

Application Number	17/00952/AS
Location	Land East of Hope House, Ashford Road, High Halden, Kent
Grid Reference	89481/37282
Parish Council	High Halden
Ward	Weald Central
Application Description	Outline application for a residential development of up to 28 dwellings with access from the A28.
Applicant	Crabtree and Crabtree (High Halden) Ltd
Agent	Mr S Davies, Hobbs Parker Property Consultants, Romney House, Monument Way,
Site Area	2.17 hectares
(a) 86/26R & petition with 87 signatories R	(b) Parish Council R (c) KH&T X, KCCD X, KCC (Dev) X, EA -, EHM X, PO X, POS X, ABC (Housing) X, KCC (Bio) X, SW X, KWT R, NE X, NHS -

Introduction

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

Site and Surroundings

2. The site extends to approximately 2.17 hectares and comprises undeveloped grassland bordered by hedges to the surrounding fields. The land is relatively level but the ground level rises gently towards the southern boundary.
3. The northern most boundary forming the frontage of the site, lies adjacent to the A28. The site is separated from the A28 by a grass verge and stock proof fence. There is a gated field access into the site off the A28. The A28 at this point is subject to a 40 mph speed limit which reduces to 30 mph immediately to the east of the site.

4. The northern most boundary comprising the field access is open and free from any landscaping.
5. The eastern boundary of the site consists of close boarded fencing and an intermittent hedge which separates the site from the housing immediately to the east. This housing comprises modern bungalows that are laid out in a backland form and beyond these to the east is Millfield, a modern estate development comprising some 19 houses laid out around a cul-de-sac.
6. The southern boundary adjoins open countryside. To the west, the site bounds a paddock to the rear of a residential property, and the remainder of the northern boundary adjoins the rear of residential properties fronting Ashford Road. The southern, western and northern boundaries adjoining the rear of residential properties comprise hedgerow and a number of larger trees.
7. There is an existing pond in the north west corner of the application site.
8. Hope House immediately adjacent the site is a Grade II Listed Building. There are three other properties on the opposite side of the Ashford Road that are also designated Grade II Listed.
9. The site is located some 300 metres to the west of the High Halden Conservation Area. The site is located in the Low Weald within the Landscape Character Area of Biddenden and High Halden Farmlands.
10. A plan showing the application site in relation to its surroundings is found below and also attached as **Annex 1** to this report.

Proposal

11. The proposal is an outline application for up to 28 dwellings with all matters reserved for future consideration save for that of access.
12. The proposals equate to a density of approximately 13 units per hectare.
13. Access arrangements consist of the detail of the means of access to the site being submitted and not full details of accesses within the site. Details of the proposed access arrangements are shown in **Figure 1** below.

