

<b>Application Number</b>	20/00039/AS
<b>Location</b>	Land opposite Highdown west of, Mulberry Hill, Chilham
<b>Grid Reference</b>	07578/54029
<b>Parish Council</b>	Chilham
<b>Ward</b>	Downs North Ward
<b>Application Description</b>	Erection of 2 dwellings
<b>Applicant</b>	Mr & Mrs J Healy Sheldon, GSE Group
<b>Agent</b>	Mr G Holloway, Guy Holloway Architects
<b>Site Area</b>	0.72ha

## Introduction

1. The application was previously considered at the 15<sup>th</sup> July 2020 Planning Committee and was deferred by Members of the committee for officers to seek further clarification on the following matters:-
2. Deferred for Officers to:
  - Seek more information from the applicant / agent in respect of the sustainability credentials and the design of the dwellings and for this to form part of the application for Members' consideration.
  - Seek the submission of further photomontage views as part of the application, showing additional views of the development in the landscape, including from roads, footpaths and neighbouring houses.
  - Request the agent to refer the application to Design South East (Design Panel) for their views.

## Site and Surroundings

2. Please refer to 15 July 2020 Planning Committee Report (which is appended as annex 1 to this report).
3. At Members request further photos of the site have been submitted in support of this application. The aerial photos submitted (shown in figures 1-4) are taken from the south, north, east and west show the site in relation to the

surrounding built development and landscape. Further photos of the site and its surroundings are included within the Officer's presentation to Committee.

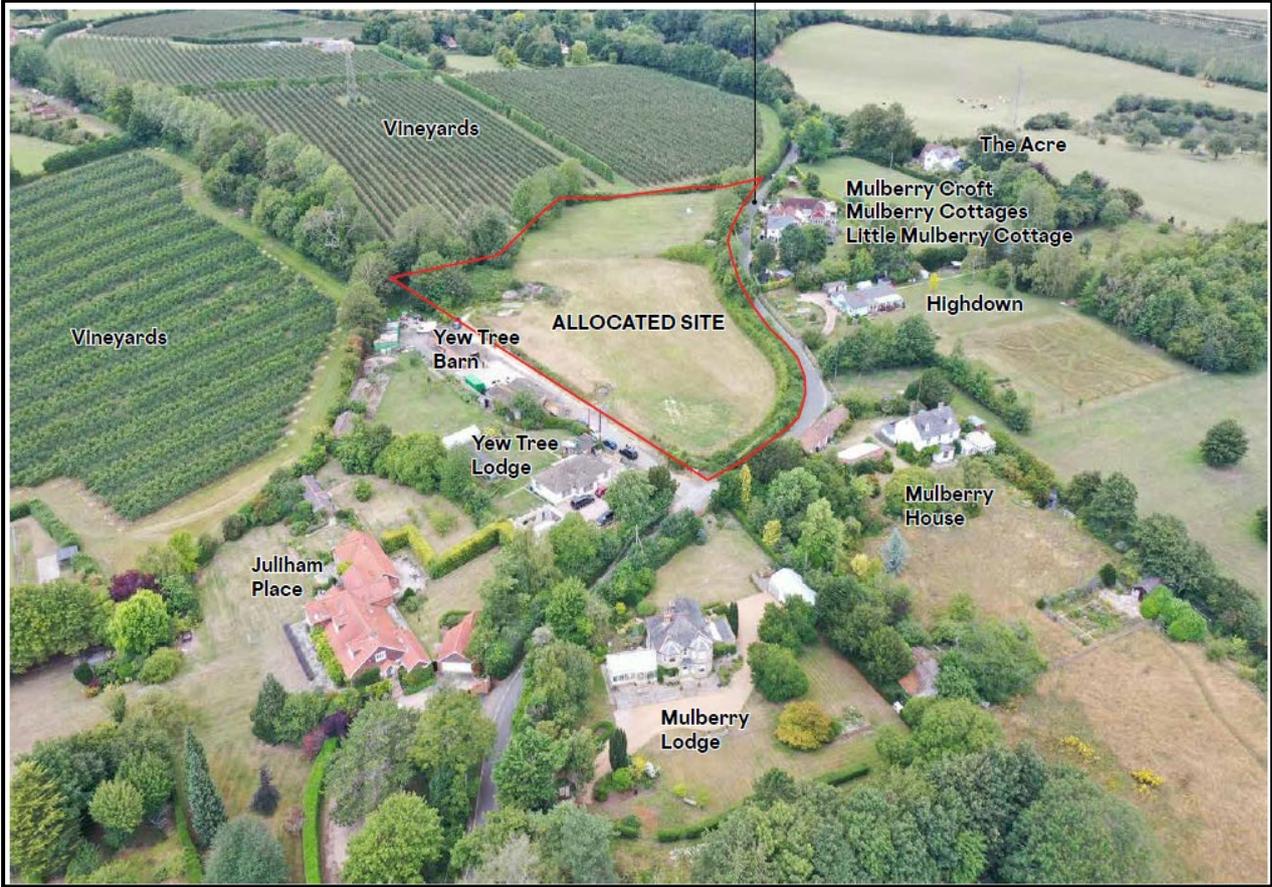


Figure 1: View from the south



Figure 3: View from the north



Figure 2: View from the east

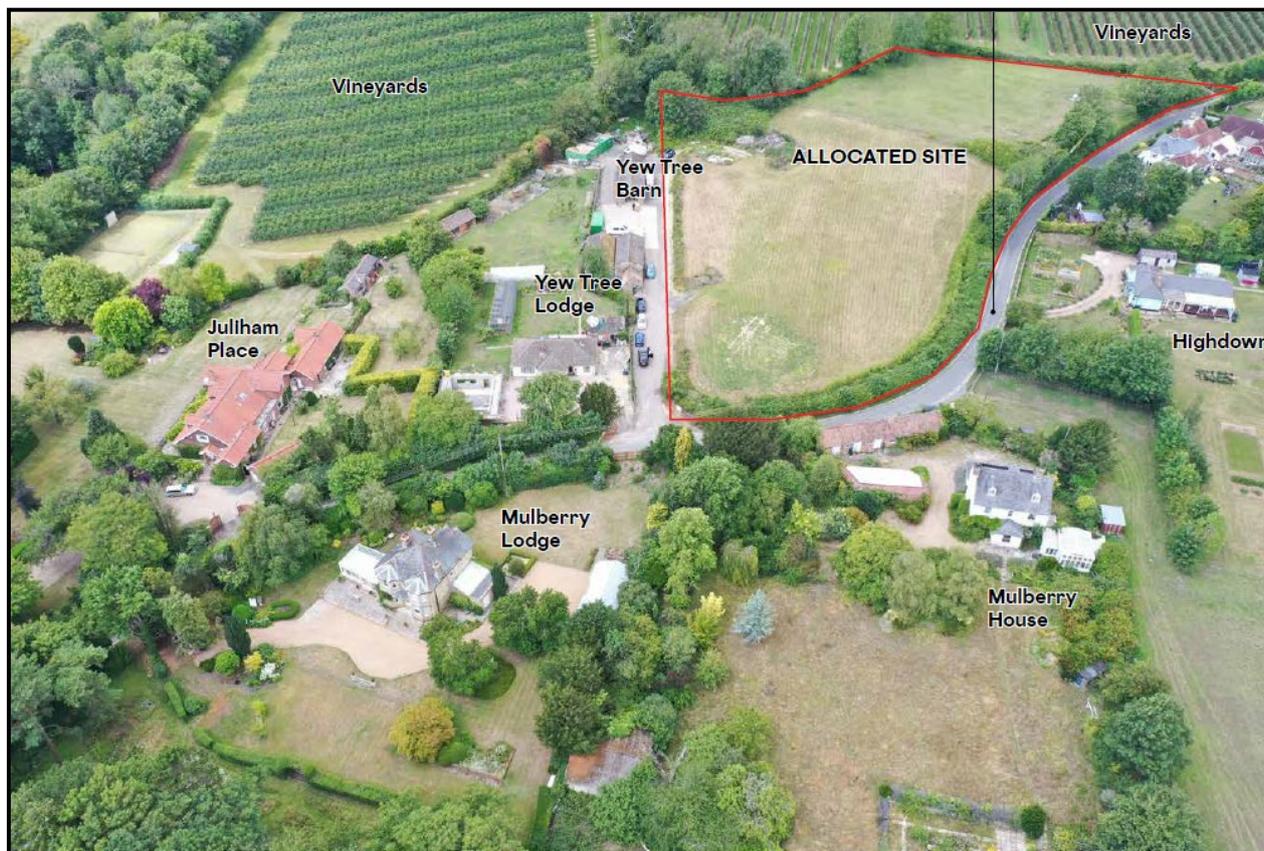


Figure 4: View from the west

## Proposal

4. Please refer to 15 July 2020 Committee Report (annex 1). The proposal remains as previously submitted but additional information has been provided to address the resolution made by members of the Committee. The supporting information provided by the applicant is as follows:

### Sustainability Credentials

5. The applicant has submitted a report examining the sustainability credentials of the proposed scheme. The following key renewable energy sources and are proposed be used.

