed within this buffer strip. Figure 4 below details the proposed amended layout.



Figure 4: Proposed site layout

13. As a comparison, Figure 5 below details the layout that was previously proposed under application 18/00448/AS.



Figure 5: Site layout proposed for deferred application 18/00448/AS

14. When granting outline planning permission in 2016 the Planning Inspector took account of the illustrative layout that showed how the site could be laid out. The Inspector noted that the quantity of development proposed in relation to the size of the site could be achieved without harming the nearby designated and non-designated heritage assets and would not be unacceptably harmful to the visual and environmental character and appearance of the area.
15. At the time of the appeal, a statement of common ground was agreed between the applicant and Kent County Council Ecology and Biodiversity: this set out a number of parameters relating to ecological mitigation matters which has driven part of the layout of the proposal.
16. The outline planning permission is also subject to a s106 agreement. In terms of formal and informal open space, sports provision and play space off-site developer contributions are to be provided including contributions towards informal green space improvements to the north west of the site at Abbots Way which is an existing area of open space.
17. The proposals have been further amended during the course of this application. The amendments seek to address outstanding concerns in relation refuse, design, boundary treatments and landscaping. Additional

information has also been submitted in relation to ecology matters and drainage. A full re-consultation has been carried out as a result.

18. Access to the development is proposed off Priory Way, through an area of hardstanding that has served as a car park for many years. Ownership of this land has recently passed to the developer having been previously owned by the Council.
19. The proposals include the provision of an emergency access to the east of the site. This would provide access for emergency vehicles from Appledore Road. Access for other vehicles would be restricted by the use of bollards.
20. Landscaped areas would be maintained by a management company.
21. A substation and pumping station are also proposed to the far east and south of the site.

Density

22. Given the site area of approximately 5.6 hectares, the proposals would result in a density of approximately 19dph and would allow for spaces between dwellings and in some cases larger gardens which is intended to reflect the character of the surrounding area. The density also allows for some areas of open space which would serve as a combination of amenity areas, ecological mitigation and SuDS.

Housing Mix

23. The scheme comprises the following housing mix:

2 bed private ownership	12
3 bed private ownership	18
4 bed private ownership	35
Total	65

1 bed affordable rented	2
2 bed affordable rented	13
3 bed affordable rented	6
Total	21

1 bed affordable shared ownership	2
2 bed affordable shared ownership	4
3 bed affordable shared ownership	8
Total	14

24. Houses are all proposed to be two storeys in height and comprise a mixture of detached, semi-detached and terraced properties. X 3 flat blocks are also proposed: these would be 2.5 storeys in height i.e. rooms on the top floor would be contained within the pitched roof.
25. 35% of the development is proposed as affordable housing which equates to 35 units. These are proposed to take the form of semi-detached and terraced housing and flats. 21 units would be affordable rented properties and there would be 14 shared ownership units which is in accordance with the requirements of the S106 agreement.

Parking

26. In total 239 allocated parking spaces are proposed with a further 43 visitors spaces proposed. Allocated parking is largely on plot or in parking courts with unallocated spaces and visitors parking provided within the street.
27. 56 garages are also proposed, although these are not counted towards the required number of allocated parking spaces (given the propensity for garages (with doors) to be utilised as domestic storage areas). Garages are therefore viewed as an additional resource by the Council.

Character/design and detailing

28. The proposed dwellings are part of Redrow's 'Heritage' brand.
29. The palate of materials proposed has been amended to address my concerns. Most notably the use of grey roof tiles has been omitted. A red and sunrise blend tile of a clay tile appearance is proposed and these are grouped together in two main character areas. Two different types of brick are proposed – a red and a multi stock brick. An amended hanging tile that better reflects a traditional Kent hanging tile has also been selected in consultation with officers.
30. Two main character areas are proposed. Area 1 would be characterised by a multi stock brick with weatherboarding and red tiles. Area 2 would favour a red brick with some cladding and tile hanging. A sunrise blend tile would be used.
31. The use of render has been deleted in response to my feedback and the extent of weatherboard has been increased throughout the site to better reflect the traditional Tenterden vernacular.
32. The applicant has introduced picket fencing to properties along the 'main street' again to better reflect the Tenterden historic character.

33. None of the proposed dwellings would have chimneys. The applicant has advised that this is largely a commercial decision.



Figure 6: Proposed street scenes

Previous reasons for deferral

34. Application 18/00448/AS was previously considered before the 12 December 2018 Planning Committee and was deferred by Members of the committee for officers to seek amendments. The resolution of the Planning Committee was recorded as follows:

‘Deferred to a future meeting of the Planning Committee to allow the applicants to submit amended plans showing the deletion/re-siting of plots 46 and 56 to allow an increased buffer width on the eastern boundary adjoining Belgar Farm’

35. The subsequent Planning Committee meeting of the 16 January considered a revised layout that saw plots 46 and 56 re-sited. This proposal was deferred again for the following reasons:

‘Deferred for Officers to seek amended plans to be brought back to the Committee in relation to moving Plot 64 and the garage to Plot 63 westwards in order to achieve a wider buffer zone in that part of the site adjacent to the western boundary of Belgar, and for there to be dialogue with the applicant about the relocation of the flats and their impacts’.

Condition 05 of the outline permission

36. Condition 05 of the outline planning permission refers to the arboricultural report dated 6 November 2014. The condition states that no trees shall be removed other than those specified for removal within the report. Written approval is required for any additional change to this agreed position.
37. A new tree survey and arboricultural Impact Assessment was undertaken by the applicant in 2017 and updated in March 2019. This identifies a number of additional trees (T98, T99, T102 and G102) to be removed in order to facilitate the development. These trees whilst the subject of a TPO have been assessed to be of a poor quality.
38. The updated tree report also identifies the removal of 31 individual trees, 5 groups and part of an additional group together with part of the old orchard. The applicant proposes to mitigate these losses through additional tree planting.
39. This reserved matters submission also seeks to obtain approval for these additional tree works in accordance with the requirements of Condition 05 of the outline consent.

Supporting Documents

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

Design and Access Statement (March 2019 version)

DA1.1 The proposal would provide 100 new homes including 35% affordable housing.

DA1.2 The dwellings would be high quality energy efficient homes incorporating a range of eco-friendly features.

DA1.3 Sustainable drainage would be used to manage surface water run-off from the site and to minimise the risk of flooding.

DA1.4 There would be easy access of nearby facilities and amenities.

DA1.5 The design of the dwellings is appropriate for the context of the area.

DA1.6 There would be appropriate levels of parking to serve residents and visitors.

DA1.7 The movement route has been designed with emergency and refuse vehicle access in mind.

DA1.8 Areas of public open space would be located in key locations.

Planning Statement (March 2019)

PS1.1 The objective of the development is to provide a sustainable development of new family homes set within a high quality landscape that protects and enhances the environment and provides a mix of homes for the local community.

PS1.2 The development has been designed to high standards of sustainable development both in location, mix, design and construction, to minimise the carbon footprint.

The site is sustainably located within Tenterden which provides a wide range of goods and services including supermarkets, schools, shops, and leisure facilities, places of worship and sports facilities.

The site is located near to two grade II listed buildings and a non-designated heritage asset (Belgar Farmhouse, Belgar Barn and Belgar Oast). The development would not affect the setting of the Belgar group of buildings.

In granting outline planning permission, the principle of the development on the site has now been accepted. The outline permission was accompanied with a Unilateral Undertaking. The payments set out in this would be phased in accordance with the triggers that are set out within the agreement. 35% affordable housing is proposed.

The outline masterplan created a scheme built on enhancing the local community whilst protecting and enhancing the countryside and the adjacent AONB. This scheme proposed a spacious arrangement of dwellings with large landscaped gardens connected by a series of links. The tree lined southern site boundary would be retained and enhanced.

Application to discharge the planning conditions related to the outline permission will be submitted in due course following the determination of the reserved matters application. Condition 06 has been submitted for discharge and approved. This related to the Construction management Plan and was required to be submitted to enable a European Protected Species Licence to be obtained from Natural England.

The layout has been significantly informed by ecological matters and the requirement to retain areas of the site for ecological purposes.

Through pre-application discussions, design review and client review the layout submitted has been through several iterations. Further alterations were made during the course of the application to take account of statutory consultee comments and ABC's officer's comments.

A statement of common ground between Kent Highways and the applicant agreed out the outline appeal stage confirmed that one access point was required into the site. Access would be from Priory Way at the Junction with Tilden Gill Road, through the existing car park which the applicant has recently taken ownership of from the Council.

Extended Phase I Habitat Survey (2018)

E1.1 This type of survey provides information relating to habitats within the site and identifies potential for and, if apparent, evidence of use by protected species within the site. In addition, it provides recommendations for further surveys if required.

E1.2 The site was originally subject to surveys in 2014 and further updated in 2017 and 2018. Surveys have been carried out in relation to bats, badgers, great crested newts (GCN), reptiles, dormice and breeding birds.

E1.3 No rare or endangered botanical species or habitats have been identified.

E1.4 Suitable terrestrial habitat for great crested newts is present within the Site and presence/likely absence surveys were undertaken. Desk study records of GCN

presence were also taken into account. A *Medium* population of GCN was considered to be present in the local landscape and pond network. There were no changes in site conditions during the update 2017 survey that are likely to affect this evaluation. A European Protected Species (EPS) mitigation licence from Natural England is required to permit the work.

E1.5 Terrestrial habitat for reptiles was identified in 2014 and an *Exceptional* population of slow worms was found, as well as a *Good* population of common lizard and grass snake. The former orchard and former arable fields have become more suitable for reptiles and the proposals have altered to include the re-landscaping however the mitigation strategy is still fit for purpose.

E1.6 Trees with potential bat roost features have been identified. In 2014, a common pipistrelle was recorded emerging from one of these trees (T7) during a June emergence survey, however this field maple is not due to be affected by the proposed development. Three willow trees are due for removal (T9, T10, T11) and two bat emergence surveys (May-September) are required to determine whether a roost is present.

E1.7 On 15th May 2018 the first survey was undertaken and no bats emerged from the trees in question and a second survey is due in early June. Aside from the results of the two emergence survey, a supervised soft-felling approach will be required for these trees. An EPS licence may be required pending the results of the June emergence survey.

E1.8 Badger activity has been recorded in and around the site, including a well-used latrine within the site and a sett with two entrance holes on the southern boundary. The design layout avoids impacting this sett and precautionary advice has been given to maintain foraging and commuting routes.

E1.9 Suitable dormice habitat is present but there was no confirmed presence recorded during 2014 surveys.

E1.10 An ecological management plan has been devised to maintain and enhance biodiversity.

Ecological Management Plan (March 2018)

EMP1.1 The strategy aims to enhance the site for all biodiversity including plants, invertebrates, reptiles, amphibians, bats, badger, birds and small mammals. The principal species that are targeted as part of this plan are great crested newt and reptiles. It is proposed that the mitigation measures would provide a range of biodiversity benefits.

EMP1.2 Monitoring is proposed to be carried out to determine whether the mitigation, habitat enhancement and habitat creation measures have been successful and whether the management recommendations within are being carried out successfully. In the event that monitoring finds a failure in mitigation or management, then remedial measures are proposed.

Updated Ecological Management Plan (June 2019)

EMP2.1 Ecological work on the Site started in January 2014 with an Extended Phase I Habitat Survey of the eastern section of the Site. This was followed by an Extended Phase I Habitat Survey in the western section of the Site and protected species surveys for reptiles, great crested newts, bats, dormice and badger during 2014. Update reptile surveys were undertaken from 28th September to 15th October 2015 and an update Extended Phase 1 Habitat Survey was undertaken in October 2017.

EMP2.2 The report summarises the mitigation that has taken place to date. The report further address recent damage to the adjacent ancient woodland and the impact of this upon the ecological matters.

Arboricultural Impact Assessment (March 2019)

AIA1.1 This report looks at the effect of proposed development on trees within influence of the application site.

AIA1.2 The previously submitted tree survey information prepared for the site (outline application) is out of date. . The information has been replaced, including additional work not included at the time of the original application.

AIA1.3 The site does not occur within a Conservation Area, but does contain trees protected by a Tree Preservation Order.

AIA1.4 To implement the development proposals it will be necessary to remove 31 individual trees, 5 groups of trees, and partially remove on further group and one area of dilapidated orchard. The removals major on lower quality components, and have been the focus of a site meeting between Aspect and the LPA's tree officer during November 2017. The principal difference between the currently proposed layout and the approved, is the agreed removal of an additional 2 Willows.

Surface Water Drainage Technical Note (October 2018)

SWD 1.1 The technical note provides details of the drainage survey carried out to confirm the existing flow control on the existing surface water drainage from Belgar Farm development and what effect this has on the proposed surface water strategy.

SWD 1.2 Foul water from the development will be collected via a system of piped drainage and directed towards a new pumping station proposed to be constructed towards the southern portion of the site. It is proposed that all foul water pipes are to be adopted by Southern Water.

SWD 1.3 The proposed foul water pumping station is to be designed to adoptable standards and adopted by Southern Water.

SWD 1.4 It is proposed that there will be a dedicated access track and turning head for the pumping station to facilitate any required access and maintenance.

Heritage Statement

HS1.1 The application site comprises an area of land located to the SE of Tenterden. Tenterden first grew in prominence during the thirteenth century due to the wool trade. It was not until the late twentieth century that Tenterden was subject to eastern expansion. Given this twentieth century context, the application sites south eastern environs presently represent the logical potential for twenty-first century expansion.

HS1.2 Despite not being subject to any heritage designation itself, the application site nevertheless abuts the curtilage boundary of a Grade II listed farm complex – comprising two individually designated properties. As such, current proposals have been consciously evolved to achieve the provision of additional housing without effecting negative impingement upon the setting of the heritage assets.

HS1.3 Proposals aim to implement a considered and high quality design, ensuring that the setting of the listed buildings are both preserved and enhanced without adversely any special inherent interest to these. This has been achieved by ensuring that all proposed built form is sufficiently set back from relevant boundaries (where practically possible), in conjunction with extensive buffer planting; thus reducing the potential for directly impinging impacts upon setting.

HS1.4 Enhanced landscape screening is proposed to these important boundaries and throughout the wider scheme more generally to ensure that any views of the new development are softened and/or broken up. Otherwise it is proposed that a semi-rural approach into Tenterden will be maintained, although it is pertinent to reiterate that this approach – and therefore the settings of Belgar Farm and its associated barn have already been subject to extensive alteration following the late twentieth century residential growth.

HS1.5 Proposals can therefore be seen to have responded to not only the relevant Act but also the wider regulatory context. The NPPF sets out that the LPA should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Proposals will therefore respond positively to the historic context and would achieve a high standard of design and layout that would not adversely impact upon either the listed buildings or their settings.

Statement of Community Involvement (March 2019)

SCI1.1 As part of the process of bringing forward a planning application for the development of 100 homes to the south of Tilden Gill Road, Redrow Homes implemented a programme of stakeholder engagement and consultation to seek feedback from residents, councillors and other stakeholders on the proposals for the site and subsequent amendments.

SCI1.2 An online consultation was held between in January 2018. There was a total of 65 respondents, with all responses coming digitally via the website or by email. Around 25 per

cent of respondents agreed with the proposals as set out in the consultation and on the project website (www.homesfortenterden.co.uk). Ahead of the consultation, leaflets were distributed to 508 addresses in the immediate vicinity of the site off Tilden Gill Road.

SC11.3 Local borough and parish councillors were engaged at the outset and throughout the planning process. Contact was made with local ward councillors Callum Knowles and Paul Clokie. A meeting was held with Cllr Knowles in January 2018. Cllr Clokie and Cllr Mick Burgess, chair of the Ashford Borough Council Planning Committee, declined the opportunity to meet with Redrow.

SC11.4 Further meetings have been held with Tenterden Parish Council and Cllr Knowles during 2018 and then into 2019 following the two deferrals.

SC11.5 The Belgar residents group was originally engaged in January 2018, and then subsequently through the year and in to 2019, to discuss the plans for the development, the consultation programme, the details of the outline planning consent, and subsequent amendments to the proposals following the two deferrals.

Planning History

Consultations

273 Neighbours consulted, **3** letters of objection received. Issues are summarised below:

- Extra residents from the new development would considerably increase pedestrian traffic and motorbikes passing through Abbott Way in order to use the footpath leading to the leisure centre/schools etc. More barriers are needed to prevent vehicle use. Also concerns raised about the existing playground close to the proposed access

[HoP&D Comment: The applicant has agreed to the provision of some extra timber bollards within land that they control/maintain to help ease these concerns]

- There are empty properties on new estates in Tenterden that have just been built.
- The development would lead to an unacceptable increase in traffic.

Shrubcote/Tilden Gill and Priory Way Residents Association: Object stating the following:

- Parking spaces are too small.
- The flat blocks at 2.5 stories in height are too high and should be reduced to 2 stories. 2.5 stories is out of character for the area.
- The flats would adversely affect the satellite and mobile phone signals.

- The flats would result in a loss of privacy for existing residents who would be overlooked. Their visual amenity would also be affected.
- The blocks of flats are not tenure blind and are obviously social housing.
- The developers have ignored planning requirements in relation to ecology.

Ward Members: The Ward Member, Councillor Knowles has not made any comments.

Tenterden Town Council: Object. Stating the following:

‘The 2.5 storey flats are inappropriate for this development and not in keeping with the surrounding housing supply. These should be reduced to 2 storey. ‘

Kent Fire and Rescue: No objections. Confirms that the means of access is considered to be satisfactory.

Weald of Kent Protection Society: Objects to the height of the proposed blocks of flats, stating that 2.5 storeys is out of keeping with the prevailing character of the area. Comments that WKPS appreciates the changes that the developer has made in this application by moving the flats away from the AONB and the improvement to the buffer strip to the west of Belgar Farm.

ABC Open Spaces: Initially requested some amendments to the landscape details which have been addressed through the submission of amended plans. Raises no concerns but requests that details are provided by condition in relation to the headwalls and culverts of the main SUDs pond to ensure that these are attractive features rather than very engineered concrete structure within the landscape. It is proposed that this detail would be sought by condition prior to the creation of the SUDs feature.

High Weald AONB: No objection. Request a condition is imposed requiring a management plan of the open space and drainage systems which demonstrates appropriate management of the habitats and watercourses to conserve and enhance the adjacent AONB.

Kent Highways and Transportation: No objection stating that the scheme under consideration is very similar to the previous scheme presented under application number 18/00448/AS. Requests a number of conditions relating to highway safety and parking.

KCC Flood and Water Management: No objection subject to a conditions.

Kent Police: Requests that the applicant further consider crime prevention and secured by design.

Natural England: No comments.

Environment Agency: No objections.

ABC Housing Services: No objections.

Ashford Access Group: Comments that there are many areas where cars and pedestrians will share surfaces and that whilst this may look attractive, there will be some danger as a result.

KCC PROW and Access Service: No objections stating that the proposed scheme is acceptable and would not effect the proposed alignment of footpath AB36 as presented in the previous application 18/00448/AS. Requests that a number of matters relating to footpath width, surface treatments and the required diversion are brought to the applicants attention. Also advises that two applications have been received claiming two PROW routes within the development site and that no Traffic Regulation Orders would be granted for works to permanently obstruct the route without a diversion order confirmed.

A request is also made for a S106 financial contribution to upgrade the surface of footpath AB36.

(**HoP&D comment:** The S106 relates to the outline permission. This application is a reserved matters application and therefore the S106 cannot be re-negotiated)

KCC Archaeology: No objections subject to conditions.

[**HoP&D:** Given that this is a reserved matters application it is not possible to add a condition for this at this point]

KCC Ecology and Biodiversity: Request the provision of further information relating to the mitigation carried out to date. Furthermore the reports should be updated to take account of the amendments.

[**HoP&D Comments:** An updated ecological management Plan has been submitted and KCC have been re-consulted. No response has been received at the time of writing this report]

ABC Refuse/Recycling: Requested amendments to bin stores and bin pull distances.

[**HoP&D Comments:** Amended plans have been submitted in accordance with these comments]

Southern Water: No comments.

Planning Policy

41. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
42. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
43. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Local Plan to 2030

SP1 – Strategic objectives

SP2 – The strategic approach to housing delivery

SP6 – Promoting high quality design

HOU1 – Affordable housing

HOU5 – Residential windfall development in the countryside

HOU12 – Residential spaces standards internal

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

TRA3a – Parking standards for residential development

ENV1 – Biodiversity

ENV3a – Landscape character and design

ENV4 – Light pollution and promoting dark skies

ENV5 – Protecting important rural features

ENV6 – Flood risk

ENV8 – Water quality, supply and treatment

ENV9 – Sustainable drainage

ENV12 – Air quality

ENV13 – Conservation and enhancement of heritage assets

Supplementary Planning Guidance/Documents

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011

Sustainable Design and Construction SPD 2012

Public Green spaces and Water Environment SPD 2012

Dark Skies SPD 2014

Informal Design Guidance

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

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

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

Government Advice

National Planning Policy Framework (NPPF) 2019

44. 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:-

45. Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
46. Paragraph 59 relates to the need for the delivery of a sufficient supply of homes. It states that in order to support the Governments objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. It also states that land with permission (as is the case here) is developed without unnecessary delay.
47. Section 12 of the NPPF refers to achieving well-designed places. As such the creation of high quality buildings and places is fundamental to what the planning process should achieve. Good design is a key aspect of sustainable development, creates better places to live and helps to make development acceptable to communities. It is therefore clear that design expectations is essential for achieving this. Paragraph 127 states the following in relation to good design. It specifies that decision should ensure that developments:
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
 - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
 - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
 - Establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive welcoming and distinctive places to live work and visit.
 - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks, and
 - Create places that re safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...

48. Paragraph 129 of the NPPF states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Assessment

49. The main issues for consideration are:
- The principle of the development
 - Whether the proposed accommodation mix is acceptable
 - Whether the proposed approach to car parking is acceptable
 - How well the proposal performs in relation to the Council's adopted Residential Space Standards
 - Acceptability of approach to refuse collection
 - Whether the built form in terms of scale, massing, appearance and layout would be appropriate, would help to deliver character areas and be in keeping with that which is aspired to.
 - Impact of the development upon designated and non-designated heritage assets.
 - Whether the applicant's approach to surface water drainage, landscaping, ecology and biodiversity is acceptable.

The principle of the development

50. The site is a windfall site rather than a site allocated within the Development Plan. As such there is no specific planning policy or related Development Brief associated with the development. The housing numbers proposed are included within the Council's housing trajectory.
51. The Planning Inspectorate, in granting outline permission, made it clear that the 'up to' quantity of housing proposed was not one that would preclude an unacceptable layout. The Inspector also stated in granting permission that the proposal would make a particularly important contribution to the provision of affordable housing and would provide land for development of the right type and in the right place with only moderate harm to the environment.

52. Given that the site has the benefit of outline planning permission for up to 100 dwellings, whilst it is clear that some of the objections to the proposals relate to an objection to the development as a matter of principle, residential development has been accepted for this site and cannot be revisited under the scope of this application.

Whether the proposed accommodation mix is acceptable

53. Policy HOU18 of the Local Plan requires major development proposals to deliver a range and mixture of dwelling types and sizes to meet local needs.
54. The proposed development would provide a mixture of 1, 2, 3 and 4 bedroom dwellings and flats. The overall density is relatively low and the majority of the private ownership dwellings would be detached dwellings as is fairly standard for the applicant's chosen 'Heritage' range. Further, the introduction of x 3 apartment blocks has consequentially allowed for a higher proportion of detached dwellings to be included. Notwithstanding this, I consider that the proposals provide a reasonably varied mix of units and the approach to affordable housing is also suitably varied in order to comply with the policy requirements: the Housing Manager raises no objection.
55. I consider the proposed mix to be acceptable and consistent with the requirements of planning policy and in terms of how it would contribute to the overall mix within Tenterden.

Whether the proposed approach to car parking and bicycle storage is acceptable

56. The proposed car parking provision would meet that which is required by the Council's Residential Parking SPD and in many cases the provision is exceeded in relation to the larger detached properties that are proposed.
57. Parking is proposed in a variety of forms, including garages, on plot open spaces and on street parking. Parking courts would serve the apartments. A number of house types would have integral garages and whilst I do not consider that this fits well with the applicant's description of the homes as 'Heritage' style housing and creates an element of inactive frontage as a result it is a modern approach that has been accepted elsewhere. The applicant is unwilling to alter the house types concerned. Where enclosed garages are proposed I have not counted them towards the quantum of parking that is needed: they will remain an additional parking resource if so desired by the occupiers.
58. Each dwelling would be provided with a shed in the garden which is proposed to function as bicycle store as well as additional domestic storage. In addition

the proposed apartment blocks also make adequate provision for the secure covered storage of resident's bicycles.

59. Further, the applicant has confirmed that all dwellings with a private parking space will be provided with electric vehicle charging points in the form of a 'Wall-Pod Ready' socket. It is also proposed that similar provision will be made within the parking areas of the apartment blocks through the provision of a 'Charge Online' or similar system. Should permission be granted it is suggested that this is secured by condition. The provision of appropriate facilities for the charging of electric vehicles is welcomed and is in accordance with policy ENV12 of the local plan which seeks to reduce emissions and improve air quality. The fine details of this condition can be refined in due course including making sure car parks are future proofed in design to easily accommodate changes to private car propulsion.
60. In the light of the above, and following consultation with KCC Highways and Transportation, the parking and bicycle storage arrangements are acceptable.

How well the proposal performs in relation to the Council's adopted Residential Space Standards

61. Each individual house type proposed accords with the nationally described space standards and the Council's Residential Space and Layout SPD essential minimum floor areas and room dimensions. In some cases these standards are exceeded given the large number of larger detached dwellings proposed.
62. The proposed garden sizes also meet the standard and each block of apartments would benefit from a landscaped communal garden area that would provide an attractive area for residents without being overtly overlooked from the public gaze whilst remaining overlooked by residents in the interest of security.
63. The apartments would each additionally benefit from private balconies or ground floor terrace space. In light of the above, I consider that the scheme would incorporate an acceptable level of amenity space (private and communal) for residents and is therefore acceptable and in line with policies HOU12 and HOU15.

Acceptability of the approach to refuse collection

64. In the main, refuse bin pull distances for both householders and bin operatives are within the distances specified within the British Standard and Part H of the Building Regulations. Whilst there are a handful of pull distances that fall slightly below the good practice distances set out within the Councils

Residential Layouts and Wheeled Bins guidance (Dec 2014) this relates to very few properties and is therefore marginal and in these cases the arrangement is straight and simple, with as few turns as possible. I am satisfied that an appropriate balance has been struck with the aim of keeping distances to pull bins manageable for the occupiers together with good design/place-making. In addition the location of the bin stores serving flat blocks B and C have been amended in line with Officers advice to ensure that the appropriate standard can be met.

Whether built form in terms of scale, massing, appearance and layout would be appropriate

65. As a result of my concerns, whilst the architectural style proposed is a standard Redrow product ('Heritage' range) replicated at sites all over the UK, the applicant has made a number of changes to the elevations of properties to improve the extent to which style and materials move towards those commonly found within the historic areas of Tenterden. The chosen materials are now suitably varied and of improved visual quality, particularly the quality of vertical tile hanging. The materials are a good improvement from those originally submitted with the previous reserved matters application.
66. The layout has also been refined to ensure that houses are now grouped together in a more coherent way and the creation of two distinct character areas is also a positive change to the scheme. Whilst the majority of the houses have hipped roofs there are some gabled elements which helps to provide some variety and interest. I am, however, disappointed that the applicant has decided not to include chimneys which would have further improved the design by providing a vertical emphasis and would have been more in keeping with a more faithful heritage approach as these are typical traditional features and other volume developers do provide these.
67. The proposed two-storey scale of the dwellings and two and a half storey blocks of apartments is appropriate and in context with the surrounding development and rural character of Tenterden. Whilst the comments of the objectors and the Town Council are noted it is not considered that two and a half storey apartments would be out of character here as this pitched roof typology is common feature around Tenterden. In addition, apartment blocks have been reduced from three storeys high as a direct response to the reason for deferral of the Redrow scheme (in terms of 'impact') and moved from the eastern boundary of the site to a more central location.
68. The layout has been amended through negotiations however it has to be noted that the parameters of the appeal decision, the shape of the site, the illustrative layout supporting the outline application together with the

ecological mitigation needs and the challenging levels change combine to limit the scope for fundamental changes to the delivery of new homes at this site.

69. To the north of the site, where it adjoins the public right of way, the layout has been changed to respond to the concerns raised by KCC PROW officers. The applicant has chosen to retain the public right of way where it currently runs. Because the walked path does not follow the definitive route a small diversion is required. KCC will need to agree to this diversion through normal procedures separate from this application.
70. The area to the west of the development known as the orchard has also been amended to create a slightly more irregular form of development. The houses have been set back at different distances and these 'pushes and pulls' will, in my opinion, aid the visual impact of the development as there is no layout reason for a highly regular straight building line arrangement in this part of the site.
71. Whilst the affordable units would be better slightly more dispersed throughout the development, I consider the locations are considered acceptable in relation to the requirements of the Council's SPD and the approach has been agreed by the Housing Manager. Furthermore, balconies would be provided to the affordable apartments and elevation improvements been made to improve their design quality and the areas around them. The combination of the two will help them to appear tenure blind.

Impact of the development upon designated and non-designated heritage assets.

72. In allowing the outline appeal the Planning Inspector concluded that it was not necessary for the Belgar farmstead to remain physically isolated from all other development in order either to continue to be able to understand its historic use or to ensure the conservation of the heritage assets here. The Inspector also made it clear that the quantity of development (i.e. up to 100 dwellings) could be achieved with a suitably detailed layout that would not affect the significance of the heritage assets. With this in mind, and taking into account the illustrative layout that was before the Inspector at the time of reaching this decision, it is not possible to assume that he envisaged that no development would be possible adjacent to the boundary with the group of buildings that make up the historic Belgar farmstead.
73. This reserved matters application differs from the scheme that was considered by the Planning Committee in December 2018 and January 2019 in that the buffer strip between the development and the Belgar group of properties has been increased. This is a direct response to the Planning Committee's previous reasons for deferral. The result of this would be a more

attractive development with greater sense of place related to its surroundings and the change has, in my view, significantly improved the design quality and is a very welcome change that also responds to previous objections from local people.

Whether the applicant's approach to surface water drainage, landscaping, ecology and biodiversity is acceptable.

74. The application site does not fall within Flood Zones 2 or 3 and as such it is classified as Flood Zone 1 meaning that it has a low probability (<0.1%) of fluvial or tidal flooding.
75. Surface water drainage has been designed and is proposed to be constructed in line with the drainage strategy which has been agreed with KCC who are the Lead Local Flood Authority. I am satisfied that there would be no increase in surface water flood risk at the site. The proposal involves retention of a reasonable number of existing water management elements at the site including ditches and pond areas in an interlinked manner and so provides a conjecturally appropriate 'blue grid' structuring the site. The aforementioned wider buffer strip issue would work well with this.
76. In terms of soft landscaping the proposals would include the retention of some of the existing trees which would be further enhanced through the provision of additional tree planting around the site boundaries and within the site. These would consist of native and ornamental species and the applicant proposes to utilise larger stock sizes where possible. The area of informal open space with wildlife/SuDS pond would be surrounded by areas of long grass, trees and scrubs.
77. To the southern edge of the site adjacent to the ancient woodland, a buffer strip of 15 metres is proposed. As well as providing protection to the woodland this will also assist in providing a variety of habitats. This area will be managed to replicate a natural woodland edge with native species.
78. Increased tree provision has also been negotiated as part of the design negotiations. Trees are proposed throughout the site in gardens and on street to help to soften the street and the impact of the development. The presence of trees will also assist in creating shade for residents, micro-climate modulation and further provision of habitat.
79. Detailed ecology survey work has been ongoing since outline permission was granted for the scheme in 2014. This is in accordance with the requirements of the outline permission. The key findings of these surveys to date appear consistent with information previously gathered in relation to protected species and habitats.

80. An updated Ecological Management Plan has been submitted at the request of KCC Ecology to take account of changes to the layout that have occurred after the original plan was agreed by outline condition. At the time of finalising this report consultation comments have not been received and will be provided to the Planning Committee through the Update Report.
81. The applicant proposes bird boxes and a landscaping approach that balances visual interest and creation of spaces with different character with approaches that will generally help boost biodiversity. Overall, and subject to the agreement of KCC Ecology, I consider the way that biodiversity is approached within the scheme to be acceptable.

Human Rights Issues

82. 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

83. 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

1. The proposal would accord with the Development Plan as a whole.
2. This is a reserved matters application and therefore the principle of the development has been accepted and cannot be revisited. Outline permission was granted at a time when the Council was unable to demonstrate a deliverable 5 year housing land supply.
3. The proposed number of dwellings would be in accordance with the outline permission. The proposed density is considered to be acceptable given the location of the development on the edge of the town and adjacent to the AONB. It would provide an appropriate transition from the higher density development of Shrubcote and Priory Way.

4. The proposals take account of supplementary planning documents and guidance.
5. The proposed type and mix of homes has been chosen to meet local market demand and is also in broad compliance with the Council's SMHA. The amount of affordable housing (35%) is in accordance with the S106.
6. The development would accord with the Council's adopted parking standards
7. The development would meet the nationally described Space Standards and the Council's adopted standards in relation to internal space and private external space.
8. The applicant has made reasonable amendments to the design of their standard 'Heritage' house types in an effort to provide a higher design quality. Whilst the Council has clear design expectations and seeks to raise the standard of design across the Borough the outline permission was granted pre 2019 NPPF and prior to the adoption of the new Local Plan. The improvements to the overall design of the housing is considered to be acceptable in the specific context of this case.
9. The residential typologies and associated scale of development is acceptable and has taken into account the reasoning related to the last deferral of fine detail for the site in January 2019.
10. On balance, and subject to a satisfactory consultation response from KCC Ecology in relation to the updated Ecological Management Plan, I consider that the application now represents a scheme that can be approved.

Recommendation

Permit

Subject to

A) a response from KCC on the acceptability of the applicant's updated Ecological Management Plan and resolution to my satisfaction of any issues raised by KCC and

(B) the following Conditions and Notes (with delegated authority to either the Head of Planning and Development or the Joint Development Control Managers to make or approve changes to the planning conditions (for the

avoidance of doubt including additions, amendments and deletions) as she/he sees fit)

Conditions:

Provision of a resident's information pack (refers to landscaped areas, Management Company, parking, refuse storage etc.)

Rainwater butts

Removal of PD rights

Parking

Soft landscaping implementation plan/landscaping maintenance schedule (in consultation with the High Weald AONB)

Landscaping details

For the flats details of signage/lighting/secure access for bicycle stores etc.

Use of dwellings as C3 dwellings only

External fine details elevations

Suds (incl management)

Detail for the headwalls and culverts within the main SUDS pond

Ecology

Lighting

Diversion of the PROW

Provision of new parking spaces and new access in accordance with plans

Details of bollards for emergency access and footpaths

Electric vehicle charging points

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,
- was provided with pre-application advice,
- 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.

2. Southern Water

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330303 0119) or www.southernwater.co.uk".

3. PROW

Any proposed work on PROW must be approved and authorised by Kent County Council's PROW and Access Service prior to works taking place.

No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.

There must be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.

No hedging or shrubs should be planted within 1.5 metre of the edge of the Public Right of Way.

Any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

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 19/00340/AS)

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Summary

This is an exceptional site with a number of landscape and heritage assets which have the potential to enable this to be a very attractive development. The proposal has taken into account the need to accommodate the ecology of the area, or mitigate its loss. Unfortunately, this need has been treated as a constraint which has driven the design. This together with a very standardised approach to architecture, layout and landscape design means that this proposal will not achieve its potential in terms of design quality or value. An approach is needed which reflects the rural character of the area and uses the natural and heritage assets as an opportunity to create an exceptional and high-value residential development in a unique tranquil location.

Background

This is a proposal for up to 100 homes on a 5.64 hectare site in Tenterden, Kent. Outline approval has been secured for the development (April 2016) with all matters reserved. The intention is now to submit a reserved matters application.

There are two listed buildings to the south of the site boundary and an ancient woodland to the south and south west. The High Weald AONB is to the immediate south-east of the site and a small section of the site, located on the eastern side of a public right of way is designated as being within the AONB.

Response to the landscape

The shape of this site is long, narrow and irregular; making it impossible to create any grid of streets and quite difficult even to create loops. In addition, there are requirements to allow areas for wildlife habitat and corridors and landscape buffers. These have been treated as constraints and not opportunities, and a standard Redrow development squeezed into the space left over. While the panel would much prefer to see an architecture that was more responsive to the local vernacular of Tenterden, not just in terms of materials but also farm clusters or cottage typologies, or that reflected a contemporary response to the natural setting, we understand that Redrow will insist on providing their standard product, in this case the Heritage Range. However, a standard Redrow approach to plot and street layout, as illustrated in slide 25 of the presentation, is not only inappropriate for this site but will fail to maximise its value.

The constraints of the site need to be reconsidered as opportunities. These include:

- Views of the oast house. The design team seem to have become distracted by the heritage designations of the buildings to the south of the site and dismissed the oast house because it is not listed. While there have been some insensitive additions to this building, its roof remains very distinctive and the thing that visitors to the site will spot well before the listed buildings.
- The mature trees on the north east boundary, the North West boundary and south of the proposed attenuation pond.
- The lane and views into the AONB to the south east.
- Views out into the ancient woodland to the west.
- Watercourses and ponds developed as part of a more sophisticated approach to drainage (see below).

Streets could be aligned and houses clustered and orientated to make the most of these assets, and the highest value houses located to benefit from them. All this requires an approach which is not simply based on houses clipped onto streets with regular building lines but a more rural layout of buildings on plots and dispersed clusters reflecting the Wealden landscape. While we agree that the concept of character areas is often over-used especially on smaller sites, each of these natural and heritage assets requires a separate response in terms of the character of the development around it. A requirement to maintain darkness at night next to wildlife areas need not prevent the approach we propose, there are approaches to lighting that can meet those requirements while still keeping lanes safe for people.

Landscape design has a very special importance in this peri-urban situation. Reference should be made to the Landscape Character Appraisal for the area to give a general guide. There is scope to respect historic landscape features of the site such as hedge-lines, orchards, spinneys, ponds and damp flushes that can give a subtle differentiation of character to each part of the site. Character is not merely a function of the architectural style and in this respect the layout of houses is also an important element. Local villages are notable for the front gardens with picket fences, or houses hard onto the road, using this local character can inform and lift the quality of the layout. Add to this a combination of seeing ecological constraints as opportunities, combining them with a true water sensitive design approach, and one that also addresses the serious problem of predation on wildlife by domestic cats and the scheme could be of the highest quality.

Access and entrance

Access to the site has been agreed through a rather narrow entrance off Priory Way where there is currently visitor parking. Although we are sure that all property in Tenterden will be in high demand, the Shrubcote area is not the most attractive part of the town. The proposal places small pockets of green either side of the entrance to the site to almost create a buffer between the old and the new. This arrangement has no doubt been arrived at with the future sales and marketing requirements for the development in mind. However, the designers can decide what is the point of arrival into the new development. A tighter layout at the access point with houses either side, would not only use less attractive parts of the site more efficiently but could lead one into a small green to give a sense of arrival from where some of the key assets of the site could be viewed and would therefore be a stronger marketing opportunity.

It is understandable that the lane to the south east cannot be used as an access to the site although we are pleased to see it will provide an emergency access. However, this does not mean that the development should turn its back on it and additional pedestrian and cycle connections here should be encouraged and will be attractive for residents.

The panel did not have time to discuss wider pedestrian connections but we would normally ask for these to be given greater consideration and for internal paths to connect with the wider network. This site is not far from the town centre but awkwardly situated for walking and cycling using the road network. Connections to rights of way and desire lines that make it easier to get to local facilities (if only in good weather) should be considered.

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Application Number 19/00579/AS

Location Land on the North Side of Highfield Lane, Sevington, Kent

Grid Reference 04000 / 41000

Parish Council Mersham

Ward Highfield (Ashford)

Application Description Approval of the appearance, landscaping, layout and scale of the 'Phase 1A works' being the works comprising the estate roads, the sustainable drainage system embedded within open space and the landscaping and layout of that open space (including measures specifically designed for ecological/biodiversity enhancement purposes within that open space)

Applicant Aviva Life and Pensions UK Ltd

Agent Montagu Evans LLP
 5 Bolton Street
 London
 W1J 8BA

Site Area 47.75ha

- | | | |
|--------------|--|--|
| (a) 380 / 1R | (b) Sevington/Mersham Parish Council - R | (c) KH&T – X; KCC PROW – X, KCC ECO – X; KCC SuDS – X; HE – X; CTRL - ; NR - ; RAM - ; EA – X; NE – X; KWT - ; UKPN - ; SGN - ; RSIDB – X; PO (Drainage) - ; |
| (a) NA | (b) NA | (c) KH&T – X; KCC PROW – X, KCC ECO – X; KCC SuDS – ; HE – ; EA –RSIDB – ; |

Introduction

1. This application for approval of various reserved matters is reported to the Planning Committee because it is a major application relating to a large scale employment development at the site and although some elements could be dealt with under delegated powers others would involve delegation only after the prior consultation with the Planning Committee process: in the circumstances of the case, and the timetable to which the applicant is working in terms of commencement, it was agreed with the applicant that it would be appropriate to report the application directly to the Planning Committee. Alongside the application reserved matters, the applicant has also submitted various applications to discharge details to planning conditions that require approvals prior to commencement: determination of these submissions falls within the powers delegated to officers.
2. The application is a reserved matters application submitted pursuant to condition 1(A) of outline planning permission reference 14/00906/AS.
3. That outline application was submitted by Montagu Evans LLP on behalf of Friends Life Limited. Friends Life is now part of the Aviva group and so Aviva is the applicant.

