

Application Number	17/00625/AS		
Location	Land between Boughton Cottage and Millview Cottage, Mill Lane, Smarden		
Grid Reference	88496/42661		
Parish Council	Smarden		
Ward	Weald North		
Application Description	Outline application for the erection of two x 1 bedroom apartments, five x 2 bed apartments and houses, three x3 bed houses, four x 4 bedroom houses and associated development to consider new access to Mill Lane only, with all other matters reserved.		
Applicant	Rydon Homes, Rydon House, Station Road, Forest Row, East Sussex RH18 5DW		
Site Area	0.49 hectares		
(a) 20/45R	(b) Smarden Parish Council - R	(c)	KHS R, KCCDC X, KSS X, PROW X, KCC (BIO) R, KAS X, PO (Drainage) X, EH (EP) X, CSCF X, POL X, EH (ES) X, SWS X, CPRE R, WKPS R

Introduction

1. The application is reported to the Planning Committee pursuant to the scheme of delegation because this is a major residential development.

Site and Surroundings

2. The site is located on the southern side of Mill Lane to the north west of Glebe Close at the north eastern edge of the settlement of Smarden which is 15km west of Ashford. The western, northern and eastern boundaries are all enclosed by hedgerows and trees. The site is funnel shaped and the southern tip is open onto the wooded area of the adjoining field with its pond and informal footpath which links Glebe Close to the playing field to the west.

3. There are four detached dwellings fronting Mill Lane either side of the frontage of the application site; the approach from Mill lane and Pluckley Road is identified as gateway into the village and comprises lower density, linear development in the Smarden Parish Design Statement.
4. Immediately south east are properties in Glebe Close, a cul-de-sac of higher density, terraced residential properties with a repetition of development, predominantly one and two storey houses in height with varying garden lengths.
5. The site is generally flat in contour and is a fallow field. The site is north of the Smarden Conservation Area. The site lies within the Beult Valley Farmlands Landscape Character Area. The site lies adjacent to, but outside, the built confines of the village of Smarden.
6. Mill Lane is a narrow, winding country road with passing places, with no footway and no street lighting. It is used as an alternative route by heavy goods vehicles to avoid the narrow roads through Smarden village.
7. A site location plan is below and attached to this report as annex 1