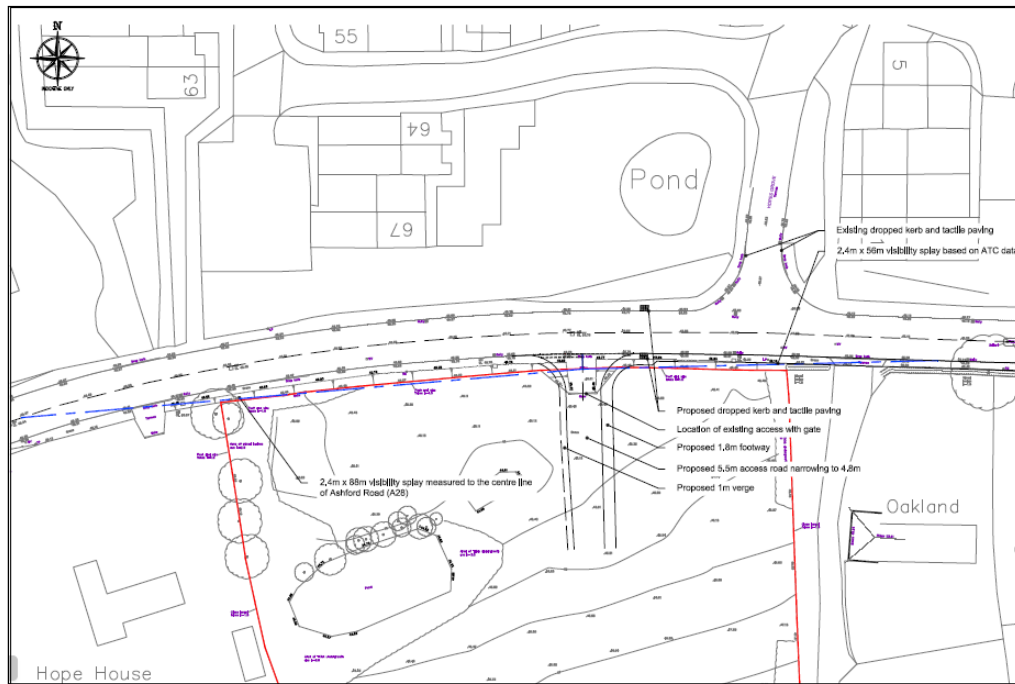


Figure 1: Access Arrangements

14. The proposal includes an indicative layout shown in **Figure 2** below.



Figure 2: Illustrative Layout

15. In support of the application, the following information has been submitted and summarised below:

Design and Access Statement (DAS)

16. The DAS describes the site and surrounding area and planning policy context. It describes the proposed development in detail including the rationale underpinning the proposals with reference to landscaping and the local vernacular.
17. Although this is an outline application, the DAS includes an illustrative layout and discusses the amount of development deemed to be appropriate. The DAS references property types, stating that the dwellings will all be 2 storey, comprising 12 x 4 bedroom, 10 x 3 bedroom, and 6 x 2 bedroom dwellings with a mix of detached, semi-detached and terrace blocks.
18. The DAS confirms that it is proposed to use sustainable methods of construction and energy conservation, aiming to achieve Code Level 4 of the Code for Sustainable Homes.
19. The DAS concludes by stating the following:
 - The Local Planning Authority (LPA) considers the site to be suitable for residential development as set out in emerging plan policy S33.
 - The site is in a sustainable location.
 - The LPA cannot currently demonstrate a 5 year housing land supply.
 - The scheme is compatible in scale to past developments and will continue the gradual organic growth of the settlement in an acceptable form.
 - The scheme would respect the setting of Hope House which is a Listed Building.
 - The development will preserve existing ecological features, as well as providing long term management for additional habitat and biodiversity enhancement.
 - The proposal is fully acceptable in design and access terms.

Planning Statement (PS)

20. The Planning Statement sets out the Planning Policy context against which the application should be determined. It discusses the site and proposals in detail and also discusses the constraints. The statement alleges that Ashford has a significant short fall in its five-year housing land supply.
21. The statement concludes that the proposed residential development of the site would be in accordance with government policy in the NPPF. It states that the site clearly lies within a sustainable location in close proximity to existing and

proposed public transport services and the facilities in the village of High Halden. The statement indicates that the proposal is therefore clearly consistent with the objectives of the NPPF.

22. The statement claims that the site will contribute to the provision of housing to meet the needs of the Borough. The development offers only limited impacts, with both heritage assets and local habitats being appropriately mitigated through their careful consideration and appropriate integration into the overall pattern of development.
23. The statement finishes by stating that it is considered that the application is fully consistent with national and local planning policy, including the draft allocation S33 contained in the emerging plan. As a consequence of this, and the benefits highlighted the proposal constitutes a wholly acceptable development proposal for this site and should be granted planning permission.

Heritage Statement

24. With regard to the relevant legislation and planning policies, the Heritage Statement states that the proposed development will not affect the physical fabric of Hope House, a designated heritage asset. It also states that particular care has been taken to minimise the impact of the development on the setting of the listed building. The statement alleges that any harm to its setting will be less than substantial and will be firmly outweighed by the public benefits of the scheme. It is therefore concluded that the proposed development meets the policy requirements of the NPPF and the emerging local plan for the protection of designated heritage assets.

Surface Water Management Strategy

25. As the site is greater than 1ha the report also assesses flood risk in accordance with the National Planning Policy Framework (NPPF).
26. The strategy concludes the following:
 - The site lies in flood zone 1, and is assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year and is at low risk of flooding from all other sources. The site is therefore appropriate for residential development from a flood risk perspective.
 - The surface water management strategy proposes to dispose of surface water runoff via exiting drainage routes to watercourses.
 - Attenuation and treatment will be provided by a detention pond/wet pond.
 - A controlled outlet from the pond will limit runoff from the development to greenfield runoff rates.