The Outline Planning Permission

4. Outline planning application 14/00906/AS was considered by the Planning Committee on 18 May 2016 where it was resolved to grant planning permission subject to various matters including the completion of a s.106 agreement. Outline planning permission was subsequently granted on 13 September 2017.
5. Outline planning permission 14/00906/AS grants permission for the following development:

Development to provide an employment led mixed use scheme, to include site clearance, the alteration of highways, engineering works and construction of new buildings and structures of up to 157,616 sq m comprising: up to 140,000 sq m Class B8 (storage and distribution) use; up to 23,500 sq m of B1a/B1c Business (of which a maximum of 20,000 sq m of B1a); up to 15,000 sq m of B2 (general industry); up to 250 sq m of A1 (retail shops) and 5,500 sq m of sui generis to accommodate Kent Wool Growers together with ancillary and associated development including utilities and transport infrastructure, car parking and landscaping.

6. Given the major nature of the development the application was accompanied by an Environmental Statement (ES) together with a suite of supporting documents including a whole site masterplan, as required by the Council's adopted Planning Policy relating to the site at the time the application was

determined (policy U19 of the Urban Sites and Infrastructure DPD). A number of possible variations of the masterplan were contained within the outline application, however, the main illustrative master plan supporting the application is copied below as Figure 1.



Figure 1 Illustrative Masterplan

7. The applicants approach to the masterplanning of the site involved:
- creation of a 'landscape and ecological framework' within the site through the creation of a 'green grid' comprising landscape buffers, green edges and corridors helping filter views, preserve views of the Grade I Listed St Mary's Church in the interest of its setting and through building plots and building sizes being dictated by landscape context.
 - creation of 'character areas' comprising key landscape elements.
 - creating an 'eco park environment' involving changing levels by 'cut' towards the centre of the site and 'fill' towards the edges to create level plots for the uses identified in the allocation, creation of a series of swales and ponds as an integral component of the landscape framework

(‘blue grid’) and an early approach to planting and changes to levels in order to help establish a natural environment.

- creation of a ‘connected development’ to the strategic and local highway networks, establishing safe streets with access connection to proposed plots from new streets, provision of public access via a series of themed paths and trails and safeguarding future routes.
 - placement of smaller buildings to the site edges, the creation of inward looking buildings, the provision of the long edged large buildings to best utilise the potential for solar gain and the provision of landscape screening.
8. The outline application also considered the matter of vehicular access to and from the site via Church Road, which included proposals to realign Church Road to the east of the A2070 in order to help reduce the approach gradient for vehicles entering the Strategic Road Network (SRN). The application (as amended in 2015) contained two different options as to how the Church Road/A2070 junction might be reconfigured depending on various development scenarios and taking into consideration the progress of the Highways England proposals to create a new Junction 10A to the M20 motorway together with link road through the land to the north of the site in order to connect the new junction to the A2070. Following the issue of the Development Consent Order, the works to the M20 to create the new junction and link road are now at an advanced stage: these are expected to be completed in the summer of 2020 but open to traffic in autumn 2019.
9. The access arrangements were previously deemed to be acceptable, subject to a number of conditions and subject to road infrastructure improvements secured through a s.106 agreement. The relevant conditions, (imposed on the outline planning permission) include conditions 11-15 which restrict the amount of traffic generated from the site prior to road infrastructure improvements. The s.106 agreement includes a requirement to prevent through traffic moving between Highfield Lane and Kingsford Street, a requirement to prevent through vehicular traffic at the southern end of Church Road (using lockable bollards or similar measures to maintain an access for emergency vehicles only) and a requirement to provide a refuse freighter sized turning facility to enable a turn and return in an easterly direction along Kingsford Street.
10. In terms of the detailed design for the primary access connection onto the Junction 10A link road, this will form the subject of a future planning application.

The Current Application

11. The principle of an employment led mixed use scheme on this site has already been established through the grant of outline planning permission 14/00906/AS. The permission remains extant.
12. The purpose of this reserved matters application is to consider the detailed design relating to matters required to be submitted in accordance with Condition 1(A) of the outline planning permission.
13. Condition 1(A) of the outline planning permission expressly requires the following detail to be submitted prior to any reserved matters relating to the layout and design of the first building at the site:
 - Details of the siting, design, appearance and landscaping of:
 - the estate roads,
 - the sustainable drainage system embedded within open space; and
 - the landscaping and layout of that open space (including measures specifically designed for ecological/biodiversity enhancement purposes within that open space)
14. In full condition 1(A) states:

“Approval of the phase 1 works involving the siting, design, appearance and landscaping of the estate roads, the sustainable drainage system embedded within open space and the landscaping and layout of that open space (including measures specifically designed for ecological/biodiversity enhancement purposes within that open space) shall be obtained from the local planning authority prior to the approval of the first new building to be constructed within the site and thereafter the phase 1 works shall be carried out in accordance with such approval unless the Local Planning Authority has agreed to any variation in writing”.
15. Therefore, the reserved matters application before the Council relates solely to all land situated outside of the proposed development plots that the market will come forward with in due course through applications to the Council. The intention behind this approach was to ensure that the details of estate structure / ‘green grid’ structure / ‘blue grid’ structure and buffer/edge planting detail all came forward at the earliest opportunity for approval thereby creating a clear framework into which future applicants for the various plots could prepare their designs and layouts in the clear knowledge of a series of givens. In practice, and notwithstanding any ecological matters, around the margins of individual plot development and design there will need to a degree pragmatism when

future applications are submitted as detail approved now might need to be finessed but having an approved framework was considered the best way to ensure a coherent development as the site progresses in relation to market interest.

16. Approval of the siting design and external appearance of each of the buildings, the means of access from the estate roads into each individual development plot and the landscaping of each individual development plot will therefore form the subject of future reserved matters applications in accordance with condition 1(B) of the outline planning permission.
17. For clarification and as stated at paragraph 10 above, the detailed design for the junctions into the site including connection to the A2070 and the primary access onto the Junction 10A link road do not form part of this application.
18. The reserved matters application was submitted in April 2019 and full stakeholder and community consultation has been carried out. Minor amendments to the application were subsequently made in response to comments received from Kent County Council (KCC) Highways and Transportation, KCC Flood and Water Management, KCC Public Rights Of Way & Access Service, KCC Ecology and the River Stour Internal Drainage Board. As the amendments made are not considered to be significant in the context of the overall scheme, in accordance with the Council's Statement of Community Involvement 2013 I have not considered it necessary to undertake a wider stakeholder and community consultation on those minor changes: consultation has, however, been undertaken with those consultees requiring further information and/or amendments to the scheme.

Site and Surroundings

19. The site (located as per Annex 1) currently comprises an area of approximately 48 hectares and is located to the south east of the town. The site is bounded by countryside and the existing M20 and new Junction 10A and associated link road to the north, Highfield Lane and Kingsford Street to the east, the Channel Tunnel Rail Link (CTRL) line to the south and Church Road and the existing A2070 to the west. Between the application site and the A2070 to the west is a farmstead with Grade 2 listed buildings and St. Mary's church which is Grade 1 listed.
20. The site currently comprises an area of countryside approximately 48 hectares in extent. The countryside in this location is not designated as Special Landscape Area or Area of Outstanding Natural Beauty. The land forming the application site is used for agriculture.

21. The report to the Planning Committee relating to the outline planning permission describes the site as being bounded to the north by countryside and the existing M20. Immediately to the north of the M20, the land was described as comprising a mix of uses including a number of residential properties and the Wyevale Garden Centre and slightly further to the north the Tesco superstore at Crooksfoot, the Pilgrim's Hospice and the William Harvey Hospital. All shown in the image copied in the image below:



Figure 2 Aerial Imagery

22. As stated above, the Highways England works to the M20 to create new Junction 10A and link road to the A2070 are now underway. Figures 3 to 6



Figure 3 Interchange bridge(s)

below show works associated with the construction of J10A and the link Road in context with the application site.



Figure 4 Progress at Junction 10A (November 2018) published by KentOnline Picture: Ashford Borough Council / Ady Kerry



Figure 5 Roundabout linking to the A2070 (October 2018) published by KentOnline – Picture Vantage Photography



Figure 6 New Link Road (October 2018) published by KentOnline – Picture Vantage Photography

23. Highfield Lane and Kingsford Street are located to the east of the site. The Channel Tunnel Rail Link (CTRL) line is located to the south and Church Road and the existing A2070 are located to the west with the suburb of Willesborough located on the western side of the A2070.
24. Between the application site and the A2070 to the west is the Court Lodge Farm farmstead with Grade 2 listed buildings and St. Mary's church, the latter being a Grade 1 listed building. Both are shown in the aerial image at Figure 7 below.



Figure 7 Court Lodge Farm farmstead with Grade 2 listed buildings and St. Mary's Church Grade I listed

25. There is no conservation area within or close/adjacent to the application site.
26. In terms of scale of built form, homes along Church Road and Kingsford Street are generally 2-storeys with pitched roofs and differ in their visual relationship with the site. Homes located on Kingsford Street nearest to the application site and the junction with Highfield Lane are generally more screened by existing trees at plot sides and rears rather than having uninterrupted views to and through the application site as the image at Figure 8 below shows.



Figure 8

23. Further east along Kingsford Street, there is a mixture of homes screened by existing trees at plot sides and rears as well as some homes fronting westwards as the image at Figure 9 below shows.



Figure 9

24. The majority of homes on Church Road have relatively open views across the site as the image at Figure 10 below shows.



Figure 10

25. Topographically, land levels rise from both the south and the north to the centre of the site. At this centre, there is a sense of a low ridge running in a broadly east-west axis through to Highfield Lane and beyond. Ground levels range from 61.95m AOD to 46.50m AOD across the whole site. From Highfield Lane moving westwards towards St. Mary's, land levels fall by 6 metres. The annotated aerial image at Figure 11 below depicts this arrangement.



Figure 11 Topography

26. A high pressure gas main runs in a north-east/south-west axis through the western part of the site: this has practical safety implications for the achievable master planning layout of the site.
27. Hatch Park, a Grade 2 listed Registered Park and Garden is located approximately 2km to the east of the site.
28. The nearest statutory sites of nature conservation importance are the Ashford Green Corridors (80m to the east) and Hatch Park (680m to the east) with five non-statutory sites of nature conservation value located within 2km of the site. These are as follows;-
 - (i) Roadside Nature Reserve Local Wildlife Site ('LWS') – abutting the north-eastern boundary of the site
 - (ii) Willesborough Lees and Flowergarden Wood LWS – km north
 - (iii) South Willesborough Dykes LWS – 1.7km south-west
 - (iv) Woods near Brabourne LWS – 1.7km
 - (v) Great Stour River LWS – 1.9km north

Proposal

29. This reserved matters application seeks approval of the appearance, landscaping, layout and scale of the Phase 1A works, as set out in condition 1A of the outline permission which is copied in full in the introduction section of this report.
30. The details relating to the reserved matters relate to all the land situated outside of the development plots identified on the master plan copied at Figure 12, and includes detailed proposals for:
 - the estate roads;
 - the sustainable urban drainage system embedded within the open space; and
 - the landscaping and layout of that open space, including measures for the enhancement of ecology and biodiversity.
31. Approval of the siting design and external appearance of each of the buildings, the means of access from the estate roads into each individual development plot and the landscaping of each individual development plot will form the subject of future reserved matters applications in accordance with condition 1(B) of outline planning permission 14/00906/AS and so do not form part of the application.



Figure 12 Proposed Masterplan

Estate Roads

33. This reserved matters application comprises a number of drawings, which identify the location and design of the estate roads, including the General Arrangement Plans which identify the location of the roads and show the proposed carriageway, cycleway and footways.
34. In accordance with the illustrative masterplan accompanying the outline planning application, the roads are proposed to be arranged with a north-south route, accessed from the M20 J10A link road, and a new east-west road in the southern part of the site accessed from Church Road/A2070 (Figures 13-15).

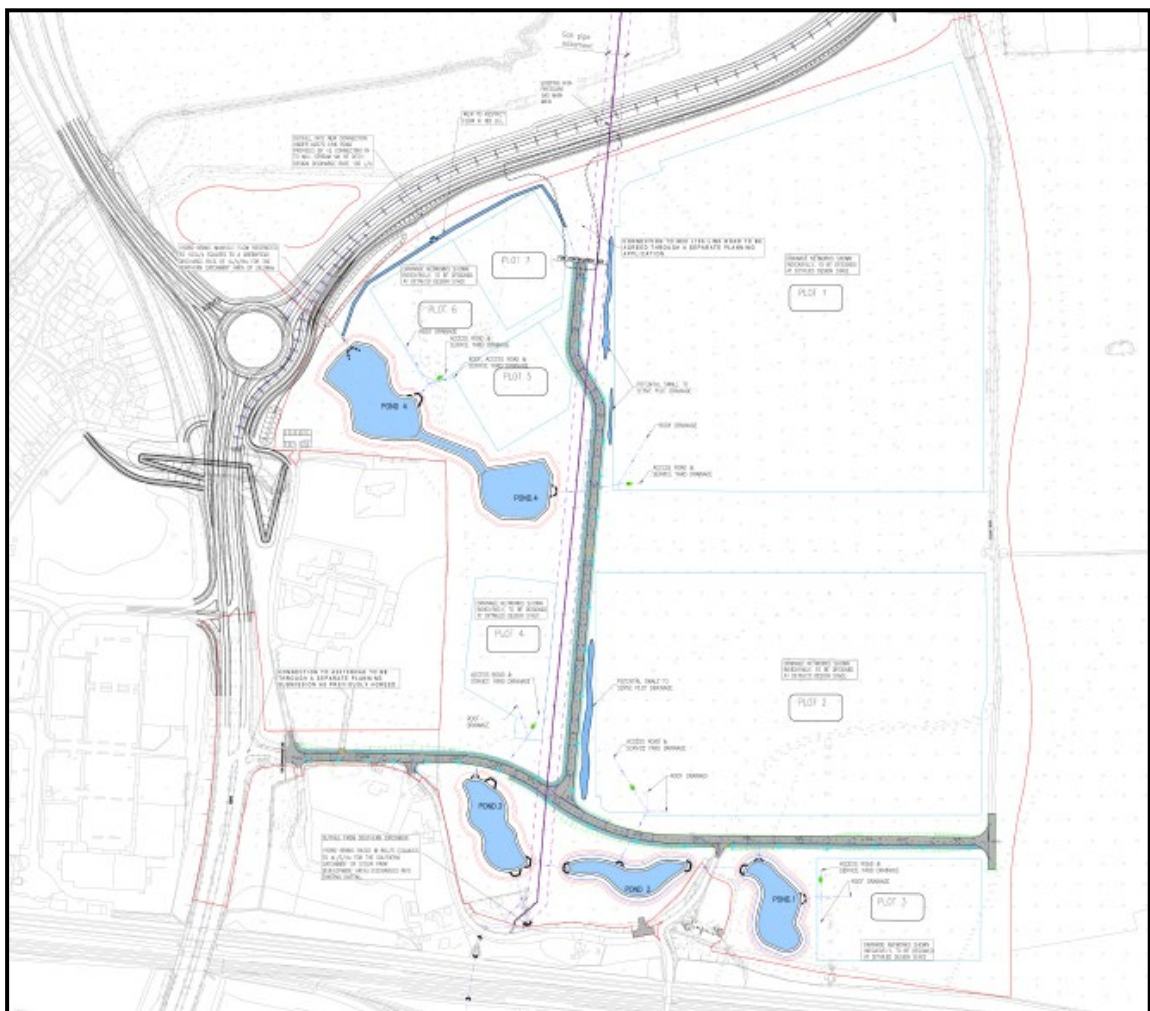


Figure 13 Road Arrangement

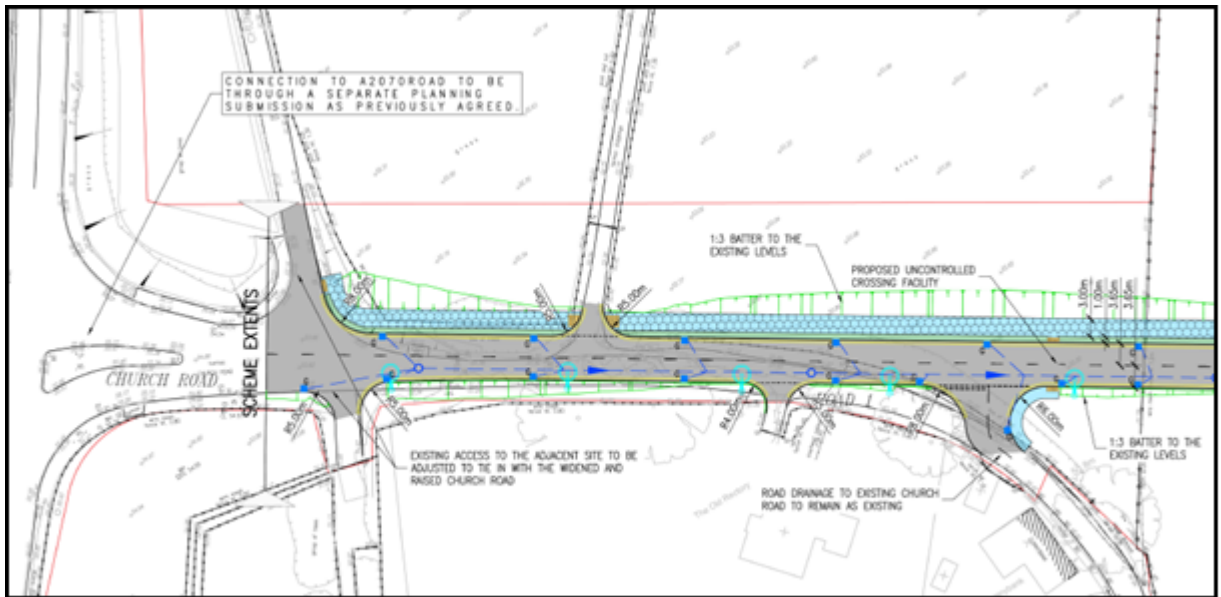


Figure 14 Future point connection from Church Road to the A2070

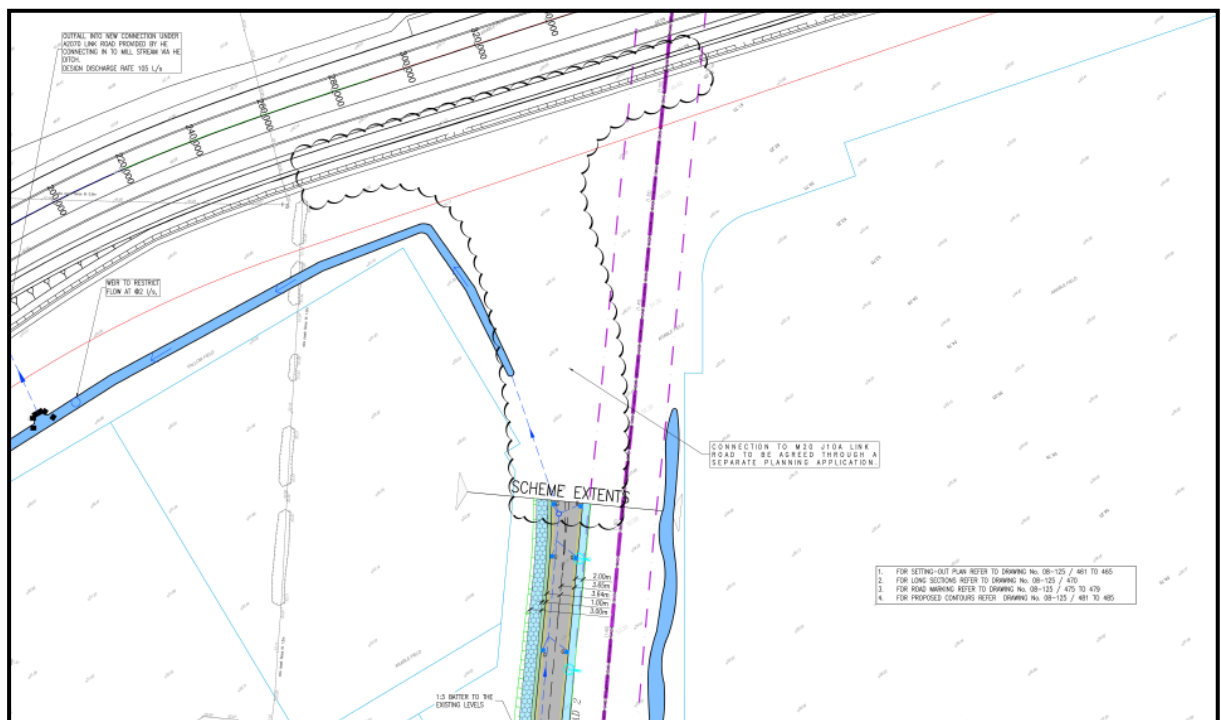


Figure 15 Future point of connection to the M20 Junction 10A link road.

35. The reserved matters proposals do not include detailed designs for the junctions as these will form separate planning applications, to be submitted in due course.

36. The estate roads have been designed to include grass verges and embankments and the plans also show the drainage feature and services. Plans submitted show the setting out of the roads, contours and the profile of the roads in long sections.
37. In terms of the materials to be used for the estate roads, main vehicular areas will comprise blacktop tarmac with concrete kerbs.

Sustainable Urban Drainage

38. The applicant has reviewed the suitability of a variety of Sustainable Urban Drainage Systems (SUDS). Ponds, in combination with swales offer scope for reducing storm runoff. Therefore, swales and ponds form the basis of the SuDs scheme for this site. Ponds and swales would be lined, ensuring no infiltration into the ground.
39. The 'drainage feature' shown on the masterplan in the north west corner of the development site to the north of the new link road, no longer forms part of the reserved matters proposals: this land has been utilised by Highways England for their new junction and associated roadworks and drainage in relation thereto.

Landscaping

40. The site has been divided into six Character Areas which are identified in the table below.

Area	Character Area	Area	Character Area
1	Highfield Lane	4	Church Parkland
2	South West Aspect & East/West Boundary	5	Green Corridor
3	Western Footpath	6	Park Gateway

41. General arrangement plans have been provided for each character area. The general arrangement plans set out the existing trees and hedgerow to be retained as well as proposed planting of trees, hedges, plants, grass and meadow. Hard landscaping information is also provided on the general arrangement plans, including details and the location of vehicular, pedestrian and cycle routes. Details of the location of street furniture including benches, bins, bollards, and signage and information boards are also provided.
42. The general arrangement plans are supported by schedules that set out (in detail) the typologies for both the hard and soft landscaping. Contained within 'Landscape Soft Typologies Schedule' is a list of the proposed ecological enhancements. Boxes for bats, birds, starling, robins and owls are proposed across trees on the site. In addition, reptile hibernacula would be established as well as invertebrate 'log pile' structures.

43. Planting Schedules provided identify the landscape objectives for each area, the key landscape elements that are proposed in response, the phasing and a full specification schedule of the proposed planting.
44. Drainage features, including permanent wet ponds and wetland planting are also identified on the general arrangement plans and form part of the soft landscaping proposals.
45. The following supporting information has been submitted with the application:

Application Covering Letter

46. This letter:
 - Describes the background to the outline planning permission.
 - Describes the proposed development.
 - Sets out the Planning Policy context against which the application should be determined.

Road Safety Audit Stage 1

47. The road safety audit details the Section 278 highways improvements required to the A2070 Trunk Road and on the County Council maintained roads at Sevington associated with the construction of the mixed use employment scheme.
48. The report identifies the Road Safety Audit Team's recommendations for resolving any fine detail issues relating to access infrastructure.

Non-Motorised User (NMU) Context Report

49. The report confirms that the purpose of the NMU Context Report is to collate background information relevant to NMUs to aid agreement on the design stages at which an NMU Audit Report is required.
50. The report confirms that the proposed Stour Park development affects a small number of existing, public rights of way that run through agricultural land and along Church Road and Highfield Lane. The report indicates that the development includes a number of measures to mitigate these impacts and to ensure existing levels of NMU safety and accessibility are retained or enhanced.
51. The report concludes that based on the identified effects of the development on NMUs and the proposed mitigation measures, the key scheme objectives relating to NMUs are to:

- Ensure continuity and convenience of existing NMU routes in the vicinity of the development;
- Minimise where possible the level of generated motorised traffic demand to reduce the conflict with NMUs;
- Improve safety for NMUs through reduced speed limits on the A2070 and the internal roads of the development;
- Introduce an at grade Toucan connection across the A2070 to improve safety and accessibility of the development;
- Provide landscaping surrounding the diverted public footpaths to provide an enhanced environment for NMUs; and
- Provide an improved cycle and pedestrian connection between the A2070 footbridge and Highfield Lane on the Sevington to Ruckinge Loop Cycle Route through provision of a shared footway and cycleway.

Preliminary Design Stage Non-Motorised User (NMU) Audit

52. Based on an examination of the NMU context report prepared at feasibility stage and detailed above, the NMU audit relays the 6 key objectives (copied above) for the Stour Park scheme. The audit details the design features that have been incorporated in the preliminary design to help achieve these objectives.
53. The document also highlights issues raised in undertaking the Preliminary Design stage NMU audit and details changes to be incorporated in the design, or to be considered/incorporated in subsequent stages of the design for each issue raised.

Landscape and Ecological Management Plan (Rev B) ('LEMP')

54. The LEMP was originally prepared in 2016 in response to a request by Kent County Council for an outline ecological management plan to accompany the outline planning application.
55. This updated version of the LEMP focuses on Phase 1a of the proposed development.
56. The document confirms that the aim of the LEMP is to provide an overview of the management objectives and prescriptions that will be implemented to ensure that the biodiversity value of any retained, enhanced or created habitats within Phase 1a of the proposed development are maintained in the long-term. The LEMP confirms that it is anticipated that subsequent updates may be necessary as future phases of development are brought forward at the site. The plan states that it should be noted that Phase 1a includes the strategic landscaping works for the whole site, and establishes the development platforms, representing the

main phase of development which would require habitat management and monitoring.

57. The document confirms that the original outline LEMP accompanied a Framework Ecological Mitigation Strategy ('FEMS'), which was produced in 2016 and was updated in March 2019.
58. The updated FEMS provides details regarding the landscaping and habitat creation that is to be provided within as well as the additional mitigation/compensation measures that are included to address impacts on ecological receptors. The plan confirms that the FEMS provides a context for the LEMP and should be read in conjunction with the LEMP. The FEMS has been submitted in support of application 14/00906/CONB/AS which relates to the discharge of ecology planning conditions.
59. The LEMP confirms that the proposed development has also been subject to an Ecological Impact Assessment (EclA) which was integrated into the Stour Park Environmental Statement (ES).

Drainage Strategy

60. The strategy states that the Stour Park development site is approximately 44,292ha in extent and that the proposed development site lies approximately 100m south of the Aylesford stream which is the only watercourse of any significance in close proximity to the site.
61. The strategy confirms that the IH124 runoff method suggests the 100 year peak flow from the existing undeveloped arable Greenfield north and south catchments would produce 304.2l/s (167.3l/s north and 136.9l/s south) based on a Tc of 3 hours.
62. The strategy identifies that Ashford Borough Council Sustainable Planning Document restricts Greenfield flows to a maximum of 4 l/s/ha and that Ashford Borough Council and the Environment Agency require no increase in peak flows, and for flows to be minimised or reduced where possible to the Greenfield rate.
63. The strategy indicates that Surface water sewers shall be designed to a 1 in 30 year no flooding. There will be no flooding of buildings or off-site areas during a 1 in 100 year return period storm event including a climate change allowance.
64. The strategy confirms that an increase of 30% in rainfall intensity to account for the effects of climate change over the lifespan of the development shall be considered.

65. The strategy states that the surface water attenuation will be designed to store the critical 100 year return period storm event including an allowance for climate change.
66. The strategy details the SuDs features to be incorporated into the site and concludes that with the provision of these features the final developed site onward flows would be restricted to the Greenfield rate of 4l/s/ha in accordance with the Council's adopted policy.

Relevant Planning History

12/00014/EIA/AS Development of up to 175,000 sqm of Class B1, B2, B8 uses including mixed Class B8 with ancillary retail/ trade counter use. Scoping adopted.

14/00906/AS Development to provide an employment led mixed use scheme, to include site clearance, the alteration of highways, engineering works and construction of new buildings and structures of up to 157,616 sq m comprising: up to 140,000 sq m Class B8 (storage and distribution) use; up to 23,500 sq m of B1a/B1c Business (of which a maximum of 20,000 sq m of B1a); up to 15,000 sq m of B2 (general industry); up to 250 sq m of A1 (retail shops) and 5,500 sq m of sui generis to accommodate Kent Wool Growers together with ancillary and associated development including utilities and transport infrastructure, car parking and landscaping. Granted.

Applications to discharge conditions

14/00906/CONA/AS Discharge of conditions: 33 & 34 (Phase 1a). Pending decision.

14/00906/CONB/AS Discharge of conditions: 47, 48 & 49. Pending decision.

14/00906/CONC/AS Discharge of condition 23. Details approved.

14/00906/COND/AS Discharge of conditions: 8, 9 & 30. Pending decision.

14/00906/CONF/AS Discharge of conditions: 40, 44 & 46. Pending decision.

14/00906/CONE/AS Discharge conditions 18, 19, 20, 22, 25. Pending decision.

CONSULTATIONS

Ward Members: Cllr Bartlett is the Ward Member. No representation received.

Responses to the application as originally deposited in April 2019 are summarised below:

Sevington/Mersham Parish Council: 'The Parish Council objects in the strongest terms to this application as the path was always supposed to be the boundary. The drawings clearly shows works on the other side of the path, even if this is referred to as landscaping, it should not be allowed.'

[HoPD comment: For clarification, the path that the Parish Council are referring to is Highfield Lane. The works on the eastern side of 'the path' (i.e Highfield Lane) comprise proposed landscaping/tree planting and the erection of a timber post and rail fence. At outline application stage, the application was amended to include a linear belt alongside the eastern side of Highfield Lane in order to help create a strong tree planted belt to help soften the impact of proposed commercial buildings at the site].

Kent Highways and Transportation: Double yellow lines are proposed along the whole of the estate roads to prevent any HGV parking. This should also include the proposed turning head in the south eastern corner of the site to prevent any potential for HGV parking in the turning head.

Bell bollards are required around the turning head to prevent vehicles driving along the existing section of Highfield Lane to the north.

The visibility splay as shown on drawing number 08-125/493 Revision P1 out of Church Road onto the new estate road is drawn incorrectly. The drawings should be revised using a 2.4 metre setback as Church Road only serves residential properties. The visibility splay to the right should be drawn to the near side carriageway and not the centre of the carriageway. Likewise the visibility splay out of Highfield Lane onto the estate road should be re-drawn using a 2.4 metre setback.

The estate roads need to be designed in accordance with TD 9/93 - Highway Link Design in terms of the proposed horizontal and vertical alignment. There are sections along Road 1 and Road 2 where the road curvature does not meet the required standards. Transition kerbs will be required to show the proposed design of the road. The vertical curvature needs amending to meet the required standards.

It also appears that the long section plan (08-125/470 Revision P1) ties in with the M20 Junction 10A link road. These details of the long section should be removed as they are not being approved as part of this application.

Drainage pipes need to be a minimum of 4 courses of brick work under the gully frame in order that the drainage systems can be inspected easily.

Kent County Council Public Rights Of Way & Access Service: As stated in the Section 106 agreement, public footpaths AE639 and AE363 will be upgraded to public bridleway. The plans submitted with this application show the surface of AE639 to be improved using dusted gravel with timber edging to a width of 2m. As the minimum required width for a public bridleway is 3m the plans need to be corrected to show a width of 3m for AE639 and AE363.

The PROW and Access Service will need to approve all PROW surface improvement specifications prior to any works taking place.

We will require suitable crossing points over any of the access roads within the site, Pegasus for bridleway and Toucan for pedestrian / cycle routes.

Sections of footpaths AE337A and AE338 have been extinguished through the M20 Junction 10a Development Consent Order and subsequent Definitive Map Modification Order. The remaining sections of both AE337A and AE338 currently run through the swale near to Plot 5, although there is a timber bridge located over the narrow part of the swale, the paths have been diverted from their current alignment. Any PROW diversions will need to be considered at an early stage. It is sensible to initiate consultation on proposed alterations to the path network as soon as possible.

The alignment of footpath AE339 is incorrect and part of this path has been extinguished through the M20 Junction 10a Development Consent Order and subsequent Definitive Map Modification Order.

This site has the potential to provide excellent opportunities for walking, cycling and equestrian use. Such provision will greatly benefit the sites connectivity, further increasing opportunities available for recreation, active travel and exercise.

Kent County Council Ecology: Confirm they have reviewed the landscape plans submitted in conjunction with the information submitted as part of application 14/00906/CONB/AS to discharge conditions 47, 48 and 49.

The habitats detailed within the Landscape and Ecological Management Plan submitted as part of condition 48 reflect the habitats within the landscape plans submitted as part of this application. However a different Landscape Management and Maintenance Plan has been submitted as part of this application.

We advise that there must only be one management plan implemented within the site to ensure that the habitats get managed appropriately and will benefit biodiversity.

The Landscape and Ecological Management Plan submitted as part of condition 48 provides detailed management prescriptions about when management must be implemented and therefore we advise that this is the management plan that must be implemented on site.

The landscape plans demonstrate that habitat connectivity throughout the site has been maintained. The detailed designs for the plots have not been submitted and we are concerned that there is a risk that each plot will encroach into the landscaping area and reduce the amount of greenspace throughout the site. There is a need to ensure that the detailed designs for the plots do not encroach into the landscaping area and there is no loss of habitat within the site from what is depicted on the plans.

Kent County Council Flood and Water Management: We have no objection to approval of reserved matters with regards to the 'Phase 1A works' specifically concerning the sustainable drainage system, with the following advisories for consideration:

The design submitted is shown as indicative only and is purely an outline design, we have already set out our requirements for the detailed design in our response to the submission associated with condition 33 dated 20th May. Whilst these requirements may require the alteration of the shape and size of the ponds we feel that the indicative design shown will still be reflective of the final detailed design.

As part of the detailed design submission for the Phase 1a works, to assist with future reserved matters applications, we would request that a drawing is submitted which clearly shows the designed impermeable areas, discharge rates, and volumes of run off for each connected phase.

Highways England: We have no comments to make in relation to the siting, design, appearance and landscaping of the estate roads reserved matters. It is apparent that the connections with the A2070 and M20 J10a will be subject of separate planning applications and we look forward to being consulted upon these in due course.

These reserved matters are unrelated to the Strategic Road Network ('SRN') and are unlikely to materially affect the safety, reliability and / or operation of the SRN. Therefore we do not offer any objections or requirements relating to the proposals.

CTRL Enquiries: No comments received.

Network Rail: No comments received.

Ramblers Kent Area: No comments received:

Environment Agency: Flood Risk - Provided there is demonstrable continuity between the receiving ditch and the Aylesford Stream, we are satisfied with the proposals.

All of the proposed works lie outside of the Flood Zones and 8m margin of the main river. The rate of discharge into the ditch leading to the Aylesford Stream is restricted to 41/s/ha in accordance with the requirements of the Ashford Borough Council SuDS SPD. This approved rate of runoff has also been applied to the southern catchment.

Groundwater and Contaminated Land - We have reviewed the Drainage Strategy. This information indicates that surface water is to be disposed of via discharge to existing watercourses, in combination with attenuation ponds and swales which are to be lined. The report also indicates that pollution prevention measures such as oil interceptors will be utilised for draining areas such as roadways and parking areas. No infiltration to ground has been proposed therefore we have no issues with the proposed drainage strategy from a groundwater protection point of view.

Natural England: Natural England state they have no comments to make on this application.

Kent Wildlife Trust: No comments received.

UK Power Network: No comments received.

Southern Gas Networks: No comments received.

River Stour Inland Drainage Board: Whilst this site is just outside of the Stour IDB's district, the proposals do have the potential to affect IDB interests (downstream flood risk).

The proposals have been revised to maintain existing natural catchments (previously proposed to discharge via a single outfall to the south which was unacceptable, without further detailed justification).

There appears to be a good degree of open SuDS included (although not yet fully detailed) which is supported due to the wider benefits they provide.

Despite the runoff rates being generally in line with the Council's SuDS Policy (4l/s/ha) the proposed runoff rates are of concern. The initial proposal, on which outline planning was approved, was to limit runoff to 1.9l/s/ha. This is in line with the calculated (by the applicant) natural runoff rate for a 2 year event. The proposed overall runoff rate of 191l/s is higher than the calculated total for a 1 in 10 year event (152l/s) and close to the 1 in 25 year event (209l/s)– which would mean that runoff, and downstream flood risk, would be increased for lower level events (discharging at a far higher rate than at present). The applicant should therefore be requested to consider a staged discharge (to replicate Greenfield conditions), or to return to the 1.9l/s/ha as originally proposed.

The applicant should be requested to provide details of the downstream receiving drainage networks; the capacities and conditions of channels and on-line structures (such as bridges and culverts). It is particularly important that the capacity and condition of the railway culvert is also confirmed, and the applicant should clearly demonstrate that the southern catchment currently drains through this culvert (and not through a number of culverts).

ABC Project Office Drainage: No comments received.

Responses to application as amended are summarised below:

Kent Highways and Transportation: The visibility splay as shown on drawing number 08-125/493 Revision P2 out of Highfield Lane onto the estate road should be re-drawn using a 2.4 metre setback.

Transition kerbs will be required to show the proposed design of the road. The vertical curvature at the end of road 1 needs addressing to meet required standards.

KCC Highways and Transportation will only accept blacktop tarmac for the footways.

Following further amendments received on 13 June, KCC raise no objection subject to conditions.

Kent County Council Public Rights Of Way & Access Service:

Kent County Council Ecology: Reviewed the landscape plans submitted in conjunction with the information submitted to the Council as part of application 14/00906/CONB/AS to discharge conditions 47, 48 and 49.

We advise that we are satisfied the habitats detailed within the Landscape and Ecological Management Plan submitted as part of condition 48 do reflect the habitats within the landscape plans submitted as part of this application. However we do have concerns that a different Landscape Management and Maintenance Plan has been submitted as part of this application.

We advise that there must only be one management plan implemented within the site to ensure that the habitats get managed appropriately and will benefit biodiversity. The Landscape and Ecological Management Plan submitted as part of condition 48 provides detailed management prescriptions about when management must be implemented and therefore we advise that this is the management plan that must be implemented on site.

The landscape plans demonstrate that currently habitat connectivity throughout the site has been maintained - however we note that no information has been provided on the proposed access into the plots. The detailed designs for the plots have not been submitted and we are concerned that in addition to creating the access into the plots there is a risk that each plot will encroach into the wider landscaping area and reduce the amount of greenspace throughout the site.

There is a need to ensure that the access points into the site is minimal and (other than to create access into the site) there is a need to ensure that at the detailed designs stage that the ecological functionality of the submitted landscaping plans can still be implemented.

Kent County Council Flood and Water Management: No objection subject to conditions.

Highways England: No comments received.

Environment Agency: No comments received.

River Stour Inland Drainage Board: No comments received.

Public Consultation

381 neighbours have been consulted, site notices have been posted at the application site, and the application has been advertised in the local press:

1 representation has been received raising the following objections to the scheme:

- Objection on highway grounds.
- Objection in relation to the hard landscaping and layout.
- The layout needs to be such that there is no possible entry from the development site to Cheeseman's Green Lane which could be achieved with appropriate hard landscaping measures.
- A HGV recently hit the railway bridge.
- The plans should be clarified in respect of access to Cheeseman's Green Lane.

[Comment HoPD: Details relating to access arrangements are discussed at paragraphs 8, 9, 10 and 16 above].

Planning Policy

67. The Development Plan is the Ashford Local Plan 2030 (adopted February 2019), except where the Chilmington Green AAP (2013) applies instead, together with (where relevant) the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
68. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
69. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Local Plan 2030

SP1	Strategic objectives
SP6	Promoting high quality design
TRA5	Planning for pedestrians

TRA6	Provision for cycling
ENV1	Biodiversity
ENV2	The Ashford Green Corridor
ENV3a	Landscape Character and Design
ENV9	Sustainable drainage
ENV13	Conservation and Enhancement of Heritage Assets

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

Supplementary Planning Guidance/Documents

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Dark Skies SPD 2014

Other

Green Corridor Area Action Plan 2017

Government Advice

National Planning Policy Framework (NPPF) 2018

71. 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:-
72. 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)”

50. Key points from the NPPF material to the application are as follows;- (a) the presumption in favour of sustainable development (para 11) (b) promoting healthy and safe communities (para 91-101) (c) requiring well designed places (para 124 -132), (d) meeting the challenge of climate change and flooding (para 148 - 169) (e) conserving and enhancing the natural environment (para 170 - 183) (f) conserving and enhancing the historic environment (184-202).

National Planning Policy Guidance (NPPG)

Assessment

51. The key issues are:

- (a) The principle of the development.
- (b) The impact on visual amenity.
- (c) The impact on heritage assets.
- (d) The impact on the green corridor and ecology.
- (e) Sustainable Drainage.
- (f) Access and the impact on highway safety.

Principle

52. The principle of developing the site with an employment led scheme for the types of uses consented by the outline planning permission has been agreed to by the Council through the formerly adopted Core Strategy 2008 and the Urban Sites and Infrastructure DPD.
53. Within the Urban Sites and Infrastructure DPD the site was formally allocated under policy U19 for proposed general industrial (Class B2) and storage and distribution (Class B8) uses, with some provision for light industrial uses (B1b and B1c) rather than high employment density Class B1a offices.