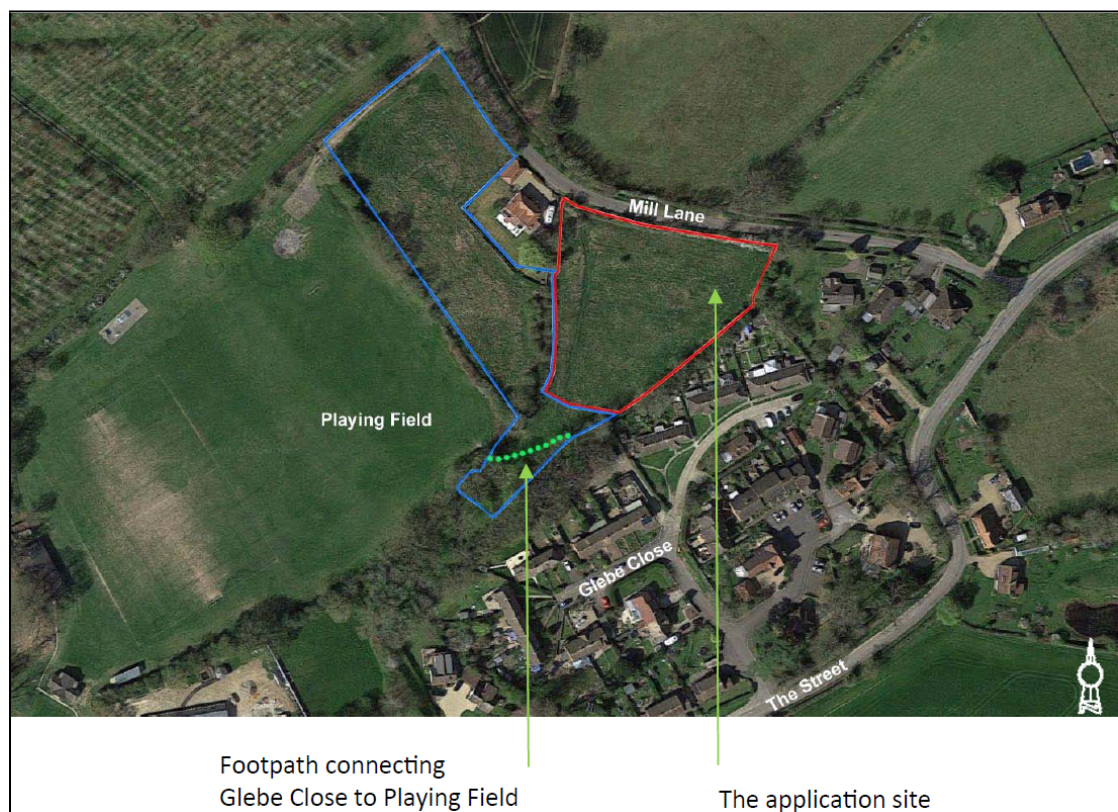


Figure 1: Aerial view

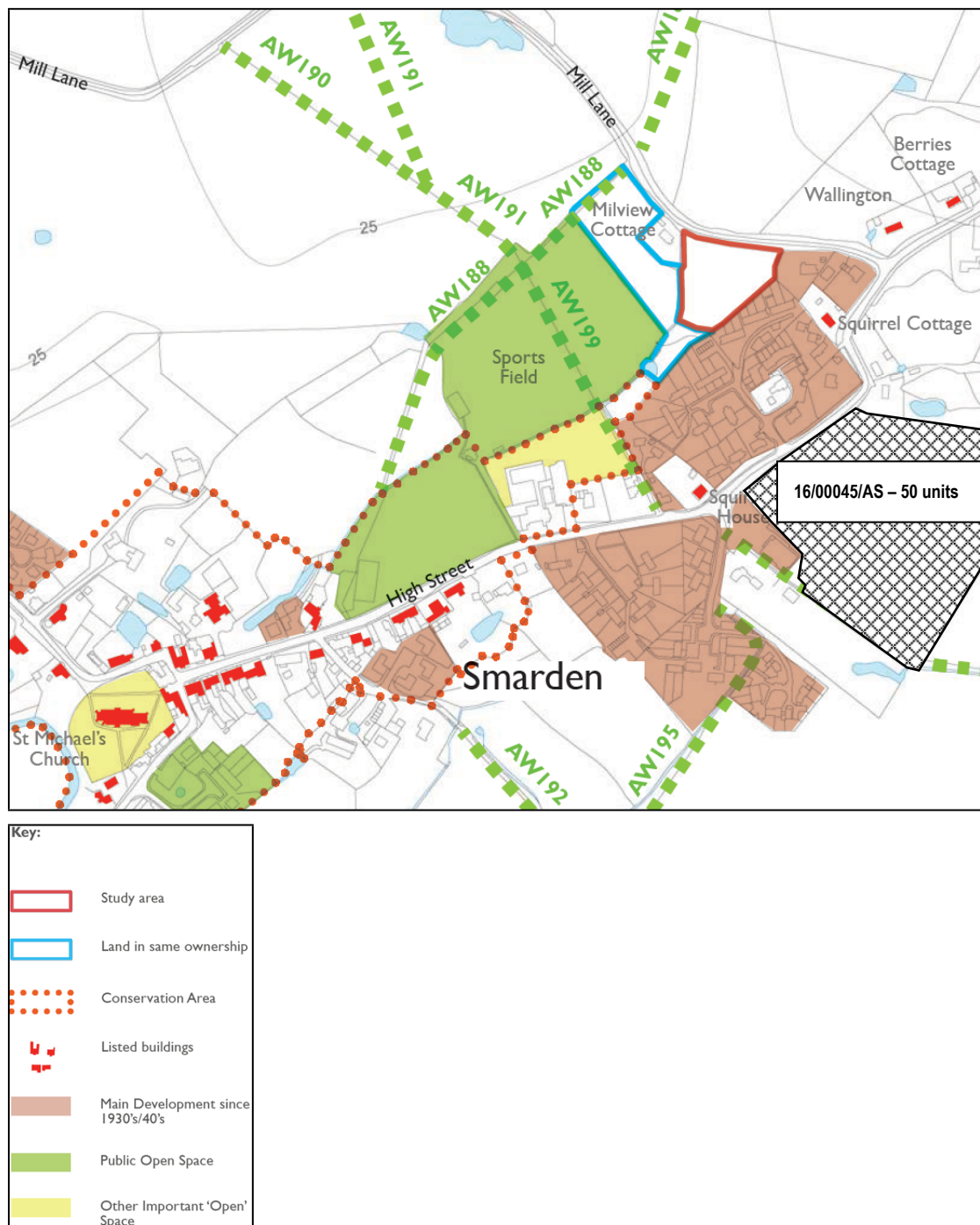


Figure 2: Location plan and designations

Proposal

- This application seeks outline planning permission for 14 residential units with only access from Mill Lane to be considered at this stage.

9. Vehicle access to the site is proposed by two new access points from Mill Lane. The existing access would be used as a private access to two dwellings and east of this the new access would serve the remaining 12 units with the main spine road shown running adjacent to the south eastern boundary.

10. The indicative housing mix would comprise:

	Total
1 Bed Apartments	2
2 Bed Apartments	2
2 Bed House	3
3 Bed House	3
4 Bed House	4
Totals	14

11. The indicative car parking would comprise:

	Total
Allocated carport	14
Allocated open space	12
Allocated tandem space	2
Visitor parking	3
Unallocated parking	2
Total	33

12. Whilst landscaping is a reserved matter existing landscape features are retained and enhanced to frame the development.
13. The following additional information has been submitted during the course of the application:
- surface water drainage strategy;
 - proposals for passing bays on Mill Lane, visibility splays, amended tracking and refuse freighter tracking;
 - refuse strategy



Figure 3: Indicative bird's eye view



Figure 4: Indicative site layout

14. In support of the application, the following has been submitted and these are summaries of the reports by officers:
15. Landscape - The range of design and enhancement measures succeeds in minimising most potential impacts at source such that no major significant impacts have been identified.
16. There is one permanent moderately significant landscape impact from the change in landscape character, which is an inevitable consequence of development, but one that is common with any greenfield site.
17. The site is on the edge of Smarden and adjacent to Mill Lane in the context of existing housing to the south-east in Glebe Close. The impacts on landscape and visual amenity have been found to be locally very limited.
18. Trees - The outline proposals would only result in the removal of two young BS Category C Ash trees and sections of low quality, heavily topped hedge. A further two BS Category U trees have been recommended for removal on safety/short safe life span grounds.

19. Impacts on retained trees are nominal and can be designed out at the detailed stage.
20. Robust tree protection measures in accordance with BS 5837:2012 requirements would ensure retained trees are appropriately protected during the construction works. The Tree Protection Plan would ensure that the required tree protection is installed.
21. Heritage – This report has found that Wallington House, Berries Maple, Berries Maple Cottage, Squirrel Cottage and Jubilee House (Grade II listed buildings), share no inter-visibility or legible historic association with the study area. As such the study area is not considered to contribute to their setting or significance.
22. The site shares its southern-most boundary with the boundary of Smarden Conservation Area. There is a lack of inter-visibility between the study area and publically accessible areas of the conservation area. The north western portion of the conservation area is bounded by modern development at Glebe Close, as such the proposed development to the north of this is considered appropriate.
23. In addition, the retention of soft landscaping around the site boundary would limit views of the new development from the conservation area. As such, the proposals would see no impact upon the character and appearance of the Smarden Conservation Area.
24. Millview Cottage is not identified as a built heritage asset, however, it was built during the second half of the 19th century. As such, it may be considered a non-designated heritage asset. However, the proposals would have no impact upon this building.
25. The site does not contribute to the setting or significance of these identified heritage assets. The site also comprises an appropriate area for development in terms of the settlement's pattern of growth and the preservation of the historic environment. As such, the proposals will see no impact upon the built historic environment and, therefore, sees it preserved.
26. The extant pond in the south-west of the site may be remnant of former iron working. Sub-surface remains associated with 19th/20th century buildings in the south-west of the site can be anticipated but hold a limited heritage interest.
27. Based on the site's archaeological potential the proposed development has the potential to impact archaeological remains of a likely local significance, which may be recorded by further archaeological mitigation measures.

28. Ecology – The site provides suitable habitat for reptiles and therefore, following a reptile survey, any reptiles recorded within the site would need to be translocated into a receptor area prior to any construction works on site. Current layout proposals suggest leaving the southern section of the site undeveloped. This area could be used as a receptor site for translocated reptiles.
29. The site provides suitable foraging and dispersal habitat for great crested newts (GCNs), during their terrestrial phase, with hedgerows and trees offering suitable sheltering and hibernating opportunities. If GNCs are present then to prevent harm to individuals or the local population status of GCNs, it is proposed that those within the construction zone would be trapped and translocated to a suitable receptor area.
30. To maintain connectivity across the site and within the surrounding area, boundary vegetation, such as the hedgerows and trees, should be retained within the development. The hedgerows surrounding the site should be gapped and thickened with native species to improve this corridor for commuting and foraging bats, as well as increasing connectivity across the site.
31. By following the recommendations in relation to reptiles, Great Crested Newts (GNCs), bats and birds the development should proceed with minimal risk of impact on protected, principally important or rare wildlife, or to local nature conservation, and the value of the site should be enhanced for wildlife (flora and fauna), post development.
32. However, recommended surveys for GCNs, reptiles and bats, as stated in the Phase 1 Habitat Survey report should be undertaken to inform the exact mitigation required.
33. Transport - This site is accessible by a range of sustainable modes.
34. An Automatic Traffic Counter (ATC) tube was laid within the vicinity of the study area for a one week period in order to obtain existing traffic volumes, class and speed along Mill Lane. The data showed the weekday average AM and PM peak hours receive 26 and 31 (two way) vehicles respectively. The proportion of HGVs using this route was significantly low. The average 85th percentile speeds were recorded as 32.5mph eastbound and 29.7mph westbound. The observed traffic flows were factored up to a future assessment year of 2022 using TEMPRO.
35. In order to determine the predicted traffic generation to and from the study area, a TRICS trip rate assessment was undertaken. The assessment showed that study area is predicted to generate a total of 11 two-way

vehicular trips in the AM peak (0800-0900) and 9 two way trips in the PM peak (1500-1600).