- The detention pond can be designed to limit surface water runoff from the development to at or below greenfield runoff rates for all rainfall events up to and including the 1 in 100 year plus climate change event.
- The surface water management strategy demonstrates that a suitable mechanism exists for the discharge of surface water from the proposed development.
- The detention pond will act as interception storage. Although the analysis assumes that all surface water runoff is discharged from the site, in reality runoff from smaller events will be retained within the detention pond.
- All runoff will pass through the detention basin/pond and the total pollution mitigation index will be equal or greater than the pollution hazard index for all pollutants. All runoff from the site will therefore receive an appropriate level of water quality treatment.
- The proposals are considered acceptable from a surface water drainage perspective.

Ecological Appraisal June 2017

27. The appraisal confirms that Aspect Ecology has carried out an ecological appraisal of the proposed development, based on the results of a desktop study, extended Phase 1 habitat survey and a number of protected species surveys.
28. The reports concludes the following:
 - Available information confirms that no statutory or non-statutory nature conservation designations are present within the site, whilst no significant adverse effects on any designations within the site surrounds are anticipated.
 - The Phase 1 habitat survey has established that the site is dominated by habitats of low ecological value and the proposals have sought to retain the features of elevated value. Where it has not been practicable to avoid loss of habitats, new habitat creation has been proposed to compensate losses, in conjunction with the landscape proposals.
 - The habitats within the site have been recorded to support a range of fauna, including Badger, a modest assemblage of bats and populations of Slow-worm and Grass Snake, whilst a number of trees have been assessed to be of low suitability to support roosting bats (albeit no evidence for the presence of roosting bats was recorded).

- Two onsite ponds and a number of offsite ponds were recorded to support a medium sized metapopulation of Great Crested Newt. A number of mitigation measures have been proposed to minimise the risk of harm to these and any other notable species that could be present or colonise from the local area. Enhancements are proposed, where appropriate.
- Works which may result in significant adverse effects on Great Crested Newts will need to be undertaken under licence from Natural England.
- The proposals have sought to minimise impacts, and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity.
- The opportunity exists to provide a number of net gains for biodiversity as part of the proposals. Subject to the implementation of the mitigation and enhancement measures set out within the report, the proposed development would accord with the requirements of the NPPF.

Ecology Technical Note:

29. The habitat on site provides suitable opportunities for reptiles and terrestrial opportunities for Great Crested Newts. However, the value of the site is limited by the existing management of the onsite grassland.
30. It is proposed that 0.38ha of habitat within the immediate surrounds of the ponds will be provided at the outset to form the initial receptor area. This will be fully retained during construction works, with newt exclusion fencing installed at the perimeter. This area will be extended further following construction of the main access road.
31. These proposals will provide a core area of 0.5ha of high quality terrestrial habitat.
32. Given the overall size of the site, the areas of habitat proposed for the benefit of Great Crested Newts and reptiles, will also function as public open space to meet the LPA's open space requirement and to ensure the development of the site remains viable. As such, regularly mown pathways will be provided through areas of wildflower grassland.
33. The proposals will result in notably higher quality terrestrial habitat being available to Great Crested Newts and reptiles in the long term. On this basis, the report considers that this area is sufficient to support both the reptile and amphibian populations present.
34. In order to ensure that habitat connectivity to offsite ponds is maintained in the long-term, onsite hedgerows at the northern and eastern site boundary will be

retained within the public realm within buffers of greenspace, which will form part of the dedicated newt/reptile habitat area. Where sections of these hedgerows are located adjacent to newly created gardens, they will be separated from the gardens by boundary fencing/hedge planting and semi-improved grassland corridors.

35. The plans submitted show that the area of newt habitat provided is crossed by a single access road. It is noted that the access road has potential to affect movement of newts and reptiles, particularly if raised kerbs are present. The detailed design will ideally avoid the use of raised kerbs along the section of access road crossing the habitat corridor. If this is not feasible, consideration will be given to the provision of a culvert/underpass beneath the access road to facilitate movement of newts and reptiles across the road.
36. The note details the habitats that will be managed which includes, ponds, wildflower grassland, scrub and hedgerows.
37. At the time of the survey work undertaken in 2017, an inactive subsidiary Badger sett was recorded within the site, whilst an inactive Badger sett was also recorded offsite. Following comments received from KCC, areas of Bramble were strimmed to a height of approximately 20cm as necessary to allow a thorough survey of this area in February 2018.
38. No evidence of any Badger setts was recorded within the area of Bramble searched. The previously recorded Badger setts within and adjacent to the site were recorded to remain inactive in terms of use by Badger. Evidence for the presence of foraging/commuting Badger was recorded in the form of strong pathways and latrines.
39. Given the Badger activity at the site, the potential exists for the use/status of the setts to change in the intervening period prior to construction works. Should a significant amount of time elapse, an updated Badger survey will be undertaken prior to the commencement of construction works.
40. The Note details mitigation in the event that an active sett is recorded, and states that if possible the sett will be retained. If retention is not feasible consideration will be given to the need for licensing and an appropriate mitigation strategy will be devised depending on the type of any active sett and will reflect the setts' likely importance to the Badger social group.