54. The policies within the Core Strategy and the Urban Sites and Infrastructure DPD have been superseded by the policies contained in the Ashford Local Plan 2030, (adopted February 2019).
55. Whilst the site is no longer formally allocated within the Local Plan, the principle of development has been established through the grant of outline planning permission which remains extant.

The impact on visual amenity

56. Policy SP1 of the adopted Ashford Local Plan 2030 sets out core principles for development within the Borough. Amongst other things, policy SP1 seeks to conserve the borough's natural environment / biodiversity; create high quality designed places; and ensure development is resilient to and mitigates climate change.
57. Policy ENV3a of the Local Plan covers landscape character and design and sets out criteria that developments should seek to conform to in order to protect the landscape setting and minimise the impact of development.
58. The site is located within the Sevington Highfields Mersham Farmlands Landscape Character Area (LCA). Characteristic Features include:
 - Open arable farmland on gentle rise crossed by Highfield Lane (bounded with hedgerows) and dominated by Sevington Church.
 - A line of Poplars delineate the brook.
 - Noise from the M20, CTRL and bypass is very apparent.

Within this LCA, the policy recommendations set out within the LCA appraisal seek to create through the introduction of tree belts and linear woodlands.

59. The proposed landscaping and layout of that open space, is broadly consistent with that shown in the illustrative masterplan approved as part of the outline planning permission copied at Figure 1 of this report.
60. The applicant's landscape strategy as detailed in the outline planning application includes the creation of level development plots through sensitive cut and fill. The principle of this approach has previously been agreed through the grant of outline planning permission. As detailed within the report to Planning Committee, it is proposed to subtly re-profile the existing landscape, which in itself is gently undulating, within and immediately adjacent to the site. Re-profiling of levels across the site is to be accompanied by planting works to include substantial

belts of tree planting which will help screen the scale and massing of future buildings on the site.

61. The site has been divided into six Character Areas. These are illustrated in the diagram below and discussed in detail in the paragraphs that follow:

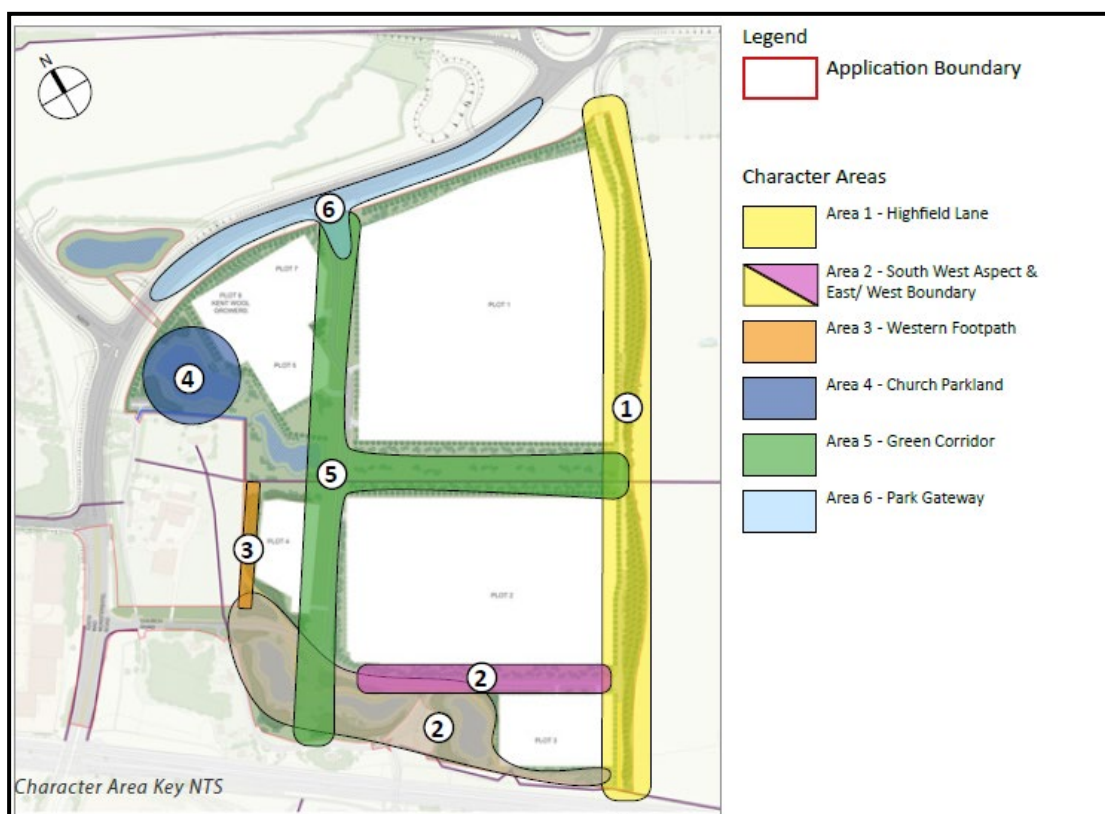


Figure 16 Character Area Key

Character Area 1 Highfield Lane

62. Highfield Lane will be retained as a through non-traffic route. An enhanced sense of enclosure would be provided through the retention and reinforcement of existing native hedgerow and through the provision of new native woodland and hedgerow planting to both the east and west of Highfield Lane respectively. Landscaping on both sides of the Lane would serve well in helping to screen short and medium range views to new buildings.
63. The woodland created within this character area would be set within gentle bunds to reinforce the sense of a sunken green lane. This subtle profiling to include the eastern side of Highfield Lane would help retain Highfield Lane's sunken character which is a key positive landscape characteristic of the Mersham Farmlands.

64. Timber post and rail fencing is proposed to be provided along the outer perimeter of the woodland to the east of Highfield Lane where it adjoins the open countryside. This type of fencing is typical across the Kent countryside and so is appropriate.

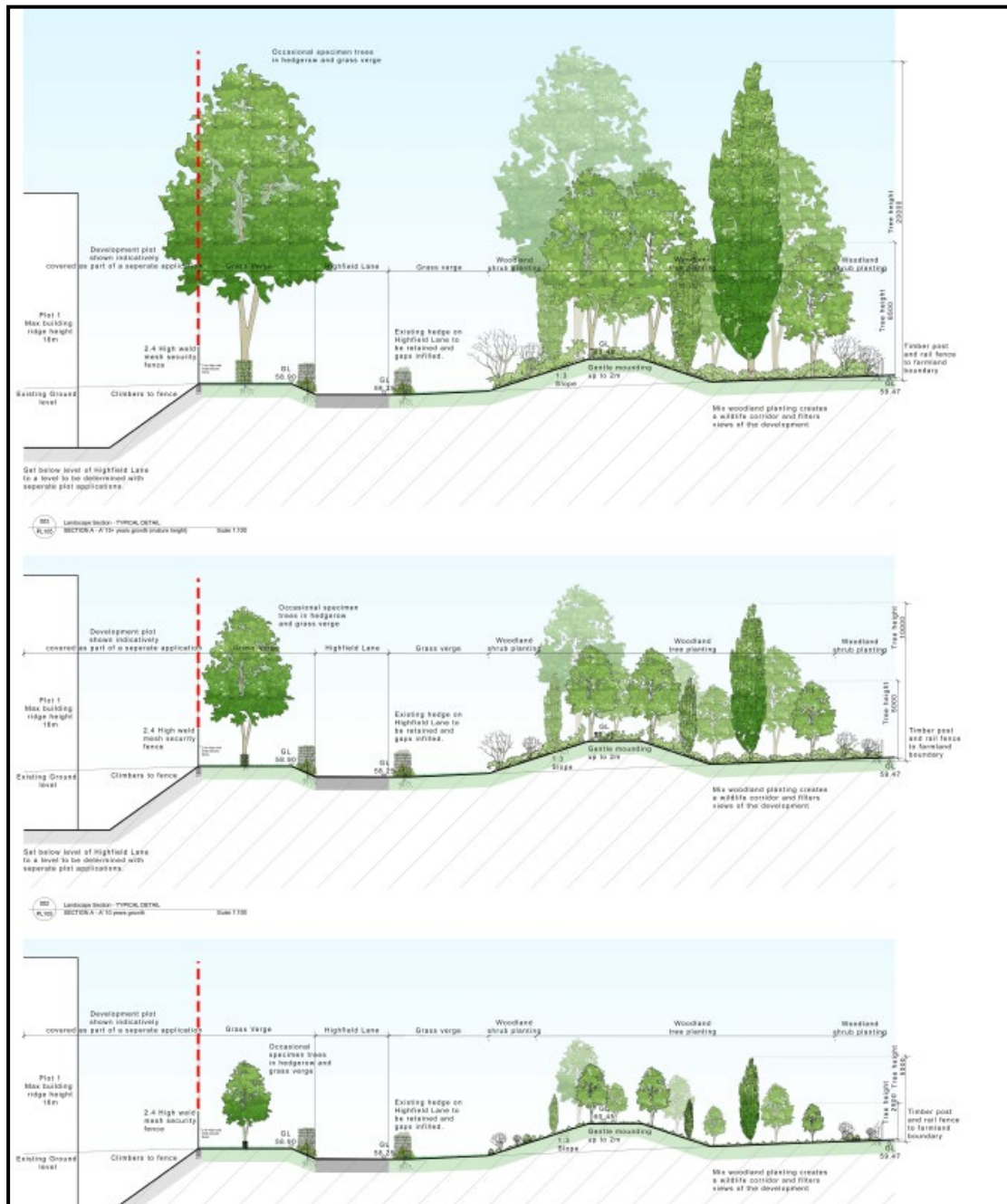


Figure 17 Section through Character Area 1 – Bottom section establishment up to 5 years. Middle section 10 years growth. Top section 15+ year's growth (mature height).

Character Area 2 South West Aspect

65. The setting of Church Road would be enhanced through the implementation of a gently undulating landform created by varying profiled bunds and SuDS features in the form of ponds and shallow grassed swales.
66. Woodland planting would be established along the slopes of the bunds and adjacent to Church Road so as to reinforce the existing character of Church Road, whilst allowing for occasional filtered views across the undulating grassland / wildflower meadows and ponds.
67. A second layer of woodland planting and landscaped bunds would create a dense backdrop to these views and would filter and soften views towards the proposed development plots, which would help to mitigate the visual impacts of the proposed buildings.
68. The east west vehicular route forms the secondary multi-functional green landscape corridor at the southern end of the development. Avenues of trees set within planted verges would enhance the setting of the areas taking vehicle traffic as well as benefitting the built form that would ultimately be created on either side.
69. The public footpath would be set within grassed landscape with tree avenues either side framing the view of the Church.

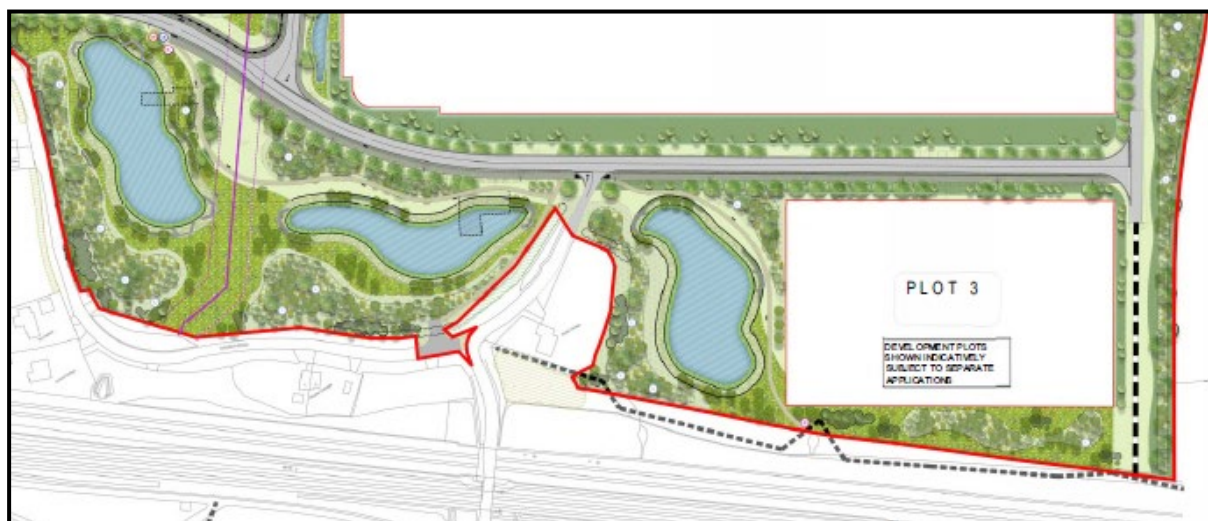


Figure 18 Character Area 2 as illustrated on the Masterplan.

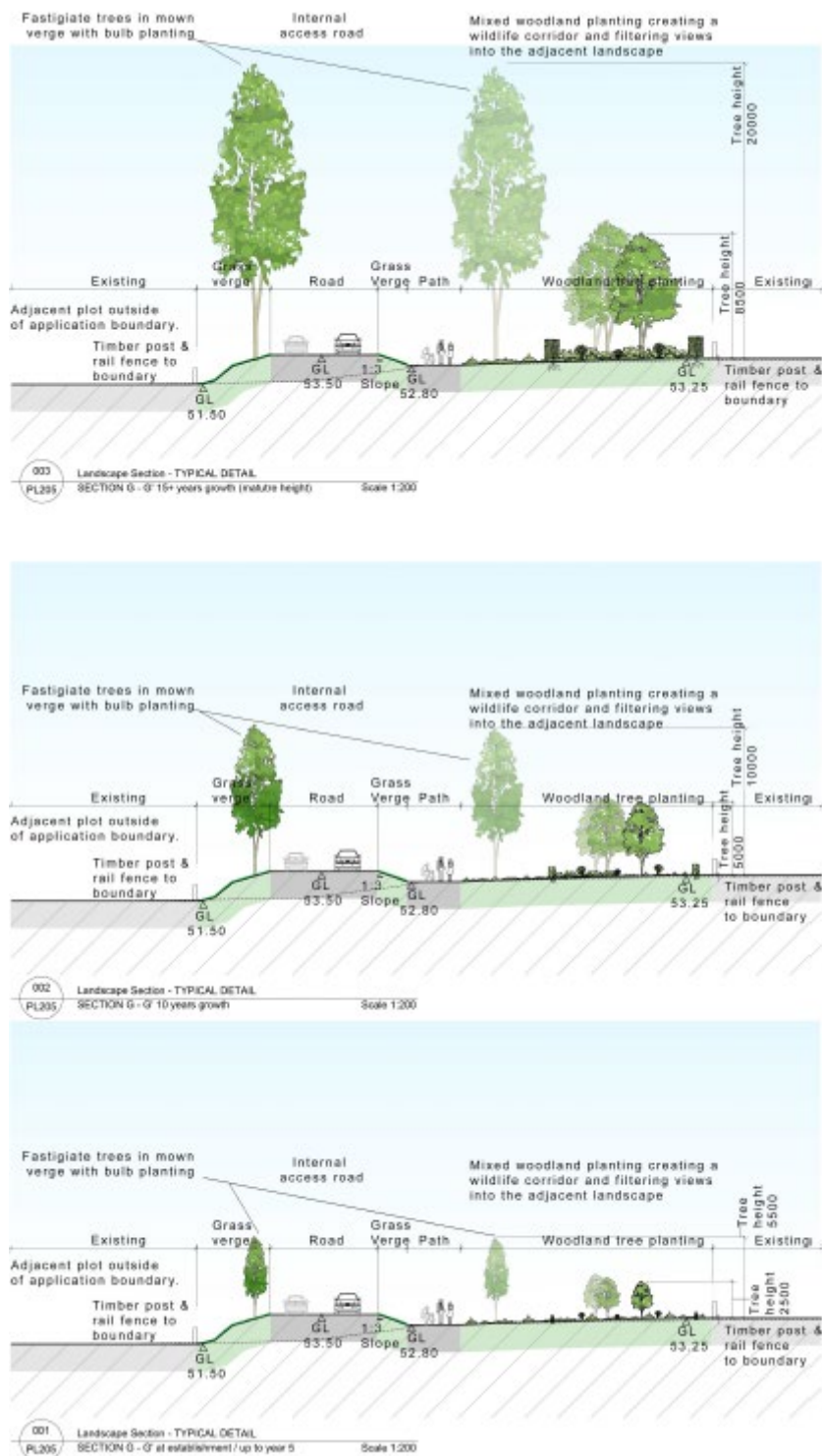


Figure 19 Section through Character Area 2 – Bottom section establishment up to 5 years. Middle section 10 years growth. Top section 15+ year’s growth (mature height).

Character Area 3 Western Footpath

70. A linear bund with native hedgerow and tree planting would form a new boundary to the west of the site and provide a sense of containment for walkers using the existing public right of way along the site's eastern boundary. Subtle land re-profiling and linear landscape elements would create character to local pedestrian movement and would reinforce the presence of St Mary's Church and adjacent paddocks.
71. Adjacent paddocks would be reinforced by a dense hedgerow mix along its edge to help effectively soften the impacts of the new development.
72. Similarly to the tree planting within Character Area 1, this linear pattern of planting complies with the policy recommendations set out within the LCA appraisal which seeks to create landscape character through the introduction of tree belts and linear woodlands.

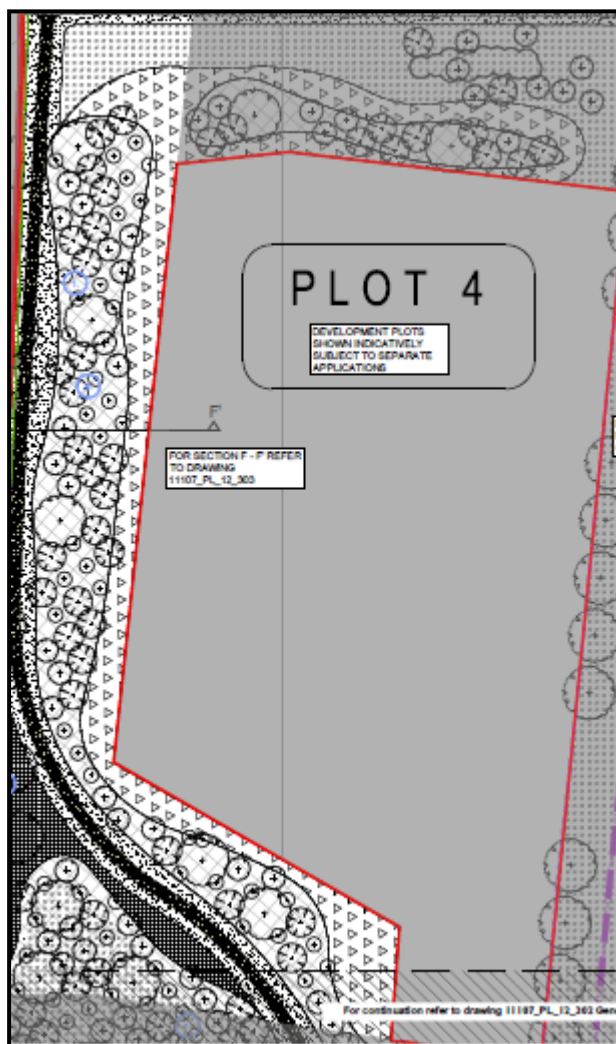


Figure 20 Character area 3 western footpath general arrangement Plan

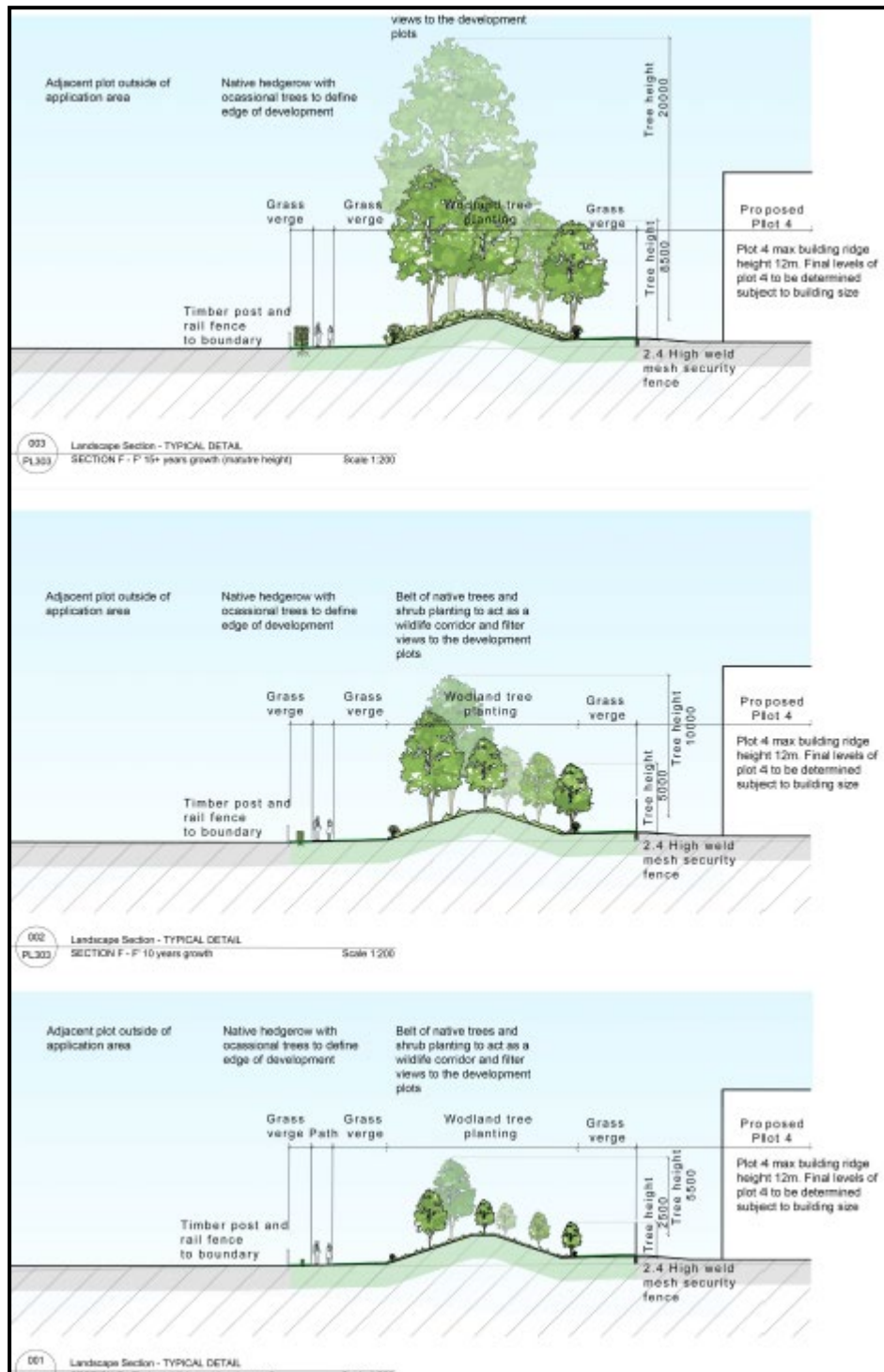


Figure 21 Section through Character Area 3 – Bottom section establishment up to 5 years. Middle section 10 years growth. Top section 15+ year’s growth (mature height).

Character Area 4 Church Parkland

73. The interface between St. Mary's Church and the adjacent undulating semi-rural landscape would be improved through the implementation of new managed landscape incorporating a mix of uses including meadow grassland, woodland planting, ponds associated with the SuDs, community orchard and public foot/cycle paths and parking facilities.

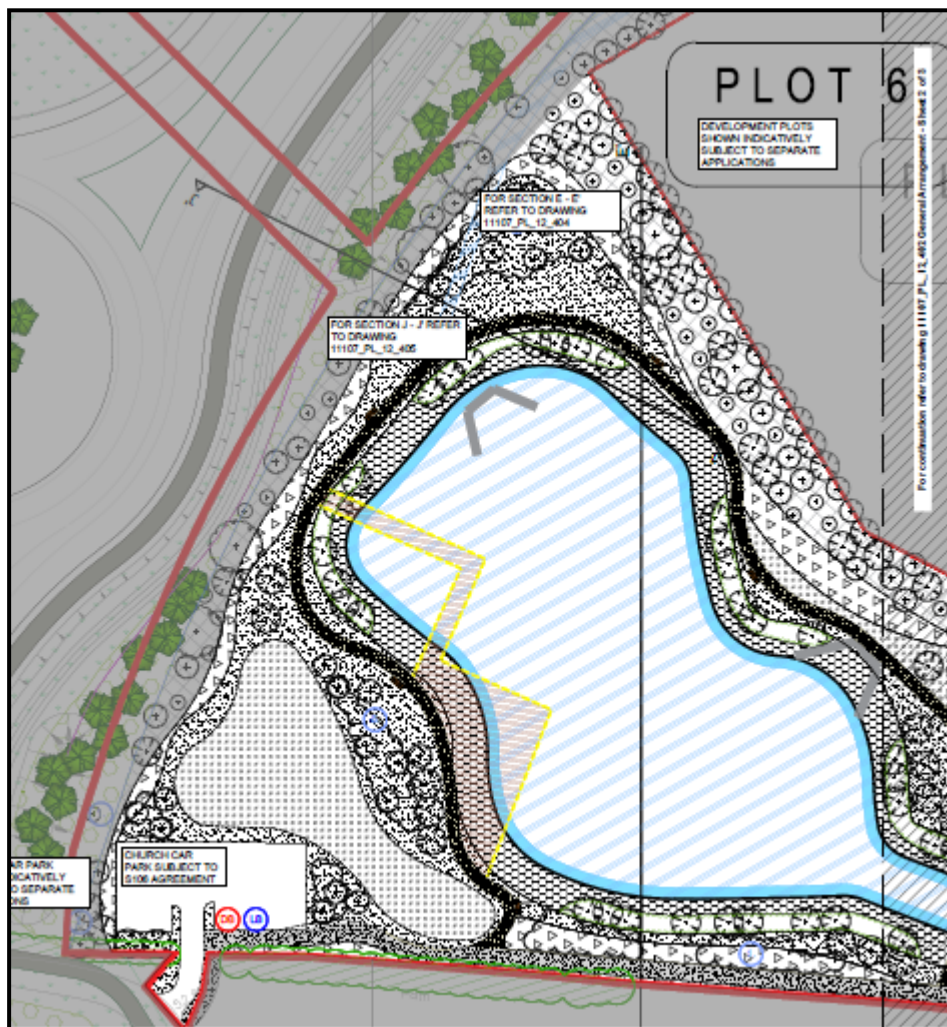


Figure 22 Character area 4 general arrangement plan

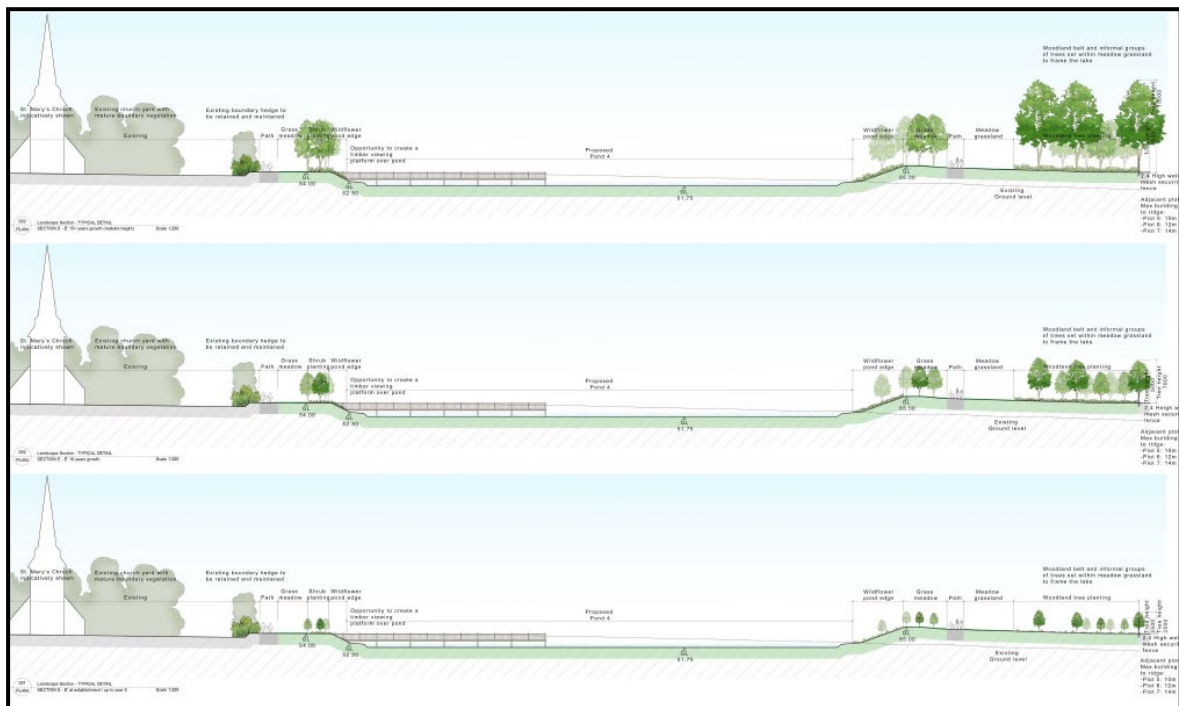


Figure 23 Section through Character Area 4 – Bottom section establishment up to 5 years. Middle section 10 years growth. Top section 15+ year’s growth (mature height)

Character Area 5 Green Corridor

74. The Green Corridor would form the primary multi-functional landscape corridor through the centre of the development from north to south and east to west. Landscape proposals would enhance the setting of the main trafficable areas and soften the frontage of the built form through the introduction of tree lined corridors of SuDS and linear open space. A secure, legible environment for all users would be established which would clearly distinguish vehicular and pedestrian areas. The east to west corridor would retain the views of the Church. I deal with ‘Impact on Heritage Assets’ further below in this report: this matter has a particular relationship with the landscape treatment of this character area.

Figure 24 Character area 5 general arrangement plan

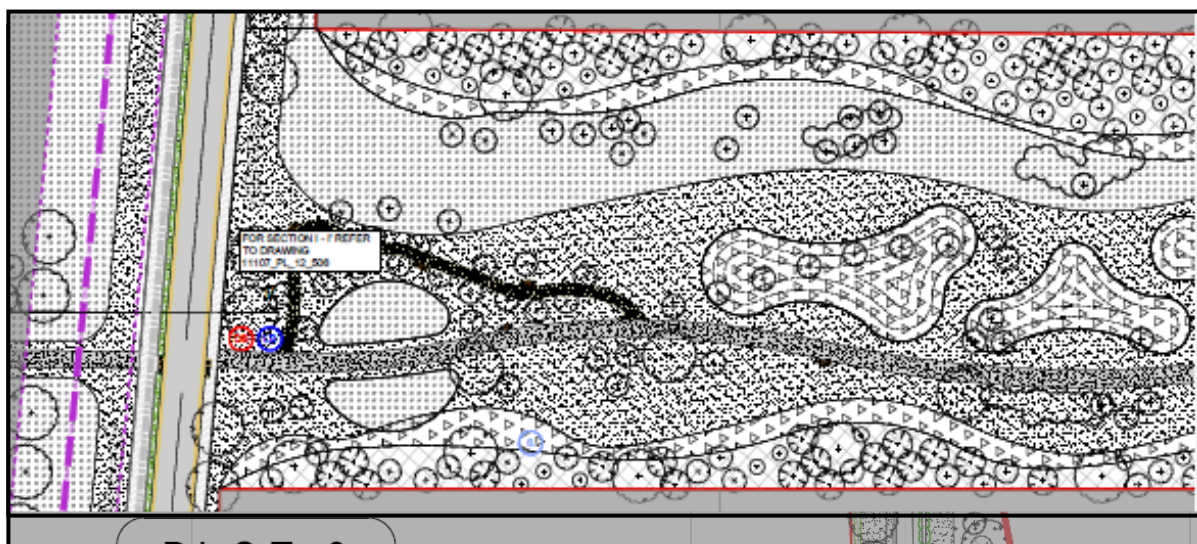


Figure 25 Character area 5 general arrangement plan



Figure 26 Character Area 5 as illustrated on the Masterplan

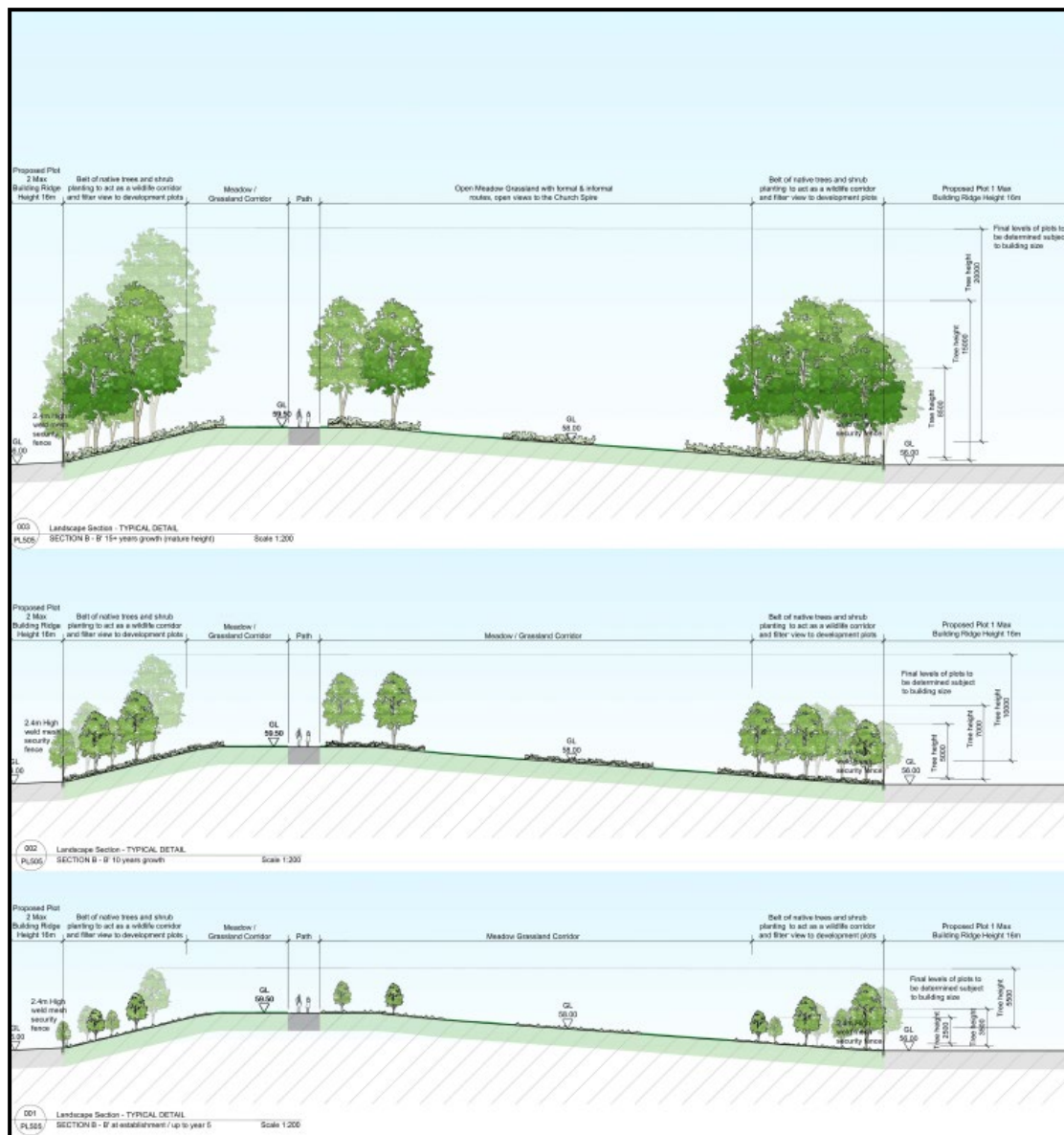


Figure 27 Section through Character Area 5 – Bottom section establishment up to 5 years. Middle section 10 years growth. Top section 15+ year’s growth (mature height).

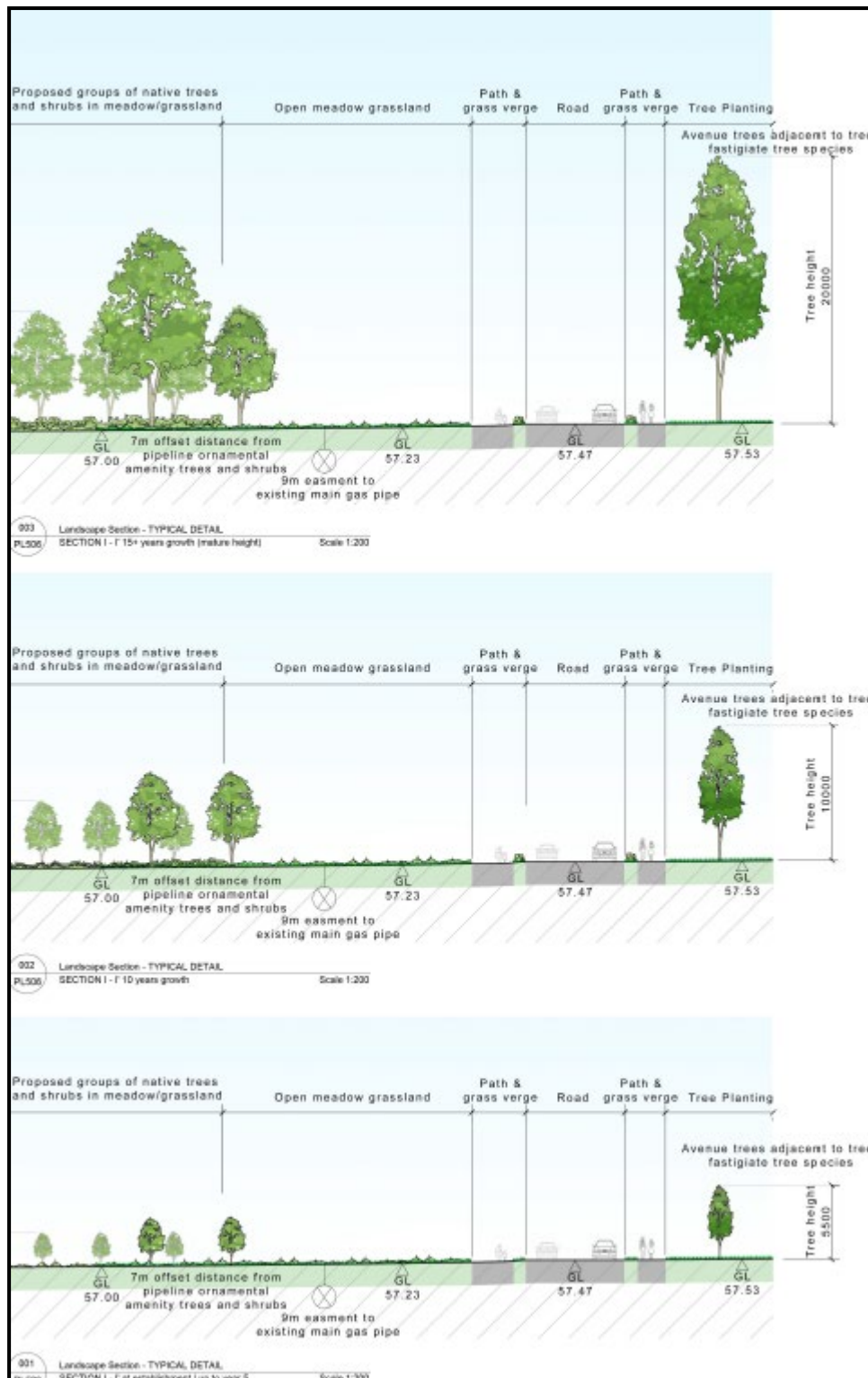


Figure 28 Section through Character Area 5 – Bottom section establishment up to 5 years. Middle section 10 years growth. Top section 15+ year’s growth (mature height).

Character Area 6 Park Gateway

75. The northern approach and site entrance would be enhanced through the provision of a formal entrance with the landscape defined by tree avenues, ornamental planting and feature signage.
76. The northern tree screen planting for the site would be supplemented by tree planting as part of Highways England's landscaping proposals for the Junction 10A scheme. This would further enhance the soft landscaping works within the northern extents of the site.

