

<b>Application Number</b>	19/0997/AS	
<b>Location</b>	Land between Doctors Surgery and 80, The Street, Appledore, Kent	
<b>Grid Reference</b>	160717	
<b>Parish Council</b>	Appledore	
Ward	Isle of Oxney Ward	
<b>Application Description</b>	Proposed development of 12 new two storey dwellings consisting of 8 x 3 bed properties and 4 x 4 bed properties with associated parking, gardens and landscaping works including a proposed village planted linear park and pedestrian crossing.	
<b>Applicant</b>	Appledore Parish Council in Association with Martello Developments, Land Adjacent to 80 The Street, Appledore, Kent.	
<b>Agent</b>	The Creative Centre New Road Rye Kent TN317LS	
<b>Site Area</b>	0.84 hectares	
(a) 26/5R	(b)	(c) HM X, KCC Ecology X, KCC DCU, KCC flooding X, KHS X, KCC PROW, Ramblers X, SW X, POL X

## Introduction

1. This application is reported to the Planning Committee because it involves the erection of more than 10 dwellings and therefore is classified as a "major" development that requires determination by the Planning Committee under the Council's scheme of delegation. The proposed scheme relates to the northern part of the land allocated for housing development under adopted Ashford Local Plan 2030 (ALP) Policy S26.
2. The application was deferred at the Planning Committee meeting 17 June 2020 for Officers to seek clarification and scheme amendments as necessary from the applicant to deal with the following issues;-

- (a) an improved layout on the eastern side of the site that better integrates the proposed diverted PROW and avoids it passing awkwardly between parked cars before arriving at the junction with the vehicular access into the application site.
  - (b) clarity as to how the intended SUDs scheme on the western side of the site would be satisfactorily maintained in full working order without adequate means of access to it being available from the proposed street system as a consequence of the layout of the application site.
  - (c) clarity as to which properties would fund the SUDs scheme and why the layout could not better integrate the proposed SUDs area among the homes so as to make it a stronger component of place-making at the site.
3. There were other matters raised about lighting and late representations made on sewerage and the southern boundary tree impacts notably on Plot 12.
4. The applicant had responded to these issues and I have summarised these below and in more detail within the consultation and assessment sections. .
- (a) Improved PROW layout to avoid passing between parking for plots 1 and 2.
5. KCC Public Rights of Way (PROW) have commented that the proposed to be diverted route has resulted from negotiations with the applicant and has been chosen for a number of reasons as it would give a straight section avoiding a bend, avoid removing frontage vegetation due to visibility and would create a safe link with the PROW at Magpie Farm. The original proposals had shown the route to the east between the front hedgerow and parking spaces but this was not acceptable to KCC.
- (b) Access and maintenance to SUDs area.
6. The applicant's landscaping and SUDs designer (Greenes) have advised that the SUDs area would require very little and infrequent maintenance due to its size. The maintenance could actually be carried out by hand with waders and would not need mechanical machinery. A very small digger could, however, still access and go through the pedestrian width access shown at the front of the plots. KCC Flood and Water Management has raised no objection to the proposed level of maintenance.
- (c) Funding and better integration of SUDs scheme within homes.
7. The applicant has confirmed the western properties (Plots 9-12) would pay towards the SUDs maintenance and not other dwellings. The SUDs area must be located at the western end of the site as this cannot be built on due to its

propensity to occasional flooding. It represents lower ground and allows water to easily drain to the new SUDs area.

#### Other matters raised

##### Lighting

8. This would comprise low level bollard lights around the perimeter of the roadways. Likewise external lighting on the buildings would be directed downwards rather than outwards to help avoid light pollution.

#### Relationship with southern boundary trees and plot 12

9. Further information has been provided showing the relationship between the nearest affected tree and plot 12. It is considered that ‘flipping’ the footprint of plot 12 would result in a more acceptable relationship. However, the detail of the housing typology would need to be amended to allow a better window to window relationship with plot 11. This is can be dealt with by delegation back to officers.

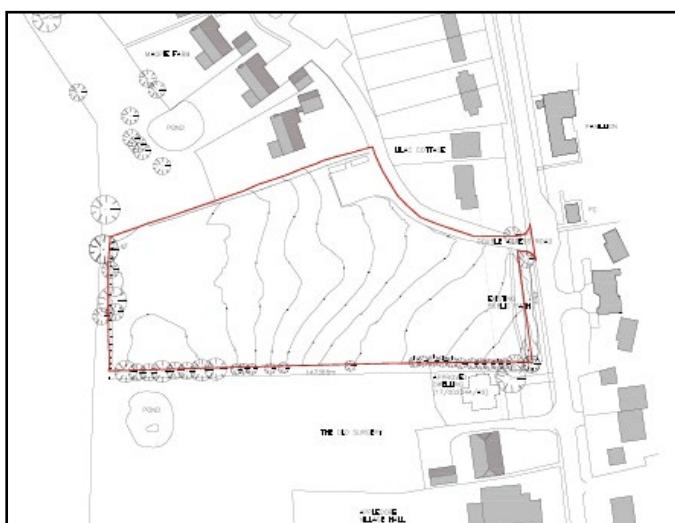
##### Sewerage

10. Southern Water have advised that the issue of capacity be dealt with through planning condition

## **Site and Surroundings**

11. The application site is situated within the rural settlement of Appledore. The site comprises 0.84 hectares of mainly undeveloped land situated to the north of Appledore Village Hall which is located on the western side of The Street. Opposite the site on the other side of The Street is the village recreation ground.
12. The eastern part of the broadly rectangular shaped application site is fairly flat, but the western part slopes gently down towards a watercourse that runs along the western boundary. The site has a 40m wide road frontage to The Street and has an overall depth of some 147.5m. A low hedgerow, set back behind a grass verge, marks the eastern boundary to The Street. At the north-eastern corner, the low hedge line is punctuated by a tree, beyond which is a field access gate served by a surfaced private access road that leads towards Magpie Farm located further to the north- west. This private access road continues along part of the site’s northern boundary, beyond which, the rest of the boundary is marked by a tall hedge.

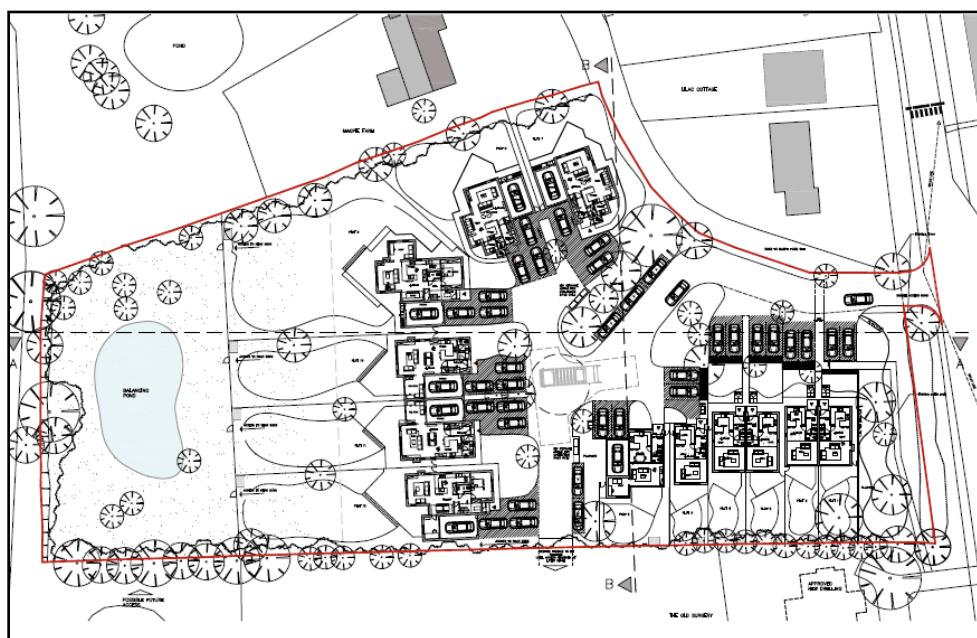
13. The site's western boundary is marked by scattered trees along the ditch embankment with gaps providing distant countryside views further to the west. The site's southern boundary is marked by a post and rail fence that is largely screened by trees along its length.
14. At the south eastern corner is a metal 'kissing gate' that marks the position of a public footpath (No. AT 121A) that crosses the eastern part of the site before joining the private drive leading to Magpie Farm on the other side .The public footpath is not marked as surfaced where it crosses the site.
15. Along The Street road frontage to the north of the site (and beyond the driveway to Magpie Farm), is, two-storey detached and semi-detached housing. Immediately opposite the site on the eastern side of The Street is a small cul-de-sac serving three detached, two storey houses at 75, 77 and 79 The Street.
16. Immediately to the south of the site is undeveloped land beyond which is a residential property known as The Old Surgery, set back behind a private driveway that leads west from The Street. To the south of the Old Surgery is the Village (Parish) Hall and its associated car park located to the rear.
17. The site lies within the Appledore Conservation Area. A small area at the western part of the site lies within flood zones 2 and 3. The application site supports no nationally designated wildlife sites, significant habitats or resident populations of protected species. It is, however, located within 250m of ponds supporting populations of the protected great crested newt. The Dungeness, Romney Marsh and Rye Bay Ramsar site lies immediately to the north east of the village and south along the Royal Military Canal. In addition, an area of the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) lies across the boundary in Folkestone and Hythe District to the south east.
18. The application site plan is shown in figure 1 below.