Transport Statement

41. The statement confirms that vehicle access will be achieved via a new access from the A28 Ashford Road. The statement indicates that for pedestrians a footway is proposed to the east of the site to meet with the existing westbound bus stop and footway, as well as dropped kerbs and tactile paving between the access and Hopes Grove. The statement also confirms that a reduction in the speed limit from 40mph to 30mph is proposed to the west of Hookstead.

42. The statement indicates that the visibility splay calculations from the proposed access junction are in compliance with the design and visibility standards set out in Manual for Streets and ING2.
43. Data from TRICS trip rate database for similar sites indicates that the development would generate a total of 137 vehicle trips per day, with 16 and 17 vehicle trips in the AM and PM peak hours respectively. The statement states that this is not considered to be significant in terms of local highway capacity.
44. The statement concludes that the proposals comply with all levels of transport policy and should not result in significant detrimental impacts in transport terms.

Planning History

93/01210/AS Proposed Residential Development.

This application was refused.

Reasons for refusal included the fact that the proposal contained a substantial amount of housing on an attractive undeveloped site that lies outside the built up confines. The final reason for refusal stated that the proposed junction with the A28 was considered to be substandard by virtue of inadequate visibility being provided to the detriment of highway safety.

(Comment of the JDCM: There has been a series of changes to national planning policy and guidance with a clear emphasis on boosting significantly the supply of housing. In addition, local planning policy has also changed and this site is identified as being suitable for residential development in the emerging Local Plan to 2030. Kent Highways are satisfied that adequate visibility can be achieved at the access. These issues are discussed in greater detail in the remainder of the report).

Consultations

Ward Members: Neither ward member Cllr Pickering, or Cllr Mrs Bell are a member of the Planning Committee.

High Halden Parish Council: Strongly objects to the application. There are concerns with regard to the safety of pedestrians entering and leaving the site; a pedestrian crossing near the site is needed to allow pedestrians to cross the A28 safely - this a major route carrying large volumes of traffic (including HGVs and agricultural vehicles). Responsibility for maintenance of the hedge should be clarified, to ensure sight lines are maintained. There are issues with drainage.

KCC Highways and Transportation: KCC confirm that subject to conditions or planning obligation, they raise no objection.

KCC Flood and Water Management: Raise no objection to the outline application detailed above, subject to conditions to ensure the detailed design incorporates an additional analysis to understand the flooding implication for a greater climate change allowance of 40%, as specified in Environment Agency guidance, February 2016, and also that consideration is given to maintenance of water quality before discharge to watercourse.

KCC Ecology 1st Consultation:

Advice that additional information is required prior to determination of the planning application.

KCC are satisfied with the result of the ecological appraisal. However, they state while the results provide a good understanding of the ecological interest of the site KCC have concerns with the proposed mitigation and whether it can be implemented within the proposed development site.

The mitigation area for the reptiles and amphibians is within the area of green space in the north of the site and it is likely that this space will also form part of the public open space so there is a need to ensure that there will be capacity for the site to be used as a receptor site and public access.

The location of the proposed mitigation area means it will be surrounded by housing and any connectivity from the receptor site to the wider area will be reliant on home owners managing their boundaries appropriately to retain connectivity.

Additional information should include the following:

- Confirmation on how much of the green space will be managed as a receptor site.
- Details of how the connectivity between the receptor site and the wider area will be retained and maintained.
- Confirmation that the receptor site area is sufficient to support the reptile and amphibian population.
- Details of management to be implemented in the site to retain the ecological interest.

A separate badger survey details there is evidence of foraging/commuting badgers within the site and two potential inactive setts identified within/adjacent to the proposed development site.