36. The indicative layout demonstrates that 35 parking spaces (including garages) can be accommodated, all units have access to private amenity spaces and are able to accommodate cycle storage.
37. The third party land is under the ownership of Ashford Borough Council. The client is currently liaising with the Ashford Borough Council Estates department to seek an agreement to formalise the link.
[HDM&SS comment: officers are aware that the applicant approached the Council for a right of access as the landowner and the Council declined this request, therefore there is no alternative pedestrian route agreed.]
38. A proposal for passing bays along Mill Lane follows a discussion with highway officers regarding spacing of the passing points and use of existing informal passing points. It takes into consideration the existing formal and informal passing points along the route, the land ownership and the presence of the existing ditches.
39. SuDS (sustainable drainage) - Southern Water sewer records shows a 100mm foul sewer located in Mill Lane, outside Boughton Cottage to the East of the site. A foul pumping station would be provided in the north east corner of the site, which would connect to a rising main connecting to the existing manhole in Mill Lane.
40. Surface water drainage would connect to the existing water course located in the western boundary of the site. Attenuation would be provided on site as a form of underground tanks constructed using geocell tanks. The outfall from the storage provision will be controlled using a Hydro-Brake or similar approved control devices to limit the discharge to match the existing greenfield runoff from the site.

Planning History

41. Relevant history set out below:

01/00392/AS	Six cottages with garages and access road.	Refused	24/05/2001
00/00354/AS	6 no. cottages	Refused	05/06/2000
99/00138/AS	4 detached houses with new private drive	Withdrawn	25/03/1999
89/01758/AS	Residential development including parking and access	Failed to determine	01/07/1990 Appeal dismissed 17/08/1990

89/01757/AS	Residential development including parking and access	Withdrawn	21/12/1990
87/01513/AS	Erection of 28 new dwellings	Withdrawn	16/01/1989
86/00964/AS	Erection of 28 new dwellings.	Refused	26/08/1987
85/00303/AS	Residential	Refused	25/03/1987
83/01296/AS	Private residential development.	Refused	25/03/1987
1975	Erection of 12 new dwellings	Refused	1975 Appeal Dismissed 1975

42. This site was a 2014 site submission in the Ashford Local Plan 2030, and was shortlisted for consideration. It was not selected as an allocation, as there is no current footpath to the village centre, and there would be change to the landscape and views of the countryside, impact on the adjoining conservation area and area of archaeological importance and as the hedgerow and trees would require some removal. Additional representations were made during the 2017 Main Changes consultation promoting the site as an 'omission' site.
43. There are planning permissions for the land between Smarden Charter Hall and Weathercock Pluckley Road. 16/01515/AS was approved for 25 units in January 2017 and 50 units under reference 16/00045/AS was allowed on appeal in June 2017.
44. These are some of the matters addressed in the Inspector's report on the latter in relation to this scale of development being out of proportion as an extension to the existing size, scale and character of Smarden, which formed a reason for refusal:
- It was suggested by local residents that the development of 50 houses at this one location would unbalance the village. There was however no symmetry or planned form of the village. It has grown organically over time and there have been periods of differing growth resulting in additions of differing styles forms layout and density (para. 30)
 - There have been incremental increases in the size of developments as pressure increases for housing. This is evident in the later housing developments, which have generally increased in size (para. 31)
 - Such an increase is not of such a scale that would change the character, appearance or function of the village or affect any heritage assets within it. As such the balancing exercises in paragraphs 132 to 134 of the Framework are not triggered and specific policies in the Framework do not indicate development should be restricted in this regard (para.31)

Consultations

Ward Member: The Ward member is not a member of the Planning Committee. No views have been recieved.

Smarden Parish Council: object and have raised the following matters:

- not a draft housing allocation site
- access risk to highway safety
- no need for development
- unsafe for other road users
- inadequate highway capacity
- inadequate local infrastructure
- poor bus service
- unsustainable location
- out of character
- set a precedent
- loss of local infrastructure including Post Office and village shop

They have requested a financial contribution towards an extension at the village hall, play area, cricket and football pitches and cemeteries.

KCC Highways and Transportation: object and recommend refusal and make the following comments:

- a section of The Street between the junction with Mill Lane does not have any footways or street lighting and the proposals are therefore detrimental to pedestrian safety. The applicant's Transport Statement discusses a path that links into Glebe Way but this path is private and it does not appear to be within the control of the applicant to use and so it cannot be assumed that is available for use.

- the proposals would result in an increase in use of the existing sub-standard access to the site via Mill Lane, to the detriment of highway safety. The proposals have wider safety implications of the potential for increase in crashes as a result of the lack of passing places. The proposals will represent a significant increase in the use of Mill Lane. The applicant has not put forward any proposals to improve Mill Lane in order to address the above issues.
- it has not been demonstrated how the secondary access point can provide appropriate visibility splays
- vehicle tracking needs to be provided for an 11.4 metre long refuse vehicle
- the parking proposals are not in accordance with the Council's Residential Parking SPD. Garages are not counted towards parking provision and where tandem spaces are provided an extra 0.5 visitor spaces should be provided per dwelling.

Additional plans were submitted of passing places along Mill Lane and amended plans for the visibility splay, vehicle tracking and indicative car parking.

Re-consultation: object and recommend refusal they make the following comments:

- increased use of Mill Lane for vehicular traffic would be addressed as suitable forward visibility would be available between all of the passing places along Mill Lane (existing and proposed)
- a footway connection through to Glebe Close to provide a safe means of pedestrian access from the site to Smarden Village as Mill Lane is unsuitable for walking as it has no footpath, no street-lighting and is subject to a 60mph speed limit

[HDM&SS comment: this required agreement from the adjoining landowner who has declined to provide access]

KCC SuDS: no objection, as this would meet the discharge rates, subject to conditions

- incorporates the maintenance and enhancement of the existing watercourses around the site
- any detailed design work places the foul drainage network (and other utilities) outside of areas of permeable pavement or within dedicated service corridors

KCC developer contributions: no objection, subject to a contribution to additional library bookstock

KCC Education: no objection subject to the following planning contribution:

- secondary education expansion of Norton Knatchbull

KCC Rights of Way Officer: no objection, no recorded public rights of way within or adjacent to the proposed development site

KCC's Ecological Advice Service: additional information is required prior to determination of the outline planning application, particularly in regard to Reptiles and Great Crested Newts.