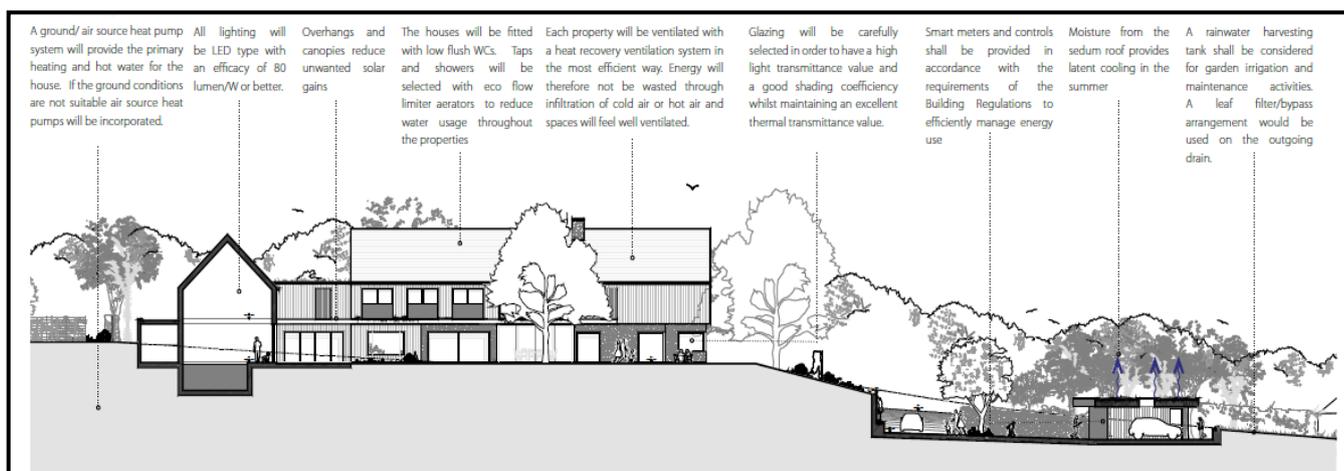
#### PV and solar thermal panels

6. The proposal seeks to utilise the flat roof areas of proposed garages and carports for PV and solar thermal panels, the solar thermal panels will be used to generate hot water for washing, cooking and cleaning and will be operated using a battery storage system which will store up energy generated during the day for use at night or days when energy demand is higher.

7. The location has been chosen to minimise their visibility whilst ensuring ease of access for maintenance.

Ground Source Heat Pump/Air Source Heat Pumps

8. A ground/ air source heat pump system will provide the primary source of heating and hot water for the houses. If the ground conditions are not suitable air source heat pumps will be incorporated.
9. In addition, the proposal seeks to utilise rainwater harvesting tanks for garden irrigation and maintenance activities and electric car charging points are proposed to be installed.



**Figure 5: Sustainability Credentials**

10. Following the Design South East Panel Review held on 10<sup>th</sup> August 2020 amendments to the proposed plans have been made to accommodate the panel’s key recommendations which were as follows:
  - Develop the landscape strategy along the south west of the site in order to improve the relationship with neighbouring buildings
  - As well as introducing new landscape boundaries, preserve and enhance the condition and quality of the existing landscape and ecology on site, particularly the field boundaries which are hedgerows dominated by mature ash trees.
  - Further develop the material palettes on each building to give each one a distinct but related character that fits with their specific siting within the overall site.
  - Improve the planting specification and incorporate water retention elements into the green roof in order to improve its ecological impact.
  - Ensure that the views between the proposed houses avoid any potential overlooking.
  - Introduce a second staircase on the plot 2 house to improve the circulation within this building.

