

<b>Application Number</b>	20/00304/AS
<b>Location</b>	Eastern Park of Site of Pluckley Brickworks, Station Road, Pluckley Kent
<b>Parish Council</b>	Pluckley
<b>Ward</b>	Upper Weald
<b>Application Description</b>	Erection of 6 residential dwellings with access off Station Road, together with associated parking and landscaping
<b>Applicant</b>	Riverwood Homes
<b>Agent</b>	DHA Group
<b>Site Area</b>	0.40ha

(a) 60/ 20R 2+ (b) S (c) KCCH/X,KCCE/X, ABCEP/X, ABCSOS/X, ABCTO/+, NR/X, SW/X,

## Introduction

1. This application is reported to the Planning Committee the request of the Ward Member Cllr Clair Bell.

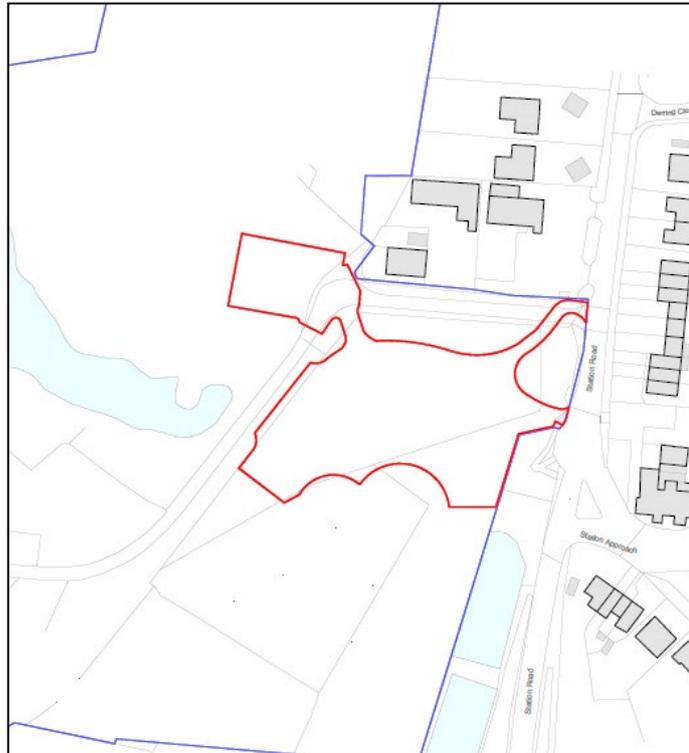
## Site and Surroundings

2. The application site comprises land that previously formed part of the wider Pluckley Brickworks site. The site in question however has returned to its natural condition and is not therefore now classed as being previously developed land (pdl) as per the definition in the NPPF.. The wider site operated as a brickworks since 1870's until the late 1990's and KCC remain of the view that this continues to be its lawful use. During the 1960-1980 period most of the clay quarried areas (not this site) were backfilled with household refuse and inert materials which was then capped with clay and topsoil and laid to pasture. The whole site lies within a landfill zone and contaminated land associated with the former manufacture of clay bricks and tiles.
3. The site adjoins and is accessed from Station Road. The access joins Station Road adjacent to Station Garage (car sales, repairs and servicing) and is tree lined. The site lies adjacent to, but outside the identified village confines of

Pluckley Station and within Flood Zone 1. The site lies 2km south of the village of Pluckley, the nearest village with services and amenities.

4. The site boundaries are drawn along the northern boundary to sit, mostly outside the root protection areas of the trees lying to the north leading to an irregularly shaped site. Those trees along the northern boundary are protected by TPO17/2007 for 15 Oaks and 4 chestnuts with an understorey of thorn). The land contains a pile of earth spoil which has grassed over with significant scale mature trees around the boundaries of the site. To the south of the site lies a group of 6 trees covered by TPO reference 17/2018 T1-T6.
5. The site lies adjacent to the Pluckley Station Conservation Area (the boundary runs along Station Road and then leaves the road and abuts the boundary with the wider former brickworks site. The site is identified as being located in the Dering Wooded Farmland Low Weald Landscape Character Area in which the key characteristics are strong tree cover, scattered isolated oak trees, a railway line cutting through the landscape, ragstone buildings and round topped 'Dering' windows with evidence of mineral extraction and former landfill. Specific reference is made to parked vehicles around Pluckley Station detracting from the strength of its character. The condition of the landscape character is good and its sensitivity moderate with the guidelines to conserve and reinforce the landscape.
6. Permission has been granted for the redevelopment of the main part of the brickworks (pdl) to the west of this site for a residential development of 25 houses. The approved access road to that development would run along the northern boundary of this site (so the south of the tree line). In that application apart from the access road this site was identified as open and undeveloped space lying between the housing development to the west and Station Road. To the north lies the garage site, to the south fields leading to the railway line and to the east fronting Station Road and Station Junction lies the settlement of Pluckley Station.
7. Plans showing the application site in relation to its surroundings are shown below.