Figure 29 Character Area 5 as illustrated on the Masterplan



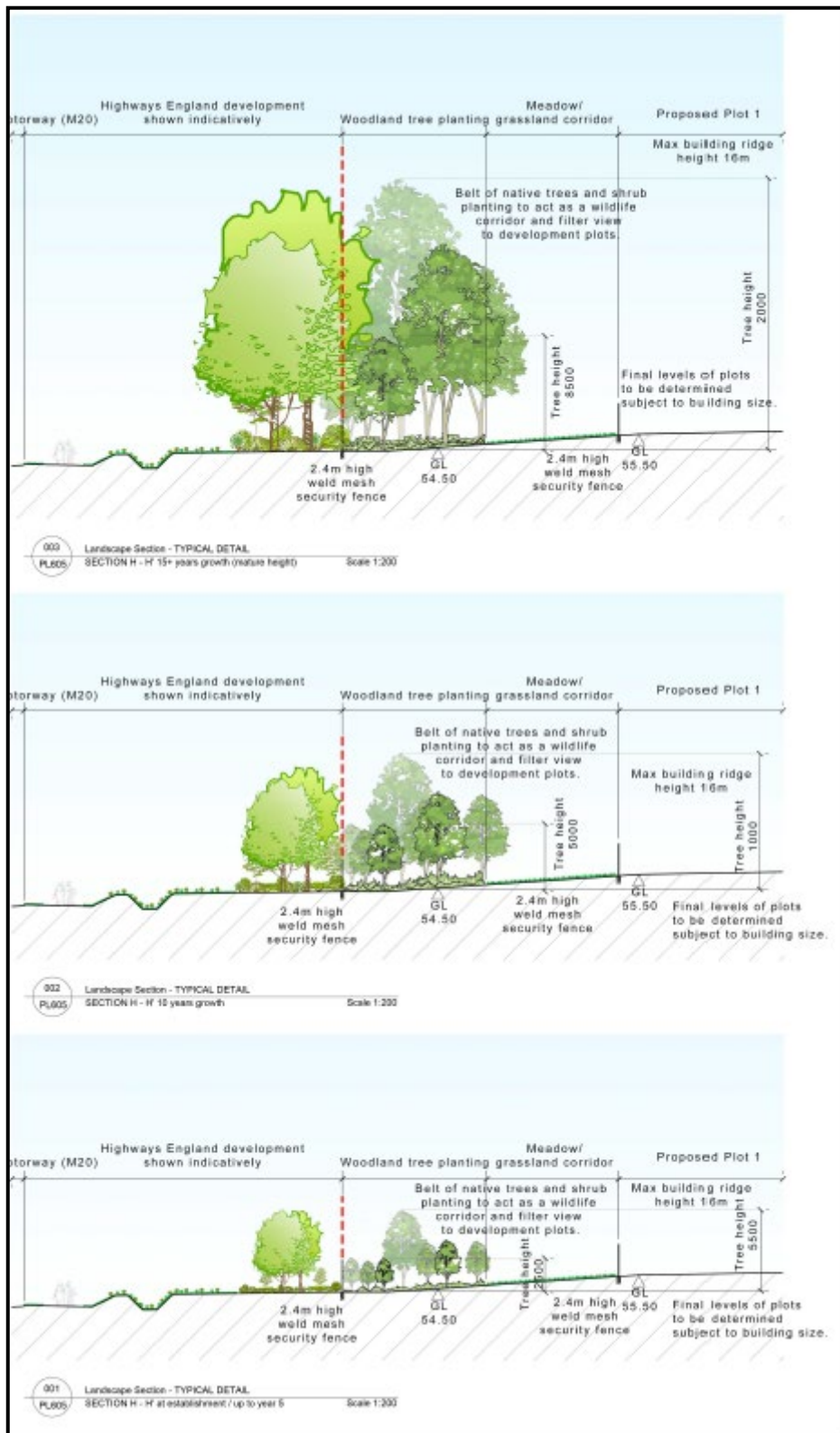


Figure 30 Section through Character Area 5 – Bottom section establishment up to 5 years. Middle section 10 years growth. Top section 15+ year’s growth (mature height).

Conclusions

77. The proposed tree species identified in the application have been carefully considered and selected in order to ensure that they have an immediate positive landscape impact.
78. Conditions attached to the outline planning permission require the replacement of any trees that are removed, seriously damaged or become diseased, with a tree of a similar size and species within a 15 year period. In terms of establishment, tree species across the site are expected to range from 2.5 to 5/5.5 metres in height within the first 5 years, 5 to 10 metres in height within the 10 years period and 8.5 to 20 metres in height following 15+ years growth, at which point the trees will be considered to have reached maturity.
79. In the case of the woodland planting on either side of Highfield Lane, the density of this planting together with the tree species proposed would, in time, provide a robust screen that would help to soften the visual impacts of the development by providing a robust natural green buffer between the employment site and the open countryside to the east.
80. Given the importance of the structural tree belt either side of Highfield Lane, a Tree Preservation Order (TPO) can be made once the trees are no longer afforded protection by planning condition. That approach would ensure that the structural tree belt that is planted matures as predicted (with any defects addressed by planning condition during the 15 year period) and thereafter retained as an effective screen in perpetuity through the use of a TPO.
81. Overall, I consider that the applicant's landscaping schemes for the individual character areas combine to provide a rich and diverse mix of 'blue & green' infrastructure comprising various native species that are appropriate for their environment, would enhance biodiversity/ecology and which positively respond to the character of the area (in particular, the LCA within which the site is located). In addition, the layout of the open space within the site would comply with the policy objectives set within the LCA appraisal which seeks to facilitate tree belts and linear woodlands.
82. Hard landscaping includes a combination of arterial tarmac routes through the site, foot/cycle paths, timber sign posts and bollards, interpretation/information boards, timber boardwalks over SuDs features, timber benches, litter and dog bins and boundary fencing. The chosen design and use of traditional materials are appropriate to the character of the area. Strategically located seating with favourable aspect and prospect would allow people to appreciate the setting of the site and would help facilitate community engagement.

83. For the reasons identified, I am satisfied that the landscaping proposals for the site and the layout of open spaces would comply with development plan policies to which I have referred and represent a sensitive and responsive approach to the context of the site as well as creating high quality design.

The impact on heritage assets

84. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out general duties of the LPA in respect of listed buildings in exercising their planning functions. In the case of Section 66, it seeks to ensure that where development affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is reflected in adopted policy ENV13 of the Local Plan copied below:

Policy ENV13 - Conservation and Enhancement of Heritage Assets

Proposals which preserve or enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported. Proposals that make sensitive use of heritage assets through regeneration, particularly where these bring redundant or under-used buildings and areas into appropriate and viable use consistent with their conservation, will be encouraged.

Development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their settings unless it can be demonstrated that substantial public benefits will be delivered that outweigh the harm or loss.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, or where a non-designated heritage asset is likely to be impacted, harm will be weighed against the public benefits of the proposal, including securing the optimum viable use of the heritage asset.

All applications with potential to affect a heritage asset or its setting should be supported by a description of the asset's historic, architectural or archaeological significance with an appropriate level of detail relating to the asset and the likely impact of the proposals on its significance.

85. It was concluded at outline permission stage that the public benefits arising from the proposed development would outweigh the harm to the setting of nearby heritage assets, in particular St Mary's Church. In reaching this conclusion the proposed development was considered to have satisfied the relevant test set out at paragraph 196 of the NPPF (formerly para 134 of the 2012 version) which is consistent with the criteria contained within adopted policy ENV13 of the Local Plan. Benefits arising from the proposed development and secured through the outline planning permission include:

- Financial mitigation to facilitate the upgrade and adaptation of the church to enable the church to better serve the existing residential community and also becomes a positive component of the emerging employment community at Stour Park.
 - The provision of an all-weather, 30 space off-street car park (to an agreed specification) to serve St. Mary's Church together with access alterations and footpath connections.
86. In addition to the above, the illustrative masterplan submitted with the outline planning application was amended in 2015 to soften the edges of the development and provide for substantial landscape penetration through the interior of the site along the east-west ridge in order to facilitate a view corridor to the spire of St. Mary's when travelling in a westerly direction along the PROW.
87. The reserved matters application has adopted this same approach, and continues to facilitate said viewing corridor along the east-west ridge. This corridor aligns with the long established pedestrian movement corridor between churches in the rural landscape.
88. This substantial corridor through the centre of the site (aligning with the PROW) has been thoughtfully landscaped so as to provide sufficient tree screening/planting to help soften the impacts of the development whilst ensuring that this does not unduly obscure views of the Church. The result is, in my opinion, an attractive viewing corridor from which the spire of St. Mary's Church would be able to be seen and appreciated when travelling in a westerly direction along the PROW.
89. The surroundings in which this heritage asset is experienced is further enhanced through the proposed provision of seating areas at either end of the viewing corridor which can be used by members of the public and employees to sit and enjoy the setting. The plans submitted also propose open space immediately to the north of the Church to enable penetration of views through the site and in order to ensure that soft landscaping dominates in the area immediately surrounding the Church.
90. Also located within the site at the eastern end of the viewing corridor (to the east of Highfield lane) is a Cold War Royal Observer Corps underground monitoring post. Documentation submitted pursuant to archaeological conditions imposed on outline planning permission 14/00906/AS confirms that the underground post would be retained in situ. The understanding and appreciation of the heritage significance of this asset would be enhanced through a heritage information board, which forms part of the reserved matters proposals.
91. Overall, I am satisfied that the impact of the reserved matters proposals upon the setting of St Mary's Church remains an acceptable one. The harm to the setting of this heritage asset remains 'less than substantial' and the public benefits

arising and secured through the outline planning permission continue to outweigh this harm.

92. In terms of relationship with other nearby listed buildings, those on Church Road and the southern end of Highfield Lane are Grade 2 listed. Inherently, these have an existing setting that is very different to St. Mary's Church and one which is considerably more localised. The reserved matters proposals show the development plots located away from the immediate site boundaries near to these homes, with open space (including screen tree planting, subtle ground re-profiling and sustainable drainage system features) forming an attractive landscape buffer between existing and new development consistent with the illustrative master plan accompanying the outline planning application. Accordingly, I remain satisfied that the impact of the proposals on the more localised setting of those buildings is an acceptable one.
93. In reaching my conclusions on heritage asset impacts conclusion I have had special regard to the desirability of preserving listed buildings and their settings as is required by the Section 66 Act.

Impact on the Green Corridor and Ecology

Green Corridor

94. The relevant policy relating to the Green Corridor (policy ENV2 of the Local Plan) is copied below:

Policy ENV2 - The Ashford Green Corridor

The protection and enhancement of Ashford's Green Corridor is a key objective.

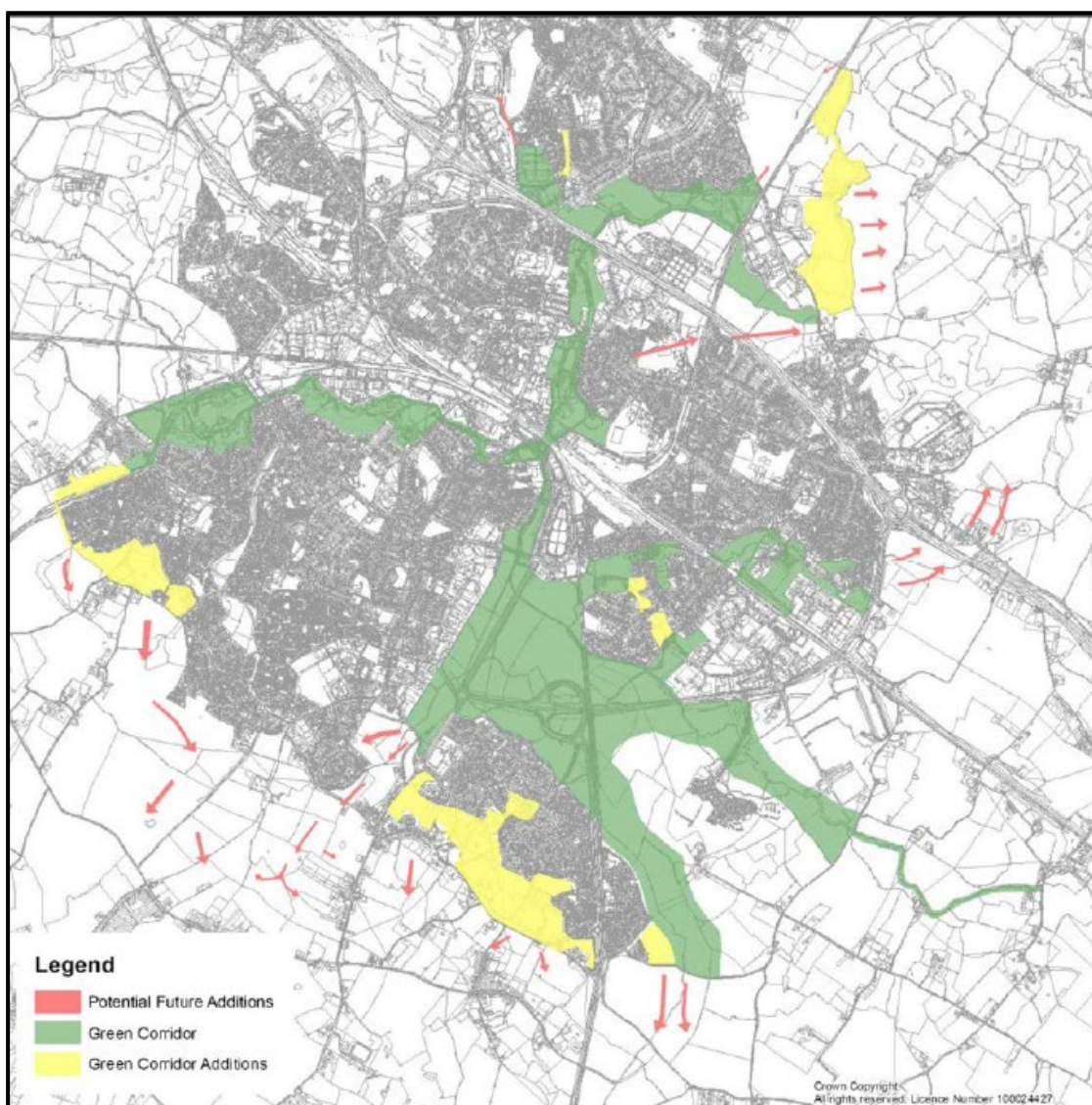
Development proposals within the identified Corridor designation (and proposed extensions) will be permitted, providing that it is compatible with, or ancillary to, their principal open space use or other existing uses, and it can be demonstrated that the proposal would not cause significant harm to the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor.

Other forms of development proposals within the Green Corridor will not be permitted, unless it would be in accordance with a site specific policy in this Local Plan; or where it relates to a) the redevelopment of a suitable brownfield site or b) delivers overriding benefits, and in either scenario, that it can be demonstrated that there would be no significant harm to the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor.

Development proposals on land adjoining the Green Corridor shall provide suitable access and links to the existing movement networks of the adjoining Green Corridor wherever possible. They must not cause significant harm to any of the key features and functions, and should make a positive contribution to the Green Corridor in respect of its environment, biodiversity, visual amenity, movement networks or functioning and its setting.

Development proposals must take into consideration the appraisals, projects and management recommendations set out for the specific areas in the Ashford Green Corridor Action Plan, including the identified proposed extension areas to the designation.

95. Protection and enhancement of the Green Corridor is a key objective of the Ashford Local Plan 2030. The Green Corridor Action Plan 2017 supports the Local Plan and amongst other things identifies opportunity areas to be considered in the future for extensions.
96. A copy of the map identifying areas to be considered in the future for extensions is copied below. The map identifies an area immediately to the north of the site (outside of the application site boundary) as being an opportunity area.



97. In December 2017 (following the publication of the Action Plan) the Development Consent Order was granted for the construction of the new junction 10A to the M20 Motorway. The roundabout linking the Junction 10A link Road to the A2070 (as well as the 'drainage feature' shown on the masterplan in the north west corner of the development site (both visible in figure 5) are located within the opportunity area to the north of the site is.
98. The proposed development provides for blue and green landscaping along the northern boundary of the site that includes swales and substantial dry and wetland planting. These would provide valuable wildlife habitat and attractive soft edges that would make a positive contribution to the landscape in the areas adjacent to the opportunity area identified within the Action Plan. I am therefore satisfied that when considered in conjunction with the works being undertaken in association with the consented development for Junction 10A, the detail set out

in this reserved matters application would not compromise the Local Plan objectives or objectives set within the Green Corridor Action Plan.

Ecology

99. Policy ENV1 states that proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. Proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats... and networks of ecological interest... including... water features, ditches, dykes and hedgerows, as corridors and stepping stones for wildlife. Where harm to biodiversity assets cannot be avoided, appropriate mitigation will be required in line with a timetable to be agreed with the Local Authority. Normally any mitigation measures will be required to be delivered on-site, unless special circumstances dictate that an off-site model is more appropriate. Policy ENV1 of the Local Plan is consistent with the guidance contained within the NPPF.
100. The outline planning application was accompanied by a comprehensive ecological assessment of the site and included details of how appropriate ecological mitigation could be provided through the proposed masterplan layout. Proposed mitigation included suitably designed lighting, provision of a green buffer and strategic green spaces within the site. In addition to the proposed mitigation, the report to the Planning Committee in 2016 recommended that Ecological Management Plans and Monitoring Strategies be secured by planning condition. These conditions were subsequently attached as conditions 47 and 48. In order to satisfy the requirements of these conditions, details, including a Landscape and Ecological Management Plan (LEMP) and a Framework Ecological Mitigation Strategy (FEMS) have been submitted to the Council under application reference 14/00906/CONB/AS. Following consultation with KCC Ecology, these details have been concluded as being acceptable in relation to the requirements of conditions 47 and 48.
101. Information available in support of this reserved matters application confirms that in March 2019 an updated ecological walk over survey relating to the site was completed. In comments received in response to 14/00906/CONB/AS KCC Ecology confirm that based on this updated survey, they are satisfied that there is no requirement for updated surveys to be carried out and the results of the 2015 surveys accompanying the outline planning permission are still considered to be valid.
102. As detailed within the introduction and under the subheading proposals, condition 1(A) of outline planning permission 14/00906/AS requires details of the landscaping and layout of that open space (including measures specifically designed for ecological/biodiversity enhancement purposes within that open space) to be submitted.

103. The reserved matters application has been subject to consultation with KCC Ecology. KCC have advised that they are satisfied that the habitats detailed within the Landscape And Ecological Management Plan reflect the habitats within the landscape plans submitted as part of the reserved matters application. However, KCC have advised that there should only be one management plan implemented within the site. In response to this, the applicant has submitted a revised Landscape and Ecological Management Plan so that the Landscape and Ecological Management accompanying this application is the same as the one accompanying 14/00906/CONB/AS which KCC have found to be acceptable. The approach across the applications is therefore now aligned.
104. In terms of ecological/biodiversity enhancements, although loss of the majority of habitats within the site is unavoidable to accommodate the proposed development, the proposed development plots have primarily been placed within the arable habitat, which is of low ecological value. Although some grassland, hedgerow and scattered scrub would be lost, the proposed landscaping and layout of the open space comprising said landscaping would facilitate the creation of new habitats in their place, which in time would provide habitats of equal or improved value for biodiversity than that lost as indicated in the submitted FEMS accompanying 14/00906/CONB/AS (para 3.3).
105. In total, the landscape proposals would result in the creation of the following habitats within the Site:
- 5.04 ha of woodland/tree and native shrub planting;
 - 1733 m of native and edible hedgerow;
 - 5.08 ha of wildflower and tussock grassland;
 - 4.45 ha of amenity grassland;
 - 1.6 ha of open water and 0.27 ha of wetland planting; and,
 - 715 m of ornamental hedgerow and 0.48 ha of amenity/ornamental shrub planting.
106. An off-site Ecological Mitigation Area situated to the north of the site, would also be subject to management. This area has been designed specifically as a reptile receptor site. Since 2015, habitat establishment works within the off-site Ecological Mitigation Area have been completed, and the arable land has been converted to wildflower grassland.
107. Within the 6 character areas identified within the site, a range of appropriate species mixes would be provided. The specifications, creation and establishment

measures relating to these are detailed within the Planting Schedules prepared by PRC (2019) which accompany the application.

108. Existing hedgerows along Highfield Lane would be retained and enhanced.
109. In addition to the habitats within the 6 character areas, a number of species-specific ecological features would be provided within the site. These features are summarised in the table copied below:

Feature	Description	Number
Bird and Bat Boxes	A mixture of Schwegler wood-crete bat boxes and bird boxes to be installed in suitable locations across the site.	<ul style="list-style-type: none"> • Four Schwegler 3SV Nest boxes • Four Schwegler Starling Nest Boxes • Four Schwegler 2H Robin Boxes • Four Schwegler Owl Box No.4 • 15 Bat boxes, comprising a mixture of Schwegler 2F, 2FDFP and 1FF boxes.
Reptile refugia / hibernacula	Loosley stacked inert, clean bricks and hardcore capped with topsoil and turfs.	<ul style="list-style-type: none"> • Three within the off-site Ecological Mitigation Area • Five within landscaped areas of the Site
Log Piles	Log piles constructed from dead wood resource arising from site activities.	<ul style="list-style-type: none"> • Four within landscaped areas of the Site

110. As well as ecological/biodiversity enhancements, the LEMP also comprises a management plan which provides details of the management to be carried out within the development site and within the offsite ecological mitigation area. In addition the FEMS accompanying 14/00906/CONB/AS provides details of the proposed monitoring of the site. Said monitoring will inform reviews and updates of the management plan (where required). The management prescriptions within the LEMP and the monitoring/reviews detailed within the FEMS are secured through the approval of details relating to conditions 47 and 48 of 14/00906/AS.
111. KCC Ecology acknowledge that this application does not include the design and access arrangements for each individual plot. KCC have stated that there is a need to ensure that the detailed designs for the plots do not encroach into the landscaping area and there is no loss of habitat within the site from what is depicted on the plans. I would expect any reserved matters application submitted in accordance with condition 1(b) of 14/00906/AS to demonstrate that the ecological/biodiversity enhancements designed and secured through this application will not be compromised. I consider it prudent to draw this to the applicant's attention by way of an informative attached to the decision notice – this will ensure that applicant's taking forward development plots do so with clear understanding of the ecological context underpinning the approach to the structuring of the site.
112. Based on the information submitted and the responses received from KCC, I am satisfied that the proposed development would include suitable ecological/biodiversity enhancements and that these would be appropriately

managed and monitored. Consequently, the development is not considered to result in any adverse impacts to matters of ecological importance in accordance with the relevant policies set out in the adopted development plan and the NPPF.

Sustainable Drainage

113. Amongst other things policy ENV9 of the Local Plan 2030 states the following:

“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, and to mimic the drainage from the pre-developed site.

On greenfield sites, development should discharge at a maximum of 4l/s/ha, or 10% below current greenfield rates for the existing 1:100 storm event, whichever is lower. There must be no increase in discharge rate from less severe rainfall events, with evidence submitted to demonstrate this principle”.

114. The application is supported by a Drainage Strategy which has been revised to address comments received from KCC Flood and Water Management and the River Stour Inland Drainage Board.

115. The strategy states that the post development site layout, will consist of 268,600m² of the site being impermeable with the remaining 208,981m² being used for landscaping and ponds. The strategy concludes that the impermeable area for the proposed development amounts to 57% of the total site area.

116. The strategy confirms that the applicant proposes to manage surface water on site through a comprehensive sustainable drainage system involving the creation detention ponds and swales that transport water to the storage ponds. It is also proposed to use permeable surfacing.

117. Ponds would be sized and constructed to ensure they work as wet ponds with a constant level of water in the base of the ponds. Not only does this type of SuDs solution comply with the ABC Sustainable Drainage SPD, it would also function as an ecological enhancement and an attractive ‘blue grid’ embedded within open landscaped spaces forming a ‘green grid’ across the site.

118. Topographical surveys show that the existing ground levels vary between 61.95m to 46.50m OD across the site. The site falls from a central high point on the eastern boundary of the site to two low points situated on the site boundary both to the south-west and north-west.

119. The lowest points of the site are located at the north-western point which falls towards the Aylesford stream and the south-western point of the site which drains to an existing ditch watercourse which discharges to the south of the site across the network rail land.

120. The strategy submitted with this application states that the point of discharge for the developed site will be via two outfall points as follows:

- A new connection constructed by Highways England under the A2070 Junction 10A Link Road to the north which will be via a new headwall to the Aylesford Stream.
- Outfall to the south will be via an existing ditch which has an historic outfall to the south across network rail land.

The applicant has confirmed that approval in principal for continuing to use the southern outfall has been agreed with the CTRL.

121. The strategy concludes that the final developed site flows discharging to both the northern and southern outfalls would be restricted to the Greenfield rate of 4l/s/ha.

122. The strategy has been subject to consultation with KCC Flood and Water Management. KCC raise no objection to the information submitted in support of the reserved matters application. However, KCC have commented that the drainage scheme for this phase has implications for all future phases because the works provide strategic drainage provision for the entire development.

123. With respect to the level of detail provided in support of this application, subject to discharge rates being agreed between KCC and the Inland Drainage Board, KCC recommend approval of the details subject to a condition to be applied to the reserved matters approval to ensure that each stage delivers drainage compliant to the principles being agreed. The condition would require a verification report pertaining to the surface water drainage system to be submitted to and approved by the Local Planning Authority. The condition would require the report to demonstrate the suitable modelled operation of the drainage system such that flood risk is appropriately managed. The condition would require the report to 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; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

124. Based upon the strategy and subject to the condition that is recommended by KCC, I am satisfied that the proposed development would not worsen flooding on the site or on adjacent land and would accord with the criteria set out in policy ENV9 of the Local Plan and the Council's Sustainable Drainage SPD.

Access and Impact on Highway Safety

125. Policy TRA5 of the Local Plan states that development proposals shall demonstrate how safe and accessible pedestrian access and movement routes will be delivered and how they will connect to the wider movement network.

Opportunities should be proactively taken to connect with and enhance Public Rights of Way whenever possible, encouraging journeys on foot.

126. Policy TRA6 seeks to improve conditions for cyclists stating amongst other things that Developments should, where opportunities arise, include safe, convenient and attractively designed cycle routes, including, where possible, connection to the Borough-wide cycle network.
127. The roads are proposed to be arranged with a north-south route, accessed from the M20 J10A link road, and an east-west road accessed from Church Road/A2070. The reserved matters proposals do not include detailed designs for the junctions as these will form separate planning applications, to be submitted in due course.
128. The proposals have been amended to address comments received from KCC Highways and Transportation and from KCC PROW which are detailed above. The amendments submitted have been subject to discussion with the relevant consultees. KCC Highways and Transportation have confirmed that they have no objection to the proposals subject to conditions securing the provision and maintenance of visibility splays and double yellow lines. Comments from KCC PROW in response to amended plans are still awaited: any comments received will be included in my Update Report.
129. In terms of the suitability of the internal road layout, given that KCC Highways have confirmed that the amended proposals are satisfactory and meet the required standards, I am satisfied that the movement of vehicular traffic can be accommodated within the site without detriment to highway safety.
130. In terms of movement for pedestrians and cyclists, the proposals seek to ensure continuity and convenience of existing user routes in the vicinity of the developments. The development also seeks to secure improved cycle and pedestrian links including between the A2070 footbridge (currently under construction) and Highfield Lane on the Sevington to Ruckinge Loop Cycle Route.
131. A number of public rights of way are affected by the proposals and the delivery of this scheme would result in a number of diversions and stopping up of existing routes. However, the design proposals include the creation of new routes through and around the site including shared cycle/footways within character area 1 along Highfield Lane, character area 4 within the vicinity of St Marys Church and proposed new water bodies and also through character area 5, which acts as an arterial green route and view corridor providing a direct route from urban Ashford onward in a easterly direction out towards the open countryside.

132. Overall, I consider that the design has been carefully considered to accord with the aims and objectives of policies TRA5 and TRA6. In addition, I am satisfied that the movement of traffic can be accommodated within the site without detriment to highway safety.

Human Rights Issues

133. 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).

Conclusion

134. This application is submitted pursuant to the details required by condition 1(a) of outline planning permission 14/00906/AS. Condition 1(a) requires details to be submitted of:

- the estate roads;
- the sustainable urban drainage system embedded within the open space; and
- the landscaping and layout of that open space, including measures for the enhancement of ecology and biodiversity.

135. Since outline planning permission was granted the Development Consent Order for works to create a new junction to the M20 motorway (Junction 10A) including a link road to the A2070 has been granted. Highways England has commenced these works.

136. In terms of the layout of open space, the landscaping scheme reflects the illustrative masterplan approved at outline stage and would provide a rich and diverse mix of blue & green infrastructure comprising various native species that are appropriate for their environment, would enhance biodiversity/ecology and would positively respond to the character of the area within which the site is located. In addition, the layout of the open space within the site would comply with the policy objectives set within ABC's LCA appraisal which seeks to facilitate tree belts and linear woodlands.

137. The impact of the reserved matters proposals upon the setting of St Mary's Church is an acceptable one. As per the assessment of the outline application proposal, the harm to the setting of this heritage asset in terms of the detail with this application remains 'less than substantial' and the public benefits arising and secured through the outline planning permission continue to outweigh harm. In

terms of relationship with other nearby listed buildings, the impact of the proposals on the more localised setting of those buildings is also an acceptable one.

138. The Local Plan identifies an area immediately to the north of the site (outside of the application site boundary) as being an opportunity area for an extension to the Ashford Green Corridor. The proposed development provides for blue and green landscaping along the northern boundary of the site that includes swales and substantial dry and wetland planting. These areas would provide valuable wildlife habitat and attractive soft edges that would make a positive contribution to the landscape. I am satisfied that when considered in conjunction with the works being undertaken in association with Junction 10A, the detail proposed in this reserved matters application would not compromise the Local Plan objectives in relation to the Green Corridor or objectives set within the Green Corridor Action Plan.
139. The proposed development would comprise suitable ecological/biodiversity enhancements and these would be appropriately managed and monitored. Consequently, the detail that is proposed is not considered to result in any adverse impacts to matters of ecological importance.
140. The drainage strategy accompanying the application confirms that the applicant proposes to manage surface water on site through a comprehensive sustainable drainage system involving the creation detention ponds and swales that transport water to the storage ponds. It is also proposed to use permeable surfacing. The proposed strategy is considered to represent a feasible solution for dealing with surface water on site and subject to the imposition of a condition recommended by KCC Flood and Water Management, I am satisfied that the development would not worsen flooding on the site or on adjacent land. The surface water/SuD proposals would accord with the criteria set out in policy ENV9 of the Local Plan and the Council's Sustainable Drainage SPD.
141. The design has been carefully considered to accord with the aims and objectives of policies relating to cycling and pedestrians. In addition, the movement of traffic can be accommodated within the site without detriment to highway safety.
142. In conclusion the detail contained within the application complies with the adopted development plan, guidance contained within ABC's supplementary planning documents and within the National Planning Policy Framework. It takes forward the approved masterplan concepts and would provide a strong framework into which the development of individual plots can be fitted and come forward to the Council for similar detailed approval.

Recommendation

Approve detail

Subject to the following Conditions and Notes:

(with delegated authority to either the Head of Planning and Development or the Joint Development Control Managers to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)

1. 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 suitably competent person, has been submitted to the Local Planning Authority which demonstrates the suitable modelled 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; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

2. The visibility splays identified on drawing numbers 08-125 / 492 Revision P1 and 08-125 / 493 Revision P3 shall be provided prior to the estate roads hereby permitted being brought into use. The access and visibility splays shall be retained and maintained thereafter and the area within the visibility splay shall be permanently maintained with no obstructions over 0.9 metres above carriageway level within these splays.

Reason: In the interest of highway safety.

3. The double yellow lines shown on drawing numbers 08-125/475 Revision P2, 08-125/476 Revision P2, 08-125/477 Revision P2, 08-125/478 Revision P2 and 08-125/479 Revision P2 shall be provided prior to the estate roads hereby

permitted being brought into use. The double yellow lines shall be retained and maintained thereafter.

Reason: In the interest of highway safety.

Note to Applicant

1. 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 proactive manner by;

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

In this instance

- was provided with pre-application advice,
- The 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.

2. The applicants attention is drawn to the following comments received from KCC Ecology:

Landscape plans demonstrate that currently habitat connectivity throughout the site has been maintained - however no information has been provided on the proposed access into the plots. The detailed designs for the plots have not been submitted and we are concerned that in addition to creating the access into the plots there is a risk that each plot will encroach into the wider landscaping area and reduce the amount of greenspace throughout the site

There is a need to ensure that the access points into the site is minimal and (other than to create access into the site) there is a need to ensure that at the detailed

design stage ecological functionality of the submitted landscaping plans can still be implemented.

The applicant and/or the developer for each individual plot is advised to carefully consider this matter and application(s) submitted pursuant to condition 1(b) of outline planning permission 14/00906/AS need to demonstrate that the proposed development will not unduly compromise/adversely impact upon the ecological/biodiversity enhancements secured through this reserved matters application.

3. KCC Highways and Transportation advise that the existing carriageway of Highfield Lane will need to be stopped up in due course. The applicant will need to apply to Department for Transport for a stopping up order through the Town and Country Planning Act 1990. The applicant is reminded of the provisions of the s.106 agreement relating to these matters.
4. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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

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

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

Background Papers

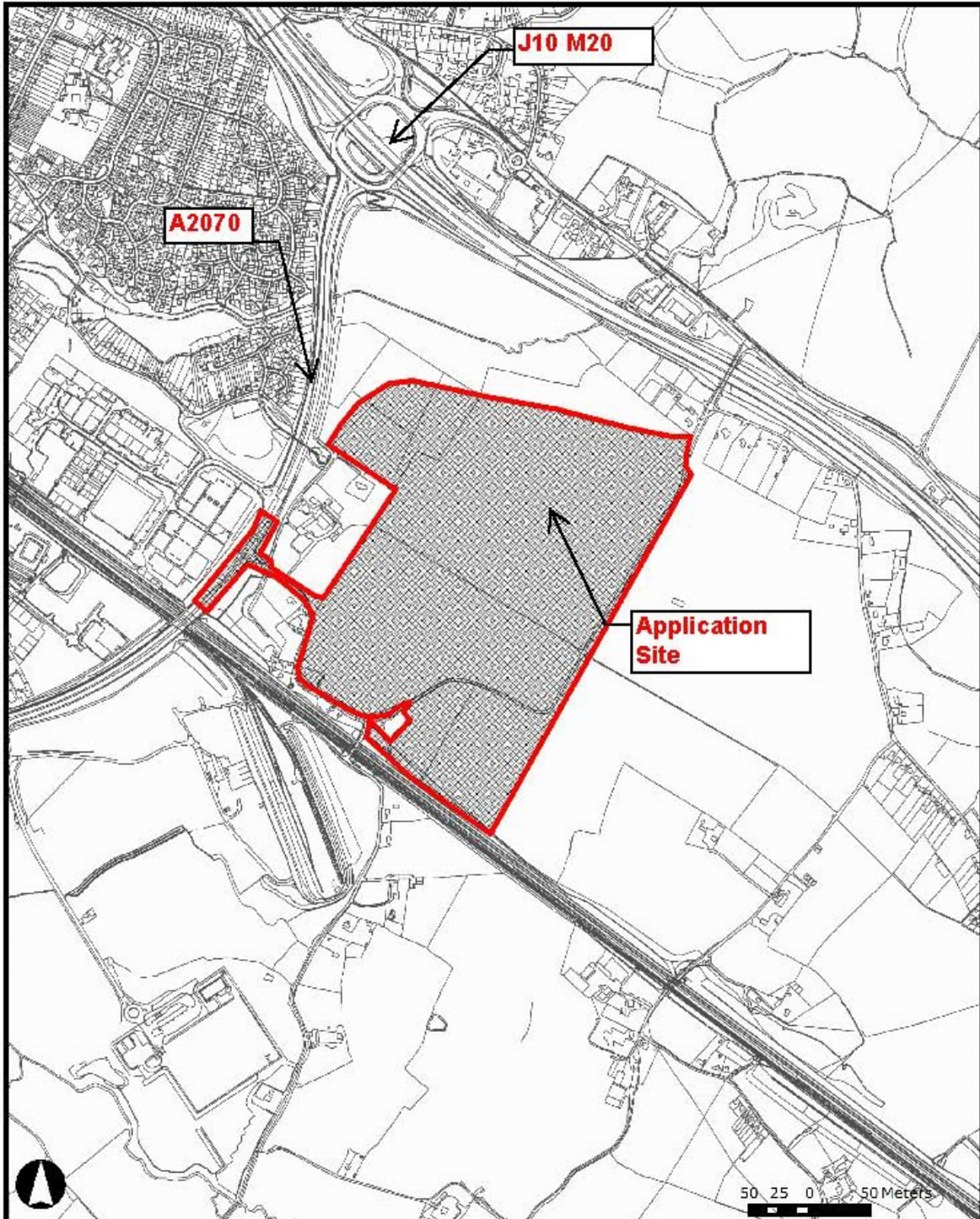
All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/00579/AS)

Contact Officer: Claire Marchant
Email: claire.marchant@ashford.gov.uk
Telephone: (01233) 330739

Annex 1



Ashford Borough Council



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Ashford Borough Council - Report of the Head of Planning and Development
Planning Committee 03 July 2019

Application Number	19/00356/AS	
Location	Oakover Nurseries, Maidstone Road, Westwell, Ashford, Kent, TN26 1AR	
Grid Reference	96829/46913	
Parish Council	Westwell	
Ward	Downs West	
Application Description	Removal of condition 31 on planning permission 16/01387/AS restricting occupation	
Applicant	Mr Sykes of Vatre Terracotta Limited, Dencora Way, Leacon Road, Ashford, Kent, TN23 4FH	
Agent	Mrs Locking of NTR Planning, Clareville House, 26-27 Oxendon Street, London, SW1Y 4EL	
Site Area	2.92 ha	
(a) 7/1R	(b) S	(c) -

Introduction

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

Site and Surroundings

2. The application site forms part of Oakover Nurseries, a wholesale commercial grower of plants and trees for distribution throughout the country. It falls within the countryside for Development Plan purposes but is located in a semi-rural location on the westerly edge of Ashford along the A20 in Westwell. Opposite the site is the Hop Pickers public house and Holiday Inn hotel and two dwellings, with the M20 motorway running along the northern boundary and domestic and High Speed 1 (HS1) railway lines to the north east. The site is understood to have been used as a bulking plant for the construction of the M20 motorway and the existing access was originally created to accommodate contractors of the Channel Tunnel.
3. The site is largely open to the A20, with a 25m thick densely planted embankment to the motorway. A concrete track runs from the access through the site and this follows the HS1 safeguarding area. Within the centre of the

site is a small, low lying building and an area of hardstanding, used as a nursery selling are for produce from Oakover Nurseries. The remainder of the site is laid to grass, with a customer parking area just off the concrete track to the north.

4. A watercourse runs along the southern boundary of the site, linked to a balancing pond beyond the north eastern corner of the site with the motorway. There is a strip of native trees along the southern boundary with the neighbouring property Lake House/Banyan Retreat. The level of the land falls away slightly from west to east.
5. The site falls within the Charing Heath Farmlands Wealden Greensand Landscape Character Area (LCA) and the countryside beyond the motorway and railway links falls within the Kent Downs Area of Outstanding Natural Beauty (AONB). A key characteristic of the LCA is its major transport links, its condition and sensitivity are considered moderate and the guidelines for this area are to conserve and improve, including the conservation of the foreground setting of the Kent Downs AONB. The site also covers an area of archaeological potential and a High Speed 1 (HS1) safeguarding area runs through the site, following the existing access.

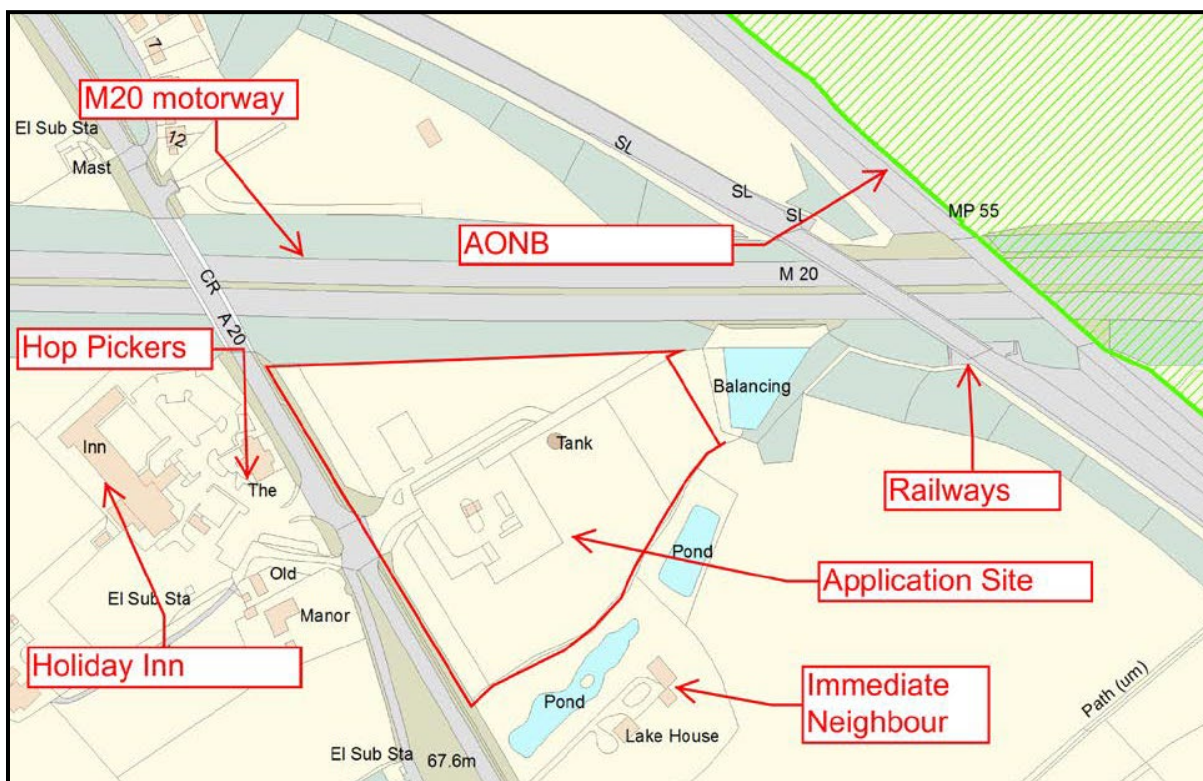


Figure 1 - Site Location Plan

Proposal

6. The application is made under S73A of the Town & Country Planning Act 1990 and seeks to remove condition 31 imposed on the granting of planning

approval 16/01387/AS. The permission granted was for the change of use of the land to B8 (storage and distribution), with the erection of a warehouse with hardstanding areas for car and HGV parking, goods loading/unloading area, turning area, pallet handling/sorting and pot storage and lighting of the site.