**Figure 1: Site Plan**

## **Proposal**

19. The proposed scheme is for the erection of 12 dwellings on the site comprising 8 x 3 bed (4 detached and 4 semi-detached) and 4 x 4 bed dwellings (2 detached and 2 semi-detached).
20. Access would be provided at the north-west corner of the site utilising the existing site access serving 5 detached houses at Magpie Farm to the north. This would avoid breaking into the roadside hedgerow to form the site access (and follows the suggested approach in the ALP),
21. The site layout is in the form of a cul-de-sac with the front 6 dwellings positioned side-on to The Street and fronting the new internal access, which then turns southwards ending at the southern boundary that connects to remaining part of the S26 site allocation. The site layout plan is shown in figure 2 below.



**Figure 2: Site Plan**

22. The proposal's aim is to retain existing boundary hedgerows and trees, and plant new trees and hedgerows within the housing area to soften and filter views so that this structural planting can establish and age as part of the development.

23. The western part of the site (to the rear of Plot nos. 7 – 12) would be set aside as an informal nature area containing a landscaped, surface water attenuation pond as part of the proposed surface water drainage system. The intention is that this would be an informal wildlife area with rear garden access for private use and shared management by the occupiers of the rear units.
24. Each 3 bed dwelling would have 2 on-plot parking spaces and each 4 bed dwelling 3 spaces. In addition there would be 5 on-street visitor /unallocated parking spaces.
25. The proposed dwellings would have a contemporary design with pitched roofs and constructed in a combination of fair-faced bricks, natural stone lime pigment render, black and natural stained timber cladding, and aluminium framed windows. The actual mix of these materials on the proposed dwellings differ. For example plots 1-4 have predominately lime stone render upper elevations whereas plots 9-12 have a greater amount of black stained timber cladding. 5 of the dwellings have brick chimneys including plot 1 immediately facing The Street. The elevations of the dwellings are shown in figures 3, 4, 5 ,6, 7, & 8 below.



**Figure 3: Plots 1 & 2**

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 Planning Committee 15 July 2020

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Extracts from drawing no. 00718-PL-352A – Plots 3 and 4 Floor Plans and Elevations



24

**Figure 4: Plots 3 & 4**



**Figure 5: Plots 5 & 6**

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 Planning Committee 15 July 2020

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**Figure 6: Plots 7 & 8**



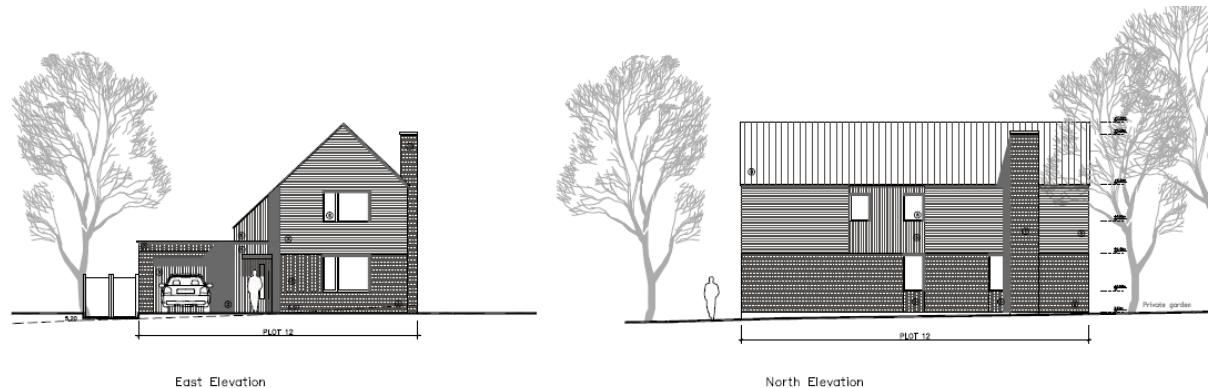
**Figure 7: Plot 9**

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 Planning Committee 15 July 2020

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**Figure 8: Plot 10 & 11**



**Figure 9: Plot 12**

26. The proposal would provide 5 affordable dwellings (40%) with plots 1 to 4 being shared ownership and the 5<sup>th</sup> being affordable rent which would be owned by the Parish Council but rented out in accordance with normal Ashford Borough Council requirements for affordable rented accommodation.
27. All of the new housing would meet the Nationally Described Space Standards (also set out in ALP 2030 Policy HOU12) and all would have private rear garden space (with rear access) with minimum 10m garden lengths (as required by Policy HOU15). All would have refuse and recycling bin storage areas together with a bike storage shed (or space available within a garage).

28. Following the Planning committee decision to defer the application. The applicant has stated the following in terms of access and maintenance of the SUDs area.
- (i) The applicant's landscaping and Suds designer (Greenes) have advised that the pond will require very little and infrequent maintenance in a letter attached as Annex 2
  - (ii) Access will be via a legal title easement allowing access through the front of plots 9-12. Plot 12 is only highlighted as it has the widest spacing so would make the obvious route option, however all plots will provide access from the front to the back. This will be secured by legal title for plots 9-12.
29. The following information has been provided by the applicant on the funding and better integration of the SUDs scheme within homes.
- (i) The SUDS area must be at the rear of the site for several key reasons. The most fundamental being that the rear third of the site is within the flood zone, therefore cannot be built on and suits a wetland type natural habitat area. The SUDS area will collect rainwater from the buildings too, and the proposed position is on lower ground, therefore allowing water to easily drain to the SUDS area which it could not on the higher areas of the site where the houses are positioned. The key policy of S26 for the sites allocation specifically says a SUDS and informal nature area should be positioned on the western boundary – therefore the proposals fulfil the criteria of the policy recommendations.
  - (ii) Properties plots 9-12 will all pay towards the SUDs maintenance – no other properties will contribute. There will be an overall management strategy for the site which all private units (not HA) will pay an annual estates charge for upkeep of communal planted areas and roads etc. Plots 9-12 will pay a higher rate based on funding the SUD's upkeep. Please note that as per the experts separate advice, they state the SUDS area is only likely to require low key maintenance every 15-20 years and maintenance will most likely be carried out by waders and hand tools.
30. The following is stated on lighting provision within the site.
- (i) Low level bollard lights around the perimeter of the roadways. These will diffuse light in a downwards direction onto the surface, rather than upwards. Likewise external lighting on the buildings will be directed downwards rather than out to avoid light pollution and also to provide bat sensitive lighting.
31. The following documents have also been provided in support of the application:

Appledore Material study.

Archaeological assessment.

Flood risk and drainage assessment report.

Heritage statement.

Planning, Design and Access Statement.

Preliminary ecological appraisal.

Transport Statement.

## Planning History

32. The application site itself has no relevant planning history, but the land immediately to the north at Magpie Farm and to the south at The Old Surgery, have been the subject of approved planning applications for residential development as summarised below.

**16/00556/AS.** The Surgery, The Street, Appledore, Change of use of a redundant doctor's surgery to a single dwelling, the construction of a double garage, excavation for a bin area and the temporary siting of a secure storage container: PP granted 14/4/16.