**Figure 3: Site Location Plans and aerial photograph**

## Proposal

8. The scheme proposes the erection of 6 dwellings with associated access and landscaping.
9. The scheme would be accessed directly from Station Road via the access approved pursuant to application reference 17/0331/AS (25 dwellings) which shows an in/out access utilising the existing access point at the northern end of the site which would then turn south to run parallel to the protected trees lining the existing access road to the north and west of the site boundary. A second access onto Station Road would lie to the south. The access road would continue south of this site to link into the approved scheme on the main part of the brickworks site.



**Figure 4 : Proposed block Plan**

10. Five two storey detached houses would lie broadly in a semi circle to the south/east of the access road with a sixth dwelling being a single storey

dwelling lying in the north west corner. The houses would be set back from the access road behind proposed landscaped front gardens. Each dwelling would include off street parking spaces and adequate sized amenity space. Five visitor parking spaces would be provided adjoining the access road. The flank wall of the easternmost house would lie a good distance from the boundary with Station Road. A sub-station would be located adjacent to the southernmost access.

11. The two storey houses would be 3/4 bedroom houses (a ground floor room is identified as a bedroom/spare room) whilst the single storey dwelling would be a three bedroom unit).
12. The design of the two storey dwellings would incorporate tiled pitched roofs with white weatherboarded elevations at first floor level and a detached flat roof car port at the side of the houses. The bungalow would be a flat roof timber clad unit with a flat roof carport off set to the front of the dwelling. The elevations would be relatively simple with the main focus of the dwelling being to the rear which would incorporate glazing across almost the entire rear elevation – with the rear facing rooms each leading directly onto the rear raised terrace.

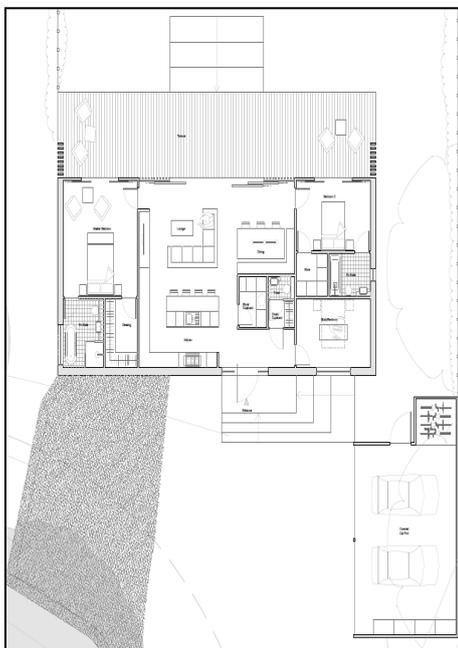


**Figure 5: Illustrative Appearance**



**Figure 6: Elevations and Floor Plans of House Type 1**





**Figure 7: Elevations and Floor Plans of Bungalow**

13. In support of the application, the following reports have been submitted in support of this application:

**Design and Access Statement** Identifies that the scheme would utilise a previously permitted access, with a design reflecting the nearby terraced houses, providing a gateway development, with a landscape that allows a transition from the village context to the parkland setting to the rear of the site.

**Ecological Impact Assessment** Identifies the presence of dormice, breeding birds, slow worms, common lizards and snakes over the wider site. Greater crested newts within 205m's of the site and a range of invertebrates. Mitigation measures are proposed to compensate for the loss of grassland habitat including a receptor area.

**Ground Investigation Report** A site investigation suggests that underlying soils do not pose a significant risk to human health. Recommendations relate to foundation and floor slab design to mitigate potential soil conditions including areas of softer clay and desiccation of topsoil.