KCC's Senior Archaeological Officer: no response received

[HDM&SS comment: due to the site area and degree of ground disturbance and potential for archaeological remains close to the conservation area a condition for a site investigation would be appropriate.]

Project Delivery Engineer (Drainage): no objection subject to conditions recommended by KCC SuDS.

Environmental Protection: no objection

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

- Outdoor Sport contribution towards a drainage system for the cricket and football pitches and which will allow for increased use of the sites for more of the season
- Children's Play contribution towards providing new equipment and safer surfacing at Smarden play area, The Street, to allow for increased use
- Cemeteries contribution towards extending the existing cemetery
- Strategic Parks contribution towards the development of Conningbrook Lakes Country Park for the footpath link from the car park to the play area, to allow for increased use.

Kent Police: no objection, and wish to see measures to minimise the risk of crime.

Streetscene: no objection, refuse sweep has been carried out and a turning area adequate for such a vehicle is included in the plans. If the road is not to be adopted

then an indemnity would be required to access the site. The maximum distance that the crews would pull out is 25m so all collection points must sit within these distances.

Southern Water: no objection

Council for the Protection of Rural England (CPRE) Kent: object and have made the following comments:

- not a draft housing allocation site
- access risk to highway safety
- increase traffic congestion

Weald of Kent Protection Society: object and have made the following comments:

- not a draft housing allocation site
- risk to highway safety
- Smarden has met its allocation with 50 units under 16/00045/AS

Neighbours: Neighbours: 20 neighbours were consulted. 45 representations to object were received.

The objections are summarised below:

- overdevelopment
- cumulative impact of development
- not a draft housing allocation site
- risk to highway safety from the access
- Smarden has meet allocation with 50 units under 16/00045/AS
- alternative scheme preferred
- inadequate infrastructure including education, medical, shops
- harm to heritage assets
- unsafe pedestrian access along Mill Lane

- loss of habitat
- increase traffic congestion
- inadequate parking
- obstructive car parking
- methodology for traffic data collection and habitat survey

[HDM&SS comment: these have been assessed by KCC and additional information provided]

- out of character
- no need for development
- inadequate highway capacity
- limited public transport
- passing places on private land

[HDM&SS comment: this would require a S278 agreement for works to the highway with KCC]

- noise and disturbance during construction
- noise and disturbance from residential occupation
- light pollution
- set a precedent
- no local needs housing

[HDM&SS comment: there would be no affordable housing either]

- surface water flooding risk

The Kemnal Academy Trust, Smarden Primary School: school fully subscribed

Planning Policy

45. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30. The new Ashford Local Plan to 2030 has now been submitted for examination and as such some policies in the draft plan will carry more weight than others. The policies in the emerging Local Plan are a material consideration and policies from the adopted Development Plan relating to this application are as follows:-

The Ashford Local Plan 2030 (submission December 2017)

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

SP7 - Separation of Settlements

HOU5 - Residential windfall development in the countryside

HOU12 - Residential space standards internal

HOU13 - Homes suitable for family occupation

HOU14 - Accessibility standards

HOU15 - Private external open space

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

EMP6 – Promotion of Fibre to the Premises (FTTP)

TRA3a - Parking Standards for Residential Development

TRA5 - Planning for Pedestrians

TRA6 - Provision for Cycling

TRA7 - The Road Network and Development

ENV1 - Biodiversity

ENV3 - Landscape Character and Design

ENV4 - Light pollution and promoting dark skies

ENV5 - Protecting important rural features

ENV8 - Water Quality, Supply and Treatment

ENV9 - Sustainable Drainage

ENV15 – Archaeology

COM1 - Meeting the Community's Needs

COM2 – Recreation, Sport, Play and Open Spaces

Ashford Borough Local Plan 2000

GP12 - Protecting the countryside and Managing change

EN9 - Setting and entrances of towns and villages

EN10 - Development on the edge of existing settlement

EN12 - Private areas of open space

EN23 – Sites of Archaeological importance

EN31 - Important habitats

EN32 – Important trees and woodland

HG3 - Design in villages

CF21 – School requirements

Local Development Framework Core Strategy 2008

CS1- Guiding principles

CS2 - The Borough Wide Strategy

CS6 - The rural settlement hierarchy

CS8 - Infrastructure Contributions

CS9 - Design quality

CS11 - Biodiversity and Geological Conservation

CS13 - Range of dwelling types and sizes

CS18 - Meeting the Community's Needs

CS20 - Sustainable Drainage

Tenterden & Rural Sites DPD 2010

TRS1 - Minor residential development or infilling

TRS2 - New residential development elsewhere

TRS17 - Landscape character and design

TRS18 – Important rural features

TRS19 - Infrastructure provision to serve the needs of new developments

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

Supplementary Planning Guidance/Documents

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011

Dark Skies SPD 2014

Smarden Parish Design Statement 2008

Other Guidance

Informal Design Guidance Notes 1- 4 2015

Government Advice

National Planning Policy Framework 2012

Planning Policy Guidance

Technical housing standards – nationally described space standard

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

Relevant sections:

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

Assessment

47. The main issues for consideration are:

- (a) Principle
- (b) Visual amenity
- (c) Residential amenity
- (d) Heritage assets

- (e) Highways and parking
- (f) Biodiversity and ecology
- (g) Trees and landscaping
- (h) Drainage and sewerage
- (i) Whether planning obligations are necessary

(a) Principle

- 48. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the adopted Development Plan unless material considerations suggest otherwise. Section 70 of the Town and Country Planning Act 1990 is concerned with the determination of planning applications with regard to the provisions of the development plan, so far as they are material and any other material considerations. The site is not allocated for development in the adopted Development Plan and is not proposed for allocation in the emerging Local Plan to 2030. The site was identified in the SHELAA which forms part of the evidence base of the new Local Plan, however, was not taken forward following the sustainability appraisal; therefore, it is a potential windfall site in the countryside.
- 49. The site abuts the settlement of Smarden to the south east. This adjoins the built-up confines of Smarden which is identified as one of the villages where minor residential development or infilling would be acceptable. As this would not be part of a built up frontage and due to the number of units it would not comply with policy TRS1 of the Tenterden & Rural sites DPD or emerging policy HOU3a of the Local Plan 2030. This policy pre-dates the NPPF and has a stricter definition of the 'built confines' than emerging policy HOU3a, so shall be read in conjunction with the objectives of the NPPF and promoting sustainable development.
- 50. The site abuts the village to the south east and the entire site is previously undeveloped land. Therefore, policy TRS2 would be relevant and the proposals would not meet any of the exemptions in policy TRS2 which covers new residential development in the countryside for an agricultural workers dwelling, re-use or adaption of an existing building, a replacement dwelling and 'local need' scheme. Hence the scheme is contrary to the adopted Development Plan.
- 51. The Council now considers it can demonstrate a deliverable five year housing land supply in accordance with paragraph 47 of the NPPF. This is based on a

robust assessment of the realistic prospects of housing delivery on a range of sites in the adopted Development Plan, the Submission Local Plan to 2030 and other unallocated sites taking account of recent case law, the respective deliverability tests in Footnote 11 to para. 47 of the NPPF and the associated national Planning Practice Guidance and the detailed evidence base that supports the Submission Local Plan. Consequently, for the purpose of assessing applications for housing, the 'tilted balance' contained within para.14 of the NPPF where schemes should be granted permission unless the disadvantages of doing so significantly and demonstrably outweigh the benefits, need not be applied. The starting point is whether policies in the Development Plan comply with the NPPF and to consider the relative social, economic and environmental elements of a proposal as these are the three dimensions of 'sustainable development' described in para. 7 of the NPPF.