**16/01328/AS** Magpie Farm, The Street, Appledore. Demolition of existing dwelling, workshop and buildings. Erection of five detached dwellings together with associated parking, garaging, access and landscaping. PP granted 10/03/17.

**17/00244/AS** Land to the rear and north of The Old Surgery, The Street, Appledore. Erection of a detached house together with associated access. PP granted 8/8/17.

## Consultations

**Ward Members:** The ward member is the Chairman of the Planning Committee.

**ABC Cultural Services:** Comment as follows.

"Following e-mails from the Parish Council, please find below a summary of S106 contributions & projects:

Contributions triggered by the development, at 12 dwellings all off-site:

	<b>Capital contribution for off-site provision</b>	<b>Commuted maintenance sum for the development</b>
Sport - outdoors	19,068.00	3,912.00
Informal/natural	5,208.00	3,900.00
Play	7,788.00	7,956.00
Allotments	3,096.00	792.00
Cemeteries	3,408.00	2,112.00
Strategic Parks	1,752.00	564.00

The above comments on the level of contributions for open space should not be taken to indicate that Cultural Services will approve the scheme. Contributions are calculated as per the Public Green Space and Water Environment SPD 2012 and will be subject to inflation.

Sport:

The Parish Council have identified a project to improve the existing hard court MUGA and add a 3G Artificial Turf Pitch.

Informal/natural:

The developer is to contribute towards the Linear Park proposal for Appledore village, as detailed in the application. Once this has been costed, any outstanding contribution is to contribute towards provision of new public open space at Heathside.

Play:

The Parish Council have identified a project to provide new play space at Heathside.

Allotments:

The Parish Council have identified a project to improve the existing allotment site, with a water supply and rabbit-proof fencing.

Cemeteries:

The Parish Council would like to use funding to undertake feasibility options into increasing provision in the parish, as there is currently a deficit per head of population.

Strategic Parks:

Contribution towards new recycling bins at Victoria Park, Ashford.

**ABC Housing Manager:** Comments as follows;:-

"Under Local Plan policy, the site lies within the rural area as identified and defined in Policy HOU1 in the borough council's Local Plan.

Therefore, there will be an expectation of 40% affordable housing being delivered within this scheme. Consistent with the policy, 10% of the total dwellings should be made available for affordable or social rent, and 30% of the total dwellings made available for affordable home ownership (of which 20% of the total dwellings should be shared ownership).

The application suggests that 12 homes are coming forward on the site.

Therefore, there is an expectation (and a policy compliant position) is that 5 of these homes will be made available for affordable housing with 1 home made available for affordable rent and 4 homes for an affordable home ownership product, (3 of which being shared ownership and 1 being either shared ownership or a low-cost home-ownership product) agreed by the Development Partnership Manager within the authority.

We are pleased to see the policy compliant position reflected within the application submitted. We note plots 1-5 are being identified as the affordable units, which is agreeable to us. We also note that the Parish Council wished to retain ownership of the affordable dwelling. As long as the Parish Council takes the resident for the affordable rent property from Ashford Borough Council's housing waiting list we are happy with the application.

The developer will need to seek a registered provider to take the four units earmarked for affordable home ownership and would ordinarily suggest that this is done early in the process, but we understand steps have already been taken in this regard, which we are pleased to hear. We would like to see the S106 state that the final decision on the allocation of the affordable rent property lay with the Borough Council.

We would expect the properties to meet the Nationally Prescribed Space Standards. In the case of any 3- bed homes we would expect five bed spaces to be provided (though we are happy to accept four bed spaces) and with 4-bed homes we would expect eight bed spaces to be provided.

We would also expect the affordable housing properties to be visually integrated into the site. We would be happy to accept the mix as outlined in the plots chosen above but would request that visually there is no discernible difference between the open market and affordable units.

In line with Policy HOU14 of the emerging local plan, 20% of all dwellings should be M4(2) standard, i.e. accessible and adaptable. The onus is on the applicant to indicate the specific plots that will be provided within this standard

The council's position regarding DPA waivers has been adopted at Cabinet in October 2019. This sits within the council's affordable housing delivery plan. The Head of Housing's proposed policy position in a designated protected area is to mirror the position outside of a designated protected area and allow unrestricted staircasing to one hundred percent (100%) equity value of a dwelling, save for affordable housing proposals in a rural exception site (coming forward under HOU2 of the Ashford Local Plan to 2030)."

**KCC Ecological Advice Service:** Comment as follows;:-

" Our previous advice note (dated 6th January 2020) requested a copy of the countersigned Great Crested Newt DLL certificate, which has now been provided. Whilst we would have preferred an ecological enhancement plan to be submitted prior to determination, we are satisfied that this can be secured via a condition if planning permission is granted. As such, we require no further information.

Bats

.... We suggest the following:

*No development shall take place until a "bat sensitive lighting plan" for the site boundaries has been submitted to, and approved in writing by, the local planning authority. The lighting plan will:*

- a) *Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;*
- b) *Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.*

*All external lighting shall be installed in accordance with the specifications and locations set out in the plan and these shall be maintained thereafter in accordance with the approved plan.*

Ecological Enhancements

...To secure the implementation of enhancements, we advise a condition is attached to planning permission, if granted. Suggested wording:

*Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include the installation of bat/bird boxes and planting of native species. The approved details will be implemented and thereafter retained.*  
".

**KCC Economic Development:** Comment as follows.

"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.

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

- (i) Community learning: Towards additional resources for the new learners generated from the development attending Tenterden Adult Education Centre
- (ii) Youth service; Towards Youth resources in Tenterden
- (iii) Libraries; towards additional bookstock for Tenterden library for the new borrowers generated by this development
- (iv) Social care toward extra care housing
- (v) All Homes to be Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)
- (vi) Informative on broadband".

**KCC Heritage:** Comment as follows;-

"The site of the application lies north of the historic core of Appledore but there is some potential for as yet unknown prehistoric and later remains within this large development.

In view of the archaeological potential I recommend the following conditions are placed on any forthcoming consent:

AR1b Prior to commencement of development, the applicant, or their agents or successors in title, will secure the implementation of a phased programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with NPPF"

**KCC Flood and Water Management:** Comment as follows;-

"The planning application is supported by a Flood Risk Assessment and Drainage Report prepared by JMLA (August 2019). The drainage strategy comprises

attenuation on site within a surface water attenuation basin with controlled discharge at a rate of 1.0 l/s for all events up to and including the 1 in 100 years rainfall event with a 40% climate change allowance.

Kent County Council as Lead Local Flood Authority have the following comments:

1. The drainage strategy does restrict discharge from the proposed development to a very low rate. We may accept control to QBAR but this will need consultation and confirmation from the Romney Marsh IDB.
2. A small area of the western part of the site is noted as being within an area of Flood Zone 2, i.e. having a less than 1 in 1,000 and between 1 in 100 and 1 in 1000 annual, respective probabilities of river or sea flooding. This is shown within the Envirocheck report (Appendix 5) but the outline is not shown with the proposed development layout. It would appear that the residential housing is located within Flood Zone 1 but that the surface water attenuation basin may be in Flood Zone 2. Given the level of risk, this may be acceptable but will need further consideration at detailed design.
3. At the detailed design stage, we would expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2017); the FSR dataset should not be used: [http://www.kent.gov.uk/\\_data/assets/pdf\\_file/0003/49665/Drainage-and-Planningpolicy-statement.pdf](http://www.kent.gov.uk/_data/assets/pdf_file/0003/49665/Drainage-and-Planningpolicy-statement.pdf)
4. Drainage calculations should be provided for the critical storm event.
5. Our Drainage and Planning Policy Statement sets out how Kent County Council, as Lead Local Flood Authority and statutory consultee, will review drainage strategies and surface water management provisions associated with applications for major development and should be referred to for further details about our submission requirements. This is available to download at [www.kent.gov.uk](http://www.kent.gov.uk). We would highlight the importance of providing information on all assumptions including impermeable areas and catchment plans.

Notwithstanding the comments above, there is sufficient open space within the planning layout to accommodate minor revisions which may be required with detailed design; therefore if your Authority is minded to approve this application we would recommend the inclusion of the following conditions:

Condition 1:

Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the

surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

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

Condition 2:

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 and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the

3 submission of 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.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information".