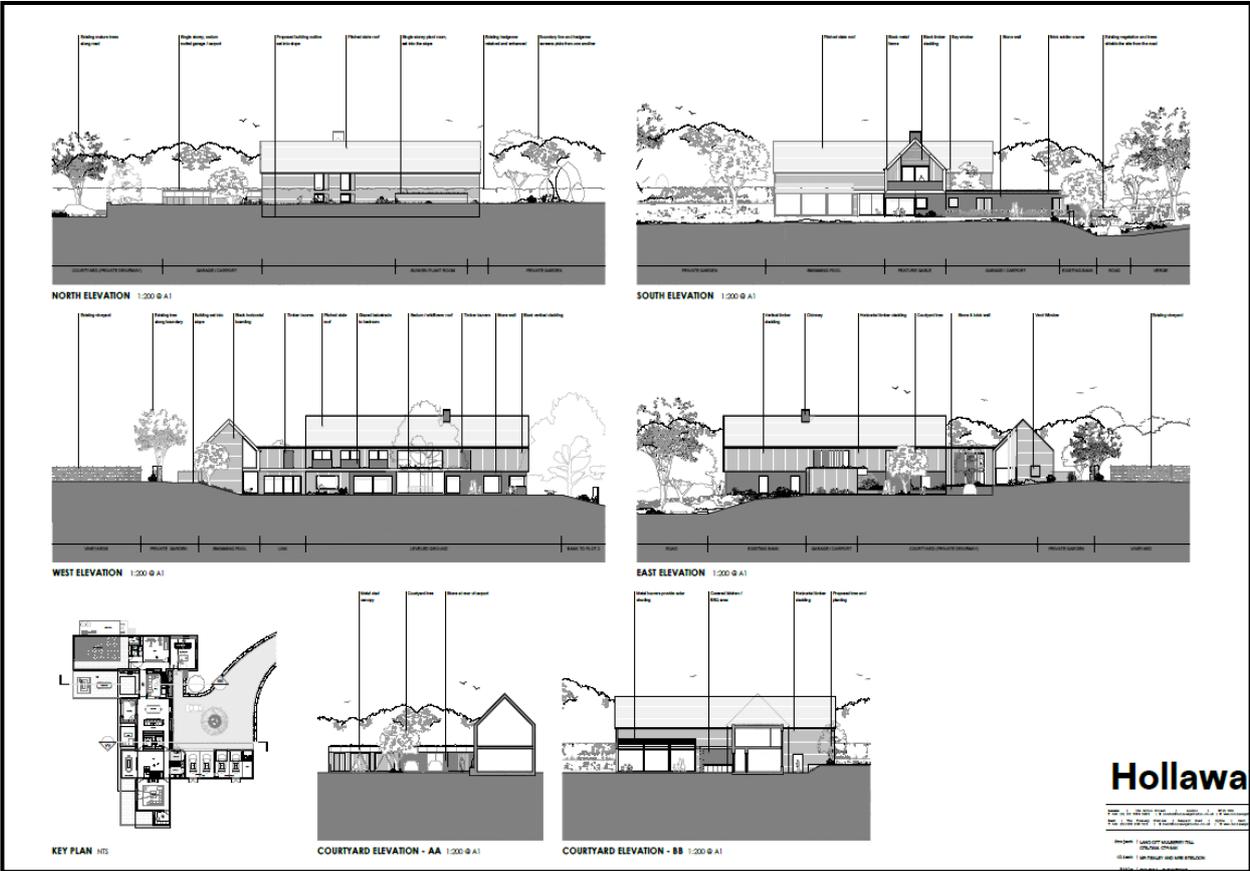


Figure 6: Amended Plot 1 Elevations

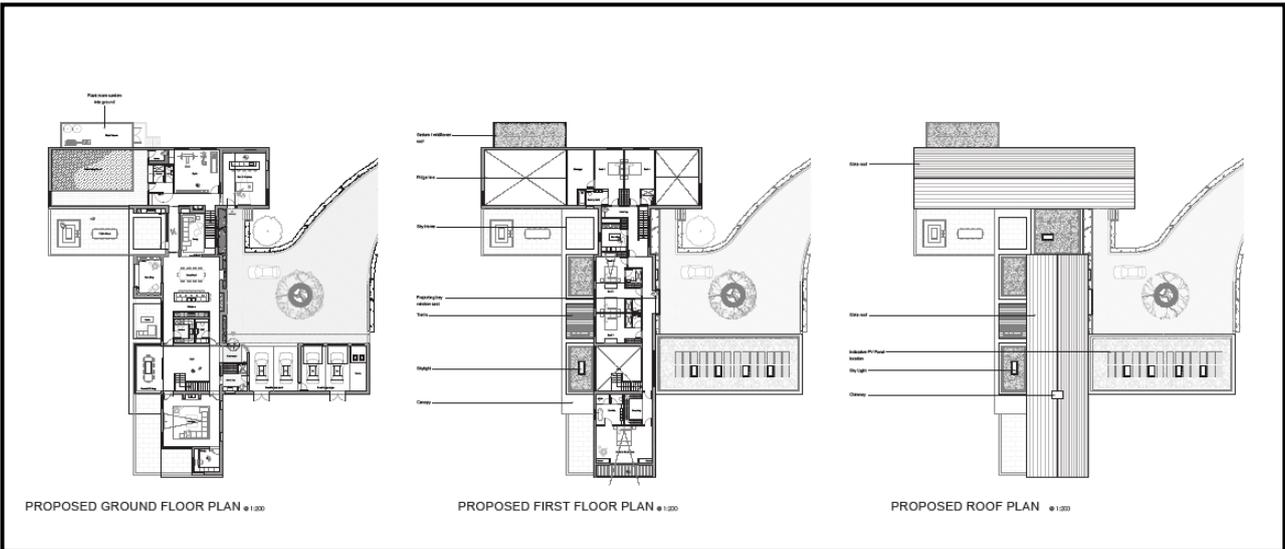


Figure 7: Amended Plot 1 Floorplans



Figure 8: Proposed Artists Impression of Plot 1

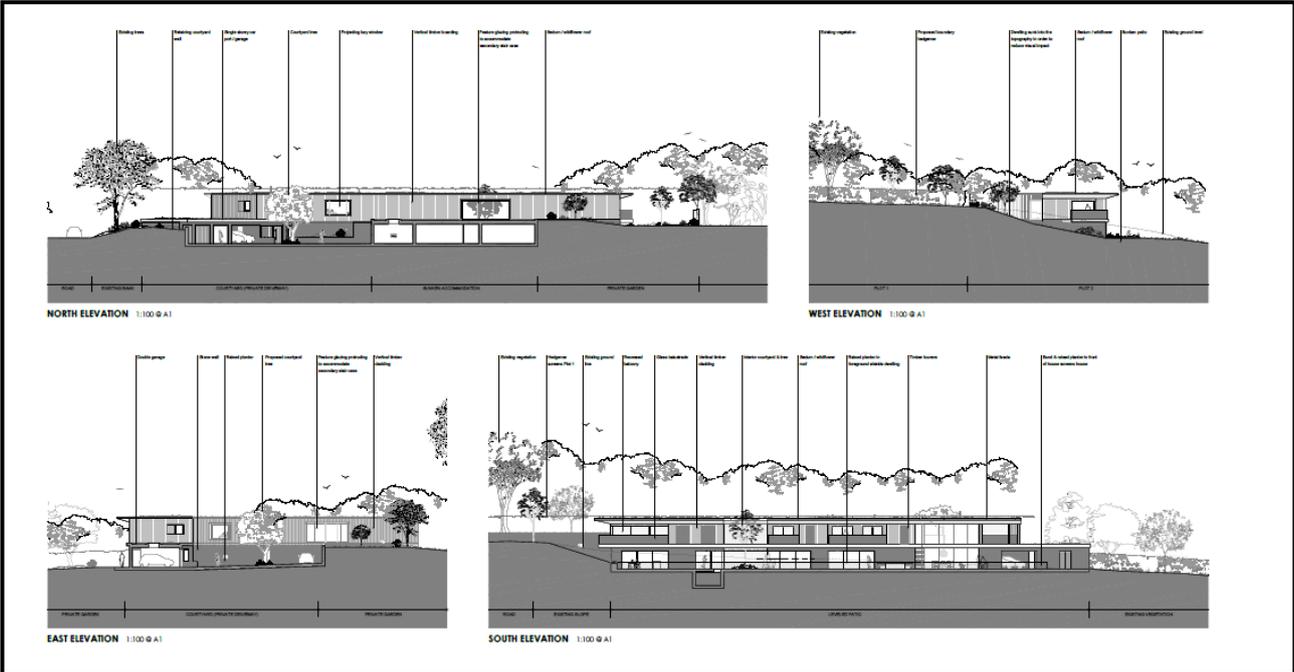


Figure 9: Amended Plot 2 Elevations

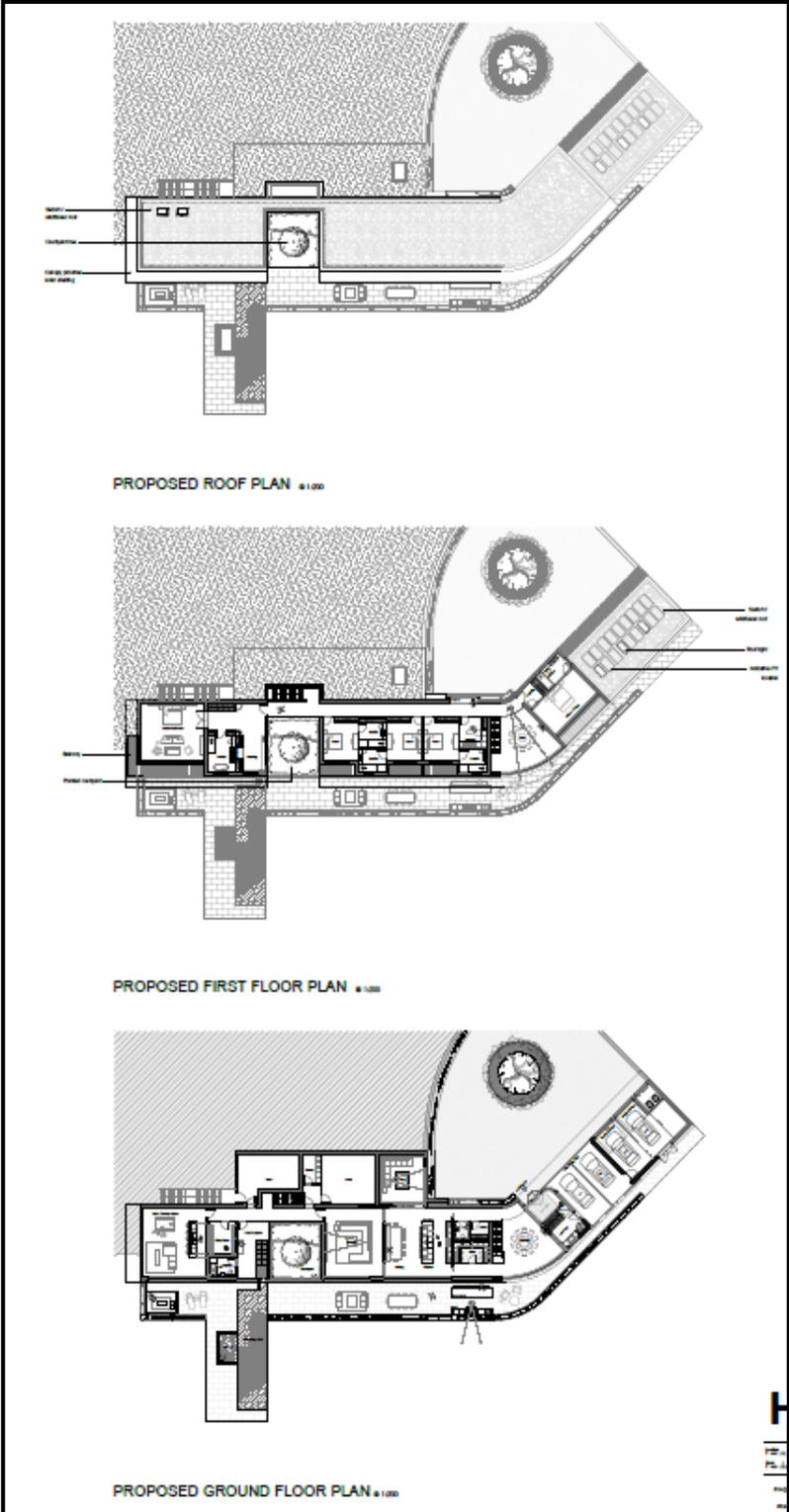


Figure 10: Amended Plot 2 Floorplans



**Figure 11: Proposed Artists Impression of Plot 2**

Ashford Borough Council - Report of the Head of Planning and Development  
 Planning Committee 09 December 2020



Figure 12: Amended Landscaping Plan

## Planning History

Refer to 15 July 2020 Planning Committee Report.

## Consultations

Refer to 15 July 2020 Planning Committee Report. No further representations have been received relating to the application.

## Planning Policy

Refer to 15 July 2020 Planning Committee Report.

## Assessment

The key issues raised by Members in their reasons for deferral on 15 July 2020 were as follows:

- i) Seek more information from the applicant / agent in respect of the sustainability credentials and the design of the dwellings and for this to form part of the application for Members' consideration.
- ii) Seek the submission of further photomontage views as part of the application, showing additional views of the development in the landscape, including from roads, footpaths and neighbouring houses.
- iii) Request the agent to refer the application to Design South East (Design Panel) for their views.

The assessment which follows below should be read in conjunction the Committee Report (15 July 2020) appended at annex 1.

## Visual Impact Assessment

13. In respect of visual amenity, Members deferred the application for review by the Design South East (Design Panel), to seek ratification that the proposal meets the requirements of policy S41, specifically Criterion a), which states that development proposals must meet a high quality or innovative nature of design, which:
  - a) *Responds to and is well integrated with the natural topography of the site*
  - b) *Pays particular regard to its setting, and utilises design to make a positive contribution to local character and that of the AONB.*

14. Having considered the submitted proposal, the Design Panel have concluded that overall, the proposal is focused on meeting the specific criteria. The proposal represents a well-realised and ambitious design which achieves a high quality outcome, and offers the opportunity to create a long lasting and standard-setting building. Their conclusions are précised as follows:

Landscape amenity

13. Regarding impact upon the landscape, the overall approach is considered to be successful. The two buildings work well within their setting and topography, both individually and as a pair on the same plot. The proposal responds positively to the overall character of the site, particularly the natural forms of the distinct sloped area with a more level top area to the north.
14. It was noted that the relationship with neighbouring buildings at the boundary of the site looking down onto Yew Tree Lodge and Barn could be improved by a better response to the landscape and as such, the proposed plans have been amended to reinforce and enhance the natural boundaries.
15. Mixed native hedgerow and further tree planting is proposed along the southern boundary. The line of trees to the west of the site is proposed to be continued along with the reinforcement of the existing field boundary hedgerow. Further tree planting of mixed species is proposed to the northern and eastern boundaries and along the proposed boundary between the two dwellings and, the proposed wild flower meadow is to be enriched using a wider range of native flower species.

Building layout and architecture

16. Regarding the building layout and proposed architecture the proposal is considered successful. The different character of building forms is appropriate, with the building on the upper Plot 1 feeling referential to a more traditional cluster of vernacular barn type buildings, whilst the more organic form of the building on Plot 2 responds positively to the sloped landscape. The design feels coherent both as one site with a consistency of approach, and also as one where each building has its own distinct and individual character.
17. It was noted that on Plot 1, the link block appeared to be the same height as the top of the main living block, and therefore appeared higher than the recreation barn. Making it slightly lower would reflect its utility function, help assert the primary nature of the main part of the building and break up its horizontality, which would all be beneficial. The amended plans address this point and as such the link block now appears more ancillary to the main part of the building. This is appropriate and adds visual interest to the proposed development.

Materials and detailing

18. It was considered that the proposed palette of materials could better reinforce the design concept and strengthen the relationship between the buildings and the landscape. Materials bring a further richness to the architectural discourse between the two buildings and the landscape in which they sit, expressing both their similarities and differences.
19. With reference to Plot 1, the proposed dwelling is articulated as a cluster of vernacular barn type buildings which sit above the ground at the high point of the site. It was considered that the use of stone and timber around the whole cluster of buildings, as a horizontal banding, made the building feel like a larger scale development. As an alternative it was considered the materials could be used to express a hierarchy of building, house, recreation barn and stable block; thus breaking down the cluster, massing and apparent scale, and adding further visual interest.
20. Turning to Plot 2, the dwelling is considered to be more organic, submerged into the ground to minimise its visual impact. It was considered that the dwelling's relationship with the site could be aesthetically reinforced with the contextual use of materials of the ground such as flint, together with the further inclusion of greenery on the building itself. This would have the benefit of expressing each dwelling's individual character, and reducing their visual scale
21. The amended plans take on board the recommendations made by the Design Panel. On Plot 1 the proposed materials have been simplified. The proposed red brick plinth on the main house has been removed and replaced with stone and the materials on the proposed outbuilding comprising the car barn and garage have been reduced to comprise only of black timber weatherboarding. By reducing the proposed materials palette the hierarchy of building, house, recreation barn and stable block is well-defined and as suggested, the cluster, massing and apparent scale of the built is broken down which adds further visual interest to the proposed scheme.
22. Overall, the proposed scheme responds positively to the comments made by the Design Panel. The strengthened landscaping scheme would significantly enhance the character and appearance of the site creating visual enhancements which enrich the surrounding landscape designated an AONB. Along with the minor changes made to the proposed built form, architecture and materials appearance, the result is a well-designed and ambitious proposal which will achieve a high quality outcome and create a long lasting and standard-setting building which successfully delivers and meets the aims and objectives of policy S41.