52. With regard to the environmental dimension, the fifth core planning principle of the NPPF includes to "take account of the different roles and character of different areas, ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it." Specifically, para. 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and isolated new homes in the countryside should be avoided. Within Smarden there are outdoor playing pitches with clubs, play area, tennis court, skatepark, youth club, sports pavilion, village hall, church, public house and primary school, there are also some retail outlets shops and currently a Post Office (although this is closing in August 2018 and are looking to incorporate these services into an existing/proposed premises). However, town centre facilities in Ashford are 15.0km away as well as the rural service centre of Tenterden (11.9km away). There are bus stops on Pluckley Road and The Street the bus route is between Biddenden and Ashford, this is very limited with four services Monday to Friday. There is access to some services in Smarden however, other services would require the use of a private motor car and the distances are not unusual for a rural location. Overall, the site would not be 'isolated' in NPPF terms and hence it is appropriate to consider the balance of impacts and benefits of the proposal required by para. 14 of the NPPF.
53. The site is previously undeveloped land as defined by the NPPF, therefore, there would be a physical environmental impact from the built form. Whilst, the site does not lie within any nationally-designated landscape area, this would be a moderate scale of development which would need to integrate into the existing settlement.
54. The Council recognises the social and economic benefits of providing housing in terms of meeting need and generating employment, for example, during construction. In addition, future residents would buy goods and utilise nearby

services providing economic benefits to the locality. Furthermore, contributions towards infrastructure can be sought from this residential development, the scheme would require infrastructure to support it and can be sought through a planning obligation. In addition to this, it would not lead to the loss of employment, leisure or community facilities.

55. Policy HOU5 of the emerging Local Plan to 2030 on housing developments outside settlements provides a set of criteria against which proposals close to settlements such as Smarden should be considered and which reflects the guidance in the NPPF. In summary:

- a. scale of development is proportionate to the level of service provision in nearest settlement
- b. within easy walking distance of basic day-to-day services
- c. safely accessed from the local road network and traffic can be accommodated
- d. located where it is possible to maximise public transport, cycles and walking to access services
- e. conserve and enhance the natural environment
- f. high quality design

56. This policy carries some weight at present and greater weight can now be attributed to housing supply policies such as policies TRS1 and TRS2 with a five year housing land supply.

57. The scale of proposed development would be proportionate to the level of service provision in the settlement and planning obligations can be secured to increase capacity. It would accord with criterion a). Criterion f) is a reserved matter. The other criteria are assessed in the remainder of the report. In light of the guidance set out in the NPPF the proposed development could be considered to be acceptable in principle subject to no significant or demonstrable harm arising from it.

(b) Visual amenity

58. The application is in outline with all matters reserved except the means of access from Mill Lane. As such in terms of assessing visual impact this relates to the quantum of development rather than detailed design and the impact of the access points. The two accesses would introduce hardstanding areas and increased inter-visibility into the site at this gateway into the village

as identified by the Smarden Parish Village Design Statement. The existing hedgerows have multiple gaps and do not screen the site from the shared boundaries and road frontage. The proposals would result in additional punctuations, however, given the existing residential developments either side have driveways this would not appear incongruous.

59. Mill Lane is a narrow winding road, similar to many of the surrounding roads into Smarden. As a result of this and the mature vegetation along site boundaries, wider views when travelling along the roads are limited and the built environment is largely seen from short range views. This is described in para. 6.13 of the Smarden Parish Design Statement (PDS) as “there is no overall view of the village as it is approached, the view changing as different buildings and features appear. Each approach presents its own surprise as you round a bend with the final masterpiece being The Street.”
60. The proposals are for 14 units, these would be located along the frontage to create a continuous frontage to Mill Lane and into the rear of the site. This is an edge of village location where the pattern of development is for larger buildings in plots with irregular plot shapes, landscaping features and several of the residential properties are statutory listed. Buildings in the vicinity have been built along the road frontage and the more intensive development of social housing was introduced in the 1950s/60s in Glebe Close followed in the 1990s by Hazelwood Close. There is existing residential development in close proximity, however, this does not affect the traditional pattern of development along Mill Lane and the buildings on Glebe Close closest to the shared boundary with the application site are bungalows, so they are not visually prominent from this road either. As a result the site is seen as a gap between two buildings transitioning to the open countryside.
61. The introduction of this number of units on this site would result in a large area of built development, in addition to the gardens, parking, boundary treatments and turning areas. This would be not respect the prevailing pattern of development along Mill Lane and would harm the visual amenity of this gateway into the village, where there is a looser built form.
62. The boundary treatments could be enhanced to increase the screening effect, however, as these would be two storey buildings and given the extent of the built form for 14 units, this would not mitigate the visual impact. This would be localised, however, as the site is not seen in the context of Glebe Close it would result in an incongruous form of development.
63. There is an approved scheme for 50 units on the opposite side of the road from the entrance to Glebe Close; whilst the reserved matters have not been approved there is an extant planning permission, so this carries significant weight in decision-making. This would change the character and appearance

at the eastern end of the village, however due to the winding road the built form is less apparent and this application site is not read in this context.

64. Therefore, there would be an adverse impact on the character and appearance of the streetscene due to the level of proposed development which would not respect the prevailing pattern of development along this part of Mill Lane. The proposal would result in a cramped overdevelopment of the site and would result in significant and demonstrable visual harm. This would not be consistent with the local character and built form, so would fail to comply with the Development Plan, NPPF, PPG and emerging Local Plan 2030.