**Kent Highways and Transportation:** Comment as follows:-.

"The revised Site Plan now demonstrates sufficient parking for both residents and visitors.

The layout with regard to the access to Magpie Hall Farm has been clarified as shown on the Proposed Site Access Arrangement drawing. This puts the Magpie Farm access road at a slight oblique angle when joining the proposed road, however the traffic is light and visibility good so this is not thought to be problematic.

I note that the pedestrian crossing on The Street linking to the recreation ground has been revised to become two pedestrian dropped kerbs and a small footway link. Taking account of the background traffic levels and size of the proposed development this seems appropriate.

Vehicle track drawings demonstrating access for the correct size refuse vehicle have now been provided, which also by default demonstrate safe access for a fire tender. Now that the above issues have been revised satisfactorily, I can confirm that provided the following requirements are secured by condition, then I would raise no objection on behalf of the local highway authority:-

- (i) Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- (ii) Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- (iii) Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- (iv) Details should also be provided of contingency working protocol for action taken should the wheel washing be ineffective and spoil is action taken should the wheel washing be ineffective and spoil is dragged onto the highway.
- (v) Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
- (vi) Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- (vii) Provision and permanent retention of the cycle parking facilities as detailed within the supporting documents prior to the use of the site commencing".

**KCC PROW:** Comment in summary;-

- (i) Acknowledge PROW AT21A passes through site.
- (ii) There is a legal process to be completed to divert any PROW.

(iii) As no application received for diversion request a planning condition that no development shall take place over the PROW until confirmation of the diversion

(iv) Subject to this condition and informative there is no objection.

**[SPM comment: See further comment made by KCC PROW justifying the route in additional comments section below]**

**Ramblers' Association:** Comment as follows;:-

"The development plans do not show the Public Right of Way AT 121A, which has been conveniently ignored to package the 12 houses on to the site.

A diversion of AT121A would need to be applied for before any work could be started

**Southern Water:** Comment in summary as follows.

"This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme

Southern Water hence requests the following condition to be applied:

"Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development".

It may be possible for some initial dwellings to connect pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water"

**Kent Police:** Comment in summary;-

'Welcome a meeting or discussion with the applicant/agent about site specific designing out crime. If the points raised are not addressed, they can affect the development and have a knock on effect for the future services and local policing. If this application is to be approved, we request a Condition or Informative be included to ensure the applicant meets our security concerns to address security of the site.'

**Neighbours:** 5 objections/comments made in summary as follows;:-

- (i) The current boundary hedge to east running alongside the road is mainly brambles. The footpath diversion will have to run along side this unattractive invasive mess. Surely removing this and planting grass and wild flowers and a few trees, such as silver birch, would be much more pleasing for everyone, especially children
- (ii) The kissing gate (south east corner boundary) on the public footpath is now redundant. It could be re-used for the other end of the path on the Tenterden Road to replace the decrepit stile..
- (iii) With regard to the southern boundary of the development land, retain the existing fence with the rabbit netting be retained as Rabbits have destroyed. ! A close board fence immediately next to the existing fence is also requested.
- (iv) vehicle access should be provided for between the access road to Magpie Farm and this development on the east corner of plot 7. This would allow delivery vehicles (postal delivery, refuse lorry etc) to get from one site to the other without having to go out to the main road, turn round and re-enter the sites.
- (v) The plans do not accurately depict the existing trees nor the hedge on the southern boundary of the site. In particular the illustration in the "Planning, design and access statement" poorly represents this boundary. Please be aware, the main part of this hedge is on average (vi) 12m (approximately 40 feet) tall, some of the trees are 20-25m (65-82feet) tall. The hedge is home to a significant amount of wildlife. Plots 1-6 will be in shadow most of the day and site 12 will be in shadow virtually all day.
- (vii) I believe plot 12 should be deleted from the application and plots 1-6 should be moved towards the northern boundary to provide more daylight. Where is the existing foot path that crosses the site, going to go?
- (viii) The UK has an ageing population. Surely one or two of the properties should be single storey and suitable for elderly people? Too many elderly people live in large cold homes, we need more well designed housing suitable for older people. Appledore has a lot of elderly residents.
- (ix) Future owners of the properties going to be built on this site, may insist on "A right to light" and demand that boundary trees are cut down on my northern boundary, the southern boundary of this development. My trees restrict the light all along this boundary and as they grow, there will be further restriction of light, especially to Plot 12.
- (x) Much wildlife including owls inhabit these trees. In addition building the house on Plot 12 will damage the roots of my trees. If the house on Plot 12 is built, in due course my trees will damage the house and its foundations. Should housing trump established trees? No, there are other more suitable sites in Appledore, namely in the large field with pylons, close to the junction of The Street and

the Tenterden Road.

- (xi) The site adjacent to my land should have less density of housing to preserve the trees, wildlife and rural nature of this village.

### **Further representations since Planning Committee 17 June report**

#### **KCC Flood and Water Management. Comment**

“I would agree with the applicant’s comments in relation to the maintenance of the pond. We had recommended the inclusion of a Verification Report to confirm the construction of the drainage measures but which also includes an operation and maintenance manual. This would need to demonstrate how maintenance/inspection would be undertaken and clearly show access for the extreme case if material needed to be removed. In this instance it would appear that ensuring one gate access provides clear access of 800mm as stated by the applicant”.

#### **KCC PROW:**

“The current proposed route has come about with quite some debate between myself and the developers, the below sums up the reasoning by the developer that I have agreed with.

1. Allow for a crossing on a straight section of the access road, thereby avoiding the need to create the crossing on the bend in the access road further west.
2. The raised crossing would double up as a speed bump/speed safety check as cars enter and leaving the site.
3. The crossing avoids the need to remove vegetation to secure the necessary visibility. The planning officer is insisting we increase vegetation on this site.
4. It prevents the PROW crossing over 4 x private legal titles, instead it will only effect 1 unit.
5. This version would create a formal footway between the access road to the development at the north and our site, which will be a safety benefit from pedestrians walking along the single access bend of the development to the north and gives a clear separation between the two and a natural merge/give way point where they meet”.

We have commented on the application and our remit is protecting the publics rights and securing the best options we believe are available, which in this case we have in conjunction with the developer, I do not intend to comment any further.

The questions that you have asked for me to comment should be directed to the developer as I have already made our position clear as a consultee”.

#### **Neighbours**

- 2 further letters received making the following comments

- (i) Increased flooding in particular form the sewer manhole along Magpie Hall farm due to inadequate capacity in particular during heavy rainfall.
- (ii) The Magpie Farm development has exacerbated the flooding problem
- (iii) My rear garden has been flooded by these overflows (Photos attached).
- (iv) My primary concern is that my boundary trees will restrict the light very significantly to Plot 12.
- (v) There will be a conflict of interest between the future residents of this development and preserving the trees and wildlife (in trees)
- (vi) The southern boundary owner will be unable to manage the northern side of the trees, as there will be no way of gaining access to undertake appropriate work.
- (vii) There will be no satisfactory access to the nature reserve
- (viii) Nature reserves are best managed by people or organisations with appropriate expertise. There is a considerable risk that it will become a sterile mess with a dangerous pond.