Potential sett 1 was within an area of dense vegetation and was unable to be fully surveyed. It is possible that there is an active sett within the site. Until the dense scrub

has been removed it will be difficult carry out a full badger survey on the area. To address this issue KCC recommend that information is submitted detailing what mitigation will be implemented in the event that active badger setts are present within the site.

KCC Ecology 2nd Consultation

We are satisfied with the result of the ecological appraisal.

The additional information provided by the applicant has satisfied us that the mitigation proposed can be implemented and retained within the proposed development site.

An updated badger survey has been submitted and detailed there is evidence of foraging/commuting badgers within the site but the setts on site have been assessed as inactive therefore we are satisfied that there is currently no requirement for a badger mitigation strategy to be carried out.

An updated badger survey must be carried out prior to works commencing. If an active badger sett is recorded details of the mitigation must be provided.

Overall, no objection subject to a condition requiring a mitigation strategy and management plan.

KCC Development Contributions: Request funds towards secondary education. £2359.80 per applicable house (x28) totaling £66,074.40 is requested towards the Norton Katchbull School dining hall expansion.

£1344.44 is requested for Libraries towards the additional book stock required to meet the demands of the additional borrowers from this development

A condition is recommended relating to broadband.

KCC Development Contributions Updated Comments: KCC have completed the review of Secondary School build costs. Secondary School build costs were last set in 2008. These costs are taken from various Secondary projects undertaken recently. Construction costs have risen and need to be reflected in the contributions sought to ensure the purpose of the contribution is fulfilled. The updated Secondary School contributions are £4115.00 per applicable house (x28) totaling £115,220.00 is requested towards the Norton Katchbull School dining hall expansion.

Natural England: State that they have no comments to make regarding this application. Natural England have referred the Local Planning Authority to their standing advice and data relating to Sites of Special Scientific Interest.

Kent Wildlife Trust: Object to the application. The site has modest wildlife interest, serving as an important open space bringing the countryside deep into the settlement.

Its development harms both human and wildlife interests.

The site should not be sacrificed for development unless and until the Local Plan demonstrates that housing on this scale in this location (with its consequential disturbance to and loss of wildlife habitat) is necessary to meet housing need.

If, the Council is mindful to grant permission then the mitigation and enhancement measures, recommended in the Ecological Appraisal, should be secured by planning condition. A hedgerow-with-trees feature should be provided across the centre of the site (north-south) to achieve better connectivity for wildlife. Aerial photographs of the area suggest that such a hedgerow had been long-established feature of the site prior to its removal in recent years (between 2008 and 2011).

Southern Water: Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

Southern water request a condition to secure appropriate means for disposing of foul and surface water sewerage.

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Environment Agency: State that they have no comments to make.

ABC Environmental Services: No objection subject to a condition to ensure that prior to occupation works for the disposal of sewage have been completed in the interests of pollution prevention.

ABC Project Office (Drainage): No objection. However, comments and recommendations made by Kent County Council's Flood Risk Officer are supported. Should permission be granted it is recommended that the conditions proposed by KCC in their role as Lead Local Flood Authority are applied.

ABC Open Space and Landscape Officer: Due to the scale of the development proposed, the opportunity is available to collect contributions towards identified projects such as outdoor sport and recreation in accordance with the Councils Green Space and Water Environment SPD.

ABC Housing: Have made the following comments:

- 28 units at 35% = 9.8 therefore request 10 units (round up)
- Tenure split 60% Affordable Rent and 40% Shared Ownership (6 units affordable rent and 4 units shared ownership)

- Identification of specific units to aforementioned tenure type to be discussed further with ABC Property Manager and the selected Affordable Housing Protocol Partner
- Details of the Protocol Partners to be passed to the applicant by the ABC Housing Enabling Officer.

Housing Enablers View on the submitted application:

- Happy overall with the type of properties selected for the affordable quota.
- Would request the applicant reconsider the location of those aforementioned affordable homes and how they are integrated into the site? A cluster of this size and concentration may work against the ethos of community cohesion. Two smaller clusters that are integrated within the open market units would be the Councils preference.
- The applicant suggests that having all 10 units in a single cluster is the preferred option of Affordable Housing Providers Management Teams. Breaking up the affordable cluster into two smaller clusters is not considered to make it onerous for an Affordable Housing Provider to manage.

NHS: No comments received.

Neighbours: 86 Neighbours consulted, a site notice has been posted and the application has been advertised in the press.

26 representations were received objecting to/commenting on the application. A petition has also been received signed by 87 persons objecting to the proposal.