Landscape setting

65. The site is located in the Beult Valley Farmlands Landscape Character Area. This comprises the flat, low lying floodplain of the River Beult, numerous small field ponds, small clusters of trees and shrubs, few, ditch lined, narrow roads, picturesque settlement of Smarden with an abundance of distinctive vernacular properties. Relevant guidelines for development include:
- conserve the largely undeveloped character of the landscape;
 - manage the drainage ditches, field ponds and associated vegetation appropriately to create a wider riparian corridor;
 - manage the drainage ditches, field ponds and associated vegetation appropriately to create a wider riparian corridor restore and improve hedgerows;
 - resist inappropriate modern building style and materials
66. The site has a number of these natural features. The site is generally flat in contour with tree and hedges lining the boundaries, so there are no panoramic views of the wider landscape and enhancements along the boundaries would provide a level of visual containment.
67. The submitted visual impact statement has 8 viewpoints from public vantage points; the effect of the proposal would be minor to negligible from 7 of these as the sensitivity to changes is affected by the context of existing development and tree screening. On Mill Lane outside Boughton Cottage the visual effect would be minor for motorists and major for pedestrians, horse riders and Boughton Cottage in the winter of the first year, reducing to moderate by the summer of year 15. This can be mitigated with the layout of the new buildings and planting and would be localised to this area.
68. The site is not highly distinguishable as a 'valued landscape' in terms of para. 109 of the NPPF. It has a number of notable features although the main value is its strong association with the edge of the village and as a transition to the

countryside which has been affected by the adjoining built development, road frontage and wider containing landscape features.

69. Therefore, there would be no material impact on the landscape setting, in terms of criteria a) to f) of policy TRS17, however, the built form does not take into account setting, scale and layout of buildings in Mill Lane and would fail to respect the context of this part of Mill Lane so would fail to comply with criterion g) of TRS17.

(c) Residential amenity

70. Layout, appearance and scale are reserved matters, an assessment will be made on the quantum of development and the applicant has provided an indicative layout to assist with this.

Millview Cottage and Boughton Cottage

71. Millview Cottage has a first floor side window and trees along the boundary which would be retained. Furthermore, there is a gap of at least 6.0m to the shared boundary of the application site.
72. Boughton Cottage is set towards its eastern side boundary, this is a small bungalow and the main building is 21.0m from the shared boundary.
73. The buildings would experience some noise and disturbance from vehicular movements, due to the positions of the accesses. The access next to Millview Cottage would be set 8.0m away as this would serve two dwellings, so the increase in activity would not have an adverse impact. The other access would be 12.0m from Boughton Cottage, which would bend away and the closest the road would come is 4.0m from the shared boundary by the rear boundary, this can be mitigated through planting and the layout which is a reserved matter.

Buildings fronting Glebe Close

74. There are three terrace rows of single storey attached buildings with their rear gardens to the south of the shared boundary. These have gardens of varying length from 9.0m to 28.5m. There is some boundary planting that would be enhanced next to the access road and this would mitigate against a loss of neighbour amenity. Even if the layout introduced buildings closer to the shared boundary there would be enough space for structural landscaping.
75. Given that the gaps in the hedgerow and screen planting would be reinforced, there would be no harmful overlooking and the gaps to the built form on the

site would reduce overshadowing and any loss of privacy can be addressed through the reserved matters.

76. Noise and disturbance from construction is an inevitable consequence of all development and would only be for a temporary period. However, to safeguard the amenity of adjoining residential development a condition to restrict hours of construction would be appropriate if planning permission is granted.

Future occupiers

77. The indicative layout shows that six of the nine single dwelling houses would have gardens that would be at least 10m in length so would meet the Council's requirements in the Residential Space and Layout SPD. However, as layout is a reserved matter it should be possible to achieve this for the remaining three and an improved provision for the apartment block.
78. Drawing 10578-OA-05 shows the refuse strategy, where the roads narrow for driveways, collection points would be provided for kerbside collection this would require bins to be taken to these points, as the carry distances would be less than 30m this would be acceptable and ensure that there is satisfactory servicing.
79. The proposals would comply with the Development Plan, NPPF, PPG and emerging Local Plan 2030 and guidance from the Council and central government.

(d) Heritage assets

80. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'
81. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
82. It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 12 of the

National Planning Policy Framework at para 129 sets out that the local planning authority should identify and assess the particular significance of any heritage asset... They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

83. Paras 131-135 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.
84. Smarden is located in a former forest in the valley of the River Beult that was cleared for settlements and grazing land. The village grew in the 14th century with the wool trade and received a royal charter for a weekly market and annual fair by Edward III. The medieval Church of St Michael's is representative of the local wealth in the area from the cloth trade and large timber framed Wealden buildings were also erected in the village during the 15th and 16th centuries. By the 18th century agriculture was the predominant use of the land. The Rectory to the south of the application site was part of the church and had orchards, kitchen gardens and outbuildings, before it was redeveloped for housing in the 1940s/50s.
85. There is an informal footpath from the garage court to the playing fields and the conservation area is to the south west. This land has tree coverage and is on the eastern edge away from the historic core of the village.
86. There are four Grade II listed buildings to the west of the site fronting Pluckley Road and The Street and one to the south. None of these buildings share the same road frontage or a boundary with the site. These buildings have evidential value from their construction and aesthetic value due to their external appearance. Due to the juxtaposition to the application site there would be no inter-visibility to these buildings and their grounds.
87. The open spaces formed by the playing fields creates gaps in the built form, which contributes to the setting of the conservation area. Furthermore, due to the trees between the site and conservation area and adjoining modern developments the character of this part of the village is different.
88. Therefore, there is no direct visual or spatial relationship between the application site and the heritage assets. Due to the boundary planting which would be bolstered, there would be no impact to the physical and visual relationship.
89. There are no designated archaeological assets and scheduled ancient monuments on the site. The south west corner has a pond dating from the

19th century which may be a remnant of a former iron working and remains of 19th/20th century buildings and orchard. The site has some archaeological potential so the proposals has the potential to impact archaeological remains of local significance, so a fieldwork evaluation would be required.

90. No impact to the designated heritage asset has been identified and having due regard to Section(s) 66 and 72 of the Planning (Listed Building and Conservation Area) Act 1990, the NPPF and the Development Plan there are no grounds to refuse the application on heritage grounds.

(e) Highways and parking

91. It is proposed to create two accesses the easternmost would also have a footway. This would be 4.8m wide for a majority of its length other than the bell mouth entrance to Mill Lane where it would widen. The road has a 60mph speed limit and the required visibility splays for these accesses can be achieved.
92. Mill Lane is a single carriageway road with few formalised passing places. Mill Lane is also a lorry vehicle route to avoid the weight restriction through Smarden village. There is evidence of substantial grass verge erosion as a result of the lack of formalised passing places around the edges of Mill Lane from two vehicles meeting, which represents a maintenance liability to the County. The proposals have wider safety implications due to the potential for an increase in collisions as a result of the lack of passing places.
93. The proposals would represent a significant increase in the use of Mill Lane, 90 additional movements compared to the existing daily average of 246 movements, (an increase of 37%). A proposal for passing bays along Mill Lane has been submitted. This takes into consideration the existing formal and informal passing points along the route, the land ownership and the presence of the existing ditches. KH&T are satisfied that this would mitigate the impact from the increased use of Mill Lane for vehicular traffic as suitable forward visibility is now available between all of the passing places along Mill Lane.
94. The indicative parking provision in para.11 would comply with the Council's SPD, through the provision of surface spaces and car ports. The 28 spaces proposed for residents would exceed the requirement of 26 for the indicative housing mix. There would also be three visitor spaces distributed throughout the site and two unallocated spaces due to the tandem parking. Therefore, a satisfactory level of car parking could be provided for 14 units.
95. The proposed development is likely to generate an increase in pedestrian traffic. The main pedestrian route from the application site is on to Mill Lane

which is subject to the national speed limit (60mph) onto the local bus stops and the village from The Street. These routes do not have any footways or street lighting and the proposals. Pedestrians would be forced to use this route which would be significantly harmful to pedestrian safety. The applicant's Transport Statement proposes a path that links into Glebe Way, this would require access over private land which is not within the control of the applicant to use and the applicant has confirmed that they have not been able to secure a right of access for the proposal from the Council who own it.