## Planning Policy

- 33. 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), the Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016).
- 34. 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).
- 35. The relevant policies from the Local Plan relating to this application are as follows:-

SP6 - Promoting High Quality Design

HOU1 – Affordable Housing

HOU12 - Residential space standards

HOU14 - Accessibility standards

HOU15 - Private External Amenity Space

HOU18 - Housing Mix

TRA3 (a) - Parking Standards for Residential Development

TRA5 - Planning for Pedestrians

TRA6 - Provision for Cycling

ENV1 – Biodiversity

ENV3a - Landscape Character and Design

ENV4 – Light Pollution and Promoting Dark Skies

ENV5 – Protecting Important Rural Features

ENV6 – Flood Risk

ENV7 – Water Efficiency

ENV9 - Sustainable Drainage

ENV13 – Conserving and Enhancing Heritage Assets

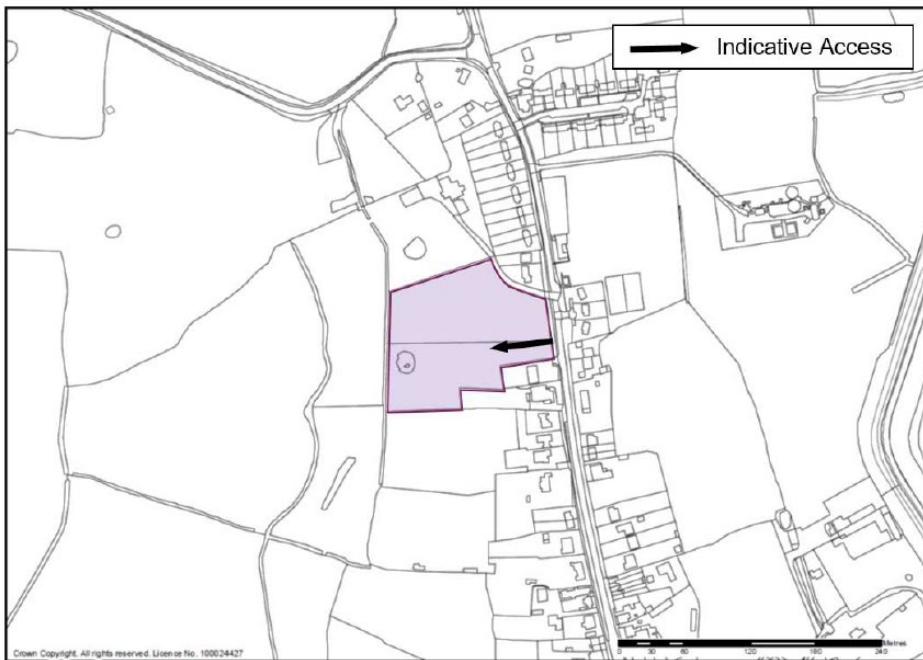
ENV14 - Conservation Areas

ENV15 - Archaeology

Policy S26 – Housing Allocation at The Street, Appledore

**Policy S26 - Appledore - The Street**

**Appledore - The Street**



"The site in The Street, Appledore is proposed for residential development for an indicative capacity of 20 dwellings with potential to provide an extension to the village hall and its car park.

Development proposals for this site shall:

- (a) Be designed and laid out in such a way as to preserve or enhance the character and setting of the Conservation Area. Particular attention needs to be given to the visibility of new development from the road;
- (b) Retain the existing hedge and tree boundary around the site and create soft landscaping to screen the development from the open countryside. Retain as much as possible of the hedgerows that divide the site and incorporate within the new development;
- (c) Retain and enhance the PROW that crosses the site to ensure safe access;
- (d) Provide an Environmental Assessment study; to address any potential adverse impacts of the proposals on the biodiversity of the Dungeness, Romney Marsh and Rye Bay Ramsar and SPA sites and how they can be avoided or adequately mitigated;
- (e) Appropriate species and habitat surveys should be carried out. Results will inform ecological mitigation and enhancement measures to be provided on the site and proposals for implementation, maintenance and monitoring in accordance with Policy ENV1. Particular regard should be given to the potential of providing an

informal nature reserve along the western edge of the site, utilising the existing ponds and allowing ecological connections to the wider countryside; and,

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

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

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

Landscape Character Assessment SPD 2011

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

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Public Green Spaces and Water Environment SPD 2012

Dark Skies SPD 2014

Green Corridor Action Plan 2000 (SPG1 to Ashford Borough Local Plan 2000)

### **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 (NPFF) 2018

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 11 - Presumption in favour of sustainable development.

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 178 to 183 - Ground conditions and pollution

#### National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standards

## **Assessment**

37. 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 and conservation area.
- (c) The impact on the surrounding highway network and car parking/refuse provision.
- (d) The impact on trees and vegetation.
- (e) The impact on residential amenity.
- (f) Other planning issues such as affordable housing, flooding and drainage, ecology, PROW, Archaeology, lighting.
- (g) Section 106 issues.

**(a) The principle of the development.**

38. The application site forms part of the S26 ALP site allocation for residential development with an indicative capacity of 20 dwellings.
39. The application is only developing the northern part of the allocated site due to different land ownership and no joint application with the southern allocated area has been submitted. Although it is normally preferable to develop a site as a whole, the partial development is still acceptable delivering housing on the allocated site.
40. The applicant has provided an indicative plan showing the potential development with an access link on the southern part of the S26 allocation providing cumulatively 20 dwellings in line with the S26 indicative capacity. This access link via the southern boundary of the current proposals would need to be secured to through a section 106 agreement. In summary the proposals are acceptable in principle.

**(b) The design quality of the scheme and the impact on the visual character of the surrounding conservation area.**

41. Policy S26 (a) of the ALP requires the proposals to be designed and laid out in such a way as to preserve or enhance the character and setting of the Conservation Area. Particular attention needs to be given to the visibility of new development from the road. Policy ENV14 of the ALP states that development or redevelopment within Conservation Areas will be permitted provided such proposals preserve or enhance the character and appearance of the Area.
42. The application site is located at the northern edge of the Conservation Area where the dense historic core of mainly ribbon development gives way to more open landscape on the western side of The Street beyond the village hall, and towards the more modern housing development along both sides of the road frontage. The recently completed scheme of 5 detached houses at Magpie Farm is evidenced in views from The Street. These new houses (outside the Conservation Area but affecting its setting) have a more contemporary appearance, creating legibility as modern infill development enclosed by hedgerows and trees. The housing proposed by the application would be at a low density (under 15 dwellings per hectare) so as to be in keeping with its semi-rural landscape setting and the low density of the nearby linear development along The Street road frontage and at Magpie Farm.
43. The proposal is to construct a mixed residential scheme of detached and semi-detached, two storey houses of a traditional height, mass and scale, but in a contemporary form and appearance, using finishes and facing materials that would complement both the historic buildings within the Conservation Area to

the south and the recently completed modern housing development to the north. The proposed design would therefore help to provide a suitable visual transition between the old and the new and irrespective of architectural style the low density approach and site layout would help retain this part of the Conservation Area's semi-rural character notwithstanding that Policy S26 allocates the site for development and therefore sanctions a fundamental change to the land.

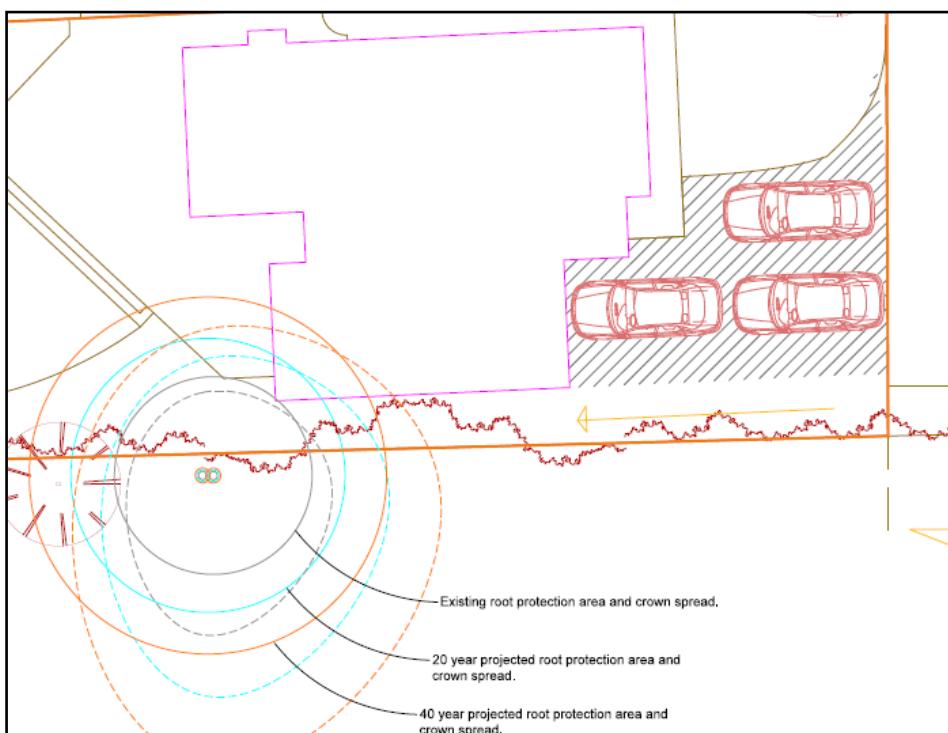
44. The landscaped footpath corridor at the front of the site together with the retained roadside hedgerow would help to ensure that the proposed new housing would not impact upon the existing character of ribbon development along the road frontage but would instead, consolidate the form and layout of housing that already exists immediately to the north of the site.
45. Although having a contemporary design appearance, the new housing takes its reference from the wide range of architectural forms of buildings within the Conservation Area. It would add to visual interest and make a positive contribution to the distinctiveness of this part of the Conservation Area. The mixed palette of materials and finishes would add to the site's 'sense of place' and would help define the architectural character of the site. The approach to design, fenestration and external materials indicated in the application is tenure blind and so would be acceptable in creating a cohesive and inclusive form of development.
46. As such, this form of development would preserve and enhance the character and appearance of the Conservation Area in accordance with both national policies and ALP Policies, ENV 14 and S26a.