**Foul Drainage Assessment/Surface Water Management** The proposed scheme is anticipated to connect to existing foul drainage system

whilst surface water drainage would utilise a SuDS system that would conform with the Councils Sustainable Drainage SPD.

**Transport Design Environment Infrastructure** The access and parking standard would accord with relevant guidance whilst the level of traffic generated could be safely accommodated within the adjoining highways network. It is considered a sustainable site with a train station 150m's distant and a bus stop 2000m's from the site.

## Planning History

**18/01402/AS** Erection of 6 dwellings with access off Station Road, together with associated parking, and landscaping. WITHDRAWN

On the wider former Brickworks Site:

**14/01116/AS** Outline permission for Proposed development for 25 dwellings and new access

PERMITTED

**17/00331/AS** Reserved Matters for details of layout, scale, landscaping and appearance and revision to approved access arrangements  
PERMITTED

**14/01114/CONC/AS** Non material amendment to application 14/01116/AS to regularise the provision of an in and out access point and to clarify the previously developed part of the site PERMITTED

**17/00331/AMND/AS** Non material amendment to application 17/00331/AS to amend plot 10 including changes to the floorplan and elevations  
PERMITTED

## Consultations

**Ward Member:** Has requested that the application be determined by the planning committee.

### **Pluckley Parish Council:**

Supports this application: Although these houses were not identified in the Neighbourhood Plan, they are supported for the following reasons:

- The site to the west north and east is or has been approved for development and the site is suitable for infilling
- These dwellings would be additional to the 82 existing or approved homes in the Station area of the parish
- The materials are all present in the adjacent Conservation Area and compatible with the surrounding character
- Limited impact upon neighbours
- The site was previously designated for industrial use but is not now in active use
- The station is easily accessible on foot
- In the event of an approval the developer has undertaken to transfer the receptor field to the north to the community to be established as a nature reserve, thereby precluding further development
- Additional benefits include the number of houses being capped, increased use of the station and the rest of the field remaining green space.

If approved a condition is recommended regarding lighting to ensure that individual homes have low level lighting to respect the dark skies approach.

#### **KCC Highways & Transportation:**

The access road will not be adopted by KCC and will remain under private control. The access layout has already been approved under planning application reference 14/01116/AMND/AS.

No objection is raised subject to the following requirements being secured:

- Submission of a construction management plan
- Completion and maintenance of the access prior to use of the site
- Provision and retention of parking spaces and car ports
- Provision and retention of cycle parking facilities
- Removal of permitted development rights to install garage doors on the car ports on all plots

#### **KCC Ecology:**

Sufficient information has been submitted to assess the scheme. No objections subject to a condition securing the ecological enhancements proposed.

#### **Network Rail:**

No objections

#### **Southern Water:**

No objections subject to the imposition of a condition requiring further detail in respect of foul and surface water sewerage disposal.

**Street Scene and Open Space (Refuse):**

Advice provided explaining that since this is a gated community that collections will not be made from the site unless the gates are fitted with an FB1 padlock or automatic opening. In any other event collection would be made from the access road entrance providing turning space is provided to allow the refuse vehicle to enter and leave the site in forward gear.

**ABC Environmental Protection:**

No objection subject to a condition being imposed regarding potential contamination and informatives relating to hours of work, disposal of controlled waste, the need to minimise dust emissions and the provision of electric vehicle charging facilities.

**Neighbours: 60** neighbours consulted;

Letters received from 20 residents and including a petition signed by 12 local households raising the following issues:

- Out of keeping with the character of the surrounding area causing harm to the adjacent conservation area
- The design (incongruous – with such examples found in every recent estate in the country) and materials (white weather boarding), would be out of character with the adjacent red brick Victorian buildings
- Concerns about external lighting and the dark skies approach
- Contrary to the adopted neighbourhood plan and the adopted local plan
- Constitutes over development of the area
- Lies outside the village confines
- Harm to biodiversity
- The area has sufficient housing already identified
- Increased traffic would cause potential highways safety concerns in respect of cyclists and pedestrians
- The site does not historically form part of the operating brickworks – but part of the Dering Arms Hotel
- A recent refusal on the Parsonage Cottage site (18/1059/AS) (upheld on appeal) sets a precedent for similar applications.
- The site is not close to local services and amenities except the station and residents would be reliant largely on the private motor vehicle
- The development of this site would result in a different impact resulting from the previously approved development scheme on the brickworks.
- Inadequate parking provision leading to more on street parking to the detriment of the character and amenities of the adjacent area: it is

suggested that the double yellow lines be extended if the scheme is approved

Two general comments were received raising the following issues:

- Concern at additional on street parking resulting from this development that could inconvenience neighbours and cause potential highways safety impacts around the local area.