7. The above permission is extant and therefore the principle of the development has already been accepted. However, for the benefit of the committee, details of the proposed building are included below which have been taken from the original committee report for the site which is appended as annex 1 of this report.

Previously approved and extant permission – 16/01387/AS

8. The proposed warehouse would be sited along the northern boundary and dug into the ground, with a gross external footprint of 3025m² and height of 9.8m to the ridge and 7.2m to the eaves. The building would be rectangular in planform, with a clear spanning duo-pitched roof and clad with a profiled metal cladding system with concrete blocks at low level. Its windows would be rectangular, aluminium and double glazed and the south western corner of the building is to be glazed in curtain walling. The building would have a continuous ridge line, but its eaves are to be set lower in the warehouse section behind, and the roof would overhang the south elevation. Its accommodation would comprise ancillary office/reception space over two storeys totalling 448m² gross internal area and a principle open-span space of 2,680m² dedicated to the storage, sorting and selection of products prior to dispatch.

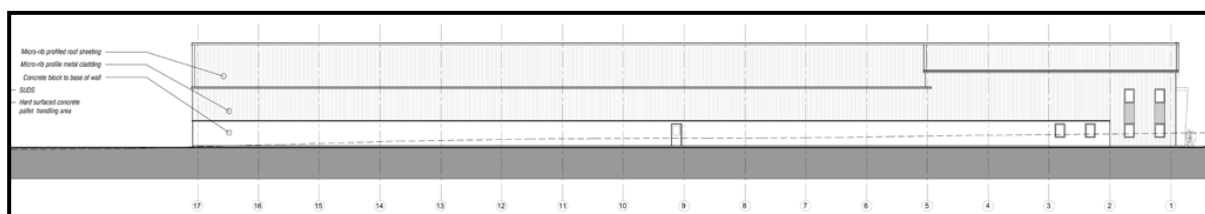


Figure 2 - West Elevation - previously approved – to remain unchanged



Figure 3 - North Elevation - previously approved – to remain unchanged

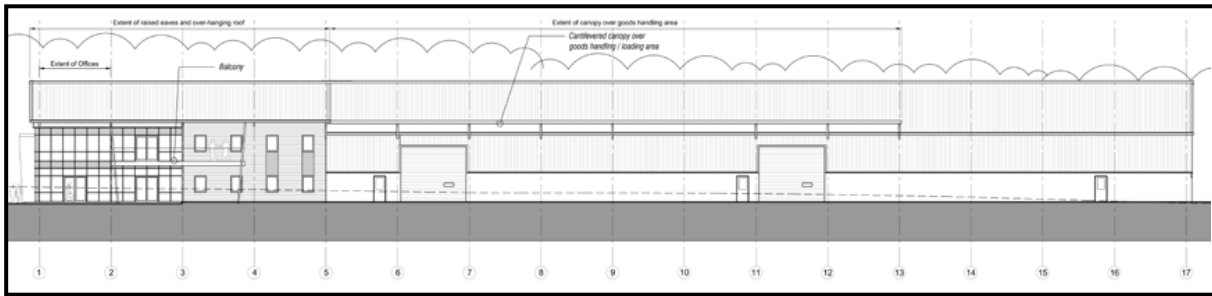


Figure 4 - South Elevation – previously approved – to remain unchanged



Figure 5 - East Elevation - previously approved - to remain unchanged

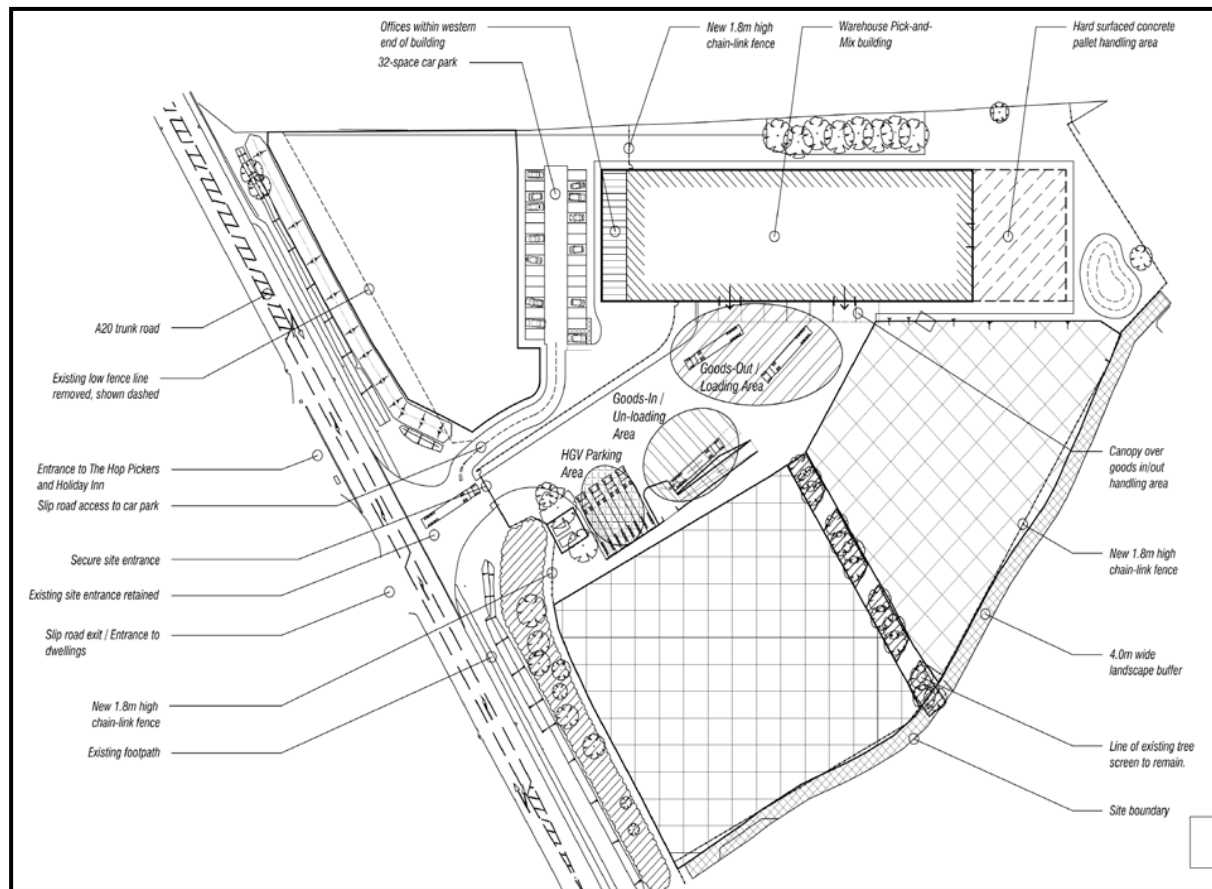


Figure 6 Site Layout Plan - previously approved - to remain unchanged

9. The existing access and hard-paved apron forms the site entrance and this would lead to a service yard in the centre of the site that would accommodate freight parking (with four HGV parking spaces) and turning, an unloading ramp/dock and a temporary pallet handling area. The western end of the proposed warehouse would open onto a concrete paved area to facilitate product sorting prior to its use in the warehouse and a small car park providing 32 spaces would be located on the opposite side (where a gabion wall 1.5-2m high is proposed and would continue behind the proposed warehouse). The opposite side of the central circulation area to the south would be dedicated to the open storage of palletised goods on a large area of hardstanding totalling 720m².
10. Lighting is proposed to key areas as required to support the safe operation of the business. Along the access road and around the car park would be 6m high floodlighting, with 8m high floodlighting proposed around the external storage area and service yard and 4m high floodlighting under the loading bay canopy to the front of the proposed warehouse. There would also be perimeter security LED lighting mounted at 3.8m high along the outside wall of the proposed warehouse. All floodlighting would be of a down facing and directional design, incorporating baffles where necessary to control light spillage.
11. The proposal includes a soft landscaping scheme, including a 3m high earth bund with tree planting ranging between 1.25m and 4.5m in height along the boundary with the A20. The site would be bound by 1.8m high chain link fencing with boundary planting and 2m high noise attenuation fencing is proposed along the southern boundary with the neighbour Lake House/Banyan Retreat. A new security gate would be installed to the existing access with a 1.5m high gabion wall either side, set back on the existing apron so that delivery vehicles can pull fully-off the highway before stopping. A pond is also to be created in the north eastern corner to the site, to take surface water run-off from the proposed warehouse and hardstanding.

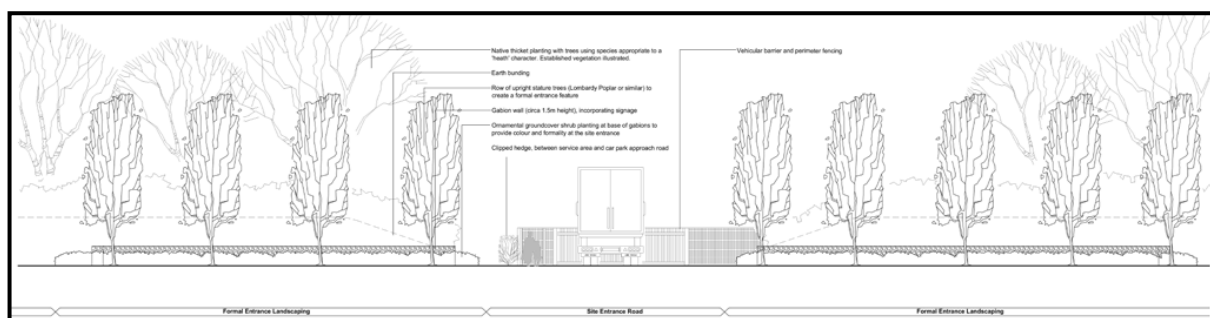


Figure 7 Site Entrance Elevation

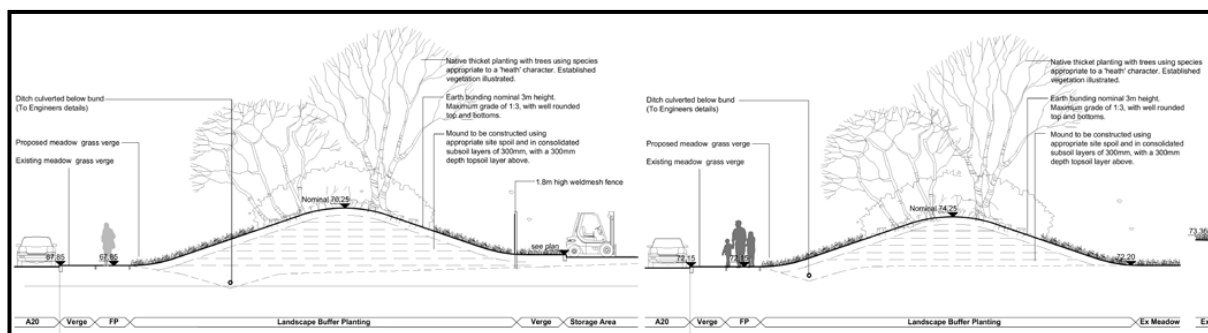


Figure 8 Bunding to South and North of Existing Access

12. The following supporting information was submitted in support of the application. The company submitting the application, Vatre Terracotta supplies flower pots and garden accessories to over 1000 garden centres and horticultural outlets throughout the UK and Ireland (the business has recently started selling its products to other countries).
13. The company was set up in 1985 and has been established in Ashford for over 30 years, currently operating from premises on Dencora Way, where its offices, yard and covered sorting space is based (the warehouse has a footprint of approximately 2145m²). In addition, a 1800m² building at Leacon Road has been leased for storing flower pots. The company has grown steadily into a successful and profitable business, turning over £13.5 million a year. The company employs 62 full-time staff (33 of which are located in Ashford) and has long-standing arrangements with several suppliers in Ashford, including third party logistics suppliers (Ace Transport) and equipment manufacturers (for example, Chart Stables). As well as its own brand, Apta, the company also manufactures and sells flower pots and associated products under license for several leading brands, including the Royal Horticultural Society (RHS) and Laura Ashley. The company has also recently been appointed as the exclusive license holder for the National Trust, and plans to introduce a National Trust range post relocation.
14. The reason behind the application is that the company has expanded significantly in recent years and their current premises is unable to hold sufficient stock on site and the packaging of products for distribution and the arrival and departure of delivery vehicles has become impractical. The short-term solution has been to rent an additional warehouse in Leacon Road but this is not considered sustainable. The company is keen to remain in Ashford.
15. In support of the original application which was approved, the agent made the following comments in the accompanying Supporting Planning Statement and Design and Access Statement:
 - the current situation the company faces is uneconomic and threatens the continued competitiveness of the business - the existing premises is overcrowded, limiting operational movements in and around the site;

- stock must be located at a single location otherwise the company's operations become inefficient and more costly;
- the existing premises is overcrowded, limiting operational movements in and around the site;
- the company have spent considerable time and effort looking for alternative sites in Ashford but no suitable alternative to the development proposed has been identified;
- the site was identified as suitable in view of the synergy of the company with the landowners Oakover Nurseries, who retain a major land holding for their business as a wholesale commercial nursery - there are logistical advantages of locating adjacent to each other;
- there is an overwhelming and pressing need for the applicant's business to be relocated from its existing premises as it has outgrown its current location and the physical limits of the existing premises are making the company's current operation inefficient – this is stymieing future growth;
- the site is ideally located in terms of its accessibility to the highways network and its proximity to the existing site;
- the development would ensure that the company retains all of its current employees and allow potential for additional employment with future growth;
- a very important factor for the business is the need for a large warehouse with a large external hardstanding for storage, which is central to the company's business;
- not being able to relocate the business to a suitable site locally would restrain the growth of the business and the ability of the business to employ additional staff and increase its input into the local, regional and national economy;
- the proposed warehouse has been designed to appear more agricultural;
- the development represents the reuse of an existing commercial site and it has been set into the topography of the site;
- as per the ecology surveys carried out, there are no ecological reasons why the development should not be permitted;

- there is already substantial green screening between the site and the neighbouring Lake House/Banyan Retreat;
- as per the transport statement, there are no reasons why the proposals cannot be permitted on highways grounds;
- the applicant has liaised with the neighbour at Lake House/Banyan Retreat, who raised concerns relating to the limiting of noise at the weekends and the height of storage pallets adjacent to the boundary and the enhancement of existing boundary planting and fencing and in response to these:
 - it would be necessary to have some flexibility to allow some weekend working if required but the applicant is willing to limit this between 8am and noon on Saturdays with no working on Sundays or bank holidays; and,
 - the applicant is happy to limit the height of storage pallets on the boundary to a maximum of 3 in height (this equates to 5m);
- the proposed warehouse may have some attenuation benefit to the neighbouring Lake House/Banyan Retreat in creating a physical barrier from the current noise generated by the M20; and,
- the proposed warehouse is set back from the A20 to minimise its impact and also to optimise the remaining part of the site for any potential future use, thus ensuring that the land use is optimised.

Removal of condition

16. Condition 31 states:

The development hereby approved shall be first occupied by the applicant's business Vatre Terracotta Limited.

Reason: *The development has been permitted on the basis of the needs of this particular business and the condition enables the Local Planning Authority to regulate and control the development in the interests of the amenity of the area.*

17. The application is made on the basis that the condition restricting the occupation of the building to the applicant only is a barrier to securing funding from the potential funders of the development. The difficulty relates to the risk of funding a development that is reliant upon being first occupied by a specific business. If, in the unlikely circumstances, Vatre Terracotta ceased trading during the build they would be unable to occupy the development as required by the condition leaving the funders with a partially completed building with little value due to the first occupation restriction.

18. One of the lenders approached has confirmed that the issue around the limited marketability of the site if for some reason they had to enter into possession due to either failure of the business or other issues which meant that the lender would have to sell the site. The condition would result in challenges which would be difficult to mitigate unless the condition was relaxed. It is also highlighted that any valuer/solicitor would, through the correct level of due diligence highlight that the condition would materially impact any valuation which is typically based on a "market value" and if the market is one company, then it restricts the value and in a worse-case scenario the site would become almost worthless with the current planning restrictions.
19. The use of conditions is outlined by the applicant within their submission. It is put forward that permission goes with the land and it is rarely appropriate to provide otherwise. It is further contended that the guidance was taken out of context on the basis of a permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company. If the current applicant was unable to continue to trade or were unable to first occupy the approved building, it would be difficult for the Council to resist the removal of the condition for an alternative occupant if the alternative was that the premises would remain unused or unmarketable.

Planning History

16/01387/AS – Change of use from sui generis to B8 (storage and distribution) and erection of a warehouse with car parking, hardstanding, landscaping and lighting. – Permitted 05/06/2018

Consultations

Ward Member: Is a member of the Planning Committee.

Westwell Parish Council: supports with the following points made:

- Support the relocation from the current unsuitable site
- There was surprise at the condition as the Parish Council are sympathetic to the rationale for industrial premises moving to the rural area
- The plans respect the AONB
- Respect neighbouring uses
- The site access is on a major route

- The access is sensitive given the visibility and would be unsuitable for high frequency use or by unfamiliar traffic. The proposed user would meet this criterion and is an acceptable use for the site. Occupancy by others would require an appropriate condition.
- Since the planning application was approved on 30 May 2018, the Local Plan has been adopted
- Traffic orders restrict overnight parking in the locality
- Conditions for other users of the site would be required to protect amenity and other difficulties
- Conditions to restrict to one B8 storage and distribution business to avoid multiple occupancy in the interest of highway safety and amenity
- Sufficient parking must be provided as required under TRA3b and in respect of TRA9
- Permitted development rights should be removed

7 Neighbours consulted: 1 objection received from the Holiday Inn opposite the site which raises the following points:

- The condition was imposed on the basis of the needs of this business
- Removal would mean this land could be sold to anyone and used as a warehouse generating additional lorry movements
- Result in excessive noise for hotel guests
- Highway safety issues

Planning Policy

20. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
21. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).

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

Ashford Local Plan to 2030

SP1 - Strategic Objectives

SP3 - Strategic Approach to economic Development

SP6 - Promoting High Quality Design

EMP5 – New Employment remises in the Countryside

EMP6 - Promotion of Fibre to the Premises (FTTP)

TRA3b - Parking Standards for Residential Development

TRA7 – The Road Network and Development

TRA8 – Travel Plans, Assessments and Statements

TRA9 – Planning for HGV movements

TRA7 - The Road Network and Development

ENV1 - Biodiversity

ENV3a - Landscape Character and Design

ENV4 - Light pollution and promoting dark skies

ENV6 – Flood Risk

ENV9 - Sustainable Drainage

ENV11 – Sustainable Design and Construction – non-residential

ENV15 – Archaeology

Supplementary Planning Guidance/Documents

Landscape Character Assessment SPD 2011

Sustainable Design and Construction SPD 2012

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

Kent Downs AONB Management Plan 2014-2019

Government Advice

National Planning Policy Framework (NPPF) 2019

23. 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:-
24. Paragraph 83 states that planning policies and decisions should enable sustainable growth and expansion of all types of business in rural areas including well-designed new buildings.
25. Paragraph 84 goes on to outline that it should be recognises that sites to meet local business and community needs in rural areas may have to found adjacent to or beyond existing settlements, and in locations that are well served by public transport. It is important to ensure that development is sensitive to its surroundings and does not have an unacceptable impact on local roads.
26. Paragraph 109 states that development should be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
27. Paragraph 163 states that development should ensure that flood risk is not increased elsewhere.
28. Paragraph 170 states that the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services should be included in the decision making process.
29. Paragraph 189 outlines the requirement for applicants to submit a desk-based assessment and where necessary a field evaluation for sites where the proposal includes or has the potential to include, heritage assets with archaeological interest. Paragraphs 192-194 outlines the requirement to assess the impact of a proposed development on the significance of a designated heritage assets. It goes on to state:

great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any

harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

National Planning Policy Guidance (NPPG)

Assessment

30. The main issues for consideration in the determination of this application are:
- Principle
 - Visual amenity
 - Residential amenity
 - Parking/turning & Highway safety
 - Other issues ie. flooding and drainage, ecology, trees, archaeology, HS1 safeguarding

Principle

31. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraphs 2 and 11 of the NPPF state that planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
32. As outlined earlier in this report, there is an extant permission for the development under 16/01387/AS. The permission granted was for the change of use of the land to B8 (storage and distribution), with the erection of a warehouse with hardstanding areas for car and HGV parking, goods loading/unloading area, turning area, pallet handling/sorting and pot storage and lighting of the site. This application seeks to remove condition 31 regarding the occupation of the site for the reasons outlined earlier in this report.
33. Condition 31 was imposed as the proposed development was very much designed to meet the specific needs of the applicant (i.e. large external storage areas and good access to major routes for logistical purposes) and because it was sited within the Countryside. Whilst the business has a close synergy with garden centre/nursery use it does not strictly speaking essentially need to be located in the countryside and the original permission was a departure from adopted/emerging development plan policies at the time.
34. It is a material consideration that planning permission was granted on the basis of the above and that this permission is extant. Whilst this application seeks to remove this condition, which at the time of determination was

considered necessary to make the development acceptable as it was predicated on meeting the needs of the end user, it is clear that this cannot be delivered which would put at risk the continued operation of this business and employment. Further it could be deemed that the condition as a result is unreasonable and therefore fails to meet the 6 tests for the imposition of conditions. The NPPF and development plan are very supportive of appropriate growth of businesses and it has been subsequently demonstrated that condition 31 fails to allow for this.

35. Notwithstanding the above the site has been designed to very specifically meet the operational needs of the applicant's business with the custom-built and unique layout of the building and the site layout with extensive areas of external storage. This is unlikely to appeal to general storage and distribution businesses or indeed meet their operational needs. It is for this reason, despite extensive research, that an existing site that can meet their very specific operational needs has not been found. Consequently this is not a site that has been designed to appeal to speculative developers.
36. The proposed development would remain a departure from the development plan but condition 31 does not add any weight to this. In any event condition 31 would have allowed the site to be sold on to a general storage and distribution user once the applicant's business had first occupied the site.
37. In the context of all of the above considerations removal of condition 31 is unlikely to result in this site being desirable to a speculative developer but will allow the applicant to build what has previously been granted and ensure the retention of a growing business within the Borough. In this context it is not considered that removal of condition 31 would make the scheme unacceptable to warrant refusal of this application.

Visual amenity

38. There is no change proposed to the design of the building or layout of the service yard, vehicular access or parking/storage areas to that which was approved under 16/01387/AS. See appended report in Annex 1. Whilst this report makes reference to the emerging Local Plan policies at paragraph 35, these allocations were deleted prior to the adoption of the Local Plan but not on grounds of visual harm to the character of the area but due to their location and accessibility to basic day-to-day services without the reliance on the private motor car. This materially alters the conclusion previously reached with respect to the changes to the character of the area as a result of potential residential development outlined in the previous report. However, given the context of the site in close proximity to the M20 and rail corridor and surrounding build development, together with the bunding and landscaping proposed, it is not considered that there would be significant visual harm to warrant refusal in the absence of these site allocations in the Plan.

Residential amenity

39. There is no change proposed to the design of the building or layout of the service yard, vehicular access or parking/storage areas to that which was approved under 16/01387/AS. There has also been no change in terms of context since this report and therefore no harm to residential amenity. Although it is noted there is concern raised by the Holiday Inn on the opposite side of the A20, this situation remains unchanged from the conclusion reached under the original application. See appended report in Annex 1.

Parking/turning & Highway safety

40. There is no change proposed to the design of the building or layout of the service yard, vehicular access or parking/storage areas to that which was approved under 16/01387/AS. Sufficient parking is provided on site in accordance with the adopted Local Plan policies and it is not considered that there would be harm to parking/turning or highway safety. See appended report in Annex 1.

Other issues

41. As outlined in the three sections above, the proposed development would not alter the conclusions reached under the original assessment made under 16/01387/AS. See appended report in Annex 1. Notwithstanding this, the previously approved development was considered against the old development plan policies, including policy CS10 for Sustainable Design and Construction and as a result, a S106 agreement secured contributions towards Carbon Off-setting contributions to enable compliance with this now superseded policy. This has since been superseded and policy ENV11 requires a BREEAM standard for sustainable construction which can be secured by way of condition. This can be imposed should members consider the removal of condition 31 acceptable.

Human Rights Issues

42. 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

43. 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

44. The proposal fails to accord with the whole of the development plan in so far as the site is a departure from policy EMP5 given that the site is within the countryside and the business does not arguably essentially demand a rural location (although finding a site in the urban area to meet the business's specific requirements has not been possible despite years of research).
45. It is a material consideration that planning permission was granted and that this permission is extant, so the principle of development has already been accepted. Whilst this application seeks to remove condition 31, the custom-built and unique layout of the building and site layout specifically lend themselves to the applicant's business needs (as opposed to a speculative development to raise land values) and therefore it is highly unlikely that the site would be desirable to a general storage and distribution operator under Use Class B8 of the Town & Country Planning (Use Classes Order) 1987.
46. The difficulty in securing funding for the proposed development has been evidenced and this is caused solely by condition 31 as explained in the report. The removal of this condition will allow the development to proceed and allow for the retention and growth of a local employer in the Borough in accordance with the principles set out in the NPPF and Local Plan for the supporting of existing businesses. The original application was a departure from the development plan and this likewise remains so. The removal of Condition 31 for the reasons set out in the report does not result in a greater departure from the development plan. As a consequence I recommend that condition 31 is removed and permission is granted.

Recommendation

- (A) Subject to delegated authority to either the Head of Planning and Development or the Development Control Managers to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as s/he sees fit.**
- (B) Permit**

Subject to the following conditions and informative notes:

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision on planning approval 16/01387/AS (dated 05/06/2018).

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.

4. Written details and samples (including colour) of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the dwellings hereby permitted and the development shall only be carried out using the approved external materials.

Reason: In the interests of visual amenity.

5. The premises/site shall be used for B8 (storage and distribution) and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

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

6. No new floor space shall be created inside the warehouse hereby approved without the prior written consent of the local planning authority.

Reason: To enable the Local Planning Authority to regulate and control the development of land and to protect the amenity of the locality.

7. The office on approved Warehouse & Office - Ground & First Floor Plans Drawing No. 15.17.010 Rev D shall not be occupied at any time other than for purposes ancillary to the B8 (storage and distribution) use hereby approved.

Reason: To enable the Local Planning Authority to regulate and control the proposed development in the interests of the amenity of the area.

8. The site shall not be used at any time for the sale or display of goods stored and distributed on site.

Reason: To enable the Local Planning Authority to regulate and control the proposed development in the interests of the amenity of the area.

9. Industrial processing shall only take place in the building identified on the approved plans.

Reason: In order to preserve the visual character of the property and the amenity of the surrounding area.

10. No external storage of materials shall take place outside the area specified for that use on approved Block Plan Drawing No. 15.17.003 Rev I and Proposed Site Plan Drawing No. 15.17.005 Rev C. The height of any storage within that area shall not exceed 5 metres above ground level.

Reason: To enable the Local Planning Authority to regulate and control the proposed development in the interests of the amenity of the area.

11. All forklifts operated on site shall be 'low-noise' electric models only and not be fitted with tonal reversing 'bleepers' but rather alternative broadband alert 'bleepers' or where permissible non-auditory safe systems of work, shall be used.

Reason: In the interests of preserving the amenity of the neighbouring Lake House/Banyan Retreat.

12. No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside 07:00-19:00 Mondays to Fridays and 07:00-12:00 Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of the residential amenity.

13. Prior to the commencement of development, details of the works for the disposal of sewage and foul water shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To avoid pollution of the surrounding area.

14. Prior to the commencement of the development hereby approved, plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface and foul water based on the principles set out in the approved Flood Risk Assessment by GTA Civils Ltd Ref: 3540/2.3F dated July 2016 and Drainage Strategy Drawing No. 6240/100 Rev A and in line with the Council's Sustainable Drainage SPD shall be submitted to and approved in writing by the Local Planning Authority.

The submitted system shall be designed to:

- (i) avoid any increase in flood risk,
- (ii) avoid any adverse impact on water quality,
- (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010,
- (iv) promote biodiversity,
- (v) enhance the landscape,
- (vi) improve public amenities,
- (vii) return the water to the natural drainage system as near to the source as possible and,
- (viii) operate both during construction of the development and post-completion.

The submitted system shall include:

- A system that comprises retention or storage of the surface water on-site or within the immediate area in a way which is appropriate to the site's location, topography, hydrogeology and hydrology;
- a plan indicating the routes flood waters would take should the site experience a rainfall event that exceeds the design capacity of the surface water drainage system, or in light of systems failure (Designing for exceedance), including appropriate mitigation measures and emergency response procedures;
- details of the implementation, maintenance and management of the approved system, including:
 - a timetable for its implementation; and,
 - a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

The approved system shall thereafter be carried out in accordance with the approved details and timetable and shall be maintained in accordance with the approved details.

Reason: In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Local Plan policy ENV9.

15. Visibility splays of 200m in the southerly direction and 160m in the northerly direction, within which there shall be no obstruction in excess of 0.9 metres in height above the carriageway edge, shall be provided at the access before the development commences and the splays shall be so maintained at all times.

Reason: In the interests of highway safety.

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

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

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

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

18. The vehicle parking/turning and loading/unloading areas as shown on approved Block Plan Drawing No. 15.17.003 Rev I, Proposed Site Plan Drawing No. 15.17.005 Rev C, Proposed Good Handling Plan Drawing No. 15.17.006 Rev B and Loading ramp and stage details Drawing No. 15.17.020 shall be provided prior to the development to which they relate being occupied and the facilities shall be retained for ancillary parking and loading/unloading use and access thereto shall not be precluded.

Reason: To ensure the provision and retention of adequate off-street parking/turning and loading/unloading facilities in the interests of highway safety.

19. The development shall be carried out in accordance with the recommendations in the approved Preliminary Ecological Appraisal by KB Ecology Ref No 2015/08/04 dated 08th September 2015 and any license issued by Natural England unless otherwise agreed in writing by the Local Planning Authority and Natural England and the approved replacement habitats shall remain in situ.

Reason: To protect existing populations of protected species on the site.

20. Prior to the commencement of the development hereby approved, details of a scheme for the protection and enhancement of biodiversity on the site, including the provision of bat and bird boxes, sparrow terraces and amphibian hibernacula adjacent to the new pond, the use of native species in landscaping and the incorporation of features beneficial to wildlife such as ponds and wildflower planning, together with details of the timing/phasing of the respective elements forming the scheme and proposed management arrangements, shall be submitted to and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved details, with any amendments agreed in writing.

Reason: In the interests of enhancing the biodiversity of the site.

21. Prior to the commencement of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) detailing the landscaping and ecological design and management for the site shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:
- purpose and conservation objectives of the landscaping and ecological design, including the creation of the reptile receptor area;
 - timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - description and evaluation of features to be managed;
 - aims and objectives of management, including the long-term management of the of the reptile receptor area;
 - appropriate management prescriptions for achieving aims and objectives;
 - preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - details of the body(/ies) or organisation(s) responsible for implementation of the LEMP; and,
 - ongoing monitoring and remedial measures.

Reason: In the interests of maintaining the biodiversity of the site enhanced as part of the development.

22. The landscaping scheme shown on approved Landscape Proposals Drawing No. MHS157/16-G01 and Landscape Sections Drawing No. MHS157/16-C61 shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

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

23. The development shall be carried out in accordance with the details of levels, earth bunds and fencing shown on approved Block Plan Drawing No. 15.17.003 Rev I, Proposed Site Plan Drawing No. 15.17.005 Rev C, Site Section B-B Drawing No. 15.17.004 Rev B, Site Section - A/A Drawing No. 15.17.015 Rev A, Landscape Proposals Drawing No. MHS157/16-G01 Rev C and Landscape Sections Drawing No. MHS157/16-C61 Rev A unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

24. The development shall be carried out in accordance with the hard and soft landscaping shown on approved Landscape Proposals Drawing No. MHS157/16-G01 and Landscape Sections Drawing No. MHS157/16-C61 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

25. No external lighting shown on the submitted plans shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include;-

(i) a layout plan with beam orientation and a schedule of lighting equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).

(ii) the use of time switches and PIR to switch off lighting outside the permitted operating hours set out in condition 11.

(iii) the approach to security lighting/task lighting outside the permitted operating hours set out in condition 11.

The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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

26. The development shall be carried out in accordance with the recommendations in the Noise Impact Assessment by MRL Acoustics Report No. MRL/100/1026.2v1 dated July 2017 unless otherwise agreed in writing.

Reason: In the interests of preserving the amenity of the neighbouring Lake House/Banyan Retreat.

27. Prior to the commencement of the development hereby approved, details of an acoustic barrier to be erected along the southern boundary of the site, including details of its ongoing maintenance, shall be submitted to and approved in writing by the Local Planning Authority. The fence shall then be erected in accordance with the approved details before the first use of the site and shall be subsequently permanently retained and maintained in an effective condition.

Reason: In the interests of preserving the amenity of the neighbouring Lake House/Banyan Retreat.

28. The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:

- All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the approved Pre-development Tree Survey and Report and accompanying Tree Protection Plan and Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction;
- No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
- No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- 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;
- 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.
- No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

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

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

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

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

31. a) The building shall be built to at least a minimum BREEAM 'Very Good' standard, with at least a 40% improvement in water consumption against the baseline performance of the building (Wat1, 3 credits).

(b) Within 6 months of the completion of the building, hereby approved, a report based on BREEAM standards shall be submitted to and approved in writing by the Local Planning Authority confirming the minimum BREEAM standard mentioned in (a) has been achieved.

Reason: In accordance with the NPPF and policy ENV11 of the Ashford Borough Local Plan 2030

32. The building hereby approved shall not be subdivided in any way to facilitate the use of the site by another business or persons.

Reason: To prevent the intensification of the use of the site by another to the detriment of the amenity of the locality.

33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out

within Classes H and J; of Part 7 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

Working with the Applicant

1. 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 application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
2. It is the responsibility of the applicant to ensure that before the development hereby approved is commenced, all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
 3. The applicant's attention is drawn to the advice and guidance contained in the Environment Agency's letter dated 06 October 2016, KCC Flood and Water Management's letter dated 4 October 2016, Southern Water's letter dated 29/09/16 and the Rover Stour Internal Drainage Board's email dated 04 October 2016 under planning approval 1601387/AS.

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 19/00356/AS)

Contact Officer: Rob Bewick
Email: rob.bewick@ashford.gov.uk
Telephone: (01233) 330683

Application Number	16/01387/AS
Location	Oakover Nurseries, Maidstone Road, Westwell, Ashford, Kent, TN26 1AR
Grid Reference	96829/46913
Parish Council	Westwell
Ward	Downs West
Application Description	Change of use to B8 (storage and distribution) and erection of a warehouse with car parking, hardstanding, landscaping and lighting
Applicant	Mr Sykes of Vatre Terracotta Limited, Dencora Way, Leacon Road, Ashford, Kent, TN23 4FH
Agent	Mrs Locking of NTR Planning, Clareville House, 26-27 Oxendon Street, London, SW1Y 4EL
Site Area	2.92ha

(a) 15/1R	(b) Hothfield - R Westwell - R	(c) KCCD - + EA - X IDB - + Drainage - X CPRE - R ND AONB - R EH (C) - + KCC Eco - + KH&T - X NR - X HS1 - + EH (C) - X
15/-		

Introduction

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

Site and Surroundings

2. The application site forms part of Oakover Nurseries, a wholesale commercial grower of plants and trees for distribution throughout the country. It falls within the countryside for Development Plan purposes but is located in a semi-rural location on the westerly edge of Ashford along the A20 in Westwell. Opposite the site is the Hop Pickers public house and Holiday Inn hotel and two dwellings, with the M20 motorway running along the northern boundary and domestic and High Speed 1 (HS1) railway lines to the north east. The site is understood to have been used as a bulking plant for the construction of the M20 motorway and the existing access was originally created to accommodate contractors of the Channel Tunnel.
3. The site is largely open to the A20, with a 25m thick densely planted embankment to the motorway. A concrete track runs from the access through the site and this follows the HS1 safeguarding area. Within the centre of the site is a small, low lying building and an area of hardstanding, used as a nursery selling are for produce from Oakover Nurseries. The remainder of the site is laid to grass, with a customer parking area just off the concrete track to the north.
4. A watercourse runs along the southern boundary of the site, linked to a balancing pond beyond the north eastern corner of the site with the motorway. There is a strip of native trees along the southern boundary with the neighbouring property Lake House/Banyan Retreat. The level of the land falls away slightly from west to east.
5. The site falls within the Charing Heath Farmlands Wealden Greensand Landscape Character Area (LCA) and the countryside beyond the motorway and railway links falls within the Kent Downs Area of Outstanding Natural Beauty (AONB). A key characteristic of the LCA is its major transport links, its condition and sensitivity are considered moderate and the guidelines for this area are to conserve and improve, including the conservation of the foreground setting of the Kent Downs AONB. The site also covers an area of archaeological potential and a High Speed 1 (HS1) safeguarding area runs through the site, following the existing access.
6. A site location plan is attached as Annex 1.

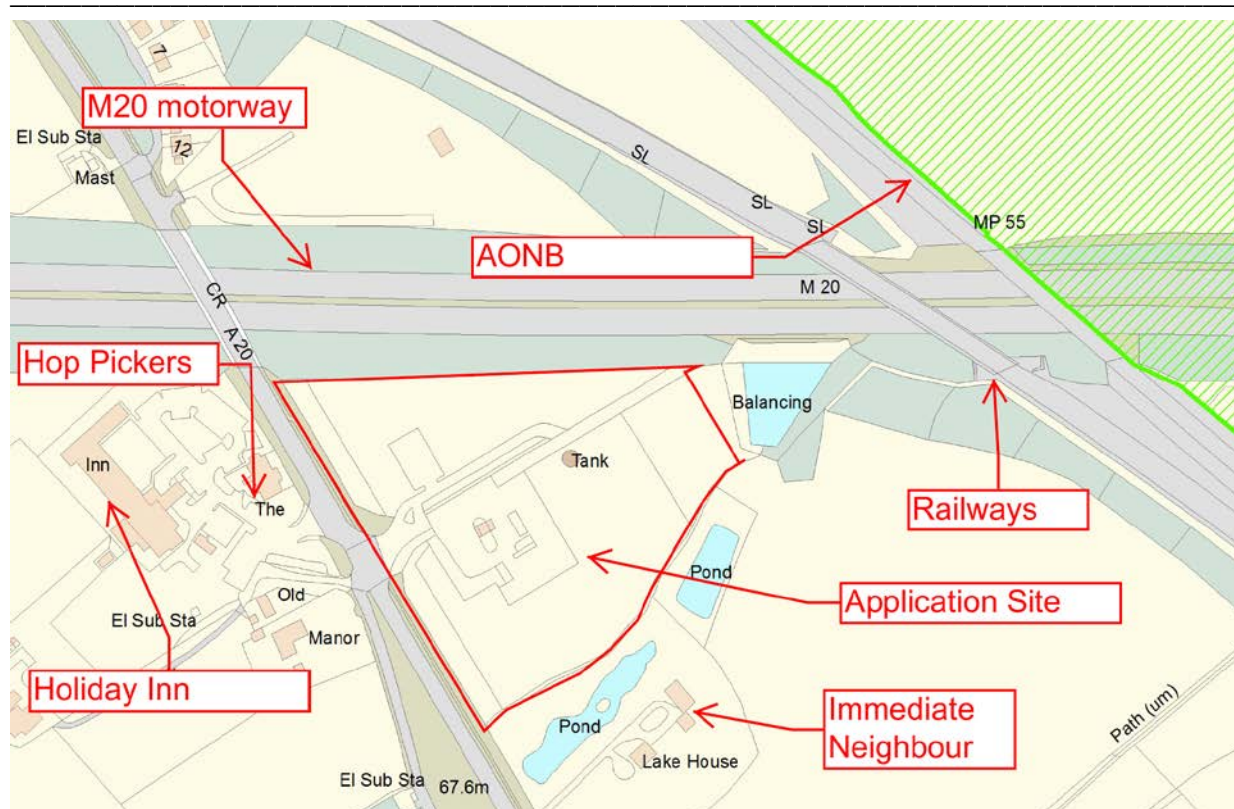


Figure 1: Location plan

Proposal

7. Full planning permission is sought for the change of use of the land to B8 (storage and distribution), with the erection of a warehouse with hardstanding areas for car and HGV parking, goods loading/unloading area, turning area, pallet handling/sorting and pot storage and lighting of the site.
8. The proposed warehouse would be sited along the northern boundary and dug into the ground, with a gross external footprint of 3025m² and height of 9.8m to the ridge and 7.2m to the eaves. The building would be rectangular in planform, with a clear spanning duo-pitched roof and clad with a profiled metal cladding system with concrete blocks at low level. Its windows would be rectangular, aluminium and double glazed and the south western corner of the building is to be glazed in curtain walling. The building would have a continuous ridge line, but its eaves are to be set lower in the warehouse section behind, and the roof would overhang the south elevation. Its accommodation would comprise ancillary office/reception space over two storeys totalling 448m² gross internal area and a principle open-span space of 2,680m² dedicated to the storage, sorting and selection of products prior to dispatch.