### **Residential Amenity**

23. Please refer to the appended 15 July 2020 Planning Committee Report. The proposal is considered acceptable in respect of its impacts upon residential amenity for existing occupiers.

24. Following comments by the Design Panel regarding the linear layout of Plot 2, the plans have been amended, adding a back staircase on the west side of the building. This improve connectivity within the building and reduces the distance between the living room areas and the master bedroom. Similarly, and to improve connectivity within the building, a second staircase to Plot 1 has also been added. These additions are acceptable and will result in a good and improved standard of residential amenity for the future occupiers.

### **Ecology**

25. Refer to the appended 15 July 2020 Planning Committee Report. The proposal is considered acceptable in respect of its ecological impacts.

### **Highway Safety & Parking**

26. Refer to the 15 July 2020 Planning Committee Report. The proposal is considered acceptable in respect of its highway impact.
27. It should be noted that on the matter of access and parking the Design Panel concluded that the overall approach to access and parking is well-considered; by retaining the existing entrances onto Mulberry Hill the proposal helps to reduce the visual and ecological impact of the proposal.

### **Other Matters**

#### **Sustainability**

28. The applicants are proposing to use solar PV and solar thermal panels and Ground Source Heat/Air Source Heat Pumps to provide heating and hot water for both dwellings. These proposed methods of renewable energy are acceptable and would not result in significant or unacceptable visual harm.
29. The proposal seeks to utilise the flat roof areas of proposed garages and carports for the solar PV and solar thermal panels locating them on the outbuildings rather the main house which is considered appropriate, it minimises their visibility whilst ensuring ease of access for maintenance and does not detract from the architectural interest of these two dwelling buildings
30. In addition to the above, the proposal seeks to utilise rainwater harvesting tanks for garden irrigation and maintenance activities and electric car charging points are proposed to be installed. This is acceptable and further supports the sustainability of the proposal.

### **Housing Land Supply**

31. On the 27th November 2020, the Council published its updated position in respect of housing land supply. This confirmed that the deliverable housing land supply for the borough was equivalent to 4.8 years. As a consequence, the 'presumption in favour of sustainable development' referred to in paragraph 11 of the NPPF is triggered. However, in this case, I consider that the proposal represents a sustainable and acceptable form of development and on that basis, the change in the Council's housing land supply position would only serve to reinforce my recommendation below.

### **Drainage & Habitat Regulations**

32. Since the previous report to the Planning Committee on this application was considered in July, the Council has received advice from Natural England (NE) regarding the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh lakes, east of Canterbury, which in particular includes a Special Area of Conservation (SAC), a Special Protection Area for Birds (SPA) and a Ramsar Site. The effect of the advice means that this proposal must prima facie now be considered to have a potentially significant adverse impact on the integrity of the Stodmarsh lakes, and therefore an Appropriate Assessment (AA) under the Habitats Regulations would need to be undertaken and suitable mitigation identified to achieve 'nutrient neutrality' as explained in NE's advice, in order for the Council to be able lawfully to grant planning permission.
33. Under the Council's Constitution, the Head of Planning and Development already has delegated authority to exercise all functions of the Council under the Habitats Regulations. This includes preparing or considering a draft AA, consulting NE upon it, and amending and/or adopting it after taking into account NE's views.
34. As matters stand, it is very likely that an off-site package of mitigation measures will be required in order for this proposal to achieve 'nutrient neutral' status and in the absence of such measures (or any others) having been identified and demonstrated to be deliverable, it is not possible to conclude that the scheme would be acceptable in respect of this issue now.
35. However, work commissioned by the Council is expected to commence shortly on identifying a package of strategic mitigation measures that it is hoped would enable relevant developments within the Borough's River Stour catchment (where the NE advice applies) to come forward on a 'nutrient neutral' basis,

subject to appropriate obligations and conditions to secure the funding and delivery of the mitigation before occupancy of the development.

36. Therefore, on the basis that this proposal is considered to be otherwise acceptable (subject to conditions), it is recommended that a resolution to grant planning permission should be subject to the adoption by the Head of Planning and Development, having consulted NE, of a suitable Appropriate Assessment to address the Habitats Regulations, to the effect that the proposed development will not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to any necessary obligation(s) and/or conditions in order to reach that assessment.

## **Human Rights Issues**

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

## **Working with the applicant**

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

## **Conclusion**

39. In conclusion, in light of the above the submitted proposal is considered to meet the requirements of policy S41 in delivering two homes of high quality which, by virtue of their innovative nature, would respond positively to and make a positive contribution to the quality of the surrounding AONB designated landscape.
40. The proposal complies with the Development Plan in respect of the residential amenity of existing and future occupiers, highway safety and parking and drainage subject to conditions.
41. Currently, insufficient information has been provided to allow the Council to assess the impact of the proposal on the Stodmarsh SAC, SPA and Ramsar Site under the Habitats Regulations. Therefore, the recommendation to grant

planning permission is subject to the adoption, under delegated powers, of an Appropriate Assessment to the effect that the development will not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to any necessary obligation(s) and/or conditions to that end.

## Recommendation

- (A) **Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Head of Planning and Development which identifies suitable mitigation proposals such that, in her view, having consulted the Director of Law and Governance and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation.**
- (B) **Resolve to Permit subject to planning conditions and notes, including those dealing with the subject matters identified below (but not limited to that list) and those necessary to take forward stakeholder technical representations, with wordings and triggers revised as appropriate and with any ‘pre-commencement’ based planning conditions to have been agreed with the applicant.**
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision.

**Reason:** To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

3. No development shall commence until the precautionary mitigation measures and works for reptiles as set out in section 5.4.14 of the approved Preliminary Ecological Appraisal (Greenspace Ecological Solutions August 2019) have been carried out in full.

**Reason:** In order to enhance biodiversity of the site.

4. No development shall take place on site until a Transport Construction Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period and shall include:
  - a. Wheel washing facilities/measures to prevent debris and spoil and the discharge of surface water onto the public highway,
  - b. Access point for HGV's (no HGV's shall reverse onto the highway without the assistance of a banksman) and site personnel,
  - c. Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction,
  - d. Provision of parking, turning and unloading facilities for delivery vehicles,
  - e. Hours of operation

**Reason:** In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and neighbour amenity.

5. Prior to the commencement of the development details of drainage works, designed in accordance with the principles of sustainable urban drainage, shall have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out and maintained in accordance with these details.

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

6. Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out using the approved external materials.

**Reason:** In the interests of visual amenity.

7. Prior to the commencement of development, the following details shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

- Details and location of rainwater goods;

- Details of any flues, grilles and vents to be installed including location, dimensions, colour and material;
- Details of electricity and gas meter boxes and any external pipe work including their location on the building;
- Joinery details;
- Proposed eaves detailing and roof overhangs, window and door reveals;
- Sectional details through sedum roof, the gable, curving roof form, recessed balconies; and,
- Sections through the artificial mounds to the south and lower patios of Plot

**Reason:** In order to maintain the design quality of the development and protect the visual amenity of the locality.

8. Details of final levels for the development, including slab levels of the dwellings hereby approved, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of works and the development shall be carried out in accordance with the approved levels.

**Reason:** To ensure the development sits well within the landscape and in the interests of the visual amenity of the surrounding area.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Class A-E of Part 1 and Class A of Part 2 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

**Reason:** In the interests of protecting the character and amenities of the locality.

10. Prior to occupation of the dwellings hereby approved a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will maintained thereafter in accordance with the plan.

**Reason:** In the interests of visual and residential amenity and biodiversity.

11. Within six months of works commencing, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. This will include recommendations in section 6 of the Preliminary Ecological Appraisal (Greenspace Ecological Solutions August 2019) and a list of hedgerow species to be planted. The approved details will be implemented and thereafter retained.

**Reason:** In order to enhance biodiversity of the site.

12. The approved landscaping scheme and biodiversity enhancements shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

**Reason:** In the interests of visual amenity and to protect and enhance the amenity of the area

13. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species.

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

14. The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:
- a. All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations). Such tree protection measures shall remain throughout the period of construction,
  - b. No fires shall be lit within the spread of branches or downwind of the trees and other vegetation,
  - c. No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation,
  - d. No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within

the spread of the branches or Root Protection Areas of the trees and other vegetation,

- e. Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level,
- f. No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained.

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

15. The area shown on the drawings number 18.012 002 as vehicle parking space, garages and turning shall be provided in accordance with the approved details before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

**Reason:** Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

16. The first 5m of the access hereby approved from the edge of the highway shall be constructed of a bound surface, the details of which shall be submitted to and approved in writing by the Local Planning Authority. The access shall then be constructed in accordance with the approved detail prior to its first use and maintained as such.

**Reason:** To ensure that no gravel or other material is taken from the site onto the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety

17. No gates or barriers shall be erected across the access within 5.5m metres from the back of the carriageway used by vehicular traffic.

**Reason:** In the interests of highway safety

18. The visibility splays shown on Appendix B of the approved Transport Statement within which there shall be no obstruction in excess of 0.9m in height above the carriageway edge, shall be provided at the access before the first occupation of the dwellings hereby approved and the splays shall be so maintained at all times.