**(c) The impact on the surrounding highway network and car parking/refuse provision.**

47. The proposals have been assessed by Kent Highways who raise no objection to the scheme. The joint access arrangement with the Magpie Farm development access is considered acceptable. Two pedestrian dropped kerbs and a small footway link would provide a pedestrian connection to the recreation ground located on the opposite side of The Street. The tracking for a refuse vehicle is acceptable. If the internal road is not adopted an indemnity agreement would be required to allow access of a refuse vehicle. This will be highlighted to the applicant through an informative. Parking provision is provided in accordance with the standards set out in policy TRA3a ALP of 2 spaces per 3 bed dwellings and 3 spaces per 4 bed dwelling with the required on-street visitor parking provided (5 spaces). In summary the proposals are acceptable on highways grounds.

**(d) The impact on trees and vegetation**

48. It is proposed to retain existing boundary hedgerows and provide new planting to reinforce the screening on the site's western boundary in particular. A late objection has been received from the owner of the land immediately to the south of the development (the Old Surgery site). This is on grounds of the impact of the development on the southern boundary trees and hedgerow. These are located mainly on the Old Surgery side of the boundary rather than within the application site. The objection states the loss of light to the proposed dwellings due to the presence of the trees and concern about future pressure to cut them down or trim their branches Impact on the RPA of trees on the boundary and foundations of the new dwelling at plot 12 is cited along with potential wildlife impacts due to the loss of any vegetation on the boundary between the two halves of the land covered by Policy S26.
49. Plots 1- 6 rear gardens back on to the southern boundary trees/hedgerow. I consider this relationship would be acceptable and the boundary vegetation would also provide screening to the dwelling granted planning permission immediately adjacent at the Old Surgery site.
50. Plot 12 is located in close proximity to the southern boundary trees and hedgerow. No tree survey was originally submitted with the application and therefore the precise relationship with trees on this boundary could not be accurately assessed from just a desk top study. An updated tree plan has been provided showing the relationship of the nearest tree (oak) to plot 12. This is shown in figure 10 below.



**Figure 10: PJC drawing of tree**

51. The original relationship between plot 12 and the adjacent oak tree was not acceptable in terms of the proximity of the 2 storey dwelling. The applicant has, however, now 'flipped' the footprint placing the single storey garage nearest the tree. I consider this matter has been satisfactorily addressed giving the crown of the oak tree the space to grow as shown in the PJC drawing above.
52. The roots would not be damaged when the structure is constructed as the dwelling is outside of the RPA and by constructing the foundations to NHBC standards there should not be a risk of subsidence. Ground protection is likely to be required for this tree during construction and this may be required for additional trees on site. Subject to conditions requiring an arboricultural method statement and tree protection plan the relationship is considered acceptable.
53. However the change to plot 12 would mean its north side elevation containing bedroom windows would be located in very close proximity to similar windows on the south elevation of plot 11. While the overall form of the typology is acceptable, the detail of windows/internal layout needs to be amended to provide a better relationship. I propose to require this through delegated authority to allow the applicant to address this issue to my satisfaction while not changing the impact on the oak tree as assessed above.

**(e) The impact on residential amenity.**

54. The application site is self-contained. The dwellings would have an acceptable relationship with the nearest existing surrounding dwellings. This includes the detached 2 storey dwelling adjacent to the Old Surgery building recently granted planning permission. The inter-relationship with the proposed dwellings themselves is also acceptable apart from plot 11 and plot 12 that require alteration to the internal layout/ primary side elevation windows as mention above.
55. All of the houses would meet the national and Local Plan policy space standards and minimum private rear garden sizes. Energy saving measures would include air source heat pumps, low energy lighting and high standards of insulation and passive ventilation. Electric car charging points would also be provided. Water saving measure would include dual flush toilets and restricted flow taps with roof water run off discharged into the pond.

**(f) Other planning issues such as affordable housing, flooding and drainage, , ecology, PROW , Archaeology, lighting**

**(i) Affordable housing,**

- 56 The proposals would provide 5 affordable dwellings (40%) with plots 1 to 4 being shared ownership and the 5th affordable rent. This affordable rented dwelling would be owned by the Parish Council but rented out in accordance with normal Ashford Borough Council requirements for affordable rented accommodation. The Housing Manager raises no objection to this arrangement as the Parish Council has agreed that the occupancy will be agreed by Ashford Borough Council in the normal manner. Policy HOU14 (Accessibility Standards) states that at least 20 percent of new build homes shall be built in compliance with building regulations part M4(2) as a minimum standard. This is proposed to be secured through the section 106 agreement.

**(ii) Flooding and drainage,**

- 57 Most of the site is located within a low risk flood area (Zone 1 Flood Risk), but the western part of the site adjoining the watercourse is within higher risk flood zones (Zone 2 and Zone 3) but does not contain any proposed housing. The planning application is supported by a Flood Risk Assessment and Drainage Report prepared by JMLA (August 2019). The drainage strategy comprises attenuation on site within a surface water attenuation basin with controlled discharge at a rate of 1.0 l/s for all events up to and including the 1 in 100 years rainfall event with a 40% climate change allowance. Some level changes within the site may be needed. KCC flooding and drainage have commented there is sufficient open space within the planning layout to accommodate minor revisions which may be required with the final detailed design of the sustainable drainage system, and are happy for this to be conditioned including issues of verification of working as expected and matters of on-going maintenance.

**(ii a) SUD access maintenance and integration in scheme**

58. The applicant's landscaping and SUDs designer (Greenes) have advised that the pond will require very little and infrequent maintenance due to its size. The maintenance can actually be carried out by hand with waders and would not need mechanical machinery. A very small digger 750mm however could still access and go through the pedestrian sized access shown at the front of the plots. KCC Flood and Water Management have raised no objection to the proposed level of maintenance.
59. The applicant has confirmed that the western end properties plots 9-12 will all pay towards the SUDs maintenance all private units (not HA) will pay an

annual estates charge for upkeep of communal planted areas and roads etc. 9-12 will pay a higher rate based on funding the SUD's upkeep.

60. The SUDS area must be at the western end of the site as this cannot be built on due to flooding and is on lower ground allowing water to easily drain to the SUDS area. I agree that moving the SUDs feature to a more central area would not be practical and have a major impact in terms of the layout. Overall I am satisfied that the access, maintenance and integration of the SUDs feature is acceptable.

(ii b) foul drainage

61. With regards to foul drainage, policy S26(f) requires the development to provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider. The applicant has identified that it is proposed to discharge to the existing public foul sewer available within The Street. This would need to be the subject of a capacity check and because of the low-lying nature of the site an on-site pumping station is likely to be required. Southern Water have raised no objection commenting that a desk study of the impact that the additional foul sewerage flows from the proposed development would have on the existing public sewer network indicates that network reinforcement may be required to be provided by Southern Water. This matter can be dealt with by appropriate planning condition, including the potential need for details of any on-site pumping station which would obviously need to be integrated carefully into the layout and softened by appropriate hard and soft landscaping.