These objections/comments are summarised below:

Objections:

- The development is located outside the built confines.
- Inappropriate extension to the village.
- Scale of development is inappropriate and out of scale with existing developments.
- The application fails to address housing need, particularly for the elderly.
- It is difficult to see if affordable housing will be local needs housing.
- If officers are minded to support the application local needs housing should be secured and there should be no reduction in the number of these.

- The application is premature.
- Adoption of the Local Plan and Village confines review should be completed, prior to determination to allow a broader view of development options.
- There are broader infrastructure issues and community sustainability issues which need to be addressed.
- Removal of hedgerows.
- Damage to hedgerows not under the ownership of the applicant/developer.
- Loss of a greenfield site.
- Density of development is inappropriate for the site.
- The development exceeds the number of dwellings proposed by policy S33 by 3 dwellings.
- The development will increase demand on the Local primary school.
- The local primary school and secondary schools are struggling to maintain the placements required.
- The new houses are positioned too closely together.
- Developers will profit from maintenance of communal areas and from housing numbers. This is not acceptable.
- Increase in traffic.
- The road is narrow and cannot accommodate the footpath proposed.
- Poor visibility.
- Inadequate parking.
- Highway and pedestrian safety.
- The existing road network is extremely busy, the development will exacerbate this.
- Traffic along Ashford Road exceeds the speed limit.
- The speed limit should be reduced to 30mph.
- The development will increase road traffic accidents/collisions.
- The width of the proposed footpath is inadequate.

- 1.2 metres is the minimum width of a footpath except for in exceptional circumstances.
- The footpath will be unable to accommodate wheelchair users.
- The width of the footpath should be increased to 2.5m.
- Construction traffic will cause chaos on an overburdened road network.
- Construction traffic will cause disruption.
- Public transport is poor.
- Impact on wildlife/ecology - newts, badgers, birds, ducks, rabbits and pheasants.
- The information relating to the access and visibility splays is incorrect.
- The traffic analysis should be based on a 40mph speed limit and 35 dwellings.
- Impact on the Listed Building – Hope House.
- The development will increase demand on local GP surgeries.
- The development will increase surface water resulting in potential flooding.
- Surface water drains will be unable to cope with the increase in surface water.
- The attenuation pond must be constructed to provide protection from flooding.
- Additional sewage infrastructure should be provided – Sewage already backs up at Hope House – Risk of pollution.
- Ponds should be enhanced for wildlife.
- Further surveys should be submitted to substantiate wildlife on site.
- Loss of light.
- Overlooking/loss of privacy.
- Overbearing.
- Overbearing due to the levels on site.
- Noise and disturbance.
- The properties should be in keeping with existing development.
- Planning permission for residential development has already been refused on this site – The reasons for refusal are still valid.

- The development will affect the structural stability of Hope House.
- Noise, dust and vibration from construction.
- If approved planting and fencing should be provided.
- Cumulative impacts of all residential developments should be assessed.
- Officers should work with the village to identify suitable and available sites and to look at housing need.
- Concern that the open space will be poorly managed.
- Light pollution.

Comments:

- Loss of privacy should be considered.
- The reduction in the speed limit to 30mph is a good idea.
- Hedgerow heights should be increased to help alleviate noise and pollution.
- The entrance to Hopes Field and Hopes Grove are close together which could cause accidents.
- Greenery should be enhanced.
- Birds are present on site.
- The land is unmanaged.
- How will habitat areas be managed?
- Low lying wetland does not contribute to the street scene – full openness is preferable.
- The extent, use and control of landscape areas appears to be fundamental to the proposal and should be consisely presented – The development should not be approved without this.

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 its policies should now be afforded some weight.

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

Local Development Framework Core Strategy 2008

CS1	Guiding principles to development
CS2	The Borough wide strategy
CS6	The rural settlement hierarchy
CS8	Infrastructure Contributions
CS9	Design quality
CS10	Sustainable Design & Construction
CS11	Biodiversity and Geological Construction
CS12	Affordable Housing
CS13	Range of Dwelling Types and Sizes
CS15	Transport
CS18	Meeting the Community's needs
CS18a	Strategic Recreational Open Space
CS20	Sustainable Drainage

Ashford Borough Local Plan 2000

GP12	Protecting the Countryside and Managing Change
EN9	Setting and Entrances of Towns & Villages.
EN10	Development on the edge of existing settlements
EN31	Important Habitats
EN32	Important trees and woodland
HG3	Design in Villages