96. In respect of criterion b) and d) of emerging policy HOU5, the site is only approximately 130m from the junction of Mill Lane, The Street and Pluckley Road. Future occupiers would have to use a rural lane with no footway and street lighting to access the local facilities in Smarden, which would not be unusual in the countryside. But given the number of proposed units and therefore occupants, this site is not located where it would maximise access to cycling and walking routes to use services and this would not be a safe route for this number of occupants.
97. On balance, the environmental harm associated with the scheme, poor walking/cycling routes which would increase reliance on the car and affect the integration of the new households into the village would result in an unsustainable development due to accessibility to services. This would not be consistent with the local character and built form, so would fail to comply with the Development Plan, NPPF, PPG and emerging Local Plan 2030.

(f) Biodiversity and ecology

98. KCC Ecology have assessed the submitted ecological information which included a mitigation strategy, these detailed the following:
- good quality habitat for reptiles and GCN
 - an oak along the northern boundary and a mature oak (offsite) near the eastern boundary were considered to have low bat roost potential
 - suitable habitat for breeding birds
 - potential for hedgehogs to be present on site
99. There are records of grass snake, common lizard and slow worm within 100m of the site from 2005. All three species could be present, given the habitats present on the site. There are multiple records of GNCs from 180m south east of the site, the most recent being in 2004. More recent records are over 500m from site, which is the typical GCN commuting distance. There are wet ponds within 500m of the site with average to good suitability for breeding GCNs and

the field provides foraging opportunities and hedgerows and trees suitable for shelter and hibernation.

100. Insufficient survey work has been undertaken in respect of GCNs which are protected under the EC Habitats Directive and domestic legislation. There is also insufficient survey work in respect of reptiles, which are also protected under domestic legislation.
101. KCC Biodiversity agree in principle with the Reptile and GCN Mitigation Strategy, although have concerns regarding the suggested receptor area, as they cannot qualify the receptor area as suitable as no GCN or Reptile Surveys have been carried out. In the absence of information regarding if these species/species groups are present and would be affected by the proposed works and, if so, the population estimates then planning permission could not be granted. Given that the receptor area would be a lot smaller than the whole development site and despite the details given in the report including additional enhancements, KCC are not able to consider if the receptor area would have sufficient carrying capacity to support the translocated populations.
102. Natural England's standing advice states that if there are suitable habitats (pond within 500m for GCNs) or records suggesting their presence then a detailed surveys should be carried out at the right time of year. The species surveys are presently just coming into season (Reptile survey is between April - September and GCN survey is between mid-March and mid-June), although the applicant has requested that this be provided by a condition. In this instance, a condition would not be appropriate as the size of the receptor site needs to be known prior to determination as does the nature of the population of protected species that may be present on the site.
103. Article 6(4) of the Habitats Directive provides three derogation tests:
 - There are no feasible alternative solutions to the plan or project which are less damaging.
 - There are "imperative reasons of overriding public interest" (IROPI) for the plan or project to proceed.
 - Compensatory measures are secured to ensure that the overall coherence of the network of European sites is maintained.
104. The proposal would fail to meet these three tests as a windfall site, housing can be delivered on alternative sites and with a five year housing land supply there is no overriding public interest to meet housing demand and finally the applicant has failed to prove that they have provided adequate mitigation as

essentially they have not established population of species and therefore an adequate mitigation strategy cannot be informed..

105. Those trees with bat roosting potential would be retained and the site provides good quality foraging habitat and commuting routes for bats. Measures for a lighting scheme during construction and for the operational phase of the development would be recommended.
106. The ecological enhancements and Landscape and Ecological Management Plan (LEMP) can be secured by condition. However, the applicant has failed to demonstrate that the impact on protected species could be mitigated contrary to the Development Plan, NPPF, Government Circular 06/2005, the emerging new Local Plan, The Habitat Directive and the requirements of the Wildlife and Countryside Act 1981.

(g) Trees and landscaping

107. Landscaping is a reserved matter, however, the applicant has confirmed that a vast majority of all the boundary trees and hedges would be retained and additional planting is proposed to enhance this.
108. Four individual trees and a section of hedge would have to be removed to facilitate the development as per para. 18 above. The four trees along the boundaries would have adjoining trees retained to maintain the coverage and as these trees have a reduced life expectancy their loss would allow the neighbouring trees to have greater room for growth. A section of the frontage Hawthorne hedge would be removed for the new access road, as the vast majority would remain and this is a sparse section. So the losses would be acceptable in this instance.

(h) Drainage and sewerage

109. The site is in Flood Zone 1 and at low risk from flooding from other sources, therefore, no flood mitigation measures are required.
110. The increase in hardstanding areas and roofs, has the potential to increase surface water run-off, especially as this is a greenfield site.
111. The applicant has submitted a drainage strategy; the SuDs measures include:
 - permeable paving,
 - below ground storage
 - a final outfall to watercourse at 2 litres per second

- 112. This enables the site to meet with the 4 litres per sec per hectare discharge limit recommended within Sustainable Drainage SPD.
- 113. Foul drainage would be discharged into the existing foul sewer using an underground pumping station. A connection to the mains sewer would be required from Southern Water.
- 114. The proposals have been assessed by the County and the Council's engineer and they have raised no objection subject to conditions for a detailed design, implementation and management. This would comply with the Development Plan, NPPF, PPG, emerging Local Plan 2030 and Council's SPD.

(i) Whether planning obligations are necessary

- 115. 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
- 116. The applicant in a letter dated 01.03.2018, offered to improve the surface of the informal path at the rear of their site and dedicate it as a public footpath. It is acknowledged that this is an established route from the rear of the garages on Glebe Close to the Parish Council's playing fields. Whilst this route would not be stopped up; formalisation would need agreement from the adjoining landowners. Ashford Borough Council as one of the landowners has refused this, so it would not be possible to address this matter through a planning obligation. In addition to this, this the informal rout does not directly link to a PROW.
- 117. At a proposed 14 dwellings and a site area of 0.49 hectare the development does not trigger a requirement to provide any affordable housing.
- 118. KCC have requested a contribution towards a project at a secondary school and additional bookstock.
- 119. The Parish Council have identified projects for offsite contributions in accordance with the Public Green Spaces and Water Environment SPD.
- 120. The Smarden Charter Hall have also proposed a project for an extension to increase capacity.