(iii) Ecology

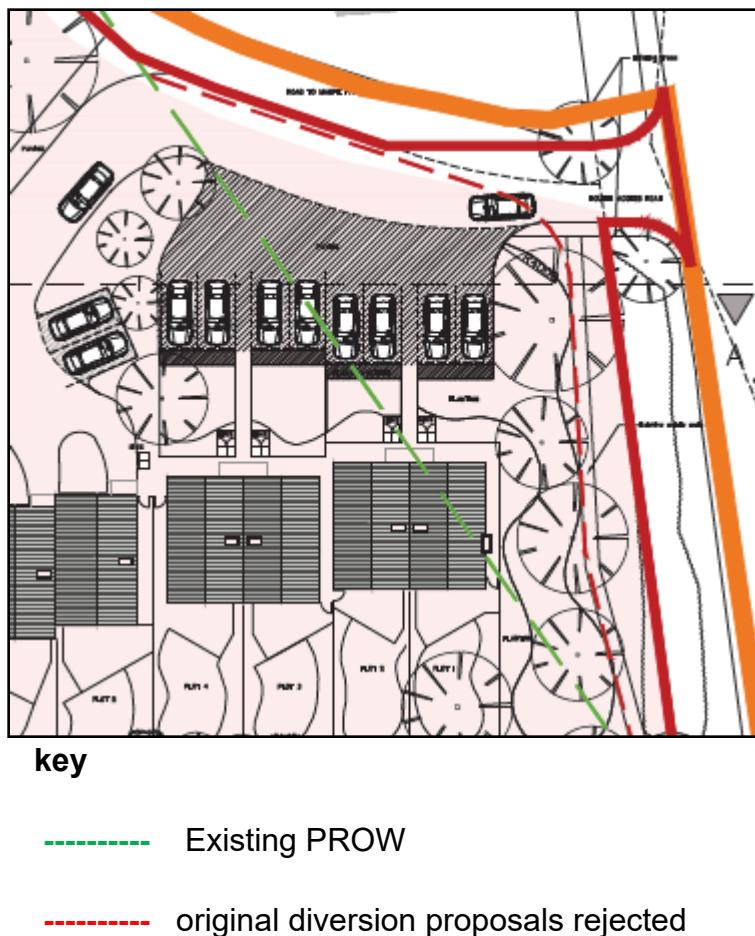
62. The application site supports no nationally designated wildlife sites, significant habitats or resident populations of protected species. The land has been the subject of an ecological survey and assessment and this includes a Great Crested Newt survey as the site is situated within 250m of ponds where they have been recorded as being present. The application site is not directly affected by any nature conservation designation. The Dungeness, Romney Marsh and Rye Bay Ramsar site lies immediately to the north east of the village and south along the Royal Military Canal. In addition, an area of the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) lies across the boundary in Folkestone and Hythe District to the south east. The development would not have direct impact on the SPA or SSSI, as it is not connected to it hydrologically and there would be no impact upon the Ramsar.
63. The Preliminary Ecological Appraisal report submitted with the planning application concluded that the proposed development would have no impact

upon tree supporting features suitable for bat roosts and although there is potential for nesting birds in boundary trees and hedgerows, these are to be retained. The site's grassland habitat has a short sward that is not suited to reptiles and there is no evidence of any badger setts and it is unlikely to be suitable habitat for Hazel Dormice. Great Crested Newts (GCN) have potential to use the field as this species has widespread distribution in ponds in the local area. The potential impact is assessed as being relatively limited because of the site's short sward, offering little in the way of refuge for terrestrial newts other than in the boundary hedgerows that are to be retained.

64. Kent County Council Ecological Advice Service have assessed the scheme and raise no objection commenting that the requested copy of the countersigned Great Crested Newt DLL certificate has been provided by the applicant. Whilst KCC would have preferred an ecological enhancement plan to be submitted prior to determination, they are satisfied that this can be secured via a planning condition if planning permission is granted by the Council. A planning condition requiring bat sensitive lighting is also requested. Subject to these conditions, I consider that the proposals are acceptable on ecological grounds and would be in accordance with policies ENV1 and S26 (d) and (e) of the ALP.

(iv) PROW

65. Footpath At121A passes through the site so is affected by the development. The applicant has negotiated a diversion with KCC PROW to alter the route to take into account the development, avoiding its front boundary hedgerow and overlapping parking areas. The general orientation of the proposed route is similar to the current route i.e. from the south-east corner travelling north-west through to Magpie Farm.
66. The application was deferred at the previous committee to consider an improved layout on the eastern side of the site that better integrates the proposed diverted PROW and avoids it passing awkwardly between parked cars before arriving at the junction with the vehicular access into the application site.
67. KCC (PROW) have further commented that the proposed diverted route had resulted from negotiations with the applicant and is chosen for a number of reasons as it is a straight section avoiding a bend and removing frontage vegetation due to visibility. It creates a safe link with the PROW at Magpie Farm. The original diversion proposals (see figure 11 below) had shown the route to the east between the front hedgerow and plot 1 parking spaces but this was not acceptable to KCC PROW.



**Figure 11. Original proposed diverted route from PROW**

68. Following the deferral I asked KCC PROW if an amendment to the proposed diverted route to the east of plot1 parking rather than between plots 1 and 2 parking could be considered but KCC PROW would not comment on this. If members are still unhappy with this response I can add an informative that the applicant formally asks KCC PROW if this amendment to the current diversion is possible.
69. I previously stated that the proposed KCC PROW planning condition requiring that development cannot go ahead until confirmation of the diversion order is unacceptable. Planning conditions requiring compliance with other existing regulatory regimes do not meet the test of necessity in government guidance and the development would then be dependent on a third party act outside of the applicant's control. Furthermore, it would have the practical effect of making this Council the enforcing authority in respect of PROW matters which would clearly be inappropriate as that function falls to KCC as the highway authority. The grant of a planning permission by this Council does not confirm that a diversion to a PROW necessary to avoid obstruction is now in place or will be approved when it is formally applied for. An informative can make this point clear and remind an applicant to make a timely approach to KCC to move a

required diversion order forward and secure that diversion before commencing works on-site pursuant to a grant of planning permission. If the necessary diversions are not put in place then persons causing obstruction to a PROW face potential prosecution proceedings by KCC.

(v) Archaeology

70. An Archaeological assessment has been provided with the application. KCC Heritage have assessed this and indicated that there is some potential for as yet unknown prehistoric and later remains within this large development. They confirm this can be dealt with by planning condition requiring the implementation of a phased programme of archaeological work in accordance with a written specification and timetable.

(vi ) Lighting

71. This would comprise of low level bollard lights around the perimeter of the roadways. These would diffuse light in a downwards direction onto the surface, rather than upwards. Likewise external lighting on the buildings will be directed downwards rather than out to avoid light pollution. The site is within a 'dark skies zone' so this low level lighting is more appropriate here in view of the requirements of policy ENV4 of the ALP and the Dark Skies SPD. I will condition the final details of lighting to comply with these requirements

**(g) Section 106 planning obligations**

72. These are listed in table 1 below

**Planning Obligations**

- 73 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
- 74 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: Heads of Terms for Section 106  
 Agreement/Undertaking**

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
1	<p><b><u>Informal/Natural Green Space</u></b></p> <p>The developer is to contribute towards the Linear Park proposal for Appledore village, as detailed in the application. Once this has been costed, any outstanding contribution is to contribute towards provision of new public open space at Heathsiede.</p> <p>Long-term ownership and management of the onsite Linear Park is to be retained by the Parish Council and public access made available during daylight hours.</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as 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 Local Plan 2030 Policies SP1, COM1, COM2, IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use informal/natural green space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
2	<b><u>Local Highways</u></b>	A highway access link to the southern	Details including layouts,	<b>Necessary</b> in the interests of highway safety and amenity and pursuant to

Ashford Borough Council - Report of the Head of Planning and Development  
 Planning Committee 15 July 2020