Tenterden & Rural Sites DPD 2010

TRS1	Minor Residential Development or Infilling
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TRS2	New Residential Development Elsewhere
TRS17	Landscape Character and Design
TRS18	Important Rural Features
TRS19	Infrastructure provision to serve the needs of new developments

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

Local Plan to 2030 (Submission Version December 2017)

SP1	Strategic Objectives
SP2	The Strategic Approach to Housing Delivery
SP6	Promoting High Quality Design
S33	High Halden Land and Hope House
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	Pedestrians
TRA6	Cycling
TRA8	Travel Plans, Assessments and Statements
ENV1	Biodiversity
ENV3a	Landscape Character and Design

ENV4	Light Pollution and Promoting Dark Skies
ENV5	Protecting important rural features
ENV7	Water Efficiency
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage
ENV13	Conservation and Enhancement of Heritage Assets
COM1	Meeting the Communities Needs
COM2	Recreation, Sport, Play and Open Spaces
IMP1	Infrastructure Provision

Supplementary Planning Guidance/Documents

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011 – External Space Standards Only

Sustainable Design and Construction SPD April 2012

Public Green Spaces & Water Environment SPD 2012

Dark Skies SPD 2014

Village Design Statements

N/A

Informal Design Guidance

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

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

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

Government Advice

National Planning Policy Framework 2012

48. 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 weight should be given to relevant existing Development Plan policies according to their degree of consistency with the NPPF.
49. Paragraph 216 states in relation to the stages of preparing a Local Plan that:
- “From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”
50. The following sections of the NPPF are relevant to this application:-
- Paragraph 14 sets out the mechanism for determining applications in accordance with the presumption in favour of sustainable development.
 - Paragraph 49 states that housing applications should be considered in the context of the ‘presumption in favour of sustainable development’.
 - Paragraph 17 sets out the core planning principles including every effort should be made objectively to identify and then meet the housing needs of the area; and always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; encourage the effective use of land by reusing land that has been previously developed (brownfield), provided that it is not of high

environmental value; contribute to conserving and enhancing the natural environment, conserve heritage assets.

- Section 4 indicates a Transport Statement should support developments that generate significant amounts of traffic movement.
- Section 6 sets out about delivering a wide choice of high quality homes, including plan for the needs of different groups in the community including older people.
- Section 7 sets out requiring good design.
- Section 8 seeks to promote healthy communities including ensuring the adequate provision of social, recreational, and cultural facilities and services the community needs.
- Section 11 sets out conserving and enhancing the natural environment. Paragraph 118 contained within this section states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats including ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
- Section 12 sets out conserving and enhancing the historic environment.

National Planning Policy Guidance (NPPG)

51. **Other Government Policy**

Technical Housing Standards – Nationally described space standards

Assessment

52. The main issues for consideration are:

- 5 Year Housing Land Supply and status of the emerging development plan
- Principle of the development
- Sustainability
- Impact on countryside/landscape character
- Design, Layout and Impact on the setting of Hope House
- Impact on residential amenity

- The access arrangement and impact on the highway network
- Ecology
- Drainage and Flooding
- Housing Mix and Affordable Housing
- Whether Planning Obligations are Necessary

5 year housing land supply and status of the emerging development plan

53. 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.

Principle of Development

54. 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.
55. The application proposes a development of up to 28 units on a greenfield site. Policy CS1 of the Core Strategy sets out the guiding principles for development in the borough. Sustainable development and high quality design are at the centre of the Council's approach to plan making and deciding planning applications. Policy CS1(c) states, as an objective, the following:
- 'Protection for the countryside, landscape and villages from adverse impacts of growth and the promotion of strong rural communities'*
56. Policy CS2 of the Core Strategy sets out the Borough Wide Strategy. Amongst other things, the policy identifies a need for land to supply new dwellings and related uses outside of the 'Ashford Growth Area'.