**Reason:** In the interests of highway safety.

19. If unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared in accordance

Following completion of the remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

20. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

**Reason:** In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

### **Note to Applicant**

#### **1. Working with the Applicant**

##### **Working with the Applicant**

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

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

In this instance.

- was provided with pre-application advice,
- the application was acceptable as submitted and no further assistance was required.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 20/00039/AS)

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## **ANNEX 1:**

<b>Application Number</b>	20/00039/AS
<b>Location</b>	Land opposite Highdown west of, Mulberry Hill, Chilham
<b>Parish Council</b>	Chilham
<b>Ward</b>	Downs North Ward
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<b>Agent</b>	Mr G Holloway, Guy Holloway Architects
<b>Site Area</b>	0.72ha
(a) 12/7R, 2S 1+	(b) Chilham PC X (c) KCC H&T X, KCCE X

## **Introduction**

1. This application is reported to the Planning Committee at the request of the Ward Member, Cllr Dehnel.

## **Site and Surroundings**

2. The application site is located within the parish of Chilham and relates to an unused paddock located to the north west of Mulberry Hill, a narrow rural lane connecting the village of Chilham to the hamlet of Old Wives Lees.
3. Bounded by vineyards to the north and west, the commercial unit of Yew Tree Farm to the south and Mulberry Hill to the east, the site lies within the heart of the North Downs AONB. The site's surroundings are defined by steep woody narrow lanes, undulating orchards and arable land, hop gardens and woodland, all of which preserve the rural and agricultural aspect of the Old Wives Lees and, provide an important 'break' between Old Wives Lees and Chilham village.
4. The site is allocated within the Development Plan for an exclusive residential development of up to 2 dwellings under policy S41.



Figure 1: Site Location

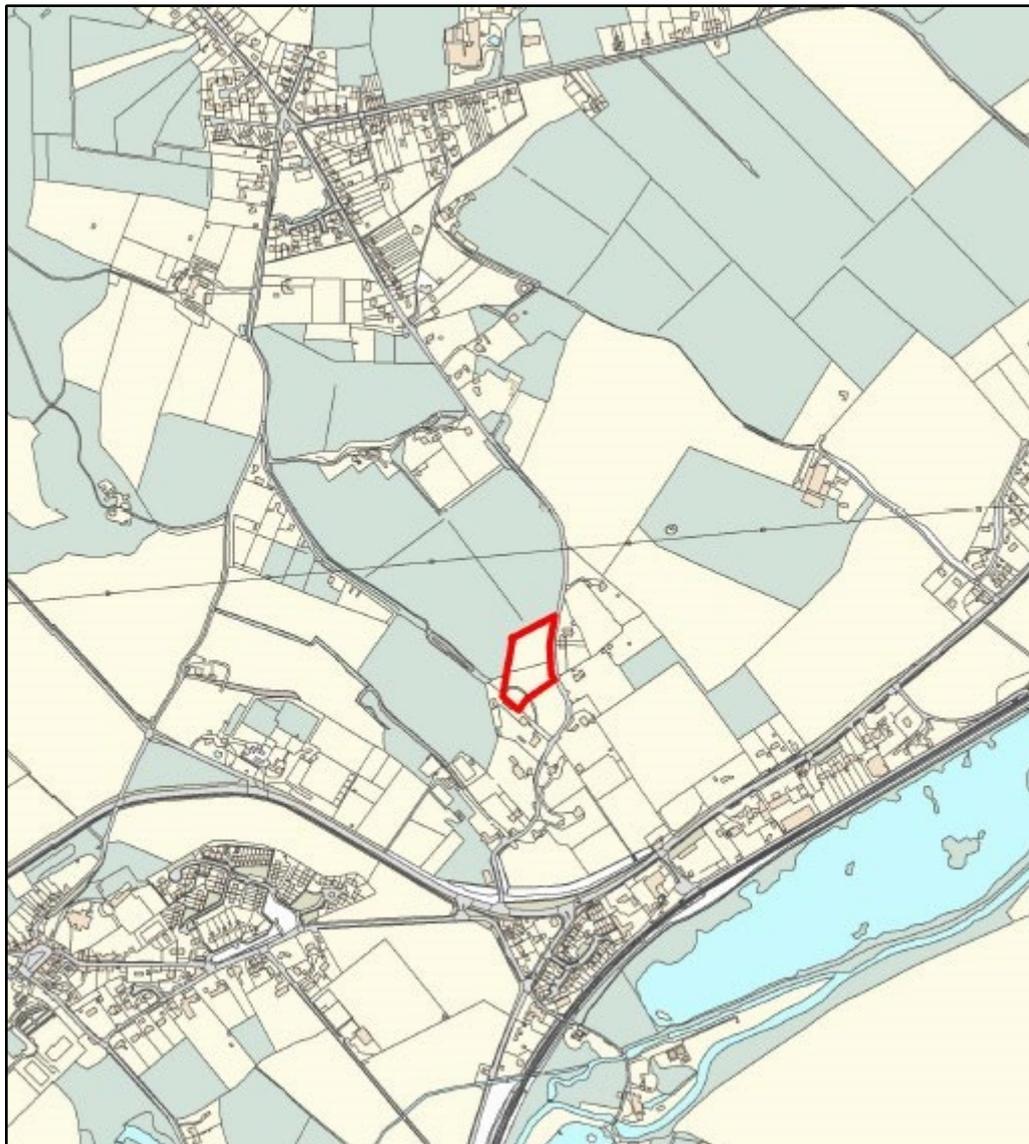


Figure 2: Site location in relation Old Wives Lees and Chilham

## Proposal

5. Planning permission is sought for the erection of two exclusive detached dwellings. Each dwellings is individually designed and would have separate accesses onto Mulberry Hill.

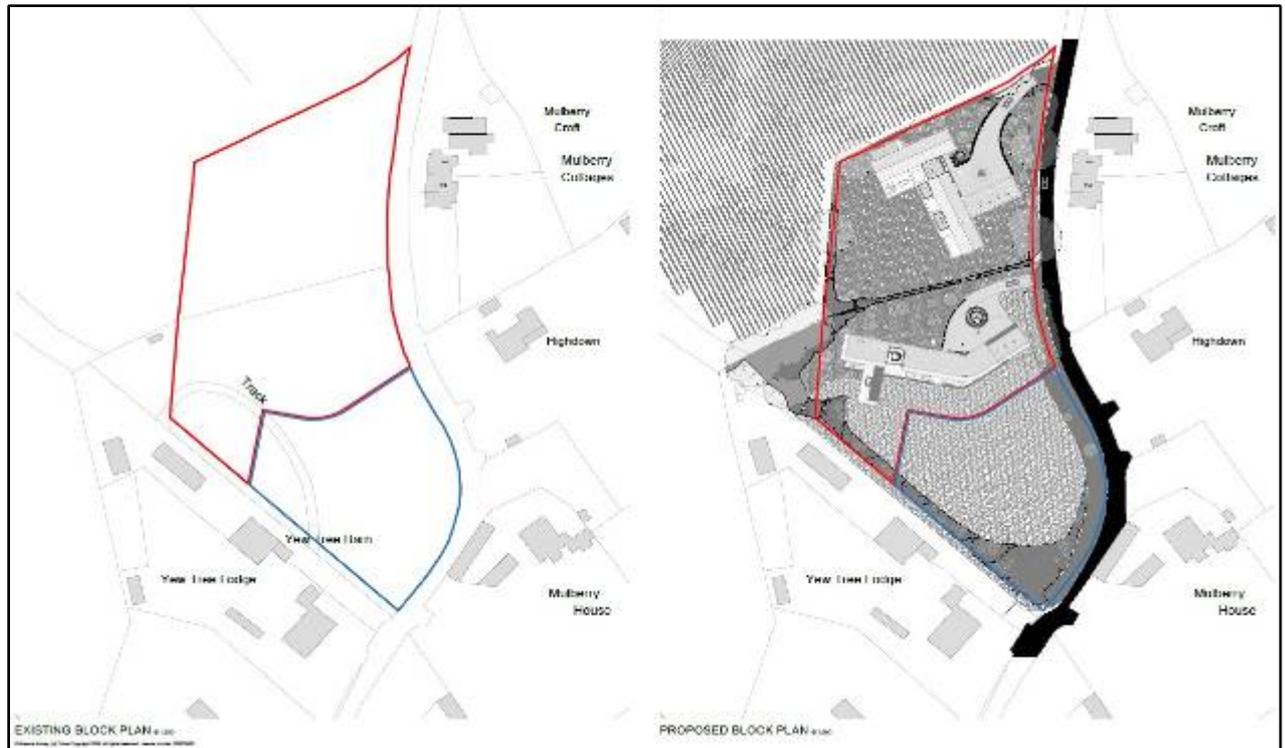


Figure 3: Proposed Block Plan

6. Plot 1 to the north of the site would be set perpendicular to the sloping hillside to allow the perceived mass of the dwelling to be located against the rear of the plot. The proposed gable form is derived from the local vernacular to echo the form of nearby agricultural buildings. To the south a stone and brick wall forms the rear of the garage and car port.
7. The accommodation would comprise an open plan hallway, kitchen/dining area, a snug, reading room, formal dining room, lounge, and study on the ground floor. An indoor swimming pool, gym and games room are also proposed along with a double garage, double car port and bin store. On the first floor, a master en-suite (and dressing room), three en-suite bedrooms and two further bedrooms along with a family bathroom and laundry room are proposed.