## 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), the Rolvenden Neighbourhood Plan (2019) 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 Local Plan relating to this application are as follows:-
17. The relevant policies from the Local Plan relating to this application are as follows:-

SP1	Strategic Objectives
SP2	The Strategic Approach to Housing Delivery
SP6	Promoting High Quality Design
HOU3a	Residential Windfall Development within settlements
HOU5	Residential windfall development in the countryside
HOU12	Residential space standards internal
HOU14	Accessibility Standards
HOU15	Private external open space
EMP6	Promotion of Fibre to the Premises (FTTP)
TRA3a	Parking Standards for Residential Development
TRA6	Provision for cycling
ENV1	Biodiversity
ENV3a	Landscape Character and Design
ENV4	Light Pollution and Promoting Dark skies
ENV6	Flood Risk
ENV7	Water Efficiency
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage

ENV13	Conservation and Enhancement of Heritage Assets
INF1	Infrastructure Provision

18. The relevant policies from the Pluckley Neighbourhood Plan (April 2017) relating to this application are as follows:-

R1	Landscape Character and Design
R2	Protection of Views and Rural Setting
H1	New Residential Development
H1A	Windfall Sites
H2A	Design Standards
H2B	Encouraging Sustainable Development
H2C	Lighting

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

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

Landscape Character SPD

Residential Space and Layout SPD 2011– External Space Standards Only

Residential Parking SPD 2010

Sustainable Drainage SPD 2010

Sustainable Design SPD

Dark Skies SPD 2014

Public Green Spaces and Water Environment SPD

### **Village Design Statements**

Pluckley Design Statement

### **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

20. 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:-
21. Paragraph 78...In rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive especially where this will support local services. Where there are groups of small settlements development in one village may support the services in another.
22. At paragraph 117 the Framework clarifies that as much use as possible should be made of previously developed or brownfield land.
23. Annexe 2 of the Framework defines 'Previously Developed Land (PDL)' as "*land that is or was occupied by a permanent structure including the curtilage of the developed land*" but is clear that it should not be assumed that "*the whole of the curtilage should be developed*". It further advises that this definition does not apply to "land that has been developed for waste disposal by landfill or to land that was previously developed, but where the remains of the permanent structure or fixed surface structure have blended into the landscape".

#### National Planning Policy Guidance (NPPG)

#### Technical housing standards – nationally described space standards

### **Assessment**

24. The main issues for consideration are:
- The principle of development;



27. The preamble to policy HOU3a defines the built confines of a settlement as:  
*“the limits of continuous and contiguous development forming the existing built up area of the settlement, excluding any curtilage beyond the built footprint of the buildings on the site (eg garden areas)*
28. Policy HOU3a is not therefore applicable, relating only to development within the identified settlements. The scheme is therefore assessed against the provisions of Policy HOU5 of the Local Plan. Policy H1A of the Pluckley Neighbourhood Plan also addresses the issue of housing windfall sites.
29. Policy HOU5 addresses the basis upon which development adjoining or in close proximity to specified settlements can be acceptable, as well as considering how development that lies elsewhere in the countryside will be considered.
30. Pluckley Station is not one of the settlements identified in Policy HOU5. The closest HOU5 settlement is Pluckley Village and this site lies approximately 2km away. As such the second part of Policy HOU5, which considers residential development elsewhere in the countryside, and specifies the criteria against which development proposals will be assessed, is relevant to this scheme. This part of the policy advises that development in the countryside will only be permitted if the proposal is for at least one of the following:
- Accommodation catering for an essential need for a rural worker
  - Development representing the optimum viable use of a heritage asset
  - The reuse of redundant or disused buildings
  - A dwelling or exceptional quality or innovative design which should be truly outstanding and innovative reflecting the highest standards of architecture, significantly enhancing its immediate setting and being sensitive to the defining characteristics of the area
  - A replacement dwelling
31. The scheme does not comprise accommodation falling into any of the identified criteria and is therefore contrary to policy HOU5 and the development plan..
32. The design and impact of the scheme upon its surroundings is considered in more detail below, but essentially whilst a not unattractive scheme, it is not considered of exceptional or innovative quality such as to ensure compliance with Policy HOU5. This part of policy HOU5 refers to a single dwelling whereas this scheme is for 6 and the application not advanced on the basis of compliance with this part.
33. Policy H1A of the Pluckley Neighbourhood Plan considers those sites which have not been identified by the Plan, but which may come forward as windfall sites within *“the confines of the continuous developed areas of the three settlement areas of the parish”*. This Plan was adopted in 2017 and forms part of the Development Plan with the definition in broad conformance with that of the more recently adopted Local