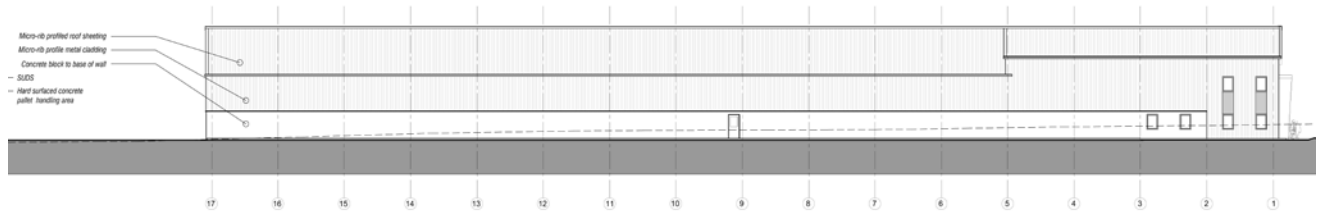


Figure 2: West elevation



Figure 3: North elevation

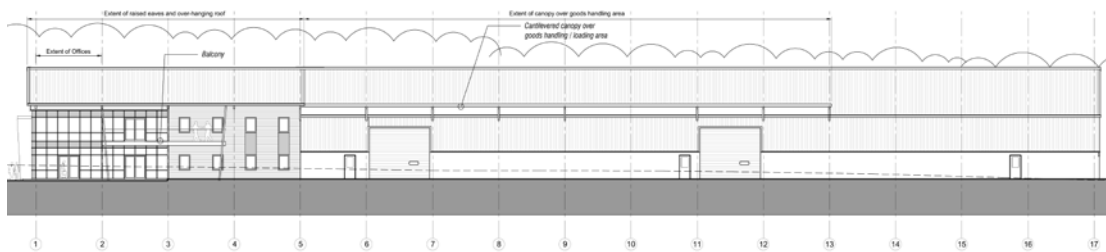


Figure 4: South elevation



Figure 5: East elevation

Figure 6: Section across northern part of site

9. The existing access and hard-paved apron forms the site entrance and this would lead to a service yard in the centre of the site that would accommodate freight parking (with four HGV parking spaces) and turning, an unloading ramp/dock and a temporary pallet handling area. The western end of the proposed warehouse would open onto a concrete paved area to facilitate product sorting prior to its use in the warehouse and a small car park providing 32 spaces would be located on the opposite side (where a gabion wall 1.5-2m high is proposed and would continue behind the proposed warehouse). The opposite side of the central circulation area to the south would be dedicated to the open storage of palletised goods on a large area of hardstanding totalling 720m². This area would be divided into roughly two

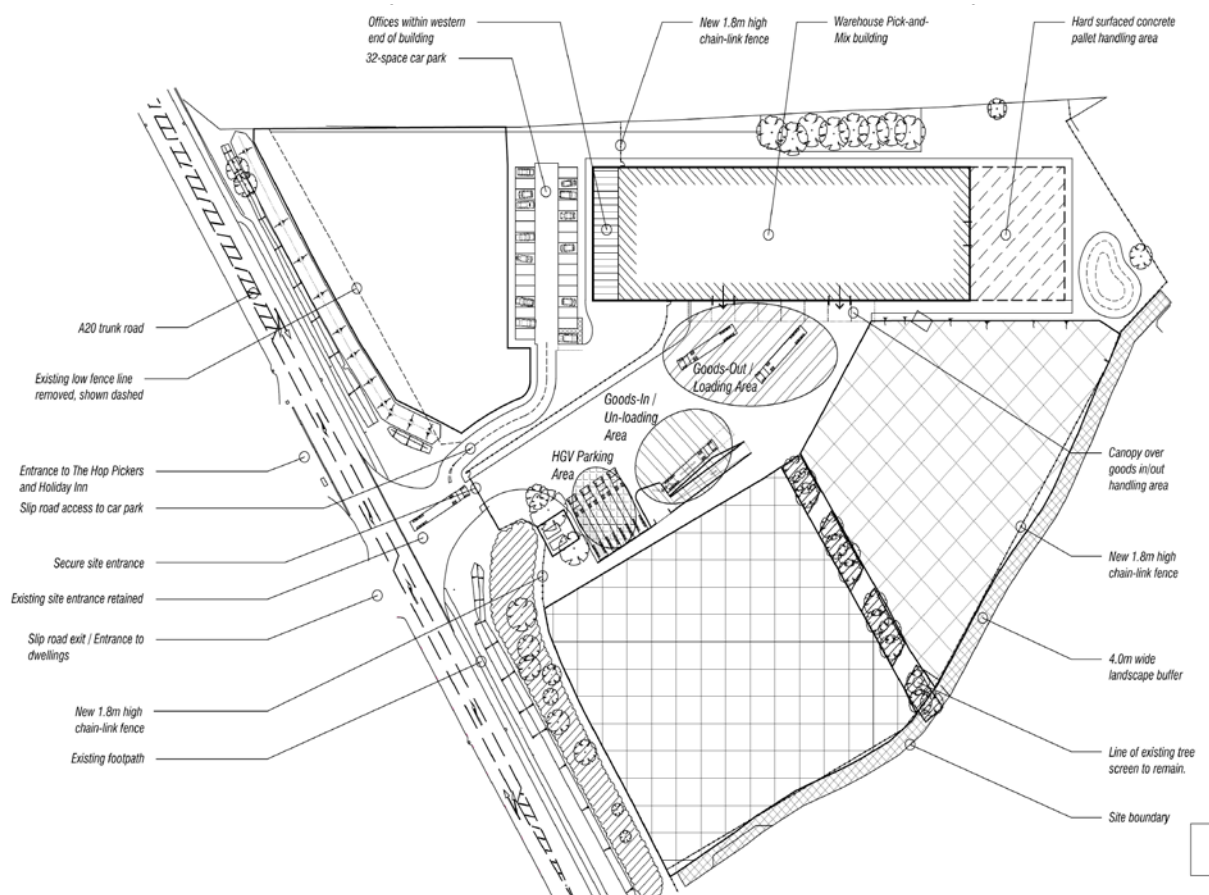


Figure 7: Block Plan

10. Lighting is proposed to key areas as required to support the safe operation of the business. Along the access road and around the car park would be 6m high floodlighting, with 8m high floodlighting proposed around the external storage area and service yard and 4m high floodlighting under the loading bay canopy to the front of the proposed warehouse. There would also be perimeter security LED lighting mounted at 3.8m high along the outside wall of the proposed warehouse. All floodlighting would be of a down facing and directional design, incorporating baffles where necessary to control light spillage. A copy of this plan will be displayed at the meeting.

11. The proposal includes a soft landscaping scheme, including a 3m high earth bund with tree planting ranging between 1.25m and 4.5m in height along the boundary with the A20. The site would be bound by 1.8m high chain link fencing with boundary planting and 2m high noise attenuation fencing is proposed along the southern boundary with the neighbour Lake House/Banyan Retreat. A new security gate would be installed to the existing access with a 1.5m high gabion wall either side, set back on the existing apron so that delivery vehicles can pull fully-off the highway before stopping. A pond is also to be created in the north eastern corner to the site, to take surface water run-off from the proposed warehouse and hardstanding.

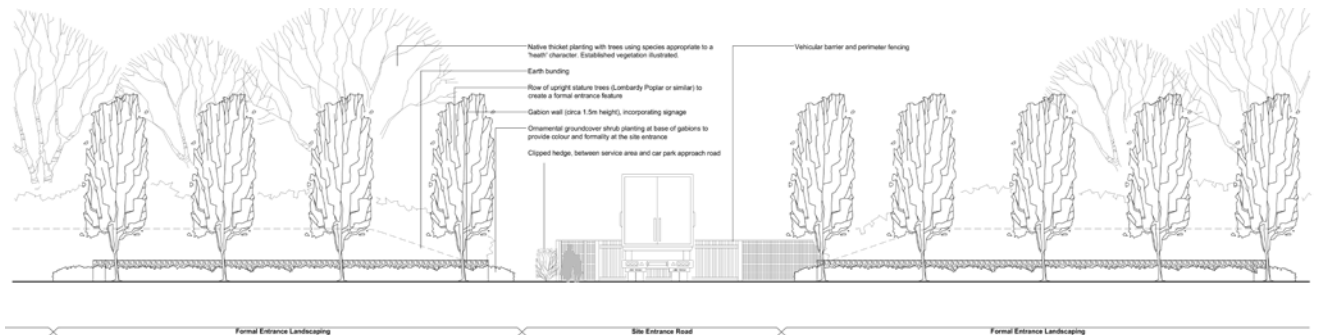


Figure 8: Site entrance elevation

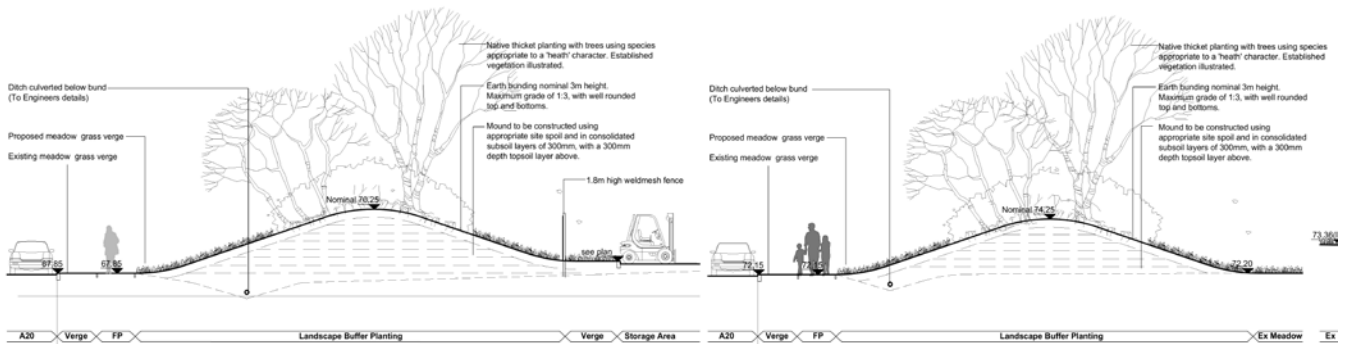


Figure 9: Bunding to south and north of existing access

12. The site would be occupied by the company Vatre Terracotta, which supplies flower pots and garden accessories to over 1000 garden centres and horticultural outlets throughout the UK and Ireland (the business has recently started selling its products to other countries). The company employs 60 full-time staff (32 of which are located in Ashford) and has long-standing arrangements with several suppliers in Ashford, including third part logistics suppliers (Ace Transport) and equipment manufacturers (for example, Chart Stables). The company has an exclusive licence until at least 2017 to manufacture and sell Royal Horticultural Society (RHS) flower pots and associated products.
13. The company was set up in 1985 and has been established in Ashford for over 30 years, currently operating from premises on Dencora Way, where its offices, yard and covered sorting space is based (the warehouse has a footprint of approximately 2145m²). In addition, a 1800m² building at Leacon Road has been leased for storing flower pots. The company has grown steadily into a successful and profitable business, turning over £13.5 million a year.
14. The reason behind the application is that the company has expanded significantly in recent years and their current premises is unable to hold sufficient stock on site and the packaging of products for distribution and the arrival and departure of delivery vehicles has become impractical. The short-term solution has been to rent an additional warehouse in Leacon Road but this is not considered sustainable. The company is keen to remain in Ashford.
15. In support of the application, the following documents have been submitted:
 - Preliminary Ecological Appraisal: this found the following:
 - the likelihood of presence of great crested newts (GCNs) in the overall area is likely and whilst no ponds are present on site, GCNs may be present in the balancing pond, reservoir and pond within 50m of the site and are likely to forage and take refuge on the site, with piles of rubble/earth providing ideal hibernation sites;
 - the likelihood of reptiles to be present in the overall area is relatively high, with areas of uncut vegetation on site offering good potential habitat for reptiles and the piles of rubble/earth providing ideal hibernation sites;
 - the site has high potential to support breeding birds within the trees and hedging;
 - the site has no potential to support hazel dormouse due to lack of connection to suitable woodlands.

- no setts or signs of badgers were identified during the survey but the grassland habitat on site provides foraging opportunities and the boundary vegetation provides a small amount of refuge and sett digging opportunities;
- no bats or signs of bats were found during the internal/external inspection of the existing building on site, which was judged as offering negligible potential for roosting bats, and none of the trees present on site offered potential for roosting bats but the site is likely to be used by foraging and commuting bats;
- the site has moderate potential to support hedgehogs; and
- common mammal species such as rabbit, field vole, and fox are likely to be present on site

and makes the following recommendations:

- trees to be retained should be protected during construction work through a tree protection plan (which has been provided);
- full GCN surveys to find out whether GCNs are using the ponds within the vicinity of the site and therefore potentially using the site during their terrestrial phase of life and this should guide any mitigation strategy required to minimise disturbance to the species;
- reptile survey looking at presence/absence and any necessary mitigation;
- consideration must be given to the timing of vegetation removal in respect of breeding birds;
- the design of any lighting scheme should take bats into consideration; and,
- ecological enhancements should be included in the development for example, the provision of bird boxes, bat roosting spaces within the proposed building, reptile/amphibian hibernacula (a place in which a creature seeks refuge) and log piles for invertebrates, reptiles and amphibians, tree/shrub/hedgerow planting with wildflower planting on amenity grassland, enhanced hedgerow management and the use of nectar flower mixtures, SUDS, the provision of green/grey roofs and the use of a grid mesh system with topsoil and seeding with a wildflower species mix to car parking areas and new access drives.

- Habitat Suitability Index of Ponds and Great Crested Newt Survey: in response to the recommendation of the Preliminary Ecological Appraisal, this survey measured the HSI calculations for four ponds within the vicinity of the site and found them to have either an average or excellent suitability but no GCNs were seen or caught in any of the ponds surveyed - no specific mitigation work is therefore recommended.
- Transport Statement: this makes the following comments:
 - the A20 in the vicinity of the site is fairly straight and visibility from the access is good in both directions;
 - the site has fairly good accessibility onto the strategic road network;
 - there are no congestion issues along this stretch of the A20 and there is a significant amount of spare capacity available;
 - the likely traffic generation of the existing use involves a small number of trips on a daily basis;
 - the development is likely to generate about 2 deliveries per normal day and 7 deliveries per peak season day by 16.5m long articulated lorries;
 - as a worst case scenario, the development would generate 14 trips (7 deliveries) to and from the site daily from Monday to Friday (this equates to up to 2 lorry trips an hour) but due to a decrease in deliveries from July to December, it is likely that there would be less than 7 deliveries made daily during these months;
 - using TRICS data, the development would likely generate around 16 additional two-way trips in the AM peak period (08:00-09:00), around 19 additional two-way trips in the PM peak period (17:00-18:00) and a total of around 119 trips;
 - the office use from the TRICS analysis would give a daily total of 72 trips to be added;
 - given the existing peak hour two way traffic flows on the A20 of 940 vehicles with a capacity of 2500, the number of additional trips would not be significant and could be easily accommodated on the local highway network, not being noticeable within the typical daily variation of traffic flow;
 - swept path analysis shows that articulated lorries can enter and exit the site and adequate turning areas would be provided within the site; and,

- a visibility splay in excess of 200m is achievable in a southerly direction and to the north, a visibility splay of 160m is possible.
- Pre-development Tree Survey and Report: this states that the trees on site are predominantly small, semi-mature, open grown, ornamental species that are considered to be of low to moderate visual amenity value and the majority of these are to be removed as part of the development, with new planting to mitigate against this loss. An Arboricultural Method Statement and Tree Protection Plan accompany this.
- Noise Impact Assessment (updated following concerns from Environmental Health): this carried out noise measurements of the site where the business currently operates to establish typical source noise levels from HGV deliveries and the general movement of forklift trucks in the external storage area and at the site boundary with the nearest affected noise sensitive property (Lake House/Banyan Retreat). The results indicate that the noise impact from the use of the proposed warehouse and a HGV delivery event is lower than the existing background noise climate (by 17dB(A)). It found that the noise impact from forklift truck movements in the proposed external storage area would be 1dB(A) greater than the existing background sound level at the boundary with the neighbouring Lake House/Banyan Retreat however the British Standard 4142 indicates that this is a 'less than' an adverse impact. In addition, it states that this impact would be less as a result of the landscape buffer to be provided between the external storage area and the boundary with neighbouring Lake House/Banyan Retreat, the lake between the common boundary and the actual neighbouring building and the fact that the far end of the area of external storage closest to the common boundary would be used for long term storage and so would generate less use of forklift trucks than the assessment was based on. The report also outlines a number of noise mitigation measures, namely recommendations on the construction of the proposed warehouse and the erection of a 2m noise attenuation fence along the common boundary with the neighbouring Lake House/Banyan Retreat.
- Lighting Preliminary Calculations report, lighting specification and light spillage plan: this provides an overview of the lighting proposed on site, including 3D visuals and the potential light spillage shown on a layout plan.
- Site search and sequential test: Taylor Riley Stafford carried out a search for alternative sites for three months using the following criteria:
 - a total site area of 3 acres minimum;
 - a building of 20,000-30,000 sq ft;
 - direct access to an A road; and,

- within a 15 mile radius of Ashford town centre.

Requirement details were sent to over 250 of the south east's most active agents and 10 sets of sales particulars were received, relating to sites in Ashford, Lympne, Larkfield, Detling, Canterbury, Aylesford and Faversham but these were either too far away or lacked sufficient external storage to be of serious interest.

- Flood Risk Assessment: this makes the following statements:
 - the flood risk profile of the site is low;
 - the main risk of flooding is from surface water but this is limited to two areas, the north west and centre of the site - the north western corner has been removed from the development and the overland flow from the centre could be dealt with through SUDS;
 - a permeable surface is the most viable option for draining surface water from this site;
 - the proposed warehouse's roofed area and external hardstanding would discharge into a gravelled area with concrete baffles (a widespread construction used in flood alleviation and that proposed is large enough to store the critical '1 in 100 years +30% climate change' storm's volume);
 - the new pond in the north eastern corner would accept the roof's and service yard's surface water and the outfall would discharge into the nearest gravel area; and,
 - the development would not increase the flood risk either of this site or of neighbouring properties.

16. In support of the application, the agent makes the following comments in the accompanying Supporting Planning Statement and Design and Access Statement:

- the current situation the company faces is uneconomic and threatens the continued competitiveness of the business - the existing premises is overcrowded, limiting operational movements in and around the site;
- stock must be located at a single location otherwise the company's operations become inefficient and more costly;
- the existing premises is overcrowded, limiting operational movements in and around the site;

- the company have spent considerable time and effort looking for alternative sites in Ashford but no suitable alternative to the development proposed has been identified;
- the site was identified as suitable in view of the synergy of the company with the landowners Oakover Nurseries, who retain a major land holding for their business as a wholesale commercial nursery - there are logistical advantages of locating adjacent to each other;
- there is an overwhelming and pressing need for the applicant's business to be relocated from its existing premises as it has outgrown its current location and the physical limits of the existing premises are making the company's current operation inefficient – this is stymieing future growth;
- the site is ideally located in terms of its accessibility to the highways network and its proximity to the existing site;
- the development would ensure that the company retains all of its current employees and allow potential for additional employment with future growth;
- a very important factor for the business is the need for a large warehouse with a large external hardstanding for storage, which is central to the company's business;
- not being able to relocate the business to a suitable site locally would restrain the growth of the business and the ability of the business to employ additional staff and increase its input into the local, regional and national economy;
- the proposed warehouse has been designed to appear more agricultural;
- the development represents the reuse of an existing commercial site and it has been set into the topography of the site;
- as per the ecology surveys carried out, there are no ecological reasons why the development should not be permitted;
- there is already substantial green screening between the site and the neighbouring Lake House/Banyan Retreat;
- as per the transport statement, there are no reasons why the proposals cannot be permitted on highways grounds;
- the applicant has liased with the neighbour at Lake House/Banyan Retreat, who raised concerns relating to the limiting of noise at the weekends and the height of storage pallets adjacent to the boundary and the enhancement of existing boundary planting and in response to these:

- it would be necessary to have some flexibility to allow some weekend working if required but the applicant is willing to limit this between 8am and noon on Saturdays with no working on Sundays or bank holidays; and,
- the applicant is happy to limit the height of storage pallets on the boundary to a maximum of 3 in height (this equates to 5m);
- the proposed warehouse may have some attenuation benefit to the neighbouring Lake House/Banyan Retreat in creating a physical barrier from the current noise generated by the M20; and,
- the proposed warehouse is set back from the A20 to minimise its impact and also to optimise the remaining part of the site for any potential future use, thus ensuring that the land use is optimised.

Planning History

17. There is no relevant planning history.
18. As part of this application, an Environmental Screening Opinion was carried out and this concluded that an Environmental Impact Assessment was not required.

Consultations

Ward Members: The Ward Member is a member of the Planning Committee and has requested that the application be determined by the planning committee.

Hothfield Parish Council: comment that there are merits in the points raised by Westwell Parish Council.

Westwell Parish Council: object to the application on the following grounds:

- the exceptional justification for the development is stated as being the potential for joint working between Vatre Terracotta and Oakover Nurseries but this is not reflected in the Design and Access Statement, nor in the operations or transport assessment (no cumulative data on the anticipated transport movements of the businesses working together, nor an assessment of movements of plants or pots across the A20 between the two sites);
- one of the reasons given for Vatre Terracotta moving to this site is to enable existing workers to move with the business but there is no new offer of local employment - the development cannot therefore be justified as 'new employment in the borough' unless there is a prospective new business or expansion to occupy Vatre Terracotta's current site on Leacon Way;

- the site is currently a rural agricultural site with trees and a concrete road across it to the edge of the embankment down to the motorway - the development would transform the character of the area from countryside to industrial and the impact of this on the wider setting needs to be considered;
- there has been no assessment of theoretical visibility from the AONB in particular from the Pilgrims Way, which is a nationally important footpath and byway - there is concern about the impacts of the building design, materials, height and colour treatment and lighting of the site and if the site is operational from 7am to 7pm, it would be clearly visible from the AONB at the beginning and end of each day in the winter months, based on its artificial lighting alone;

(Joint Development Control Manager comment: the agent has since provided lighting information).

- this application should be properly considered with respect to the site being in the setting of the AONB and that a precautionary approach is taken;
- the neighbouring property and the A20 suffer from flooding during periods of heavy rain - the development should ensure that existing problem is not aggravated by it;
- there is overnight and over-weekend parking of HGVs along the section of the A20 from J9 to the site, which results in a heavy cost in environmental nuisance, noise, air pollution and road safety for residents and other road users - the question is how operations on site would be managed to ensure that none of the drivers delivering to or collecting from the site take their rest breaks or leave their trucks or their trailers anywhere that is not on site or an official lorry park;

(Joint Development Control Manager comment: this is not a planning issue but a matter for the Highways Authority to deal with under their legislation)

- as the actual movement data is available from the applicant's current operation, the transport assessment should be based on survey data and not on TRICS;

(Joint Development Control Manager comment: the use of TRICS data is the typical standard used for transport assessments and in any event, is more appropriate in this instance as the development allows for an expansion of the business)

- the highways assessment only focuses on the adequacy of the bellmouth access and the right turn across the A20 from Ashford into the site is not addressed at all;

- the application states that Vatre Terracotta requires 'both a substantial warehouse and an extensive external storage area to function efficiently and be able to expand further in the future' - this is not a sufficient reason to be in the countryside when Ashford has other sites available that are designated for B8 use, for example Sevington;
- the proposed warehouse is not agricultural in style but is typical of speculative warehouse design, with glass curtain walling for the office area that is unsympathetic to the rural area; and,
- the use of further screening and limiting storage height to no more than 3 pallets high is too vague

(Joint Development Control Manager comment: the agent has since confirmed that the open storage of pallets would be limited to 5m in height).

Neighbours: 15 neighbours consulted; 1 representation received objecting to the application on the following grounds:

- it is unclear where water would drain from the front of the proposed building and pallet storage area and further information is requested;

(Joint Development Control Manager comment: the application includes a drainage strategy plan)

- this neighbour operates a natural healing centre from their property where peace and tranquillity is important - the hours of operation may be disruptive to this business and further information is requested;

(Joint Development Control Manager comment: the application form states the proposed hours of opening to be Monday to Saturday 07:00-19:00 and a noise impact assessment has been carried out)

- what would be visible from this neighbour's property is of concern and they ask how high the pallets would be stacked;
- this neighbour requests evergreen shrubs planted along the common boundary with the site and this should retain a secure perimeter to this neighbour; and,

(Joint Development Control Manager comment: the application includes a plan showing hard and soft landscaping and boundary treatments)

- general lighting and security lighting in the proposed pallet storage area adjacent to this neighbour's property and the rest of the site is of concern and

further information is requested on their hours of operation and how this lighting will affect them

KCC Flood and Water Management: comment that should planning permission be granted, conditions re: detailed sustainable surface water drainage scheme and details of its implementation, maintenance and management and no infiltration of surface water drainage into the ground without the written consent of the Local Planning Authority be attached. They also require the drainage design to accommodate the 1 in 100 year storm with a 20% allowance for climate change and an additional analysis undertaken to understand the flooding implication for a greater climate change allowance of 40%.

Environment Agency: Raise no objection subject to conditions re: drainage systems for the infiltration of surface water drainage and contamination.

Southern Water: comment that should planning permission be granted, conditions re: SUDS and means of foul and surface water sewerage disposal be attached.

River Stour Internal Drainage Board: comment that details of the proposed SUDS should be agreed in direct consultation with KCC's drainage and flood risk team, as well as the Council's own drainage engineer.

Drainage (internal): raise no objection subject to the conditions suggested by KCC Flood and Water Management and the Environment Agency.

Campaign to Protect Rural England: object on the following grounds:

- the site has a horticultural use and cannot be regarded as a brownfield site;
- the proposed industrial use does not require a rural location (contrary to policy TRS10 of the Tenterden & Rural Sites DPD) and this is evident through it having been run successfully from the centre of Ashford;
- the Planning Statement makes much of the potential operating synergy between Oakover Nurseries and Vatre Terracota but this is not followed through in their business case or transport strategy - the development should be considered as a standalone B8 warehouse in the countryside;
- on rising ground close to one of the A20 bridges over the M20 motorway where it passes into the AONB, the site is clearly within the setting of the AONB;
- the fact that the site is located in the Heathy Farmlands LCA has not been considered;

- it is not sufficient to rely on semi-mature deciduous trees to protect the Pilgrims Way route from visual damage;
- the development would industrialise the nationally important habitat Heathy Farmlands, changing its character entirely, and this includes the Hothfield Heathlands, which contain one of the few remaining fragments of open heath and acid grassland;
- the additional impacts of lighting, traffic noises and hard surfaces associated with the development would change the rural visual character of the area;
- the use of the A20 by very large and slow moving lorries as they enter and leave the site at peak traffic times would greatly increase the dangers on this piece of road;
- there is an existing problem of unsocial and hazardous overnight parking on this stretch of road and should the application be permitted, the traffic situation should be kept under review;
- no attention has been paid to invertebrates and the site may contain protected species of local importance; and,

(Joint Development Control Manager comment: appropriate ecological surveys have been carried out and reports provided with the application)

- the application is for a greatly increased area of buildings and hard surfaces and would be out of context with the existing buildings in the area, which would impact on the visual character of the area and harm the setting of the AONB.

Kent Downs AONB: make the following comments:

- although not lying within the Kent Downs AONB, the proximity of the site to the boundary, along with the scale of the development and the largely undeveloped nature of the site means that the development has the potential to impact on the setting of the AONB;
- no reference to the Kent Downs AONB is made within the submission;
- the upper half of the Holiday Inn on the opposite side of the A20 to the site is visible from the Kent Downs AONB, from the North Downs Way, an important national trail within the AONB, along Westwell Downs - in view of the similar land levels and scale of buildings, it is considered likely that the development would be similarly visible;

- should the application be approved, it is imperative that the materials used on both the walls and roof are dark and non-reflective to ensure that the visual impact of the building in views from the AONB is mitigated; and,

(Joint Development Control Manager comment: details of materials can be required by condition)

- we also have concerns about the potential impact of proposed lighting in this rural location - insufficient information has been submitted to demonstrate that this would not impact on dark skies.

Environmental Services Manager: comment that conditions re: hours of operation and disposal of sewage should be attached to any permission granted.

KCC Ecology: make the following comments:

- additional information is required prior to the determination of the application;
- the development would have a negative impact upon reptiles - detailed knowledge of the development is known and so a detailed mitigation strategy should be submitted but they consider that from consulting the submitted Landscape Proposals, it would be possible to retain the population on site subject to the area being enhanced and managed appropriately;
- a brief management plan is required to ensure that the landscaped areas are managed appropriately and this can be controlled by condition; and,
- the enhancement measures outlined in the submission can be controlled by condition.

Kent Highways: raise no objection subject to conditions re: provision of construction vehicle loading/unloading and turning facilities, site personnel/visitor parking facilities, wheel washing facilities, provision and permanent retention of vehicle parking spaces and loading/unloading and turning facilities.

Network Rail: Raise no objection.

HS1: Do not have any comments per se as the development would not affect any of their physical railway infrastructure. However, the proposed warehouse would block an existing pedestrian access right for HS1, which could easily be diverted around its perimeter and legal reassurance is being sought from the applicant that HS1's access rights can still be achieved as part of development.

Following receipt of information relating to lighting and noise impact, neighbours and the Environmental Health Manager were consulted and whilst no neighbour representations were received, the Environmental Health Manager commented that

they note the high background noise levels at this location and requests conditions restricting the hours of operation and industrial processing taking place in the proposed warehouse only, limiting forklifts operating on the site to 'low-noise' electric models only (not fitted with tonal reversing 'beepers') and requires details of an acoustic barrier with the neighbouring Lake House/Banyan Retreat and the design and build of the proposed warehouse being carried out in accordance with the recommendations made in the updated Noise Impact Assessment be attached to any permission granted. However, no objections are raised to the lighting information provided.

Planning Policy

19. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013 the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016 - 30. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016 and closed after 8 weeks. Proposed 'Main Changes' to the draft Local Plan were approved for further consultation by the Council on 15 June 2017 and consultation has now commenced. At present, the policies in this emerging plan can be accorded little weight.
20. 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

EN31 - Important habitats

EN32 - Important trees and woodland

Local Development Framework Core Strategy 2008

CS1 - Guiding Principles

CS7 - The Economy and Employment Development

CS9 - Design Quality

CS10 - Sustainable Design and Construction

CS11 - Biodiversity and Geological Conservation

CS15 - Transport

CS20 - Sustainable Drainage

Tenterden & Rural Sites DPD 2010

TRS10 - New employment premises in the Countryside

TRS17 - Landscape character & design

Local Plan to 2030

SP1 - Strategic Objectives

SP3 - Strategic Approach to Economic Development

SP6 - Promoting High Quality Design

EMP5 - New employment premises in the countryside

TRA7 - The Road Network and Development

TRA8 - Travel Plans, Assessments and Statements

TRA9 - Planning for HGV movements

ENV1 - Biodiversity

ENV3 - Landscape Character and Design

ENV4 - Light pollution and promoting dark skies

ENV6 - Flood Risk

ENV9 - Sustainable Drainage

ENV11 - Sustainable Design and Construction - Non-residential

ENV15 - Archaeology

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

Supplementary Planning Guidance/Documents

Sustainable Design and Construction SPD 2012

Landscape Character Assessment SPD 2011

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

Kent Downs AONB Management Plan 2014-2019

Government Advice

National Planning Policy Framework (NPPF) 2012

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

- Paragraph 14 sets out presumption in favour of sustainable development;
- Paragraph 17 sets out the 12 core planning principles, including supporting sustainable economic development, conserving and enhancing the natural environment, seeking to secure a good standard of amenity for all existing occupiers of buildings, taking full account of flood risk, encouraging the effective use of land that has been previously developed (provided it is not of high environmental value) and focusing significant development in locations which are or can be made sustainable;
- Section 1 seeks to support sustainable economic growth and support existing business sectors, taking account of whether they are expanding or contracting;
- Section 3 requires planning policies to support a prosperous rural economy and the sustainable growth and expansion of all types of businesses and enterprise in the rural area, through the conversion of existing buildings or well designed new buildings;
- Section 4 requires developments that generate significant amounts of movement to be supported by a Transport Statement;
- Section 7 requires great importance to be attached to the design of the built environment;

- Section 10 required planning to minimise flooding vulnerability and direct development away from areas at highest risk; and,
- Section 11 sets out conserving and enhancing the natural environment, minimising impacts on biodiversity and encouraging opportunities to incorporate biodiversity in and around developments, intrinsically dark landscapes and nature conservation, giving great weight to conserving landscape and scenic beauty in landscapes such as Areas of Outstanding Natural Beauty (which have the highest status of protection), taking account of ground conditions and land stability and limiting the impact of light pollution from artificial light on local amenity.

Assessment

23. The main issues for consideration are:

- Principle
- Visual amenity
- Residential amenity
- Parking/turning and highway safety
- Other issues ie. flooding and drainage, ecology, trees, archaeology, HS1 safeguarding
- Whether planning obligations are necessary

Principle

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraphs 2 and 11 of the NPPF state that planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 14 of the NPPF also states that at the heart of the NPPF is a presumption in favour of sustainable development and this should be seen as a “golden thread running through decision-taking”. There are three dimensions to sustainable development: economic, social and environmental and to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

25. The NPPF is supportive of economic growth in the rural areas in order to create jobs and prosperity by taking a positive approach to sustainable development. It also states that it will promote a strong rural economy, Local

Planning Authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas both through the conversion of existing buildings and well designed new buildings. These objectives are endorsed by Development Plan policy. The development would result in a new employment site in the countryside and policy TRS10 of the Tenterden and Rural Sites DPD seeks to resist this unless exceptional circumstances can be demonstrated to set aside the normal presumption against such developments. These comprise:

- a) it is essential to be located in the countryside;

Westwell and Hothfield Parish Council and CPRE and Kent Downs AONB question the need for the business to operate from this site. Whilst the business does not demand a rural location in terms of the nature of the business (as it is not agricultural per se) the specific nature of the business is semi-rural in character given its close synergy with horticultural produce and this makes suitable sites in the urban area difficult to find, as demonstrated by the Site Search and Sequential Test Report submitted in support of the application. The company requires considerable external storage space, as well as a large warehouse building, which it has not been possible to find in the urban area. To this end, a rural location to meet these needs can be justified.

The location of the site on the outskirts of Ashford is sustainable in terms of its connectivity to the local highway network, being on the A20 and close to the M20 motorway - this is ideal for the business distributing its flower pots and garden accessories to garden centres and horticultural outlets.

A material consideration is also the current use of the site as a nursery selling produce from Oakover Nurseries and whilst this currently operates at a small scale, the intensity of this could increase without the need for planning permission. In addition, the company intends to work closely with Oakover Nurseries in producing containerised planting and developing shared national markets in the horticultural sector.

It is clear from the submission that the company has outgrown its current premises on Dencora Way but it is keen to stay in the borough. An objective of the Core Strategy and NPPF is to promote and achieve greater economic prosperity and the retention of the company in the borough, and the jobs and investment it brings, would contribute towards meeting this. As previously mentioned in the Proposals section, half of the company's employees are located in Ashford and the company has long standing arrangements with several suppliers in Ashford. The location of the business at this site would allow the company to retain its local employees and with the company's intentions of expansion to include export sales, this can be accommodated on this site and would generate additional local employment, in line with the

council's aspirations to deliver economic growth. I consider the above to weigh in favour of supporting the application.

- b) development can be integrated sensitively into its context respecting the character of any important existing buildings, the landscape setting and sites of biodiversity value;

See Visual amenity section.

- c) there would be no significant impact on the amenities of any neighbouring residential occupiers; and,

See Residential amenity section.

- d) it can be demonstrated that the development will not generate a type of amount of traffic that would be inappropriate to the rural road network that serves it.

See Parking/turning and highway safety section.

Visual amenity

- 26. Westwell and Hothfield Parish Council, CPRE and the Kent Downs AONB Unit raise concerns with the impact of the development on the rural character of the site and the setting of the nearby AONB in terms of the scale of built development, lighting and traffic and its visibility from the North Downs/Pilgrims Way, an important national trail within the AONB.
- 27. As stated in the Site and Surroundings section, the site falls within the Charing Heath Farmlands Wealden Greensand LCA. The Landscape Character Assessment SPD acknowledges that there are a number of visual detractors in this area, with the landscape marked by the major transport routes of the M20 and the Channel Tunnel Rail link as well as the A20, which has a number of recent large scale development along it, including hotels, a nursery, large agricultural buildings and a large cold store building. Whilst not lying within it, the site is in close proximity to the boundary of the Kent Downs AONB and the development has the potential to impact on the setting of this.
- 28. Aside from the major transport routes adjacent to the site, there are a number of large scale prominent buildings within the vicinity, namely the Holiday Inn hotel and the Hop Pickers public house directly opposite, the Esso petrol garage and Hothfield Car Sales. There are also large agricultural buildings associated with Oakover Nurseries nearby and the Ardo cold storage facility to the north west of the site. Views of the site are limited on approach from both directions along the A20 by the significant tree planting along the motorway embankment and the common boundary with the neighbouring dwelling Lake House/Banyan Retreat (which is proposed to be retained or

enhanced), however the site is open to the front boundary with the A20. In my view, there are three key elements of the development that would have the greatest impact in visual terms: the proposed warehouse, external storage area and lighting.

29. The proposed warehouse is of a size proportionate to its function (smaller in footprint than the company's current premises on Dencora Way and Leacon Road) and would be dug into the topography of the site and sited towards the north eastern corner to reduce its prominence from the A20 and the proposed car park and area of grassland to the side would provide some open relief with the road. Its design to reflect an agricultural building is appropriate given its rural location and similar style buildings near the site, but its glazed south western corner and canopy add interest to the building.
30. Turning to the external storage area, this is larger than that currently available at Dencora Way and whilst it would cover a significant proportion of the site, it is justified in terms of the needs of the business. However, it would extend very close to the road boundary. To reduce its visibility, the height of pallets stored externally would be limited to 5m and this can be controlled by condition. Furthermore, a 3m high earth bund with tree planting between 1.25m and 4.5m in height is proposed along the entire frontage to provide a natural form of screening of the development.
31. In terms of lighting, much of the nearby AONB currently enjoy low levels of light pollution and is an important aspect of their landscape character and tranquillity and this should be conserved and enhanced. As per the Council's Dark Skies SPD, particular attention should be paid to lighting proposals in the zones of darkest skies and existing low district brightness and in such zones, lighting should be the minimum required for security or working purposes and should minimise the potential obtrusive light from glare or light trespass. The development includes the provision of floodlighting to the access road, car park and external storage area and security lighting on the proposed warehouse, which I consider to be reasonable, and its use would be limited to the hours of operation 07:00 - 19:00 Monday to Friday and 07:00-12:00 Saturday.
32. Assessing the other development proposed, 1.8m high chain link fencing is proposed along the boundaries of the site for security reasons and this would be consumed by existing and proposed landscaping. The gabion wall to the access, service yard and car park is acceptable in visual terms.
33. Moving onto the visibility of the site and the proposed development from the North Downs/Pilgrims Way within the nearby AONB, the Kent Downs AONB Unit acknowledge that the upper half of the Holiday Inn hotel is visible from here - this building is of a significant width and the proposed warehouse would be viewed in the context of this, and be less prominent given its orientation

and smaller size. However, I agree with the Kent Downs AONB unit that materials are key to help mitigate the visual impact of the development and a condition requiring details of this has been attached.

34. In comparison, the Ardo warehouse to the north west of the site is much larger and visible than the proposed warehouse would be. Firstly, it is sited adjacent to the A20 on rising land levels. Secondly, the main warehouse has an eaves height of 13.1m and ridge height of 14.5m to the ridge and a floor area of 5808m². In addition, the Ardo site is smaller than the application site but there is much more built development on it - as well as the warehouse building, there is a two storey office building 890m² in floor area and hardstanding providing 38 lorry spaces, 66 car spaces and associated turning – little room was left for landscaping, unlike the proposal on the application site.
35. Furthermore, two new site allocations for housing have been included in the emerging Local Plan to 2030 in the immediate vicinity - one opposite the site to the side and rear of the Holiday Inn hotel and the other to the side of the neighbouring property Lake House/Banyan Retreat (which adjoins the application site). Whilst the emerging Local Plan holds very little weight at present, if these sites remain in the emerging Local Plan when adopted, the development of these sites will change the character of the landscape and is material to the consideration of this development.
36. On balance, whilst I agree with objectors that the development would result in a degree of visual harm, considering the justification for the development, the context of the site and the measures proposed to assimilate the development into the countryside, I find that this would not be significantly harmful to the character and appearance of the countryside and the setting of the nearby AONB. This is endorsed by the decision taken that an Environmental Impact Assessment is not required for the development.

Residential amenity

37. Only one dwelling, Lake House/Banyan Retreat, neighbours the site to the south and this also offers a small, non-residential day retreat. This neighbour has objected to the application and their main concerns relate to noise and disturbance during hours of operation and lighting.
38. In terms of noise and disturbance, the hours of operation are to be limited to 07:00 - 19:00 Monday to Friday and 07:00-12:00 Saturday and this can be controlled by condition. The proposed warehouse has been sited away from this neighbour along the northern boundary, with vehicle movements concentrated within the centre of the site. Adjacent to the common boundary with the neighbour would be an external pallet storage area. The Noise Impact Assessment considers the main source of noise from the site would

be from HGV deliveries and the use of forklift trucks moving pallets in the external storage area and following noise measurements taken from the site where the building currently operates, it concluded that the noise impact from a typical HGV delivery event is lower than the existing background noise climate. It did find that the noise impact from forklift truck movements in the proposed external storage area would be greater than the existing background sound level at the boundary with the neighbouring Lake House/Banyan Retreat but the difference would be so small that the British Standard 4142 indicates that this is a 'less than' an adverse impact. In addition, this impact would be reduced by the landscape buffer to be provided between the external storage area and the boundary with neighbouring Lake House/Banyan Retreat, the lake between the common boundary and the actual neighbouring building and the fact that the far end of the area of external storage closest to the common boundary would be used for long term storage and so would generate less use of forklift trucks than the assessment was based on. Environmental Health commented that they note the high background noise levels at this location and requests conditions restricting the hours of operation and industrial processing taking place in the proposed warehouse only, limiting forklifts operating on the site to 'low-noise' electric models only (not fitted with tonal reversing 'beepers') and requiring details of an acoustic barrier with the neighbouring Lake House/Banyan Retreat and the design and built of the proposed warehouse being carried out in accordance with the recommendations made in the updated Noise Impact Assessment be attached to any permission granted. Subject to these conditions, I am of the view that the development should not result in a significant noise impact or adverse effect on the residential amenity of the neighbour.