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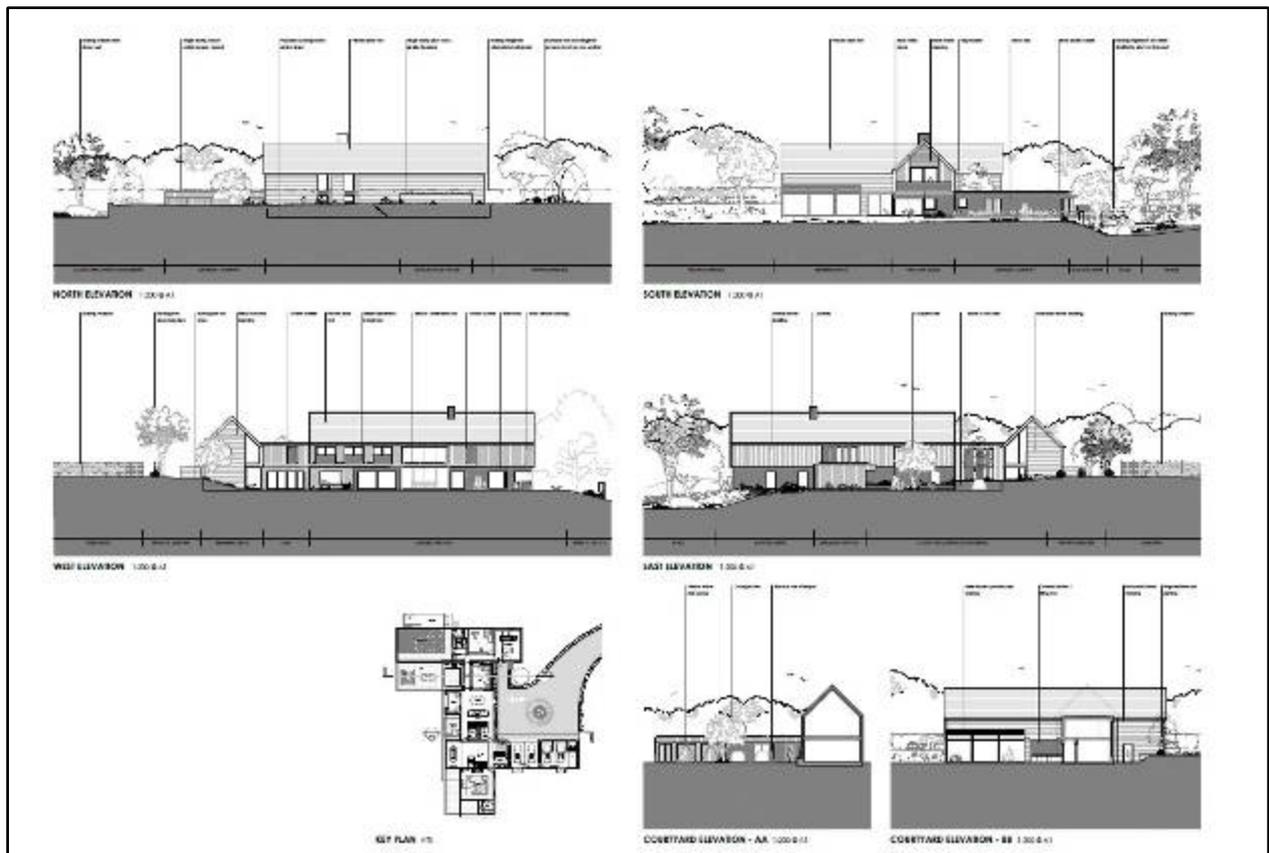


Figure 4: Plot 1 Proposed Elevations

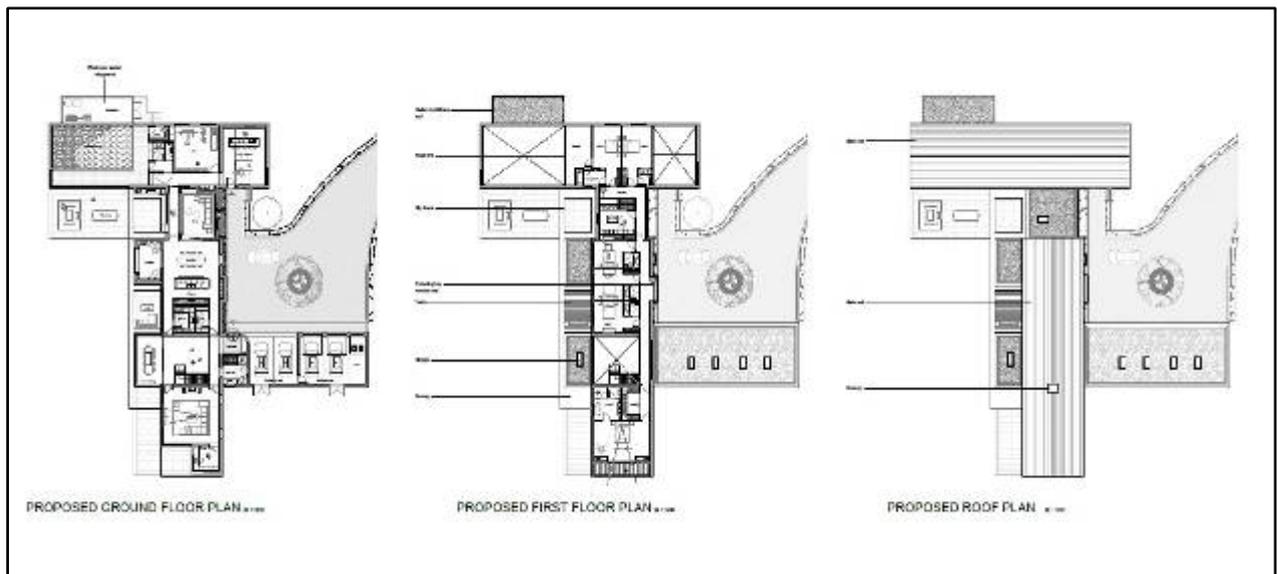


Figure 5: Plot 1 Proposed Floorplans



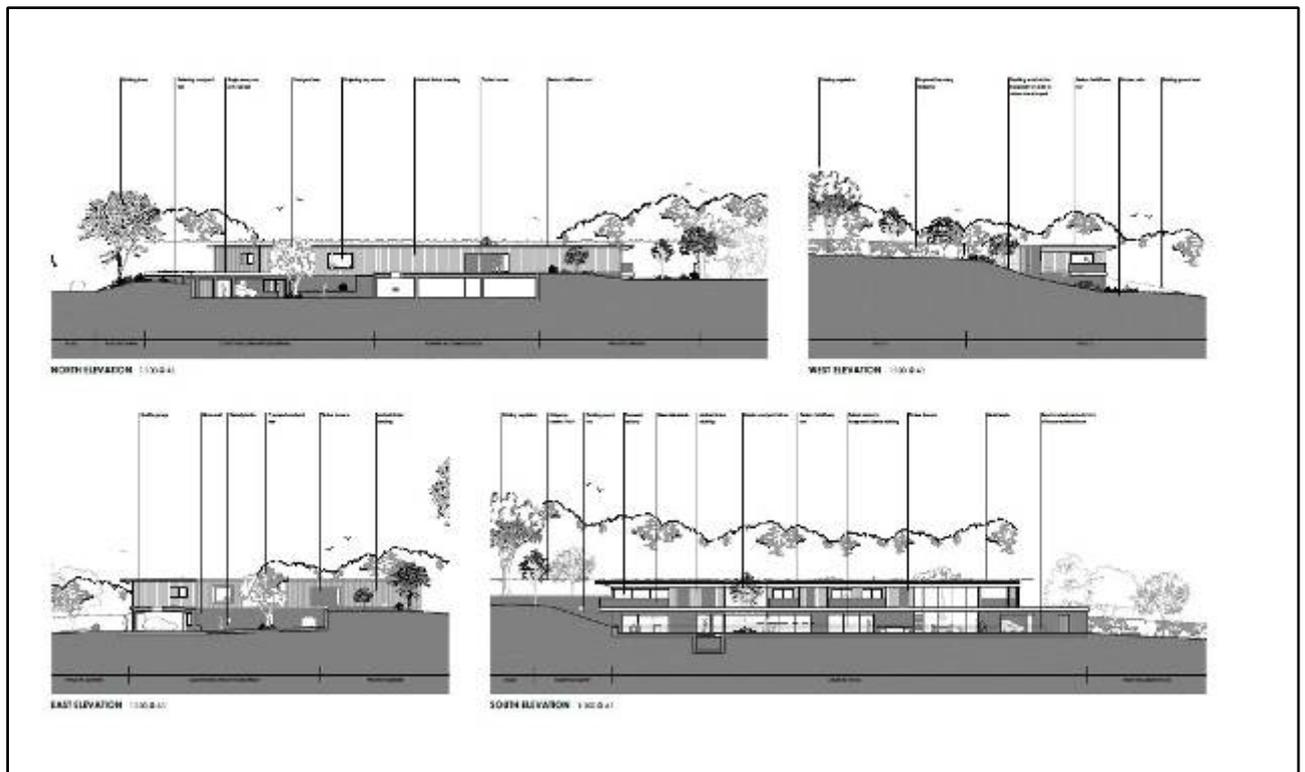
**Figure 6: Plot 1 South Elevation**



Figure 7: Artist Impression Plot 1

8. Plot 2 would be set into the hillside under a sedum roof and would run parallel to the hillside with the proposed ground floor set almost entirely into the existing ground-line, with the majority of the exposed southern elevation made up of full height glazing. The accommodation would comprise an open plan hallway kitchen/dining area/snug, lounge, games room, wine cellar, steam room and plant and store rooms on the ground floor. There would also be a double garage and double carport and bin store. On the first floor, a master en-suite (and dressing room) four en-suite bedrooms and a guest en-suite are proposed along with a laundry room. A 750mm high raised planter and bund to the south forms a boundary for the dwelling's patio