Plan. Accordingly the proposed development would not comply with either definition to suggest that it should be deemed within the confines of Pluckley Station and therefore assessed under HOU3a rather than HOU5.

34. The site lying approximately 2km from Pluckley Village is unsustainable in locational terms.
35. It has been suggested that this site could be considered as previously developed land and therefore acceptable in principle for development.
36. The extent of the previously developed land within the Brickworks site was defined by a 2017 planning permission which limited development to those areas previously developed and thus did not include this site. The pile of spoil on site is assumed to be related to a previous use, but in what capacity is unknown. Any development or structure that may have once been on the site is now obscured/replaced by the pile of soil that is now overgrown, such that the site is grassed over and appears to have returned to a more natural state within the landscape. It is not considered therefore that this site should therefore be considered as previously developed land capable of development although forming part of a larger site where the principle of development has been accepted. Further even if the site is deemed within the curtilage of the pdl then the NPPF states quite clearly that there is no presumption that it should be developed.
37. On the basis of the above, the scheme does not lie in a location such as to comply with the provisions of the Development Plan and the proposed development is therefore unacceptable in principle.

#### **Impact Upon Visual Amenities Including of the Setting of the Adjacent Conservation Area**

38. Policies SP1 and SP6 include criteria requiring good design, including that development should seek to create a distinct character, with a strong sense of place and identity. Policy ENV3a requires development to demonstrate particular regard to the landscape significance of the site with the supporting text making reference to the place setting function of the landscape. These policies are broadly consistent with the NPPF which attaches great importance to the design of the built environment. Although the site does not lie within a Conservation Area it lies adjacent to the Station Conservation Area and in relatively close proximity to the Grade II Listed Dering Arms Hotel. Policy ENV13 provides guidance on the preservation or enhancement of the character and appearance of the heritage assets and their setting.
39. The Pluckley Village Design Statement provides house design observations including:
  - there is no one style of the past that is necessary to mimic in the future
  - new homes should reflect the size, bulk and roof levels of their neighbours

- a completely different construction method may be acceptable providing its style  
befits a rural setting
  - the quality of brick and tiles is very important
  - white weatherboarding is not generally a feature of Pluckley
40. The Design and Access Statement refers to the design evolution of the scheme and the changes made to reflect its edge of village setting and the surrounding landscape with many mature trees. The amount and form of development has been amended to provide a more open character with the 5 houses fronting onto the access proposed to the former Brickworks development to the west and with the rear gardens backing onto mature trees and the countryside beyond. The spacing of the units and design of the open car ports would provide views between the houses to this green space from the access road this level of permeability provides a less intensive scheme that would be suitable for its edge of village location.
41. The Station Conservation Area including the Grade II Listed Dering Arms lies on the opposite side of Station Road and includes a mixture of brick and stone buildings with the houses facing the site being a brick and tiled terrace. They form the centre of the Station Conservation Area and settlement and exhibit a denser character than proposed on the application site. As described above the application site occupies a different position in relation to the settlement and its much less dense design approach is considered appropriate for the site although different from the adjacent conservation area.
42. The submitted materials study of the surrounding area does not reveal a high incidence of white weather boarded dwellings and indeed this is reflected in the comments of the 2003 Village Design Statement. However whilst not prevalent in this village such materials are commonly found throughout the wider district and it is not considered that their use would be harmful to the character of the site or wider area – simply offering a more varied palette within the village than is currently the case. It is not considered that such use would cause harm to the character of the area in general or to the setting of the Conservation Area or Listed Building in particular.
43. Policy ENV3a recognised the importance of the landscape in providing a setting for the Boroughs towns and villages and whilst development can be designed to minimise impacts upon the landscape, building a housing development on a greenfield site nevertheless has an adverse impact no matter how carefully the scheme is designed.
44. The site lies in the Low Weald Landscape Character Area which is identified as being an area which experiences constant demand for new building – being attributed to the lack of the lack of national protection for this landscape.