39. Turning to lighting, obtrusive external lighting can be harmful to residential amenity but as mentioned in the Visual amenity section, I consider that proposed to be reasonable and Environmental Health raise no objection, given the separation distance from and screening with the neighbouring Lake House/Banyan Retreat. Also, its use would be limited to the hours of operation 07:00-19:00 Monday to Friday and 07:00-12:00 Saturday.
40. In light of the above, I consider that the development would not result in an unreasonable level of harm to the residential amenity of the occupiers of the neighbouring dwelling. In addition, the distance from and relationship with other nearby dwellings means that the development is unlikely to have an adverse impact on the residential amenity of their occupiers.

Parking/turning and highway safety

41. Westwell and Hothfield Parish Councils and CPRE raise concerns with the increase in traffic that would be generated by the development.

42. Using the trip rate provided in the Transport Statement submitted and TRICS data, the development would generate 2 deliveries on a normal day (with a worst case scenario of 7 deliveries daily in the peak season of January to June), made by 16.5m long articulated lorries. In terms of staff, the development would generate 16 additional two-way trips in the AM peak period and 19 additional two-way trips in the PM peak period. In total, peak hour generations would be a maximum of 2 lorries and 37 cars and on a daily basis, this would equate to up to 72 trips. The A20 has a maximum hourly flow capacity of 2500 vehicles and considering the actual hourly flow of traffic is 940, there is significant spare capacity on this road to accommodate the traffic generated by the development. Given this, I do not consider that the development would adversely impact upon traffic flows.
43. The existing access is to remain unchanged, with adequate visibility splays achieved from it (these would not be affected by the proposed earth bund and associated planting along the roadside boundary of the site), and Kent Highways consider there to be no highway safety issues with the use of the existing access. The swept path analysis submitted shows that lorries can enter and exit the site and adequate parking/turning areas would be provided within the site and Kent Highways are satisfied with this.
44. Given the above and the fact that Kent Highways do not object to the application, I am satisfied that the road network serving the site is suitable for the scale and type of vehicle movements associated with the development and so the proposal is considered acceptable in parking/turning and highway safety terms.

Other issues ie. flooding and drainage, ecology, trees, archaeology, HS1 safeguarding

Flooding and drainage

45. The site lies outside Floodzones 2 and 3 and is of permeable geology (Folkestone formation sandstone). The only flood risk relates to surface water and this is limited to two areas on the site - the north west and centre of the site. The development would result in a greater impermeable area than existing, however the risk is to be managed through the use of permeable paving for the external storage areas, with the construction of an infiltration pond to partially accommodate surface water runoff from the proposed warehouse's roof and hardstanding. The Environment Agency, KCC Flood and Water Management, River Stour Internal Drainage Board and Council's Drainage Engineer do not raise an objection and whilst the proposed drainage strategy is considered feasible, a condition requiring further design details for the SUDs system is required. Subject to this, I am satisfied that the proposed surface water drainage strategy would be suitable, feasible and SPD compliant.

46. Turning to foul water drainage, the nearest foul water drain runs along the A20 with a public foul manhole adjacent to the site's access - it is proposed to route the development's foul sewage into this, subject to permission from Southern Water. Southern Water raise no objection. I therefore consider that an adequate means of foul water drainage can be pursued and would therefore be acceptable.
47. In light of the above, I am satisfied that the development would not increase the flood risk of the site or elsewhere.

Ecology

48. As part of the application, a Preliminary Ecological Appraisal and Habitat Suitability Index of Ponds and Great Crested Newt Survey were undertaken and this found the ponds surveyed on and off site to have either average or excellent suitability for GCNS but none were seen or caught in any of the ponds surveyed and so no specific mitigation work is recommended. However, the surveys did conclude that the site and surrounding land contains habitat suitable for supporting reptiles, breeding birds, hazel dormouse, foraging badgers, foraging and commuting bats and common mammal species. The reports make a number of recommendations, including the protection of trees during construction work, timing of vegetation removal and a number of ecological enhancements (listed in the Proposals section).
49. A detailed mitigation strategy in respect of reptiles has not been provided and as the development would result in the disturbance of this protected species, there is a prohibition on granting planning permission unless certain conditions are met: there must be no satisfactory alternative, the favourable conservation status of the protected species on the site would be maintained and granting permission must be in the interests of imperative reasons of overriding public interest. Whilst KCC Biodiversity raised the absence of a mitigation strategy as a concern, they acknowledge that through the landscaping proposals outlining a number of ecological areas, it would be possible to retain the population on site through enhancements and appropriate management and so I am content that all three conditions are met so that the prohibition does not apply and this detail can be required by condition. A brief management plan would also be required to ensure that these ecological areas are managed appropriately and again, this can be controlled by condition.
50. In light of the above, I consider that the development would not be harmful to ecology.

Trees

51. The trees along the boundaries of the site and the group running partially through the middle of the site are to be retained and the Arboricultural Method Statement and Tree Protection Plan submitted ensure the protection of these trees. The majority of trees within the site are to be removed as part of the development, however the Pre-development Tree Survey and Report found these to be of low to moderate visual amenity value and their loss is acceptable. To mitigate against the loss of these trees, extensive planting to the proposed earth bund along the roadside boundary and within the site is proposed. Given this, I consider the impact of the development on trees to be acceptable.

Archaeology

52. The site is located within an area of archaeological potential associated with prehistoric, post medieval and modern activity. Prehistoric activity was located during HS1 works to the north east. The site is also opposite a post medieval farm complex and associated activity may extend to the site. There is also a World War II crash site nearby. In view of this potential, some level of archaeological work would be appropriate but given the level of existing disturbance, the development can be covered by a watching brief. Subject to condition, I therefore consider that the development would not have an adverse impact on archaeology.

HS1 safeguarding

53. As mentioned previously in the Site and Surroundings section, a HS1 safeguarding area runs through the site, following the existing access and this covers an existing pedestrian access right for HS1. HS1 do not object to the application as the development would not affect any of their physical railway infrastructure. However, the proposed warehouse would block their pedestrian access and are currently in discussions with the applicant to divert this around the perimeter of the building. I understand that this issue is being resolved through a legal agreement, which is outside the control of the planning process.

Whether planning obligations are necessary

54. 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.

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

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1. Page 200	<p><u>Carbon off-setting</u></p> <p>Contribution for funding carbon savings based on the residual carbon emissions of the dwelling or building set out in the approved energy performance certificate and quantified over 10 years.</p>	<p>To be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD</p>	<p>Payable on the first use of the development</p>	<p>Necessary in order to ensure the development is carbon neutral pursuant to Core Strategy policies CS1, and CS10 I, the Sustainable Design and Construction SPD and guidance in the NPPF.</p> <p>Directly related as only carbon emissions from this development would have to be off-set.</p> <p>Fairly and reasonably related in scale and kind as off-setting would not be required in the absence of carbon emissions from this development and any payment is based on the amount of carbon dioxide</p>

				to be offset.
Page 201	<p>2. <u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	£1000	Payment upon commencement of development	<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>

Human Rights Issues

56. 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

57. 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

58. The development would result in the creation of a new employment site in the countryside. However, the specific nature of the business is semi-rural in character and the storage requirements (particularly external) makes suitable sites in the urban area difficult to find. The site is in a sustainable location in terms of its connectivity to the local highway network. The company, who is keen to remain in the borough, makes a valuable contribution to the economic prosperity of the borough in terms of the local employment, business and investment it provides and this would increase should it be allowed to relocate to the site, in line with the objectives of the Council’s Five Year Corporate Plan 2015-2020.
59. In terms of visual impact, there are a number of visual detractors within the vicinity of the site and the scheme has been designed and laid out to minimise its prominence and visibility from outside the site and the wider area, including the AONB beyond the adjacent motorway and railway links. Subject to the development being carried out in accordance with the details provided, along with conditions requiring further detail, I consider that the development would not result in significant harm to the character and appearance of the countryside or the setting of the nearby AONB.
60. Turning to residential amenity, again the development has been laid out as to minimise any noise and disturbance to the immediate neighbour Lake House/Banyan Retreat. In addition, the updated Noise Impact Assessment found that the noise impact from the development would result in a ‘less than’ an adverse impact on the neighbouring Lake House/Banyan Retreat.

61. In addition, lighting proposed on the site has been designed to be the minimum required for the needs of the development whilst being appropriate for the rural area.
62. Considering parking/turning and highway safety, the Transport Assessment found that the visibility splays achieved from the existing access and the parking/turning areas proposed to be adequate and the traffic flows generated by the development can easily be accommodated by the local highway network. Kent Highways are also satisfied that the development makes adequate parking/turning provision.
63. The development is also acceptable in terms of flooding and drainage, ecology, trees, archaeology and HS1 safeguarding, subject to condition.
64. In light of the above, I consider that the development broadly complies with the Development Plan policy and represents a sustainable form of development in line with the NPPF, therefore I recommend the application for approval.

Recommendation

(A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations related to:

- a. carbon offsetting; and,
- b. monitoring fee

as detailed in Table 1, in terms agreeable to the Head of Development Strategic Sites and Design or the Development Control Managers in consultation with the Head of Legal and Democratic Services, with delegated authority to either the Head of Development Strategic Sites and Design or the Development Control Managers to make or approve changes to the planning obligations and planning conditions, as they see fit.

(B) Permit

subject to the following conditions:

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.

4. Written details and samples (including colour) of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the dwellings hereby permitted and the development shall only be carried out using the approved external materials.

Reason: In the interests of visual amenity.

5. The premises/site shall be used for B8 (storage and distribution) and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 2005 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking or re-enacting that Order.

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

6. No new floor space shall be created inside the warehouse hereby approved without the prior written consent of the local planning authority.

Reason: To enable the Local Planning Authority to regulate and control the development of land and to protect the amenity of the locality.

7. The office on approved Warehouse & Office – Ground & First Floor Plans Drawing No. 15.17.010 Rev D shall not be occupied at any time other than for purposes ancillary to the B8 (storage and distribution) use hereby approved.

Reason: To enable the Local Planning Authority to regulate and control the proposed development in the interests of the amenity of the area.

8. The site shall not be used at any time for the sale or display of goods stored and distributed on site.

Reason: To enable the Local Planning Authority to regulate and control the proposed development in the interests of the amenity of the area.

9. Industrial processing shall only take place in the building identified on the approved plans.

Reason: In order to preserve the visual character of the property and the amenity of the surrounding area.

10. No external storage of materials shall take place outside the area specified for that use on approved Block Plan Drawing No. 15.17.003 Rev G and Proposed Site Plan Drawing No. 15.17.005 Rev C. The height of any storage within that area shall not exceed 5 metres above ground level.

Reason: To enable the Local Planning Authority to regulate and control the proposed development in the interests of the amenity of the area.

11. All forklifts operated on site shall be 'low-noise' electric models only and not be fitted with tonal reversing 'bleepers' but rather alternative broadband alert 'bleepers' or where permissible non-auditory safe systems of work, shall be used.

Reason: In the interests of preserving the amenity of the neighbouring Lake House/Banyan Retreat.

12. No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside 07:00-19:00 Mondays to Fridays and 07:00-12:00 Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of the residential amenity.

13. Prior to the commencement of development, details of the works for the disposal of sewage and foul water shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To avoid pollution of the surrounding area.

14. Prior to the commencement of the development hereby approved, plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface and foul water based on the principles set out in the approved Flood Risk Assessment by GTA Civils Ltd Ref: 3540/2.3F dated July 2016 and Drainage Strategy Drawing No. 6240/100 Rev A and in line with the Council's Sustainable Drainage SPD shall be submitted to and approved in writing by the Local Planning Authority.

The submitted system shall be designed to (i) avoid any increase in flood risk, (ii) avoid any adverse impact on water quality, (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010. (iv) promote biodiversity, (v) enhance the landscape, (vi) improve public amenities, (vii) return the water to the natural drainage system as near to the source as possible and (viii) operate both during construction of the development and post-completion.

The submitted system shall include:

- the submitted system shall comprise retention or storage of the surface water on-site or within the immediate area in a way which is appropriate to the site's location, topography, hydrogeology and hydrology;
- a plan indicating the routes flood waters would take should the site experience a rainfall event that exceeds the design capacity of the surface water drainage system, or in light of systems failure (Designing for exceedance), including appropriate mitigation measures and emergency response procedures;
- details of the implementation, maintenance and management of the approved system, including:
 - a timetable for its implementation; and,
 - a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

The approved system shall thereafter be carried out in accordance with the approved details and timetable and shall be maintained in accordance with the approved details.

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

15. Visibility splays of 200m in the southerly direction and 160m in the northerly direction, within which there shall be no obstruction in excess of 0.9 metres in height above the carriageway edge, shall be provided at the access before the development commences and the splays shall be so maintained at all times.

Reason: In the interests of highway safety.

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

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

17. Prior to the commencement of development, details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and

washed free of mud and similar substances at the application site, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.

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

18. The vehicle parking/turning and loading/unloading areas as shown on approved Block Plan Drawing No. 15.17.003 Rev G, Proposed Site Plan Drawing No. 15.17.005 Rev C, Proposed Good Handling Plan Drawing No. 15.17.006 Rev B and Loading ramp and stage details Drawing No. 15.17.020 shall be provided prior to the development to which they relate being occupied and the facilities shall be retained for ancillary parking and loading/unloading use and access thereto shall not be precluded.

Reason: To ensure the provision and retention of adequate off-street parking/turning and loading/unloading facilities in the interests of highway safety.

19. The development shall be carried out in accordance with the recommendations in the approved Preliminary Ecological Appraisal by KB Ecology Ref No 2015/08/04 dated 08th September 2015 and any license issued by Natural England unless otherwise agreed in writing by the Local Planning Authority and Natural England and the approved replacement habitats shall remain in situ.

Reason: To protect existing populations of protected species on the site.

20. Prior to the commencement of the development hereby approved, details of a scheme for the protection and enhancement of biodiversity on the site, including the provision of bat and bird boxes, sparrow terraces and amphibian hibernacula adjacent to the new pond, the use of native species in landscaping and the incorporation of features beneficial to wildlife such as ponds and wildflower planning, together with details of the timing/phasing of the respective elements forming the scheme and proposed management arrangements, shall be submitted to and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved details, with any amendments agreed in writing.

Reason: In the interests of enhancing the biodiversity of the site.

21. Prior to the commencement of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) detailing the landscaping and ecological design and management for the site shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:

- purpose and conservation objectives of the landscaping and ecological design, including the creation of the reptile receptor area;
- timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- description and evaluation of features to be managed;
- aims and objectives of management, including the long-term management of the of the reptile receptor area;
- appropriate management prescriptions for achieving aims and objectives;
- preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- details of the body(/ies) or organisation(s) responsible for implementation of the LEMP; and,
- ongoing monitoring and remedial measures.

Reason: In the interests of maintaining the biodiversity of the site enhanced as part of the development.

22. The landscaping scheme shown on approved Landscape Proposals Drawing No. MHS157/16-G01 and Landscape Sections Drawing No. MHS157/16-C61 shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

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

23. The development shall be carried out in accordance with the details of levels, earth bunds and fencing shown on approved Block Plan Drawing No. 15.17.003 Rev G, Proposed Site Plan Drawing No. 15.17.005 Rev C, Site Section B-B Drawing No. 15.17.004 Rev B, Site Section - A/A Drawing No. 15.17.015 Rev A, Landscape Proposals Drawing No. MHS157/16-G01 and Landscape Sections Drawing No. MHS157/16-C61 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

24. The development shall be carried out in accordance with the hard and soft landscaping shown on approved Landscape Proposals Drawing No. MHS157/16-G01 and Landscape Sections Drawing No. MHS157/16-C61 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

25. The approved lighting scheme shall be installed, maintained and operated in accordance with the approved lighting scheme and shall not be operated except during

the hours limited by condition 12 of this permission, unless the Local Planning Authority gives its written consent to the variation.

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

26. The development shall be carried out in accordance with the recommendations in the Noise Impact Assessment by MRL Acoustics Report No. MRL/100/1026.2v1 dated July 2017 unless otherwise agreed in writing.

Reason: In the interests of preserving the amenity of the neighbouring Lake House/Banyan Retreat.

27. Prior to the commencement of the development hereby approved, details of an acoustic barrier to be erected along the southern boundary of the site, including details of its ongoing maintenance, shall be submitted to and approved in writing by the Local Planning Authority. The fence shall then be erected in accordance with the approved details before the first use of the site and shall be subsequently permanently retained and maintained in an effective condition.

Reason: In the interests of preserving the amenity of the neighbouring Lake House/Banyan Retreat.

28. The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:

- a. All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the approved Pre-development Tree Survey and Report and accompanying Tree Protection Plan and Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction;
- b. No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
- c. No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- d. No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
- e. Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

31. The development hereby approved shall be first occupied by the applicant's business Vatre Terracota Limited.

Reason: The development has been permitted on the basis of the needs of this particular business and the condition enables the Local Planning Authority to regulate and control the development in the interests of the amenity of the area.

32. The building hereby approved shall be constructed achieve a minimum Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall (good) standard comprising the following minimum elements:

- i. 'Excellent' standard in respect of energy credits;

- ii. 'Excellent' standard in respect of water credits; and,
- iii. 'Very Good') standards in respect of material credits

Prior to development commencing, the following details shall be submitted to the Local Planning Authority for written approval:

- g. details of a 'Design Stage' assessment and related certification; and,
- h. details of how the development will reduce carbon dioxide emissions to a level 10% below the predicted total energy demand through the use of on-site sustainable energy technologies such as renewables and/or low carbon technologies.

Following completion of the final building, a BREEAM 'Post Construction Stage' assessment and related certification confirming the BREEAM standard that has been achieved and stating the amount of residual carbon emissions and how they are proposed to be dealt with to ensure that the development is carbon neutral (including details of any necessary mechanisms to be put in place and associated timetables) shall be submitted to and approved in writing by the Local Planning Authority.

Following any approval of a 'Post Construction State' assessment, the approved measures and technologies to achieve the BREEAM (good) standard and to ensure that development is carbon neutral shall be implemented in accordance with the approval and thereafter shall be retained in working order in perpetuity.

Reason: In order to ensure that the energy efficiency through sustainable design and construction is achieved.

Notes to Applicant

1. It is the responsibility of the applicant to ensure that before the development hereby approved is commenced, all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
2. The applicant's attention is drawn to the advice and guidance contained in the Environment Agency's letter dated 06 October 2016, KCC Flood and Water Management's letter dated 4 October 2016, Southern Water's letter dated 29/09/16 and the Rover Stour Internal Drainage Board's email dated 04 October 2016.
3. The development is subject to an Obligation under Section 106 of the Town and Country Planning Act 1990, which affects the way in which the property may be used.

4. Working with the Applicant

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

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

In this instance;

- the applicant/agent was updated of any issues after the initial site visit,
- the applicant/agent was provided with pre-application advice,
- the applicant/agent responded by submitting amended plans, which were found to be acceptable and permission was granted,
- the applicant/agent 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.

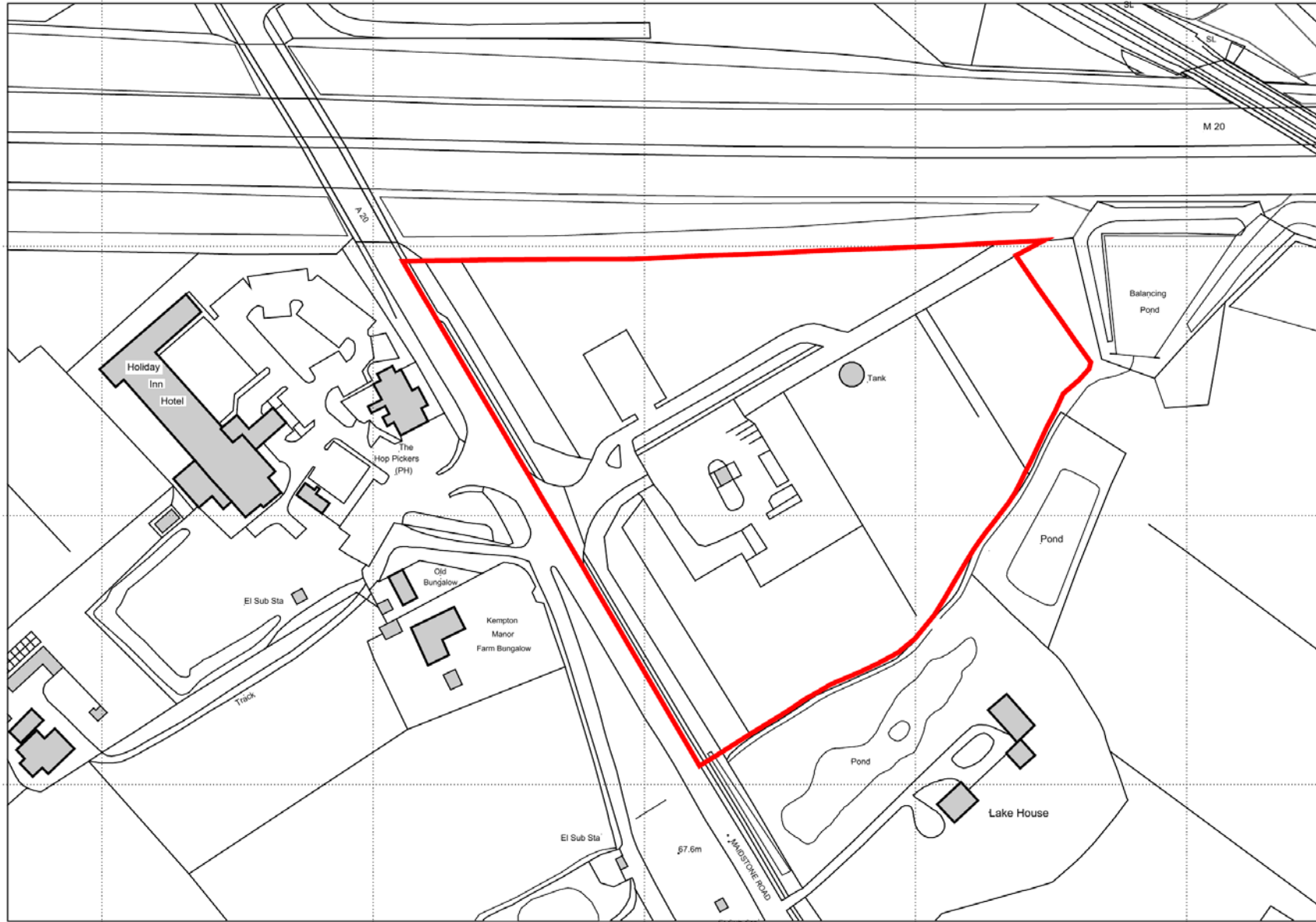
Background Papers

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 16/01387/AS)

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Annex 1

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Application Number	19/00516/AS
Location	The Poplars, Kingsnorth Road, Ashford, Kent,
Grid Reference	00445 41328
Parish Council	South Ashford
Ward	Norman (Ashford)
Application Description	Demolition of existing flats at 1 to 14 The Poplars & terrace of 3 houses at 5, 7 & 9 Beaver Lane. Redevelopment of site to provide a sheltered housing scheme of 31 apartments (15 x 1 bed, 16 x 2 bed) for affordable rent & associated parking
Applicant	Head of Housing. Ashford Borough Council, Ashford Borough Council
Agent	Ashford Borough Council
Site Area	0.43 hectares

(a) 60/1R	(b)	(c) HM X, EHM (EP) X, SSOT X, EA X, ES (contracts0 X, KCC (DCU), KCC Ecology X, KCC drainage X, KHS X, GAS X, SAC X, SW X, UK power X
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Introduction

1. This application is reported to the Planning Committee because it is submitted by Ashford Borough Council and is a major application under the Council's scheme of delegation.
2. The scheme involves the demolition of all the 17 existing houses on-site and a proposed sheltered housing apartment block comprising 31 affordable homes (a mix of 1 and 2-bed units) for rent with occupation to be limited to people aged 50 years or older.

Site and Surroundings

3. The application site is 0.43 hectares in area and currently contains 2-storey dwellings comprising of 14 flats and 3 houses dating from the 1980's located at a prominent corner site at the junction between Kingsnorth Road and Beaver Lane. Vehicle access to the site is from the rear off Beaver Lane via Langholm Road. The dwellings are owned by the Council and have been rented as affordable/ general needs housing. However, all properties are in the process of being vacated pending the proposed redevelopment of the site. Photographs of the existing dwellings are shown in Figure 1 below.



Figure 1. Photos of existing dwellings.

4. The surrounding area is mainly 2-storey residential brick properties with some render and tile hanging with tiled pitched roofs. There are some 3-storey buildings nearby at Beaver Court, Court Wurtin and on the Kingsnorth Road overlooking the road junction. The 2-storey Beaver Inn lies immediately to the north of the site.
5. The application site contains a significant area of open grass communal space along the Beaver Lane and Kingsnorth Road frontages. The Council also owns eight 2-storey properties located off Langholm Road/Beaver Lane immediately to the west/ northwest. These are shown in the land edged blue on the site location plan (Figure 2 below). A total of six individual trees and three groups of trees have been surveyed within the site. A number of these are larger mature specimens located mainly on the Beaver Lane/Kingsnorth Road corner and on the northern boundary with the Beaver Inn. None of these are subject to a TPO.

6. The site does not lie within any specially designated area. The site location plan is below as figure 2 below

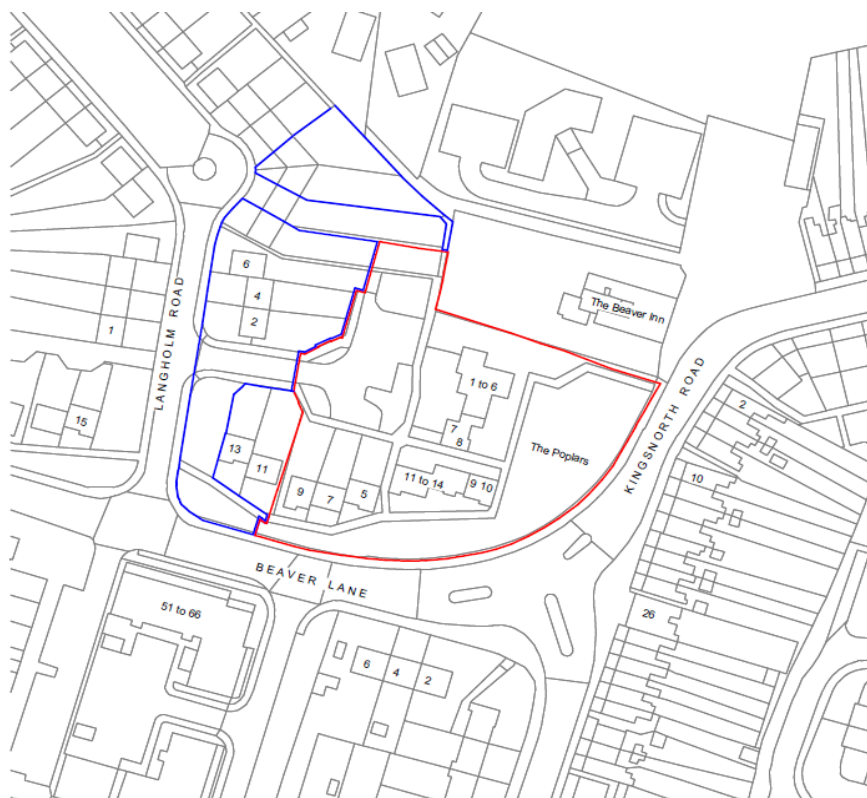


Figure 2: Existing site location plan (and adjacent land owned/controlled by the applicant shown edged blue)

Proposal

7. The application proposes the demolition of the existing 17 properties and erection of a sheltered housing scheme of 31 apartments (15 x 1 bed, 16 x 2 bed) for affordable rent in a single storey building with 2 and 3-storey elements together with associated parking.
8. In a covering statement, the applicant outlines that the proposals are part of the Council's plans to rebuild or remodel its stock of 4,600 homes including x 12 sheltered housing schemes to provide high quality accommodation for older people. By 2026, it is predicted that 40% of Ashford's population will be aged over 50 and the existing, outdated sheltered housing stock is no longer considered to meet the needs and aspirations of that group. Other similar schemes promoted by the Council helping to deal with these future needs are

referenced: Farrow Court in Stanhope (2013), Danemore in Tenterden (2016) and East Stour Court in Ashford (2018).

9. The redevelopment of the site for affordable sheltered housing will make a valuable contribution to the Council's housing stock as the demand for specialist accommodation for older people in the Borough continues to grow. The site is considered to be ideally placed to benefit from the wider facilities on offer at nearby Farrow Court, which includes a hairdresser and a Day Centre operated by Age UK. The new development would follow the core design principles established at Farrow Court, namely:
- Self-contained, care ready apartments offering the tenant the ability to live independently on their terms in a safe and secure environment.
 - Apartments with their own kitchen bedroom, lounge and front door, so that residents can come and go as they please.
 - Apartments fitted with the latest telecare technology giving the ability to access care and support services 24 hours a day depending on the needs of the tenant.
 - Should a resident's health reach a point where they need care for day-to-day functions, the ability for that care to come to them and be provided in their own home
 - Communal facilities, such as a communal lounge, to encourage social interaction to help overcome isolation and the damaging health impacts this can have.
 - Private outdoor space for every apartment and carefully designed secure communal gardens, offering a variety of planting and places to walk, sit and socialise.
 - The installation of a Scheme Manager during working hours to, (amongst other things), make regular checks on the tenants, liaise with other agencies on the tenant's behalf and play a key role in helping tenants sustain their independence.
10. The apartments would be within a single building complex with a series of 'wings' predominantly 3-storeys (max 14m in height to top of roof pitch) with the west wing dropping to 2-storeys where there are sensitive boundaries with existing 2-storey dwellings.
11. The footprint of the building would cover the majority of the site with its principal elevations fronting Beaver Lane, Kingsnorth Road and Langholm

Road. Access to the site would be as per the existing situation via Langholm Road off Beaver Lane. A total of 25 on-site car parking spaces including three parking spaces for Numbers 2, 4 and 6 Langholm Road would be provided to the north/northwest of the building. These homes currently have vehicular access to their rear gardens.

12. There would be 4 disabled parking bays provided nearest to the main entrance into the new building and infrastructure provided to enable the installation of electric vehicle charging points. The installation scheme will be dealt with through planning condition.
13. In addition to car parking, there would be an internal store for up to 8 buggies and 4 cycles, located immediately adjacent to the entrance to the scheme. Further external stands for up to 12 cycles would be also be provided. A single storey detached bin store would be located at the northwest part of the site which is accessed from the Langholm Road entrance.
14. The site layout plan with the footprints of the existing buildings to be demolished shown edged red together with a 3-D drawing of the proposals are shown as figures 3 and 4 below.

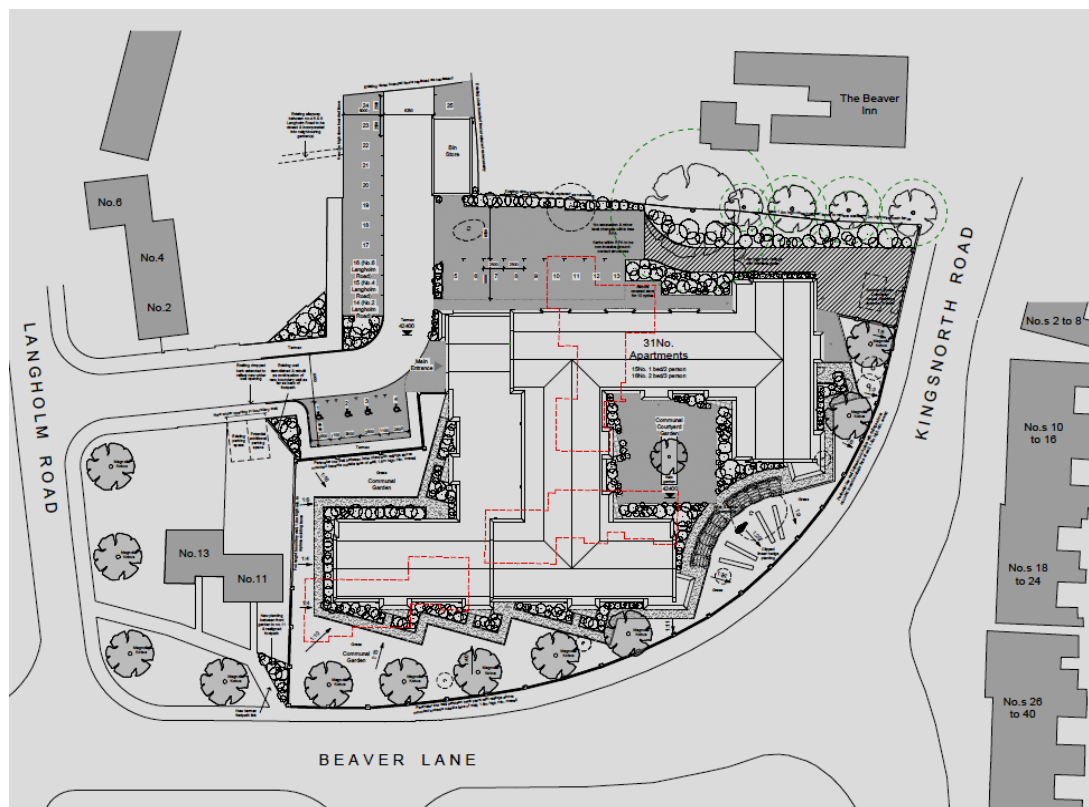


Figure 3: Proposed site layout

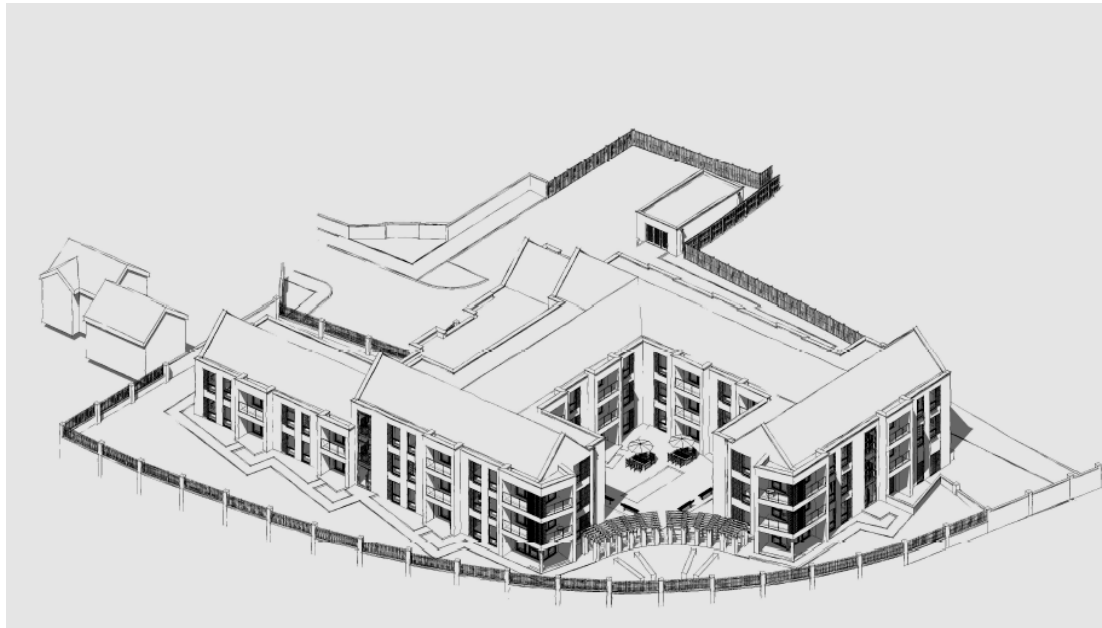


Figure 4: 3D drawing viewed from Kingsnorth Road/Beaver Lane junction

15. The design of the building includes a series of pitched roofs and gable ends and recessed balconies for each apartment. The design of the gable ends overlooking the road junction has been developed to include feature corner balconies, which together with the curved pergola and linear hedge planting at ground level, are provided to add a distinctive design element of the building at the prominent corner location. The main elevations of the building are shown below as Figures 5, 6, 7 and 8 below.



Figure 5. South (southwest) elevation to Beaver Lane



Figure 6. North (northwest) main entrance to Langholm Road



Figure 7. East (northeast) elevation to Kingsnorth Road.



Figure 8. South (southwest elevation)

16. The apartments would wrap around a communal courtyard garden located at the south-east corner which would gain privacy from the road junction via a curved pergola boundary feature. The courtyard garden would be accessed directly from the communal lounge and would incorporate a variety of features including various seating areas, paths, planting, and a mixture of both ambient and functional lighting.
17. External materials would include a good quality red brick, artificial slate pitched roofs, single ply membrane flat roofs, light grey through-colour render balcony surrounds and grey polyester powder coated aluminium composite windows, parapet copings and rainwater goods. A maintenance strategy would be developed to include a cleaning regime for the render in accordance with the manufacturer's recommendations in order to prevent a build-up of staining. A 1-metre low perimeter brick wall with railings would surround the majority of the site. Various CGI images of the building are shown below as figure 9 below.



Figure 9. CGI images of the building

The following covering statement has been submitted with the application

18. The proposal would result in the loss of 5 existing trees on the site. A mature Elder (C category low quality) and large mature poplar (B category moderate quality) on the northern boundary, a large prominent mature poplar (B category) on the south east corner adjacent to the junction and two young Hornbeams (C category) on the eastern boundary.
19. The following supporting statements have been provided with the application
 - Planning and design statement
 - Phase I & II site investigation report

- Site Utility Appraisal
- Report on Tree inspection
- Ecological Audit
- Drainage statement
- Acoustic assessment

Planning History

Planning application 83/00020/AS. 25 houses and 14 flats. Permitted 24/2/83

Consultations

Ward Members: No comments received

Ashford Borough Council Development Partnership Manager. Comment

“The Poplars is currently a 14-unit general needs scheme in South Ashford. Built in the 1980s it sits inefficiently on a large plot on a ‘significant corner’ of one of the busiest junctions in the borough. It has unfortunately attracted a stigma for being an area of deprivation. The council has taken steps over a long period to own all of the units within The Poplars and now wants to address the accommodation within the area as well as improve the area’s character

Therefore the proposal is to replace the existing structure and build in its place a brand new scheme that will contain accommodation that will enable older people to live independently.

The proposals, designed by an in-house architect at the council, see an attractive design using good quality materials, which will improve the look and feel of the area. The building is tall but there will be no sight line issues as the traffic lights regulate traffic flow at the junction on the corner. The proposals will also mean that there will be fresh residents making use of the local amenities, services and shops.

Since 2011 we have built 311 new homes across the borough and have a proven track record for delivery, being seen as a reliable partner by Homes England and the HCA before it.

We offer hope and comfort to older residents in Ashford, as by 2026 40% of them will be aged over 50. We know they will be keen to stay near family in later life. Furthermore, they will need care-ready accommodation that minimises their need to

move should they develop conditions such as dementia. Our commitment to fusing together the health and housing agendas mean that we are already anticipating the needs of this ageing population. While it is not anticipated that The Poplars will have a scheme manager, its proximity to Farrow Court will enable residents to easily access communal and day care facilities on that site – emphasising our holistic approach to housing provision in the area and how far advanced we are with delivery. We want even more people to call Ashford home and support the delivery of this important scheme”.

ABC Environmental Protection. Comment;-

“The applicant should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not occur, in general, outside of these times, on Sundays or Bank/Public Holidays.

In addition, the applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties.

We note the prior uses of the site, and the potential for contamination that may pose a risk to the environment and public. We would therefore request that a contamination condition is applied in order to ensure that potential contamination is subject to assessment and remediation where required. We would request that the following is inserted to allow for the demolition of existing structures to allow complete assessment of the site:

The development hereby permitted shall not be begun - "other than for the demolition of the existing buildings/structures to enable investigative works in respect of soil contamination" - until a scheme to deal with contamination of land and/or groundwater has been submitted

As with all developments on sites where there has been previous activity/development there is a potential for unexpected contamination to be found during the works. As such we would ask that the following condition is applied;

“If unexpected contamination is to be 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 then be undertaken and submitted to the Local Planning Authority for approval, and where remediation is necessary a remediation scheme must be prepared and agreed in writing prior to completion. Finally, a verification report must be submitted for approval by the Local Planning Authority prior to the occupation of the development.”

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)

We note that a noise assessment is to be submitted and would be grateful if this can be made available for comment as soon as it is available”

Further comments on noise survey.

Layout

There is a potential that noise impacts from pub operations could impact on the proposed development. Given the sensitive end user of the proposed development, who may reasonably be expected to retire to bed earlier than the average person, it would appear prudent to follow good design principles (NPPF p123) and relocate habitable rooms in Flats F12 and F57 (the bedrooms that overlook the public house and beer garden). These bedrooms could be replaced by less sensitive rooms such as kitchens or bathrooms, or more ideally the stairwell could have been located in this area at an earlier design stage.