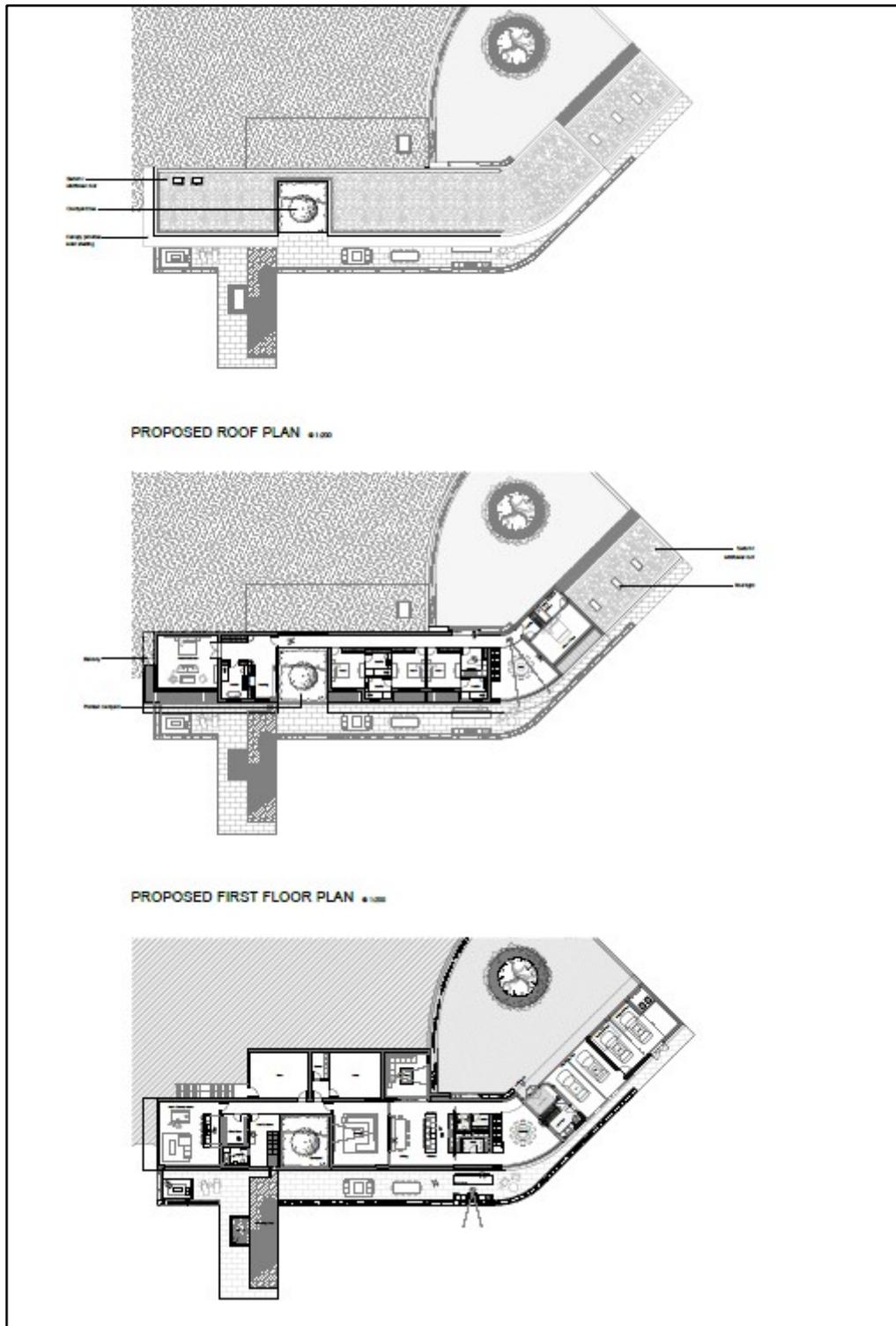
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**Figure 8: Plot 2 Proposed Elevations**

spaces, whilst screening the majority of the ground floor.

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**Figure 10: Plot 2 South Elevation**



Figure 11: Artists Impression Plot 2

## Planning History

No relevant planning history

## Consultations

**Ward Member:** Has requested the application is determined by the Planning Committee

**Chilham Parish Council:** No objection subject to further exploration of highway safety measures on Mulberry Hill

**KCC Highways & Transportation:** The scheme does not meet their protocol for making comments

**KCC Biodiversity:** Sufficient Information has been provided.

Requests conditions securing ecological enhancement, implementation of the proposed reptile mitigation strategy and details of external lighting

**Kent Fire and Rescue Service:** Makes the following comment:

Development will be required to meet the access requirements of the Fire and Rescue Service as required set out under ABD B5 Section 15-17

**Neighbour: 12** consulted. **8** letters of objection; 4 letters of support and 2 general comments received stating the following

#### Objections

- Buildings should be lower into the landscape to reduce their impact and overshadowing of the cottages opposite.
- If allowed the houses should not be two-storeys as planned as this is a high piece of ground and tall buildings would be visible from a distance.
- Proposal is not an exceptional design, nor will it blend in with its surroundings and is architecturally at odds with the local area.
- Visual impact on outlook would be considerable, particularly from the windows on the 2nd floor and attic, with some worrying overshadowing of cottages and restriction of the light in the afternoon and evenings, particularly to our living room which is on the ground floor.
- Proposal would dominate the local AONB surroundings and is not in keeping with the village.
- Proposal would harm local bat and badger populations and wildlife habitats • Site should be preserved as an important area for conservation.
- New access near the entrance to Little Mulberry Cottage will make the road less safe.
- Proposal would increase traffic disruption on the road and in the village
- The village does not have the infrastructure to deal with the increased number of dwellings and demand upon local services.
- Proposal will bring only increased costs and dangers to local residents, and loss of amenity.
- Site should not be developed for two houses that will not be affordable for local families.
- ABC should prevent unnecessary new housing being built in such a special AONB.
- Existing buildings should be extended if necessary to allow residents more space rather than spoil land that has never been developed and which attracts visitors to the area.
- No community benefit from the proposal.
- Proposal does not correlate with the councils own criteria for granting planning permission.

### General comments.

- It is obvious to see my refused proposal would have had far less impact on the AONB with the added benefits of affordable housing and good sight lines on to the road.
- Would presume the planning officers are going to judge this proposal with the same interpretation of policies otherwise many local people deserve an explanation.
- Would be natural to question the legalities of what would seem a huge disparity of how two proposals on opposite sides of the same road have been dealt with.  
**[Officer Comment:** Each application is judged on its own merits and as set out below this is a site allocated within the Development Plan for this type of development.]
- No objection although speed restrictions should be put in place on Mulberry Hill.

### Support

- It is a quality design that will be in keeping with the street and the landscape.

## **Planning Policy**

9. 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).
10. 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).
11. 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
  - S41 – Chilham – Mulberry Hill
  - HOU12- Residential Space Standards Internal

HOU15 - Private External Open Space

TRA3a - Parking Standards for Residential Development

TRA7 – Road Network and Development

ENV1 – Biodiversity

ENV3b – Landscape Character and Design

ENV4 – Light Pollution and Promoting Dark Skies

ENV5 – Protecting Important Rural Features

ENV9 – Sustainable Drainage

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

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

Sustainable drainage

Residential Parking

Residential space & layout (External space standards)

Landscape Character Assessment

Dark Skies

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2019

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 following sections of the NPPF are relevant to this application:-

Section 12 of the NPPF refers to achieving well-designed places. As such the creation of high quality buildings and places is fundamental to what the planning process should achieve. Good design is a key aspect of sustainable development, creates better places to live and helps to make development acceptable to communities. It is therefore clear that design expectations is essential for achieving this. Paragraph 127 states the following in relation to good design. It specifies that decision should ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- Establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive welcoming and distinctive places to live work and visit.
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks, and;
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...

Paragraph 170 states that minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure. Paragraph 175 goes on to state that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts)... or be adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It goes on to also state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Paragraph 172 outlines that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b)the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c)any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated

### National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standards

## **Assessment**

### **Principle**

13. The application site has been allocated under Policy S41 of the Local Plan 2030 for an exclusive residential development of up to two dwellings. In principle the proposal is therefore acceptable provided, it meets the policy requirements.
14. Policy S41 states that development proposals must :
  - a)*Meet a high quality or innovative nature of design, which:*
    - a.*Responds to and is well integrated with the natural topography of the site*
    - b.*Pays particular regard to its setting, and utilises design to make a positive contribution to local character and that of the AONB.*
    - c.*Uses locally appropriate materials; and to*
  - b)*Retain and enhance the existing hedge and tree boundaries around the site to create soft landscaping along site boundaries*
  - c)*Provide dedicated vehicular accesses for each dwelling; and,*
  - d)*Provide a connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water, and ensure future access to the existing sewerage system for maintenance and upsizing purposes*
15. These are assessed below.

### **Visual Impact Assessment**

16. In respect of visual amenity, Criteria a) and b) of policy S41 need to be met. This criteria is supported by policy SP6 and ENV3b which seek good design and consideration of local character and the landscape, and is consistent with the NPPF which seeks development which adds to the overall quality of the area as a result of good architecture, layout and appropriate and effective landscaping.

17. The application site is located to the east off Mulberry Hill and has a gently sloping gradient descending to the south towards the village of Chilham. Bounded by mature roadside and field hedgerows which are interspersed with mature trees, the site is intrinsically rural in character and appearance
18. The proposal seeks to construct two exclusive high quality detached homes. Individually designed, both dwellings have been designed to integrate with the topography of the site. Set into the hillside, Plot 1 is set perpendicular to the sloping hillside to allow the perceived mass of the dwelling to be located against the rear of the plot (in the form of ancillary accommodation). Plot 2 runs parallel to the hillside with the ground floor set almost entirely into the existing ground line. A 750mm high raised planter and bund is proposed to the south forming a boundary around the proposed patio space.
19. The proposed dwellings follow the curvature of the land which falls away to the south. The proposal allows the dwellings to step down within the landscape, whilst the sloping hillside allows the dwellings to respond to the natural land formation and take advantage of the screening afforded by the existing sloping topography of the site and the boundary hedgerows and trees. The sunken driveway and walled courtyard spaces would screen the parking areas and the wildflower/sedum roofs aid with the blending of the dwellings into the landscape, preserving the site's rural character and appearance.
20. The proposal has taken design cues from local historic buildings, to respect the local vernacular in the nearby historic village of Chilham. The proposed feature gable on Plot 1, the overhangs and canopies and the recessed balconies on Plot 2, provide a good level of articulation between the ground and first floors; and, the proposed use of high quality locally appropriate materials is acceptable, ensuring that a high quality finish to the development is achieved.
21. Both dwellings are of a scale and mass which is appropriate for their plot size and by virtue of their design, neither dwelling would be prominent or intrusive. The proposal creates an innovative and visually interesting form of development which would make a positive contribution to the local area and the AONB. This would therefore preserve and enhance the special qualities for which the AONB is designated. With restricted and very localised views, no adverse visual impact would be caused, and the quality of the surrounding AONB designated rural landscape would be complimented by the quality of the design and layout. Subject to the finer details of construction (which can be controlled by condition), it is considered that Criteria a) and b) of policy S41 have been met.