45. The site does not appear to be highly visible in terms of long distance views but nevertheless lies immediately adjacent to one of the entrance roads to Pluckley Station. Its green, undeveloped character offsets the tightly knit character of development on the opposite side of the road around the Station and in view of the extant permission to develop the former brickworks to the west, will in due course provide an important natural and undeveloped buffer to that development. Its retention as open space would allow the countryside to extend into the village to soften the impacts of development upon its surroundings on this edge of village site, as envisaged when permission was granted for the development of the brickworks site.
46. Overall it is considered that whilst the proposed design is not unattractive, the scheme would lead to a loss of open countryside at this entrance to the village, resulting in the loss of open countryside and harming the character of the village at this point. The impacts of this will be more noticeable when development of the adjacent Brickworks site fully commences. This would be contrary to those policies seeking to protect the character of the landscape and countryside from inappropriate development.

#### **The Impact on Residential Amenities**

47. The NPPF strives to ensure that new development creates places with a high standard of amenity for existing and future users. Local Plan Policy HOU12 requires all new residential development to comply with the Nationally Described Space Standards whilst policy HOU15 and the Residential Space and Layout SPD address external standards for new homes.
48. In terms of the impacts upon existing residents the proposed housing would lie far enough from existing surrounding residents such as to ensure that it would not compromise the amenities of existing residents and users in the village.
49. In terms of the standard of accommodation provided by the proposed scheme the new homes would comply with the required space standards and provide adequate external space to be compliant with development plan policy in terms of size. The
50. The relationship between the trees lying adjacent to the rear gardens of some of the houses in terms of the potential overshadowing and other adverse impacts has been looked at carefully. This would particularly affect the proposed bungalow with potential overshadowing of the nearest bedroom and bathroom and the southernmost house on the main part of the site with the rear of the house and rear garden overshadowed. Both houses and their gardens would lie outside the root protection zone and canopy of the nearest trees.
51. Officers believe that the rear garden and rear of the house on the southernmost plot would be affected with overshadowing across the middle part of the day, particularly in the spring and winter months. However the garden to that property is very wide

which would enable different parts of the garden to receive sunshine at different times of the day, such that some part of the garden will be in sunshine at most times of the day. It is not uncommon for some overshadowing of rear gardens either by trees or nearby buildings at some point in the day and the level of overshadowing likely is not considered unacceptable.

52. In terms of the overshadowing of the bungalow – this would be restricted to the southernmost part of the building, parts of the drive and rear garden, again particularly during spring and winter months. However the window to this bedroom would face west and there would be no overshadowing from that direction. Overall it is considered that such overshadowing as will occur would not be sufficiently bad as to make the living conditions unacceptable.
53. In summary it is considered that the scheme would provide a standard of accommodation that would comply with the relevant standards and be policy compliant.

### **Highway impact**

54. The Development plan seeks to deliver sustainable development whilst Policy TRA7 requires development that would generate significant traffic movements to be well related to the primary and secondary road network. Development that generates levels and types of traffic that the local roads could not reasonably accommodate will not be permitted.
55. In this case the scheme for 6 dwellings would utilise the access approved under a previous application for development on the former brickworks site providing an in/out access arrangement. There are no objections to the design and safety of this access and the additional traffic generated by the 6 dwellings is not anticipated, in conjunction with the traffic generated by the previously approved brickworks scheme, to add such levels of traffic to the local highways network as to be unacceptable or cause adverse impacts to local residents.
56. The scheme has been assessed by KCC Highways who conclude that the scheme would be acceptable in highways safety and congestion terms subject to the imposition of a number of appropriate conditions.
57. In respect of the parking provision whilst the floor layout suggests a ground floor multi use room including use as a spare bedroom, for the purposes of the parking standard this is assumed to be a fourth bedroom. On that basis 3 spaces are required for each of the 5 houses. Each plot has at least one space beneath the carport with some having two carport spaces. Further parking is available on the drive way in front of the carport such that each plot would have at least 3 off street spaces which would comply with the Residential Parking & Design SPD. That guidance draws attention to the benefits of carports and car barns: the lack of garage doors making it less likely that the parking spaces would be converted to a different residential purpose.