In addition I would recommend against the inclusion of windows facing towards the pub in the above mentioned rooms. I consider that these conflicting uses would be liable to result in complaint. These windows should be removed from the scheme.

Balconies

In respect of any balconies to be provided in the façade facing the road, I would agree that a noise level of below 55`dB should not be a bar to development, as in terms of residential amenity it is more desirable to provide balconies than to exclude them on noise grounds. However, there are further design options available to ‘mitigate and reduce to a minimum’ the adverse impacts as far as possible in line with NPPF p.123. This includes the use of solid and imperforate balustrades and Class A acoustic insulation applied to the balcony undersides/soffits. This would achieve a small reduction in noise level on the balcony and also help somewhat with internal noise levels when relevant windows are open. Alternatively another option is to enclose balconies with sliding glass panels (known as winter gardens). Both options are mentioned in the CIEH/IOA/ANC Professional Practice Guidance on Planning and Noise May 2017. I would ask that such steps are taken in line with the NPPF.

Glazing/Ventilation.

I would ask that the following condition is applied in terms of glazing and ventilation

Prior to the commencement of development the scheme for glazing and ventilation of the dwellings, to meet the requirements of BS8223:2014, shall be submitted to and approved by 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.

ABC Open Space Planning Development Officer: comments;-

“From my understanding of the documents the application is for a sheltered housing scheme, and therefore in this instance we would not ask for S106 contributions towards public open space. I note the S106 document for Farrow Court, and suggest that a similar approach is taken in respect of public open space contributions”.

Environmental Agency: comment.

“We have assessed this application as having a low environmental risk. We therefore have no comments to make.

Environmental Contracts & Enforcement Manager: No objection

Kent County Council Economic Development: Comment;-

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution as follows

Primary/ Secondary Education: It is noted the proposal is for sheltered housing. Assuming there will be a legally binding restriction for age 55 and over in perpetuity, KCC will not be seeking any Education contributions

Libraries: 48.02 per dwelling total £672.22 towards additional bookstock for Ashford library for new borrowers generated by this development.

Request an informative on high speed fibre optic broadband connection.

“Although we would appreciate the age restriction to be higher at 55 as this would preclude child bearing occupations, in the light of the scheme proposals by Ashford Borough Housing, we will accept age 50.

Being sheltered, may we assume all the units will be constructed as wheelchair accessible to Part M4 (2) or (3) standard”

KCC Ecological Advice service: comment in summary;-

The submitted ecological survey has detailed that there is potential for breeding birds to be present within the site and a number of buildings within the site contain suitable features to be used by roosting bat.

Bats. It is advised that the recommended bat surveys and details of any mitigation required are submitted prior to determination of the planning application.

It is recommended that a plan is submitted confirming which ecological enhancements will be incorporated in to the site.

Kent County Council Flood and Water Management: comment;-

‘In principle, we are satisfied with the drainage proposals where surface water will be attenuated into 2 catchment areas and discharged into an existing surface water sewer at a total discharge rate of 4l/s which complies with Ashford Borough Council's SPD.

However, it is not clear on the Preliminary Drainage Strategy Plan (drawing no. 23179 04) if the car parking areas will be permeably paved. At detailed design, we would recommend that detailed drainage layout drawings are submitted, annotated with pipe numbers, manhole cover and invert levels and key drainage features (such as attenuation devices, areas of permeable paving and flow controls, etc.

Please be aware that a lined permeable paving system will not be accepted by Southern Water over a public sewer.

At detailed design, we would request design specifics for the attenuation devices and rain garden in the communal area. We would also require confirmation from Southern Water for the diversion of the surface water sewer.

Should your local authority be minded to grant permission for this development, we would recommend the following conditions on detailed sustainable surface water drainage scheme and a Verification Report pertaining to the surface water drainage system.

Kent Highways and Transportation: No objection and comment;-

(i) The parking allocation meets Kent Vehicle Parking Standards SPG4 for a development of this size and business class (C3 - Sheltered Accommodation).

(ii) All dwellings with private off-street car park should have an electric vehicle (EV) charging point installed and this should be subject to a planning condition. Where communal car parks are proposed EV charging points should be provided at a rate of 10% of the total car parking provision.

(iii) Suggest conditions as follows:

- Submission of a Construction Management Plan,
- Completion and maintenance of the access shown on the submitted plans.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of the vehicle loading/unloading and turning facilities.
- Provision and permanent retention of the vehicle parking spaces.
- Provision and permanent retention of secure, covered cycle parking.

Scotia Gas Networks: comment:

There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system.

South Ashford Community Forum: comment:

“Having examined the accompanying documents, South Ashford Community Forum is pleased to support this application”

Southern Water. Comment in summary;-

- The initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development.
- Request a condition on means of disposal of surface and foul water
- Request an informative that a formal application for connection to the public sewerage system is required in order to service this development.

UK Power Networks: Enclose records which show the electrical lines and/or electrical plant.

Neighbours. 60 consulted. 1 letter received making the following comments

- Lack of allocated parking spaces for current residents not allowing visitors to park, possibility of extending dropped curb if allocated space is not allowed.
- Boundary fence and overlooking (relating to number 11 Beaver Lane).

A further consultation was sent to number 11 Beaver Lane showing minor changes providing a common boundary wall, wider parking area to their property and front pathway change resulting from discussions with the Council's Development and Regeneration Officer. No further comment has been received.

Planning Policy

20. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
21. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
22. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Local Plan 2030

SP1 - Strategic objectives

SP2 - The strategic approach to housing development.

SP6 - Promoting high quality design.

HOU1 - Affordable Housing

HOU3a - Residential windfall development within settlements

HOU12 - Residential space standard internal.

HOU14 - Accessibility standards

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

TRA3a - Parking standards for residential development.

TRA6 - Provision for cycling.

TRA7 -The road network and development.

TRA8 - Travel plans, assessment and statements.

ENV1 - Biodiversity.

ENV6 - Flood Risk.

ENV7 - Water efficiency.

ENV8 - Water quality, supply and treatment.

ENV9 - Sustainable drainage

ENV12 - Air Quality

COM1 - Meeting the community needs

COM2 - Recreation, Sport, Play and Open Spaces

IMP1 - Infrastructure provision

**Supplementary Planning Guidance/Documents
Affordable housing SPD**

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD2010

Sustainable Drainage SPD 2010

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

Sustainable Design and Construction SPD 2012

Public Green spaces and Water Environment SPD 2012

Dark Skies SPD 2014

Informal Design Guidance

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

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

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

Government Advice

National Planning Policy Framework (NPPF) 2018

23. 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:-
24. Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraph 59 to 76 - Delivering a sufficient supply of homes.

Paragraphs 91 to 95 - Promoting healthy and safe communities.

Paragraphs 102 to 107 - Promoting sustainable transport.

Paragraphs 117 to 121 - Making effective use of land.

Paragraphs 124 to 132 - Achieving well-designed places.

Paragraphs 148 to 165 - Meeting the challenge of climate change, flooding

Paragraphs 170 to 177 - Conserving and enhancing the natural environment.

Paragraphs 174 to 177 - Habitats and biodiversity.

Paragraphs 178 to 183 - Ground conditions and pollution.

National Planning Policy Guidance (NPPG)

Assessment

25. The main issues for consideration are:
- (a) The principle of the development.
 - (b) The design quality of the scheme and the impact on the visual character of the surrounding area.
 - (c) The impact on residential amenity.
 - (d) The impact on the surrounding highway network and car parking/refuse provision
 - (e) Other planning issues such as affordable housing, contamination, flooding and drainage, accessibility and space standard, ecology (subject to further acceptable survey work required), water consumption and noise issues
 - (f) Section 106 planning obligations
- (a) The principle of the development
26. The site lies within the urban area of Ashford. Policies SP1 and SP2 of the Ashford Local Plan 2030 outline strategic objectives of the council to provide a mix of housing types and sizes to meet the changing housing needs of the Borough's population including affordable homes. Policy HOU3a of the Ashford Local Plan 2030 allows residential windfall development within existing settlements that can be satisfactorily integrated.
27. The NPPF also encourages the effective use of land by re-using previously developed land. Amongst other things, paragraph 59 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
28. The proposals involve the demolition existing 17 properties and erection of a sheltered housing scheme of 31 sheltered apartments. The dwellings to be demolished date from the 1980's and are of no particular architectural merit to warrant retention. The existing flats are surrounded by relatively extensive

communal gardens which lack any sense of privacy from the road and are not well used. Problems of antisocial behaviour have become common place and have stigmatised the development within the area.

27. The redevelopment of the site for affordable sheltered housing would make a valuable contribution to the Council's housing stock as the demand for specialist accommodation for older people in the Borough continues to grow. I agree with the applicant that it is also ideally placed to benefit from the wider facilities on offer at nearby Farrow Court which includes a hairdresser and a Day Centre operated by Age UK. The site is located within easy reach of bus stops, shops and other facilities and the scheme proposes on-site communal facilities for residents.
28. The details of the scheme are considered further below, however the principle of the improved sheltered housing scheme on the site is in accordance with adopted development plan policies, the objectives of the NPPF and therefore is considered acceptable.

(b) The design quality of the scheme and the impact on the visual character of the surrounding area

29. The NPPF outlines 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.
30. Policy SP6 of the Ashford Local Plan 2030 requires that development proposals must be of high quality design and demonstrate a careful consideration and a positive response to each of the following design criteria: a) Character, distinctiveness and sense of place b) Ease of movement c) Legibility d) Mixed use and diversity e) Public safety and crime f) Quality of public spaces and their future management g) Flexibility and liveability h) Richness in detail i) Efficient use of natural resources. Development proposals should show how they have responded positively to the design policy and guidance.
31. The proposals replace previous undistinguished 2-storey housing with a more visually prominent single apartment block building predominantly 3-storeys in height. The development seeks to make efficient use of the site and introduces a contemporary development whilst still remaining sympathetic to its location. The footprint of the development would be brought closer towards the road junction with active frontages providing a stronger built up road frontage. I consider that the scale of the building would be appropriate providing more of a more prominent landmark building and focal point at this junction interchange. However, the building's scale drops to 2-storeys on the western boundary

reflecting the sensitivity of the scale of existing housing immediately adjoining the site along Beaver Lane.

32. The proposed design has taken its design cues from the new sheltered scheme at Farrow Court and East Stour. The building's design involves a series of wings with pitched roof reflecting the general character of roof form in the area. The apartments would wrap around a communal courtyard garden that is south facing to take advantage of sunlight. The palette of material finishes includes mainly red brick elevations with occasional render and a darker roof finish material (slate) reflecting the surrounding vernacular. These are all appropriate.
33. The low brick wall and railings around the boundary would provide security and enclosure for the premises. Although the new building footprint would result in the loss of some trees it still has some set-back from the road junction allowing planting within the semi-private area along the primary frontages to Beaver Lane/ Kingsnorth Road.
34. Five existing trees would be need to be removed to facilitate the development. The two most significant ones are a large and prominent poplar tree (moderate quality) on the SE corner. The footprint of the building necessitates the tree removal as it has a very large root protection area that would constrain the development. A large poplar on the northern boundary (B category of moderate quality) would be surrounded by new hardstanding for car parking that would dictate its removal. A further mature polar on this boundary would be retained. The three other removed trees are smaller specimens. None of these trees are subject to a TPO and additional landscaping/tree planting notably the planting of several Magnolia trees along main road frontages would enhance the development and help 'green' the surrounding area. I have no objection to the loss of trees subject to a landscaping condition requiring replacement planting.
35. Overall the proposed development is of a high quality design and would have an acceptable impact on the visual character of the area. The proposal is in accordance with local and national planning policy as a result.

(c) The impact on residential amenity

36. The nearest dwellings to the site are the retained 2-storey semi-detached dwellings numbers 11/13 Beaver Lane with number 11 currently lying adjacent to the boundary of a 2-storey existing dwelling to be demolished. This would be replaced by the western wing of the proposed building reduced to 2-storeys (albeit higher than the previous dwelling). It would align with the front of number 11 but would be setback further from number 11's rear building line by around 4 metres and is 5 metres away from the boundary. The street elevation relationship is shown in figure 10 below.



Figure10: Street elevation with number 11/13 Beaver Lane. 37. The applicant has provided diagrams showing compliance with the '45 degree rule' in respect of impacts on windows. As the proposed side elevation would extend beyond the rear building line of number 11 the side windows of the western elevation to the building would have obscure glazing and be fixed shut. On this basis, I consider the impact on the nearest dwellings at 11/13 Beaver Lane would be an acceptable one. The proposals do not result in any unacceptable residential amenity issues on any other neighbouring properties. The scheme would utilise existing access arrangements and the proposals include replacement parking for three of the adjoining council owned dwellings and other minor improvements for residents. (d) The impact on the surrounding highway network and car parking/refuse provision

38. The proposal involves the redevelopment of an existing residential site using the current established access arrangements from Langholm Road. Kent Highways and Transportation raise no objection to the proposals in terms of its impact on the surrounding road network.
39. The scheme provides 25 parking spaces within the site including three spaces serving or numbers 2/4/6 Langholm Road located to the rear of their gardens as a replacement of their current rear garden parking spaces. The proposed sheltered accommodation would have restricted occupancy rather than a general demand residential use which would require substantially greater parking provision under the Ashford Local Plan TRA3a parking standards than the 22 on-site parking spaces currently provided.
40. Policy TRA3a does not specifically mention sheltered accommodation and allows departure from its standards where an occupier/use requires fewer places to cater for their specific operational needs. The final parking requirement must be agreed with the Local Highway Authority and Council as a level of parking proportionate to its activity. Kent Highways and Transportation have based parking provision on the Kent Vehicle parking standards SPG4 (C3 - Sheltered Accommodation) of 1 space per 2 units and 1 space per resident warden. This is the same standard used for the East Stour, Danemore and Farrow Court

schemes. Kent Highways and Transportation confirm the parking provision meets this standard and raise no objection.

- 41 A tacking diagram confirms that a refuse vehicle can access the refuse store for bin collection. Ashford Borough Council's Environmental Contracts are satisfied with the bin store arrangements. The scheme has direct pedestrian access along pavements to and from the main entrance off Langholm Road via Beaver Lane. 16 cycle spaces are provided which significantly exceed the SPG4 (used as the basis if the car parking) standards of 1 space per 5 units.
42. In summary, Kent Highway and Transportation raise no objection to the proposals subject to conditions requiring (i) submission of a construction management plan (ii) completion and maintenance of the access (iii) provision and permanent retention of the vehicle turning (iv) use of a bound surface for the first 5 metres of the access, (v) provision and permanent retention of vehicle parking (including EV) charging points and cycle parking facilities. These conditions have been added to my recommendation and I consider that the proposals are acceptable in highways terms.

(e) Other planning issues

(i) Affordable Housing

43. Policy HOU1 of the Ashford Local Plan 2030 states the Council will require the provision of affordable housing on all schemes promoting 10 dwellings or more. The application site is located in "Town Centre zone A" with a total affordable housing requirement of 20% although flatted development will not be required to provide any form of affordable housing. For this development, all the proposed units are for affordable housing for rent, be managed by a registered provider of social housing or other body approved by the Council and have restricted occupancy by people aged 50 years or older.

(ii) Contamination

- 44 The site investigation report found no significant levels of contamination however some individual elevated concentrations of lead have been recorded. Ashford Borough Council's Environmental Protection unit have noted the prior uses of the site, and the potential for contamination that may pose a risk to the environment and public. They raise no objection subject to two conditions be imposed, (i) a contamination condition in order to ensure that potential contamination is subject to assessment and remediation, and (ii) an assessment if unexpected contamination is to be found.

(iii) Flooding and drainage

45. Policy ENV6 of the Ashford Local Plan 2030 outlines proposals for new development should contribute to an overall flood risk reduction. Policy ENV9 of the Ashford Local Plan 2030 states that all development should include sustainable drainage systems for the disposal of surface water. The site lies within flood zone 1 with a low probability of flooding. The application is accompanied by a drainage statement. Kent County Council Flooding and Drainage are in principle satisfied with the drainage proposals where surface water will be attenuated into 2 catchment areas and discharged into an existing surface water sewer at a total discharge rate of 4l/s which complies with Ashford Borough Council's SPD. A condition is requested requiring the submission of a sustainable surface water drainage scheme for the site to be approved in writing by the local planning authority. Southern Water have raised no objection commenting that they should be able to provide foul sewage disposal to service the proposed development. A condition on the detailed disposal of surface and foul water is requested. In summary there is no objection to the proposals in terms of flooding and drainage.

(iv) Accessibility standard

46. Policy HOU14 (a) requires that at least 20% of all new build homes shall be built in compliance with building regulations part M4 (2) as a minimum standard. The applicant has confirmed this is the case and six flats are identified and this will be secured by planning obligation agreement. Policy HOU14 (b) requires a proportion (maximum 7.5% or two flats in this case) of wheelchair accessible homes built to M4(3) wheelchair adapted standards. This will be dependent on the number of households on the Council's housing waiting list requiring this type of accommodation. A further two flats are identified as potential M4 (3) wheelchair adapted and will be subject to a planning obligation requiring provision

(V) Space standards

47. Policy HOU12 requires all new residential development shall comply with the national described space standards. The flats exceed these minimum standards. Policy HOU15 requires the provision of a minimum of 5 sqm of private open space with a minimum depth of 1.5m. Each apartment has an external balcony space that exceeds this standard.

(vi) Ecology issues

48. Policy ENV 1 of the Ashford Local Plan 2030 outlines that new proposals should identify and seek opportunities to incorporate and enhance

biodiversity. Developments should avoid significant harm to protected species.

49. The ecological audit identifies that the site has potential to support a number of breeding birds and therefore tree, scrub and hedgerow clearance should be undertaken outside the bird breeding season (March – August). This will be added as an informative.
50. The same audit recommended that for those buildings with hanging tiles on outside walls further surveys be undertaken to establish the presence/absence of bats using the buildings to roost. A further bat survey has been commissioned by the applicant. At the time of writing this report although two initial survey visits have been carried out the weather has delayed the completion of the entire survey work so it is currently too early for the ecologist to conclude the presence or not of bats.
51. All bat species, their breeding sites and resting places are fully protected by law: they are European protected species. It is unlikely that the presence of bats would stop a development in progress. However, KCC Ecological Advice service recommends that bat surveys and details of any mitigation that is required are submitted prior to determination of the planning application to ensure that ABC are considering all material considerations when determining the planning application. If there are good reasons to believe bats are being affected by a development then English Nature should be notified, as there may be grounds for delaying or modifying the project, as the necessary licences and permissions will still have to be obtained.
52. In order to avoid delay in reporting this application to committee and in view of the fact that my recommendation is to permit subject to completion of a section 106 agreement, I recommend that the resolution to grant planning permission is subject to the submission and approval of an updated bat survey (and any necessary mitigation arising therefrom) and prior consultation with KCC (and Natural England if required). Subject to consultees raising no objection to the grant of planning permission (whether subject to conditions or not), my resolution is that the Head of Planning & Development be given delegated authority to approve grant permission and add any further ecological conditions as necessary.
53. The ecological audit also recommends that Ecological enhancements should where possible be included in the proposal. Biodiversity enhancements could include the provision of bird boxes. A condition will be added to require submission of these details.

(viii) Water efficiency

54. A condition will be imposed requiring all flats to achieve a minimum of 110 litres per person per day of water consumption as required under policy ENV7 of the Ashford Local plan 2030.

(ix) Noise issue

55. A noise survey report has been submitted with the application and concludes that development of the site may be acceptable in terms of noise, provided that the issues on ventilation, glazing and balconies are considered. ABC Environmental Protection have analysed the report and advised that the side bedroom windows for two flats that have elevations facing the adjoining pub are closed up. It should be noted other windows facing the pub are mostly serving communal area. The noise levels do not bar balconies on facades facing the road but some minor design change are suggested. These matters can be secured by planning conditions.

Section 106 matters.

56. An obligation is required limiting the dwellings to specialist Affordable Housing which includes that they shall be occupied by people aged 50 years or older and that the flats shall remain affordable in perpetuity and be let at rents that are below market rate. The proposals are permitted on the basis of sheltered accommodation including the level of parking provision which is significantly below the provision required for general demand schemes. The requirement is to provide some apartments built to M4(2) and M4 (3b) standards as required under policy HOU14. A further small financial contribution is requested by KCC for Libraries towards additional bookstock for Ashford library for new borrowers. ABC Open Space Planning Development Officer has not requested any contribution to public open space provision on grounds that the dwellings have restricted occupancy as sheltered accommodation

Planning Obligations

57. 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

58. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation

122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case

Table 1

Planning Obligation				Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.	<p>Specialist Affordable Housing</p> <p>The flats shall only be occupied by people aged 50 years or older and (where relevant) any spouses/partners/children/carers, and the flats shall remain affordable in perpetuity. The flats shall be let at rents that are affordable. The flats shall be constructed to such standards and other particulars as the Council specifies. The flats and onsite manager provision shall be managed by a registered provider of social housing or other body approved by the Council.</p>	None	None	<p>Necessary as there is a clear and demonstrable need for the provision of such accommodation to address a current under provision and the level of parking provision is based on such a use and not general demand housing.</p> <p>Directly related as the scheme proposes redevelopment of existing affordable housing provision for new sheltered housing.</p> <p>Fairly and reasonably related in scale and kind as there is no intention for persons under the age of 50 and not in need of affordable accommodation to live in the units, and no provision has been made for</p>

				contributions towards education or public open space infrastructure in view of this age restriction.
2.	Libraries contribution towards additional bookstock for Ashford library for new borrowers generated by this development.	£48.02 per additional dwelling Total £672.22	Upon occupation of 75% of the dwellings	<p>Necessary as no spare bookstock available to meet the demand generated and pursuant to the adopted Ashford Local Plan 2030 policies COM1 and IMP1, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use library facilities and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of additional dwellings.</p>
3	Accessible and Adaptable Dwellings	Dwellings within the development comprising the six (G1 G2 G3 G4 G5 and G7)	Prior to first occupation of any dwelling	Necessary as a requirement under policy HOU14 (a) of the Ashford Local Plan and guidance in the NPPF

	<p>Wheelchair User Dwellings</p>	<p>properties to be built in compliance with building regulations Part M4 (2) as a minimum standard as shown on drawing POPL01-003 B</p> <p>Dwellings within the development comprising the two (G6 and G10) properties to be built in compliance with building regulations Part M4 (3B) as shown on drawing POPL01-003 B.</p>	<p>comprised within the Development</p> <p>Prior to the first occupation of any dwelling comprised within the Development</p>	<p>Directly related to the number of dwellings to be brought forward under the approved scheme (20%).</p> <p>Fairly and reasonably related in scale and kind being 20% of all dwellings as per HOU14(a)</p> <p>Necessary as a requirement under policy HOU14 (b) of the Ashford Local Plan and guidance in the NPPF</p> <p>Directly related to the number of dwellings to be brought forward under the approved scheme (7.5%) and need for wheelchair user dwellings based on the number of household on the Council's housing waiting list requiring wheelchair accessible homes and the location of the development</p> <p>Fairly and reasonably related in scale and kind being 7.5% of all dwellings as per HOU14(b)</p>
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4	<p>Monitoring Fee</p> <p>Contribution towards the Council's additional costs of monitoring compliance with the agreement or undertaking.</p>	<p>£1,000 one-off payment</p>	<p>First payment upon commencement of development.</p>	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored</p>
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Regulation 123(3) compliance: Fewer than five planning obligations which provide for the funding or provision of the projects above or the type of infrastructure above have been entered into.

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. The Council's legal costs in connection with the deed must be paid.

If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.

Human Rights Issues

59. 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

60. 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

61. The site lies within the urban area of Ashford. The proposals comply with policies SP1, SP2 and HOU3a of the Ashford Local Plan 2030 that seek to provide a mix of housing types and sizes to meet the changing housing needs of the Borough’s population including affordable homes that can be satisfactorily integrated into the existing settlement .
62. The proposals would demolish existing dwellings dating from the 1980’s which are of no architectural merit. The new apartment block is of a high quality design and of an acceptable scale and appearance with the surrounding area. It would and comply with the NPPF and policy SP6 of the Ashford Local Plan 2030 promoting high quality design.
63. The proposals would not result in any adverse harm to the residential amenity of surrounding properties. The scheme would not result in any adverse impact on the surrounding highway network and provides an acceptable level of parking provision based on the proposed sheltered accommodation use.
64. The proposal is acceptable and complies with development plan policies on matters of affordable housing, contamination, flooding and drainage, accessibility and space standards, ecology (subject to further acceptable survey work required), water consumption and noise issues.
65. The development complies with the development plan overall, provided that Section 106 planning obligations will be imposed for restrictions in occupancy and use and library contributions which comply with the regulation 122

assessment being necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Recommendation

- (A) **Subject to the completion and submission of the bat survey to Ashford Borough Council for approval and to the Head of Planning & Development approving it as satisfactory after consultation with KCC Ecological Advice service (and if required Natural England) with no fundamental objection being raised by consultees that the proposals cannot be approved whether subject to appropriate conditions or not**
- (B) **Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1, (and any section 278 agreement so required), in terms agreeable to the Head of Planning and Development or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Planning and Development or the Joint Development Control Managers to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,**

(C) Permit

Subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement

1. Standard Time condition of 3 years.
2. Material submission

Construction conditions

3. Code of construction practice
4. Construction hours restriction

Highways

5. Completion access details
6. Use of bound surface first 5 meters of access
7. Measures to prevent the discharge of surface water onto the highway
8. Vehicle loading/unloading and turning facilities retained.
9. Vehicle parking space shall be provided and retained
- 10 EV charging parking points.
11. Submission of bicycle storage facilities

Contamination

12. Details of investigative works submitted in respect of soil contamination
13. Unexpected contamination

Drainage

14. Submission foul water sewerage disposal details
15. Submission sustainable surface water drainage scheme details
16. Submission Verification Report pertaining to the surface water drainage system,

Trees and landscaping

17. Tree protection
18. Submission of Arboricultural Method Statement
19. Submission of hard and soft landscape scheme
20. Details of soft landscape works
21. Submission of landscape management plan

Sustainable design

22. Water use of dwelling no more than 110 litres per person per day.

Ecology

23. Submission scheme for the enhancement of biodiversity

Opening requirements/ restrictions

24. Obscure glazing fro side NW window
25. PD Restriction opening NW elevation

Noise

26. Glazing and ventilation

Approved plans / monitoring

27. List drawing approved
28. Monitoring

Note to Applicant

1. 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,
- was provided with pre-application advice,
- the applicant/ agent responded to our initial contact, the applicant/ agent responded by submitting amended plans/information, which were found to be acceptable and permission was granted.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

2. Section106
- 3 Highway works
4. Highway approvals
5. Environment Agency consents
6. Contact Southern Water
7. illegal to burn any controlled wastes
8. Works outside bird breeding season
9. Planning permission does not convey any approval for construction on the highway
- 10.High speed fibre optic broadband connection

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 19/00516/AS)

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Annex 1



Application Number	19/00473/AS	
Location	Morghew Park House Smallhythe Road Tenterden, Kent, TN30 7LR	
Grid Reference	588343 132232	
Town Council	Tenterden	
Ward	Tenterden	
Application Description	Removal of restrictive time condition on planning permission 13/00900/AS to allow 24 hours per day 7 days per week operation for the gate at position A located to the south of Morghew Park House.	
Applicant	Mr Wilkins, Morghew Park House Smallhythe Road Tenterden, Kent, TN30 7LR	
Agent	-	
Site Area	N/A	
(a) 7/1R	(b) Parish Council - R	(c) PROW-S RAM - R

Introduction

1. This application is reported to the Planning Committee as it was a request of the former Ward Member Councillor Mike Bennett. Cllr Bennett is no longer an elected member of the council.

Site and Surroundings

2. The application site forms part of the trackway running from Smallhythe Road through the Morghew Farm Estate. The application itself relates to an existing vehicle and pedestrian access gate located to the south of Morghew Park House at the entrance to the Potato Shop, farm buildings and several residential houses beyond, over which the Morghew Farm Estate has a right of access. Morghew Park House is a Grade II listed building and the site is located within landscape designated as an Area of Outstanding Natural Beauty (AONB). Along the access track runs a restricted byway (AB27), with a public footpath (AB35) to the east.

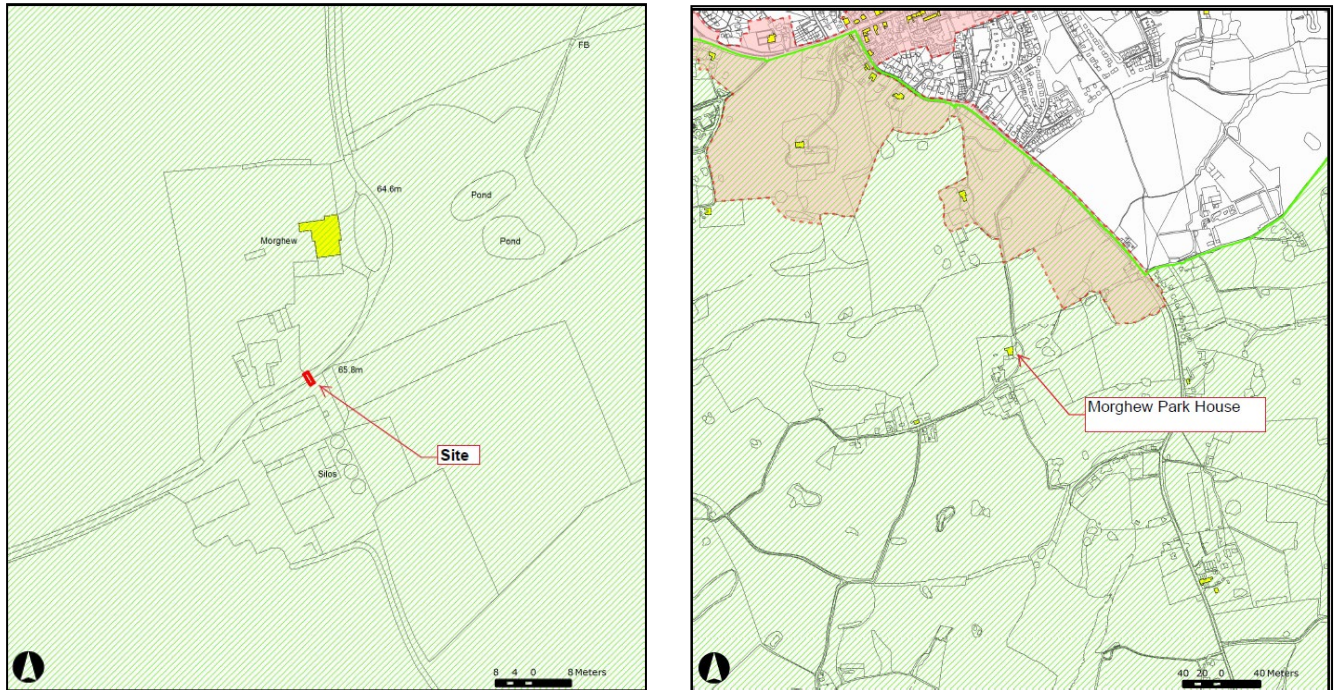


Figure 1 – site location plan and wider area

Proposal

- Retrospective planning permission is sought for the removal of a restrictive time condition on planning permission 13/00900/AS to allow 24 hours per day 7 days per week operation for the gate at position A located to the south of Morphew Park House.

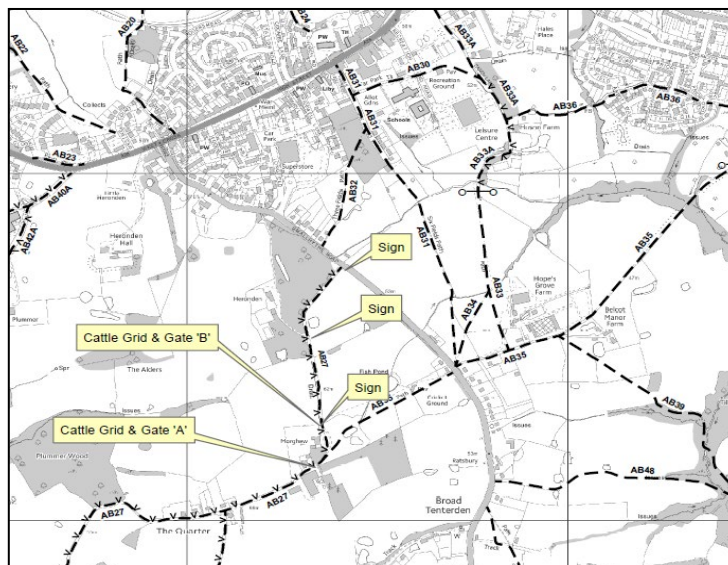


Figure 2 – Applicant site location plan

4. An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission.
5. Application 13/00900/AS was allowed at appeal for two vehicle access gates, one to the north and one to the south of Morghew Park House as shown in Figure 2 above. Planning permission for the gates is required as they are located within the curtilage of a listed building. The sole condition of 13/00900/AS stated that the vehicular gates hereby approved shall be kept open between the hours of 07:00 and 17:30 on any day. The Inspector considered it was necessary and appropriate to keep the gates open between 07:00 and 17:30 to prevent traffic congestion / delays along the Right of Way during the daytime, when most customers are likely to visit the potato shop and when agricultural activities are more frequent and most residents are travelling to and from their properties.
6. The Inspector attributed a potential delay due to the time it took for each electronic gate to open and close (10-12 seconds for both according to the Inspector) and also due to the operational system which initiated a delayed opening for one gate when the other was activated/open. The condition was therefore attached following an assessment of both gates in operation and the potential for traffic to build up at the busiest periods.
7. It was noted during the appeal and determination of the previous application that there had, historically been a gate to the south of Morghew Park House (which is the gate under consideration in this application), while the gate to the north of the house was a new addition.
8. Following the installation of both gates a complaint was made to KCC Public Rights Of Way & Access Service objecting to the gates as they obstruct the use of the byway (AB27).
9. Following investigation KCC instructed the removal of Gate B (located to the north of Morghew House). KCC advised there was a lack of evidence to demonstrate that a gate has existed here historically and KCC concluded that it was an unlawful obstruction which interferes with lawful public use of the byway. This gate has subsequently been removed. At the same time KCC also concluded that two cattle grids installed along the AB27 (at Gates A & B) by the applicant (*planning permission not required*) were unlawful obstructions that interfere with lawful public use of the byway and required the cattle grids removal and infilling. Both cattle grids have been removed and infilled.
10. KCC advised that gate A (the subject of this application) could be retained subject to an application to have the gate recorded as a limitation on the Definitive Map Statement (marked on the map as a gate). This application is

currently being processed by KCC. This was on the basis that historically there had been a gate in this location.

11. Following the removal of the northern gate and infilling of the cattle grids the applicant seeks permission to keep the southern gate closed all day and night with an electronically operated opening system still in operation for access of users of the Potato Shop and dwellings nearby. The applicant has confirmed that the gates work in two ways:
 - Via a loop in the ground either side of the gate. A metallic object such as a car will trigger the gate to open when it passes over the loop.
 - Also via a “push” button mounted on a post each side of the gate. A press of the button will immediately open the gate and can be used by pedestrians, (if they do not wish to use the pedestrian gate at the side) by people on horseback (mounted at a height as suggested by horse society 1.5mts – 1.8mts), people leading a horse or non-mechanically driven vehicles such as horse drawn carriages or bicycles.
12. The applicant advises that the time it takes from triggering the opening mechanism to the gate being fully open is approximately 5 – 7 seconds.
13. The applicant has advised the gate is needed as a traffic calming measure to slow the vehicle traffic passing the front of Morghew House. The applicant has also advised the gates are required for stock control and security. The application form advises that as the cattle grids have been removed the gate is required to control livestock from ingress and egress to and from the adjoining land. It is noted that the applicant does not keep any livestock in this part of the site at present.

Planning History

DC	FA	13/009000/AS	Erection of replacement gates (retrospective)	Allowed at Appeal	09.12.2014
DC	FA	12/01102/AS	To replace existing 5 bar gate and wooden posts with double gates supported with steel posts encased in brick.	Refused	30/01/2013
DC	CLUP	13/00093/AS	To install a pair of wooden gates on two brick pillars 1.6 metres high in the driveway leading to the property.	Proposal not lawful	09/04/2013

Consultations

Ward Member: The current Ward Member is Cllr Walder. No comments have been received. The former Ward member, Cllr Mike Bennett requested that the application was brought to committee for determination if officers were minded to approve.

Tenterden Parish Council: Objects to this application on the grounds that the access is currently being unlawfully restrictive to users as the gate is kept closed 24 hours a day, seven days per week. This is in breach of the condition imposed by the Planning Inspectorate on 9th December 2014. Closure of the gate during business hours is affecting Morghew Farm's trade and would continue to do so. The Town Council also raised concerns regarding affecting the character of the listed building.

KCC PROW: No objections

Ramblers Association: Object to the application as it results in an unnecessary limitation on a PROW, Restricted Byway AB27.

Neighbours: 7 consulted, 1 neighbour objection received raising the following comments:

- The gates restrict access to the wider estate including the agricultural business, Potato Shop and residential properties.
- Disruption to residents and estate business.

Planning Policy

14. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
15. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
16. The relevant policies from the Development Plan relating to this application are as follows:-

SP1 – Strategic Objectives

SP6 – Promoting High Quality Design

ENV3b – Landscape Character and Design in the AONBs

ENV13 - Conservation and Enhancement of Heritage Assets

TRA7 - The Road Network and Development

Government Advice

National Planning Policy Framework (NPPF) 2019

17. 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:-
18. Paragraph 109 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
19. Paragraph 110 states (inter alia) applications for development should:
 - Create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - Allow for the efficient delivery of goods, and access by service and emergency vehicles.
20. Paragraph 193 state when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Government Legislation

21. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Assessment

22. The main issues to consider in the determination of this application are:
- Visual amenity and impact on the AONB and setting of the heritage asset
 - Highways safety / parking and Economic Viability

Visual amenity and impact on the AONB and setting of the heritage asset

23. The visual impact of the gates has previously been considered and found to be acceptable under planning permission 13/00900/AS and this is not for consideration. The proposal seeks to keep the gate closed 24 hours a day seven days a week which would not have any greater visual impact on the character of the rural area, AONB and setting of the Grade II listed building compared to the appeal scheme.

Highways safety / parking and Economic Viability

24. The principal objection to the gate relates to inconvenience caused to the business at Morghew Farm Estate and delays accessing the gate while it opens.
25. Considering the appeal for both gates the Inspector considered it was necessary and appropriate to keep the gates open between 07:00 and 17:30 to prevent traffic congestion / delays along the Right of Way during the daytime, when most customers are likely to visit the potato shop and when agricultural activities are more frequent and most residents are travelling to and from their properties. The Inspector attributed a potential delay due to the time it took for each electronic gates to open and close (10-12 seconds for both according to the Inspector) and also due to the operational system which initiated a delayed opening for one gate when the other was activated/open. The condition was therefore attached following an assessment of both gates in operation and the delay mechanism installed. The removal of one of the gates constitutes a material change in circumstances and the assessment of whether it is appropriate to keep the application gate closed at all times requires fresh consideration.

26. The electronic loop operation and alternative push button electronic operation enables the gate to be easily and conveniently opened by all classes of lawful public users of the Highway, at all times. The amount of time it takes for the gate to open is minimal and as there is now only 1 gate there would be no further delays in the opening of one gate when the other was activated. As such to retain gate A closed unless activated would not amount to any significant delay to users of the public highway. There is also clear signage at the gates indicating how the gates are operated.
27. The removal of the gate at location B and electronic operation of the application gate would therefore only result in a minimal waiting time of several seconds as the gate opened and I do not consider that this would have a significant negative impact on users / occupants of the businesses or properties passing through the gates. In addition, there is historical evidence that a manually operated gate previously stood at the entrance to the site and the automation of the proposed gates in itself does not require planning permission and would be more convenient and quicker to pass through than a manually operated gate.
28. The gates are located along a single width section of the highway therefore should two vehicles come head to head some manoeuvring would need to occur whether the gates were in situ or not. There is no evidence to suggest the gates would result in any highways safety issues.
29. KCC PROW has been consulted and do not raise any objection to the electronic operation of the gates in terms of access over the byway AB27.
30. Notwithstanding this the impact of the automation of the gates on the rights of the owner of the Morghew Farm Estate and businesses operating from the estate and employees/residents/customers going to and from the site is a private matter. If planning permission were granted it would not override any private rights that may exist and the decision notice should make this clear in a note to the applicant.
31. Overall it is therefore considered that the electronic operation of the gates would not result in any unacceptable highways safety objections or severe cumulative residual impacts to warrant refusal of the application. It would neither cause unacceptable delays nor inconvenience to users of the shop and residential properties again to warrant refusal.

Human Rights Issues

32. 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

33. 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

34. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.
35. The condition sought to be removed was the only condition on the appeal decision and taking the above assessment into consideration I conclude that there are no sustainable reasons to refuse the Section 73 application. It is recommended that this condition is therefore removed and replaced with the condition as set out in the recommendation below.
36. It is considered that the development would not be harmful to any of the above issues and the proposals would be in accordance with policies SP1, SP6, ENV3b, TRA3a and TRA7 of the Local Plan 2030 and the aims and objectives of the NPPF. I therefore recommend that permission is granted.

Recommendation

Permit

Subject to the following Conditions and Notes:

(with delegated authority to either the Head of Planning & development or the Joint Development Control Managers to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)

- 1 The vehicular gates shall be electronically operated at all times via an in-ground electrical loop system and push button system to allow access by all classes of lawful public user of the highway.

Reason: In the interest of highways accessibility

Note to Applicant

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/agent was updated of any issues after the initial site visit,
- the application was acceptable as submitted and no further assistance was required.
- 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 19/00473/AS)

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