### **Residential Amenity**

22. Policy SP6 promotes high quality design and states that development proposals must demonstrate careful consideration of and a positive response to, amongst other things, liveability. This is consistent with advice contained within the NPPF which advises that new development should create places that are safe and which promote health and well-being, with a high standard of amenity for future users (para.127 (f)).
23. The site area proposed for the new dwellings would provide enough space so that each dwelling would be located away from the existing B1c /B2 commercial buildings to the south and the existing dwellings to the east, to minimise harm for the future and existing occupiers. Set back from the road and built into the hillside, the proposed dwellings would be neither overbearing nor result in overshadowing and/or overlooking of existing neighbouring properties.
24. The proposed layout prevents any interlooking between the two properties and/or overlooking of the proposed private amenity spaces. The proposed dwellings comply with the relevant space standards set locally and nationally for external and internal amenity for future occupiers respectively. On balance a good standard of residential amenity to future occupiers would be provided, and neighbouring occupiers would not be adversely impacted.

### **Ecology**

25. A Preliminary Ecological Appraisal has been submitted with the application and concludes that no further surveys are necessary regarding protected species. KCC Biodiversity concur with the report's conclusions. However the following ecological impacts are of note.

#### Hedgerow Loss

26. Approximately 8m of the existing roadside hedge will be removed as part of the proposed development, constituting a loss of valuable habitat, and therefore, a loss in biodiversity. To compensate for this loss, it is proposed that c.50m of hedgerow habitat will be planted through the site (east to west between the two dwellings). KCC Biodiversity is satisfied with the proposed hedge planting and advises that it must consist of native species only and that the exact species to be planted should be specified. This can be sought as part of an ecological enhancement plan for the site, secured by a planning condition.

#### Reptiles

27. The plans show a loss of c.33ha of suitable habitat for reptiles; all species of which are protected. However, as c.37ha of habitat is available immediately adjacent to the south (under the same ownership), it is considered that enhancement of this receptor site, in combination with habitat manipulation within the proposed development site, is sufficient to negate any potential harms to reptiles and retain any population.

28. Provided the recommended precautionary mitigation measures are adhered to, the KCC Biodiversity is satisfied that any potentially present reptiles will not be harmed and can be retained on-site.

#### Bats

29. As stated within the report, the only tree to potentially support roosting bats will be retained. However, it is likely that bats forage and commute over and around this site and, therefore, could be impacted by any external lighting incorporated into the development. Details of external lighting design in accordance with the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' are therefore required and can be sought as a condition of any planning approval.
30. On balance, in light of the above, it is considered that the proposal is acceptable in regard to its ecological impact. If Members are minded to approve the application ecological enhancements should be sought as a condition of any approval, as well as measures to protect trees and hedgerow during construction.

#### **Highway Safety & Parking**

31. Criterion c) of policy S41 requires a dedicated access to be provided for each dwelling. With each dwelling provided with its own access, the proposal meets this policy requirement.
32. With regard to the neighbours' concerns about the impact upon the highway, Policy TRA7 states that development that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development. It states that new accesses onto the road network will not be permitted if a materially increased risk in accidents or traffic delays would be likely to result. The NPPF also states that development should ensure that a safe and suitable access can be achieved for all people.
33. The proposal is for two dwellings and one of proposed accesses is existing. The number of vehicle movements associated with the development would not be significant and would not materially impact on the capacity of Mullberry Hill. The submitted Transport Statement demonstrates that the required visibility splays can be provided at the proposed access points and turning space for each dwelling would be provided to allow vehicles to exit in forward gear. The proposed parking provision is in accordance with the Council's adopted Residential Parking Standards (Policy TRA3a).
34. Taking account of the above and, considering that no concerns have been raised by KCC Highways and Transportation, the proposal is considered

acceptable in regard to highway safety. Conditions securing the required visibility splays at the proposed access would be necessary and reasonable.

## **Other Matters**

### **Drainage**

35. The information submitted regarding drainage is limited but given the proposal incorporates the use of permeable surfaces including a sedum roof, proposes further landscaping and there are large areas of undeveloped land surrounding the site, it is not considered there would be any significant increase in surface water run-off. No surface water drainage or flooding problems are associated with the site. To ensure adequate provision of drainage is incorporated into the development, details pursuant to a sustainable drainage system could be secured through a planning condition.
36. It is proposed to connect to the main sewers at the nearest point of adequate capacity in accordance within criterion d) of the policy, and the applicants are in negotiation with Southern Water. Further details regarding details of foul water could be secured through a condition.

## **Human Rights Issues**

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

## **Working with the applicant**

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

## **Conclusion**

39. In conclusion, in light of the above the submitted proposal is considered to meet the requirements of policy S41 in delivering two homes of high quality which, by virtue of their innovative nature, would respond positively to and make a positive contribution to the quality of the surrounding AONB designated landscape.

40. The proposal complies with the Development Plan in respect of the residential amenity of existing and future occupiers, ecology, highway safety and parking and drainage subject to conditions. With no matters raising an overriding objection to the grant of permission, the proposal is considered acceptable and it is therefore recommended that the application is approved.

## Recommendation

### Permit

**Subject to the following Conditions and Notes:**

**(with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit).**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision.

**Reason:** To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

3. No development shall commence until the precautionary mitigation measures and works for reptiles as set out in section 5.4.14 of the approved Preliminary Ecological Appraisal (Greenspace Ecological Solutions August 2019) have been carried out in full.

**Reason:** In order to enhance biodiversity of the site.

4. No development shall take place on site until a Transport Construction Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period and shall include:
  - a. Wheel washing facilities/measures to prevent debris and spoil and the discharge of surface water onto the public highway,

- b. Access point for HGV's (no HGV's shall reverse onto the highway without the assistance of a banksman) and site personnel,
- c. Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction,
- d. Provision of parking, turning and unloading facilities for delivery vehicles,
- e. Hours of operation

**Reason:** In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and neighbour amenity.

5. Prior to the commencement of the development details of drainage works, designed in accordance with the principles of sustainable urban drainage, shall have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out and maintained in accordance with these details.

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

6. Prior to commencement of the development hereby approved details of the proposed method for the disposal of sewage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be maintained thereafter.

**Reason:** To avoid pollution of the surrounding area.

7. Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out using the approved external materials.

**Reason:** In the interests of visual amenity.

8. Prior to the commencement of development, the following details shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

- Details and location of rainwater goods;
- Details of any flues, grilles and vents to be installed including location, dimensions, colour and material;

- Details of electricity and gas meter boxes and any external pipe work including their location on the building;
- Joinery details;
- Proposed eaves detailing and roof overhangs, window and door reveals;
- Sectional details through sedum roof, the gable, curving roof form, recessed balconies; and,
- Sections through the artificial mounds to the south and lower patios of Plot 2.

**Reason:** In order to maintain the design quality of the development and protect the visual amenity of the locality.

9. Details of final levels for the development, including slab levels of the dwellings hereby approved, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of works and the development shall be carried out in accordance with the approved levels.

**Reason:** To ensure the development sits well within the landscape and in the interests of the visual amenity of the surrounding area.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Class A-E of Part 1 and Class A of Part 2 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

**Reason:** In the interests of protecting the character and amenities of the locality.

11. Prior to occupation of the dwellings hereby approved a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will maintained thereafter in accordance with the plan.

**Reason:** In the interests of visual and residential amenity and biodiversity.

12. Within six months of works commencing, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. This will include recommendations in section 6 of the Preliminary Ecological Appraisal (Greenspace Ecological Solutions August 2019) and a list of hedgerow species to be planted. The approved details will be implemented and thereafter retained.

**Reason:** In order to enhance biodiversity of the site.

13. The approved landscaping scheme and biodiversity enhancements shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

**Reason:** In the interests of visual amenity and to protect and enhance the amenity of the area

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

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

15. The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:
- a. All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the approved arboricultural impact assessment, tree protection plan and method statement pursuant to condition 21, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction,
  - b. No fires shall be lit within the spread of branches or downwind of the trees and other vegetation,

- c. No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation,
- d. No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation,
- e. Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level,
- f. No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained.

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

- 16.** The area shown on the drawings number 18.012 002 as vehicle parking space, garages and turning shall be provided in accordance with the approved details before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

**Reason:** Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

- 17.** The first 5m of the access hereby approved from the edge of the highway shall be constructed of a bound surface, the details of which shall be submitted to and approved in writing by the Local Planning Authority. The access shall then be constructed in accordance with the approved detail prior to its first use and maintained as such.

**Reason:** To ensure that no gravel or other material is taken from the site onto the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety

18. No gates or barriers shall be erected across the access within 5.5m metres from the back of the carriageway used by vehicular traffic.

**Reason:** In the interests of highway safety

19. The visibility splays shown on Appendix B of the approved Transport Statement within which there shall be no obstruction in excess of 0.9m in height above the carriageway edge, shall be provided at the access before the first occupation of the dwellings hereby approved and the splays shall be so maintained at all times.

**Reason:** In the interests of highway safety.

20. If unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared in accordance

Following completion of the remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

21. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

**Reason:** In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

## **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 20/00039/AS)

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