Were the scheme considered acceptable it would be important to attach a condition to prohibit the post construction fitting of doors without express planning permission.

58. Some of the spaces provided would be tandem parking spaces which the SPD generally discourages in locations other than those in peripheral locations with a more relaxed building line and loose knit grain of development. In this case it is not considered that the parking layout would be unacceptable – the scheme having just the loose knit grain and peripheral location referred to in the SPD. Sufficient space would exist on all plots to allow the spaces to be easily and safely used such as to discourage on street parking by residents. Visitor parking would be provided in 5 spaces in a layby adjacent to the access road and would meet the required standard of 0.5 space per dwelling.

### **Ecology**

59. Policy ENV1 advises that proposals that conserve or enhance biodiversity will be supported and that new development proposals should identify and seek opportunities to incorporate and enhance bio diversity. Where harm to biodiversity assets cannot be avoided, appropriate mitigation will be required.
60. The submitted Ecology Report identifies that there are no statutory or non statutory sites that would be affected by the scheme. Likewise as a result of the separation between the site and any ancient woodland it is unlikely that ancient woodland would be affected by the scheme and no mitigation is therefore proposed in this respect. The wider site incorporates a woodland habitat and lake it is not anticipated that any adverse impacts would result on those environments.
61. The site is identified to comprise disturbed semi improved grassland, bare earth and hardstanding. The site boundaries have been drawn to lie outside the root protection areas of adjacent trees. The scheme would result in the loss of 1 existing chestnut Tree (unprotected) and a section of hawthorn hedgerow where the access to the bungalow is created. These removals had been approved under a previous application. No enhancement measures were proposed within the application site as part of the previous approvals since this site was identified to remain as grassland. Therefore enhancement measures are now proposed to grass land within the main Brickworks site as compensation/mitigation.
62. In terms of protected and notable species the Ecology Impact Assessment concludes that:
- Bats - since existing mature trees will be retained that no additional impacts to roosting bats would occur.
  - Hazel dormouse – The majority of the habitat suitable for dormice within the construction zone has been cleared previously under licence and the removal of a small area of scrub will not impact the ecological functionality of the dormouse habitat within the wider site
  - Badgers – no evidence has been found of badger activity within the site

- Birds – the majority of trees are to be retained with the scheme having little impact therefore. Some birds may nest within the low lying scattered scrub and therefore mitigation is proposed to avoid impacts
- Reptiles – as part of the works to the adjacent site reptiles have been previously relocated to an enhanced receptor site and only small numbers are therefore likely to be present. Mitigation and compensation measures are therefore proposed.
- Greater Crested Newts – may still be present in this site although works have previously been carried out to exclude them from the adjacent construction site and the remaining habitat is considered sub optimal. Subject to mitigation and compensation measures the impacts would be low.
- Invertebrates – habitats around the site with potential to support a good assemblage of species will not be impacted by the scheme and the loss of a relatively small area of disturbed semi improved grassland and scrub will not result in significant additional impacts.

63. The submission has been assessed by the County Ecology Advisory Service who conclude that subject to the imposition of a condition to secure ecological enhancements that the proposed scheme would be policy compliant.
64. The Parish Council advise that if permission is forthcoming the applicant has offered to transfer to the community the receptor field to the north to be established as a nature reserve. This would be a clear benefit to the biodiversity of the surrounding area and represents a clear benefit of the scheme. It is noted however that this application does not include a S106 Agreement whereby that transfer can be secured so this remains a suggested benefit rather than a guaranteed benefit and can at this point only be given limited weight.

### **Trees/Landscaping**

65. Policy ENV3a draws attention to the contribution trees and woodlands make to the landscape character seeking their retention and protection.
66. In this instance the site boundaries have been drawn to lie around the outside of the root protection areas of trees aligning with the northern and western boundaries and a line of trees to the north of the site are protected by a Tree Protection Order.
67. The proposed access route through the site, in accordance with previously approved plans would result in the access route into the site being moved from its current position beneath the trees and that work is subject to conditions imposed on the permission for the adjacent site. Elsewhere around the site boundaries, trees that contribute to the character of the surrounding landscape are protected by this scheme. The only loss would be where the access to the bungalow in the north west corner of the site is proposed, but as noted these removals had already been approved.