121. None of the projects identified have pooled more than 5 developments.
122. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1	<p><u>Cemeteries</u></p> <p>Project by Smarden Parish Council: extend the existing cemetery</p>	<p>£284 per dwelling for capital costs</p> <p>£176 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as cemeteries are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2, and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use cemeteries and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

2	<p><u>Children's and Young People's Play Space</u></p> <p>Project for Smarden Parish Council: New equipment and safer surfacing at Smarden play area, The Street</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>Necessary as children's and young people's play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use children's and young people's play space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
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3	<p><u>Libraries</u></p> <p>Additional bookstock to meet the additional demand upon the local mobile Library service which attends in Smarden</p>	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as more books required to meet the demand generated and pursuant to Core Strategy policy CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings.</p>
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4	<p><u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£1,000 per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years</p>	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>
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5	<p><u>Outdoor Sports Pitches</u></p> <p>Project by Smarden Parish Council: contribution would be towards a drainage system for the cricket and football pitches</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them and increased use of the sites for more of the season</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
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6	<p><u>Secondary Schools</u></p> <p>Project: Norton Knatchbull expansion - 28 replacement parking spaces project</p>	<p>£589.95 per flat</p> <p>£2359.80 per house</p> <p>£0 for any 1-bed dwelling with less than 56 m² gross internal area</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as no spare capacity at any secondary school in the vicinity and pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, saved Local Plan policy CF21, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
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7	<p><u>Strategic Parks</u></p> <p>Project: Conningbrook Lakes Country Park for the footpath link from the car park to the play area</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2, CS18 and CS18a, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
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8	<p><u>Voluntary Sector</u></p> <p>Project by Smarden Charter Hall: storeroom extension to Charter Hall</p>	£6,000	Upon occupation of 75% of the dwellings	<p>Necessary as enhanced voluntary sector services needed to meet the demand that would be generated pursuant to Core Strategy policy CS18, Tenterden and Rural Sites DPD policy TRS19, and guidance in the NPPF.</p> <p>Directly related as occupiers will use the voluntary sector, organisations based at the hall and the additional services to be funded will be available to them. Further storage would allow them to increase capacity to deliver services.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development.</p>
<p>Regulation 123(3) compliance: Fewer than five planning obligations which provide for the funding or provision of the projects above or the types of infrastructure above have been entered into.</p> <p><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>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p>				

Human Rights Issues

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

Working with the applicant

124. In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner as explained in the note to the applicant included in the recommendation below.

Conclusion

125. The proposal would be contrary to policies TRS1 and TRS2 Development Plan and is not currently allocated, so is a windfall site. Whilst the Council can demonstrate a five-year supply of deliverable housing the application still has to be considered in light of the NPPF’s presumption in favour of sustainable development as emerging policy HOU5 has not gone through examination.
126. The application would be on the edge of the village and is unallocated in the emerging Local Plan. 14 units on this gateway into the village would result in an overdevelopment of the site where development is transitioning to the countryside beyond. The proposal would have an urbanising effect on this edge of village location.
127. Further surveys required in the Phase I habitat survey have not been carried to ensure that appropriate mitigation could be implemented and the results are required prior to determination. The applicant does not wish to provide these and they cannot be secured by committee. Consequently impact on matters of ecological importance is a ground for refusal in this instance.
128. The site would not be easily accessible for pedestrians and cyclists to reach services and facilities in Smarden. Given the number of units it would be unacceptable for these pedestrians to walk along the narrow Mill Lane with 60mph speed limit, passing places, no street lighting and no footway. This would be detrimental to pedestrian safety and not promote sustainable means of transport.

129. There are social and economic benefits allowing residential development in this rural area. Although, these would not be outweighed by the environmental impacts identified in terms of visual harm, loss of habitat for protected species without adequate mitigation and unsustainable location due to poor pedestrian access to Smarden village. Consequently, the proposal would not follow the golden thread of sustainable development in the NPPF, policies in the Development Plan and the emerging Local Plan as a material consideration.

Recommendation

Refuse on the following grounds:

1. The proposal would be contrary to saved Ashford Borough Local Plan 2000 policies GP12, EN9 and EN10, Core Strategy 2008 policy CS1, Tenterden and Rural Sites DPD 2010 policy TRS17, emerging Local Plan 2030 policies HOU5, ENV3 and ENV5, the National Planning Policy Framework and Planning Policy Guidance and would have a significant and demonstrable impact on the built environment and visual amenity, which are not outweighed by the benefits of the development cited by the applicant, for the following reasons:-
 - a) the quantity, form and extent of the proposed development would not be consistent with the looser, rural grain of development in terms of the scale, setting and layout along this part of Mill Lane.
 - b) the proposals fail to achieve a transition to the countryside and harm the visual setting of and eastern entrance to Smarden village.
2. The proposal would be contrary to saved Ashford Borough Local Plan 2000 policy GP12, Core Strategy 2008 policy CS1, emerging Local Plan 2030 policies HOU5 and TRA5, the National Planning Policy Framework and Planning Policy Guidance and would not be a sustainable location, which are not outweighed by the benefits of the development cited by the applicant, for the following reasons:-
 - a) the quantum of proposed development would generate additional pedestrian traffic and there would be no safe, off-road pedestrian access to the village and bus stops resulting in an adverse impact on pedestrian safety
 - b) increase in the reliance on the private motor car by future occupiers due to the poor accessibility to services and facilities in Smarden village.
3. The proposal would be contrary to saved Ashford Borough Local Plan 2000 policy EN31, Core Strategy 2008 policy CS11, Tenterden and Rural Sites DPD 2010 policy TRS17, emerging Local Plan 2030 policy ENV1, Circular 06/2005, the National Planning Policy Framework and Planning Policy

Guidance, Habitats Directive: article 6(4) and the requirements of the Wildlife and Countryside Act 1981 for the following reasons:-

a) the applicant has failed to carry out additional surveys for Great Crested Newts to demonstrate that there would be no harm to these protected species and their habitat and that the receptor site would have sufficient carrying capacity for the translocation.

b) the applicant has failed to carry out additional surveys for reptiles to demonstrate that there would be no harm to these protected species and their habitat and that the receptor site would have sufficient carrying capacity for the translocation.

As a result of a) & b) above the impact on matters of ecological interest cannot be determined nor can the mitigation proposed be known to be adequate. The proposal in the absence of this information would be detrimental to matters of ecological importance.

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

a) a financial contribution towards cemetery project, play space project, library bookstock, outdoor sports pitches, strategic parks project and secondary school infrastructure projects based on the yield of the housing mix; and

b) a contribution of £6,000 for an extension to Smarden Charter Hall

Note to Applicant

1. Working with the applicant

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

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

In this instance:

- the applicant/agent was updated of any issues after the initial site visit,
- discussions were held with Planning Policy regarding the draft allocation,
- the applicant submitted additional plans in relation to drainage, highways and refuse
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the View applications on line pages under planning application reference 17/00625/AS.

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