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	<p>the boundary of the site with the adjoining land to the south (the remaining part of the S26 allocated site) with no ransom strip.</p> <p>To be made available to the public and owners/occupiers/visitors to that land to use as if it were dedicated as highway in accordance with the approved plans</p>	<p>part of S26 Site allocation is to be provided to adoptable width and standard, and an adoption agreement entered into with the local highway authority</p>	<p>materials, and timing of construction and entering into adoption agreement, to be approved prior to first occupation of the approved dwellings</p> <p>Thereafter to be implemented in accordance with the approved details.</p>	<p>Local Plan 2030 Policies SP1, TRA1 and S26, KCC Highways guidance and guidance in the NPPF and allow development of the whole allocated S26 ABP 2020</p> <p><b>Directly related</b> as the application site forms part of the wider S26 allocation and access is provided under this application to The Street.</p> <p><b>Fairly and reasonably related in scale and kind</b> as would be site specific requirement to enable whole site delivery.</p>
3	<p><b>Affordable Housing</b></p> <p><b>5 dwellings</b></p> <p>10% of the total dwellings should be made available for affordable or social rent, and 30% of the total dwellings made available for affordable home ownership (of which 20% of the total dwellings should be shared ownership).</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council, or (in the case of the Affordable Rent unit) the Parish Council which shall enter into a nominations agreement with the Council. The Shared ownership units to be leased in the terms specified. Affordable rent unit to be let at no more than 80% market rent and in</p>	<p>1 affordable rented units</p> <p>4 shared ownership units</p>	<p>Shared ownership units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings. The Parish Council to retain and provide the affordable rented unit by the same time.</p>	<p><b>Necessary</b> as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1, HOU1 of Local Plan 2030 the Affordable Housing SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>

Ashford Borough Council - Report of the Head of Planning and Development  
 Planning Committee 15 July 2020

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	accordance with the nominations agreement.  In accordance with table within Policy HOU1			
<b>Planning Obligation</b>		<b>Regulation 122 Assessment</b>		
<b>Detail</b>	<b>Amounts (s)</b>	<b>Trigger Points (s)</b>		
4	<p><b>Allotments</b></p> <p>Specific Project: The Parish Council have identified a project to improve the existing allotment site, with a water supply and rabbit-proof fencing.</p>	<p>£258 per dwelling for capital costs £66 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, COM3, IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development</p>

Ashford Borough Council - Report of the Head of Planning and Development  
 Planning Committee 15 July 2020

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				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.
5	<p><b><u>Cemeteries</u></b></p> <p>The Parish Council would like to use funding to undertake feasibility options into increasing provision in the parish, as there is currently a deficit per head of population.</p>	<p>£284 per dwelling Capital contribution for off-site provision</p> <p>£176 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> 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 COM1, COM4, IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use cemeteries and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the</p>

Ashford Borough Council - Report of the Head of Planning and Development  
 Planning Committee 15 July 2020

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				facilities to be maintained and the maintenance period is limited to 10 years.
6	<p><b><u>Children's and Young People's Play Space</u></b></p> <p>The Parish Council have identified a project to provide new play space at Heathside.</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as children's and young people's play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1, Public Green Spaces and Water Environment SPD, and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use children's and young people's play space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the</p>

Ashford Borough Council - Report of the Head of Planning and Development  
 Planning Committee 15 July 2020

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				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.
7	<p><b><u>Community Learning</u></b></p> <p>Project: Towards additional resources for the new learners generated from the development attending Tenterden Adult Education Centre</p>	£34.45 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p><b>Necessary</b> as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies COM1, IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use community learning services and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users</p>

Ashford Borough Council - Report of the Head of Planning and Development  
 Planning Committee 15 July 2020

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				and is based on the number of dwellings.
8	<p><b><u>Libraries</u></b></p> <p>Towards additional bookstock for Tenterden library for the new borrowers generated by this development</p>	<p>£48.02 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> 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><b>Directly related</b> as occupiers will use library books and the books to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because amount calculated based on the number of dwellings.</p>
9	<p><b><u>Outdoor Sports Pitches</u></b></p> <p>The Parish Council have identified a project to improve the existing hard court MUGA and add a 3G Artificial Turf Pitch</p>	<p>£1,589 per dwelling for capital costs £326 per dwelling for</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as outdoor sports pitches are required to meet the demand that would be generated and must be</p>

Ashford Borough Council - Report of the Head of Planning and Development  
 Planning Committee 15 July 2020

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		maintenance		<p>maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
10	<p><b><u>Strategic Parks</u></b></p> <p>Project: Specific Hub projects (COM2): Discovery Park</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as strategic parks are required to meet the demand that would be generated and must be</p>

Ashford Borough Council - Report of the Head of Planning and Development  
 Planning Committee 15 July 2020

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	Conningbrook Park	maintenance	<p>maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>	
11	<p><b><u>Accessible Homes</u></b></p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard. In accordance with policy HOU14 part (a).</p>	Provide on-site 20% of all units.	<p>Prior to first occupation of any dwelling comprised within the Development</p> <p>Prior to the first occupation of any dwelling comprised</p>	

Ashford Borough Council - Report of the Head of Planning and Development  
 Planning Committee 15 July 2020

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			within the Development	<b>Necessary</b> as a requirement under policy HOU14 (a) of the Ashford Local Plan and guidance in the NPPF  <b>Directly related</b> to the number of dwellings to be brought forward under the approved scheme (20%).  <b>Fairly and reasonably related</b> in scale and kind being 20% of all dwellings as per HOU14(a)
12	<b><u>Youth Services</u></b>  Project: Towards Youth resources in Tenterden	£27.91 per house	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<b>Necessary</b> as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan 2030 policies SP1, COM1, IMP1, KCC document 'Creating Quality places' and guidance in the NPPF.  <b>Directly related</b> as occupiers will use youth services and the services to be funded will be

Ashford Borough Council - Report of the Head of Planning and Development  
 Planning Committee 15 July 2020

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				available to them.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.
13	<b><u>Adult Social Care</u></b>  Project:  Towards extra care housing	£146.88 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<b>Necessary</b> as enhanced facilities and assistive technology required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF  <b>Directly related</b> as occupiers will use community

Ashford Borough Council - Report of the Head of Planning and Development  
 Planning Committee 15 July 2020

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				<p>facilities and assistive technology services and the facilities and services to be funded will be available to them</p> <p><b>Fairly and reasonably related in scale and kind</b>          considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
14	<p><b><u>Monitoring Fee</u></b></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£1,000 one-off payment</p>	<p>upon commencement of development</p>	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related in scale and kind</b>          considering the extent of the development and the obligations to be</p>

Ashford Borough Council - Report of the Head of Planning and Development  
Planning Committee 15 July 2020

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				monitored.
<p><u>Notices</u> must be given to the Council at various stages in order to aid monitoring. All contributions are <u>index linked</u> in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p>				

## **Human Rights Issues**

75 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**

76 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**

77 I consider the proposals are acceptable in principle as an allocated residential site in the ALP 2030. The scheme would have an acceptable impact on the character of the surrounding area and conservation area. It is acceptable on highway and parking grounds. It would provide the required affordable housing. The impacts on flooding and drainage, ecology and archaeology have been assessed as acceptable. KCC PROW do not object to the proposed PROW diversion. The impact on plot 12 on trees and vegetation is acceptable with delegated powers given to officers to agree detailed changes to provide an acceptable relationship with plot 11 windows. The scheme complies with policy S26 of the adopted ALP 2030

## **Recommendation**

**(A) Subject to the receipt of further amendments in respect of Plot 12 to show an acceptable detailed site planning relationship with Plot 11 as agreed by the Strategic Development and Delivery Manager or Development Management Manager and**

**(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 Strategic Development and Delivery Manager or Development Management Manager in consultation with the Director of Law and Governance, with delegated authority to the Strategic Development and Delivery Manager or**

**Development Management Manager 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 process**

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Submission of Materials
4. Landscaping scheme and maintenance
5. Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
6. Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
7. Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
8. Details should also be provided of contingency working protocol for action taken should the wheel washing be ineffective and spoil is dragged onto the highway.
9. Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
10. Bat lighting plan
11. Biodiversity plan
12. Details SUDS systems and maintenance
13. Details of sewerage disposal
14. Archaeology
15. Arboriculture method statement
16. Tree protection plan.
17. Lighting details,

**Note to Applicant**

1. S106
2. PROW diversion
3. Applicant to ask KCC about PROW diversion east of plot 1 parking

4. Indemnity agreement for refuse vehicles
5. 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 .....***add / delete as appropriate.***

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- add a brief statement as to how the applicant/ agent responded to our initial contact, and if appropriate, how we dealt with the case thereafter? ie. "...the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted/ the amended plans did not address all the outstanding issues, and permission was refused..."
- 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](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/0997/AS)

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