68. Concern about the proximity of trees to the south of the rear gardens and trees to the south of the proposed bungalow and the level of overshadowing and pressure to prune back those closest trees has been assessed. The impacts upon the amenities of future residents is considered above. In terms of impacts upon the trees, whilst the proximity is a matter of some concern it is not considered on balance that the trees are so close as to make their ongoing protection impossible to secure.

### **Drainage**

69. Policy ENV6 requires new development to contribute to an overall flood risk reduction and which will only be permitted where it would not be at an unacceptable risk of flooding itself and there would be no increased risk of flooding elsewhere
70. The site lies in Flood Zone 1 i.e. land that lies outside the areas specifically identified 68 at risk of flooding. However the Environment Agency Surface Water Flood Maps identify that whilst parts of the site lie at risk of surface water flooding, parts of the site at no risk at all. The same map identifies that large parts of the adjacent brickworks site also lie within area at risk of surface water flooding. This issue was addressed by means of an appropriate condition upon the advice of the Environment Agency requiring the submission of a surface water drainage scheme for the site, based on sustainable drainage principles and which should attenuate and restrict the rate and volume of surface water leaving the site, prior to the commencement of development. It is considered that a similar approach would be acceptable on this site.
71. In respect of foul sewage we are advised that the infrastructure is in place and even if capacity is not currently available it is likely that the existing system can accommodate the flows from the proposed development with minor off site improvement works.

### **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).

### **Conclusion**

73. For the reasons stated above the site is not considered to be within a sustainable or suitable location lying in the countryside outside the identified village confines. The

proposed development would, as a matter of principle, adversely affect the undeveloped rural character of the surrounding countryside.

74. Ignoring the countryside location, the design of the scheme per se would be acceptable to this edge of village location and would not significantly harm the setting of the Station Conservation Area nor the setting of the nearby Listed Dering Arms Hotel, albeit the character of the setting would change.
75. Concerns regarding surface water drainage could be adequately addressed by means of an appropriately worded condition with a neutral impact upon the area.
76. The proposal would result in a close proximity of the houses to existing protected trees but on balance it is considered that both resident's amenities and the long terms protection of the trees should be acceptable.
77. It is noted that the applicant has offered the transfer of land to the community to establish a nature reserve. Whilst this would represent a bio diversity benefit to the community this is not being secured by the Council and at this point no legal agreement is in place to secure the transfer. This can therefore only be given limited positive weight in the assessment of this scheme.
78. The Council is able to demonstrate a 5 year housing land supply such that the housing proposed by this scheme would not make such a valuable contribution to the Boroughs housing supply as to outweigh the harms resulting from the policy conflicts identified above.
79. Development of the approved housing development on the adjacent Brickworks site has commenced which, when completed, would result in this site lying between that scheme and the identified village boundary. This site would provide a good separation between that site and the existing village beneficial to the general character of this part of the village. The development would harm the green and undeveloped character of this edge of village site which lies adjacent to an entrance to the village and softens the setting of the more tightly developed village and conservation area, adjacent. Neither the proximity of the proposed brickworks development, nor any other overriding justification has been made to site these dwellings outside the curtilage of the identified village and the development of the site in the manner proposed remains unacceptable as a matter of principle. No material considerations have been identified that would outweigh the harms caused by this scheme and it is considered unacceptable.

## **Recommendation**

### **REFUSE**

on the following grounds:

The proposed scheme, would lie outside the built confines of a settlement with no overriding justification for the location having been identified. It's siting and the scale of development would be uncharacteristic of the undeveloped character of the surrounding countryside, causing harm to the visual amenities of the countryside and the setting of this part of the village, resulting in an unsustainable form of development. This would be contrary to Policies SP1, SP2, SP6 and HOU5 of the Ashford Local Plan, Policies R2 and H1A of the Pluckley Neighbourhood Plan and the provisions of the NPPF, which seek to promote sustainable development in rural areas which is sympathetic to its surroundings.

### **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 was informed how the proposal did not accord with the development plan, and that no material considerations are apparent to outweigh these matters and was provided the opportunity to provide further justification in support of it.

## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 20/00304/AS)

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Annex 1

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