57. Policy CS6 sets out the rural settlement hierarchy in which High Halden is deemed a tier 3 settlement. These are villages in which a limited amount of new development may be acceptable through small site allocations within the Tenterden & Rural Sites DPD 2010. Although policy TRS1 of the Tenterden & Rural Sites DPD identifies High Halden as being capable of accommodating minor residential development or infilling, High Halden was not afforded any housing allocations in this document.
58. Until such time that the draft local plan is adopted, in the context of this current application the relevant policies for housing supply, would include policies TRS1 and TRS2 of the Tenterden and Rural sites Development Plan Document. Policy TRS1 states that minor development or infilling will be acceptable within the built-up confines of villages including High Halden subject to a meeting certain criteria. The preamble to policy TRS1 defines the built-up confines as being:
- “the limits of continuous and contiguous development forming the existing built-up area of the settlement, excluding any curtilage beyond the built footprint of the buildings on the site.”*
59. According to definition the site is outside the built confines of High Halden, and the erection of up to 28 dwellings cannot be considered to represent minor development/ infilling as set out in Policy TRS1 either.
60. Policy TRS2 of the DPD states certain ‘exception criteria’ that could allow development outside of built-up confines, however, this proposal fails to meet any of these criteria. As such, the policies would either not be relevant (policy TRS1) or the development would be in conflict with (policy TRS2).
61. The emerging Local Plan 2030 continues to pursue a hierarchical approach towards the distribution of housing development across the borough in a plan led and sustainable way.
62. In the rural area, larger scale development – in a rural context – is focused at the more sustainable and established rural settlements, those which have more services and facilities and a greater ability to absorb higher levels of new housing.
63. The Plan also proposes to allocate a significant number of housing allocations at medium sized rural settlements which will spread the responsibility for accommodating new housing growth in a sustainable way across the borough and focus new housing in a way that is proportionate and close to the services and facilities in the locality.

64. Within the emerging plan the application site is identified (under policy S33) as being suitable for residential development. Policy S33 states that the indicative capacity for the site is 35 units. The draft allocation evidences the fact that the Council considers the principle of residential development on this site to be acceptable and also sustainable in accordance with the principle identified above. Emerging policy S33 states that:

Development proposals for this site shall:

a) Enhance the north western area of open space associated with the existing pond/s and mitigate against impacts from development on the biodiversity. Provide a wildlife corridor from this area to the adjoining countryside by retaining existing trees and hedging within the site, where possible;

b) Be designed and laid out in such a way as to protect the character and setting of the village and the residential amenity of neighbouring dwellings, particularly to preserve and enhance the setting of the listed building, Hope House; attention needs to be given to the topography of the site and dwellings should be orientated to enable overlooking and natural surveillance of the wildlife/pond area;

c) Provide primary vehicle access onto the A28 Ashford Road, as shown on the policies map and include the provision of traffic calming measures to slow the traffic to 30mph or less, in accordance with the recommendations of Kent Highways;

d) Retain and enhance the hedge and tree boundaries around the site, particularly those adjoining countryside and listed building;

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

65. Overall, in officer's view, whilst the starting point for assessing this application remains the adopted Development Plan, the new Ashford Local Plan to 2030 has now been submitted for examination and as such is a material consideration and its policies should now be afforded some weight.
66. In terms of the weight to be attached to relevant policy S33, for reasons set out in detail in the remainder of the report, the proposed development is considered to comply with the relevant criteria contained in this site-specific policy. For this reason, policy S33 is considered to be a significant material consideration.
67. Also a material consideration and worthy of note, is the fact that other emerging site allocations such as Land adjacent the Kings Head (reference 15/01496/AS) and Land rear of Rose Cottage Farm, North Street, Biddenden, Kent (reference 17/00258/AS) have recently been approved by the Planning Committee.

68. With regard to representations submitted in response to emerging policy S33, the summary of representations received in response to the initial consultation in respect of the Local Plan 2030, indicates that a total of ten representations were received. Three representations were received in support of the draft allocation, three objecting to it, and four made comments in response to the draft allocation.
69. Following the initial consultation, the Council undertook a second round of consultation detailing the main changes to the emerging Plan. The summary of representations received in response to policy S33 following this second consultation indicates that eight representations were received raising objections to the draft allocation, and one representation was received commenting on the draft allocation. In the overall context of the local population, the number of representations received is considered relatively minor.
70. This is a greenfield site and in this respect the development would have a slightly negative environmental impact.
71. However, benefits associated with the scheme include its ability to help boost significantly the supply of housing in accordance with paragraph 47 of the NPPF, its relatively sustainable location (see below), and other recognised social and economic benefits including generating job opportunities, for example, during the construction process, and economic benefits arising from purchasing goods and utilising services and facilities in the immediate and wider locality.

Sustainability - Location of the Development

72. The NPPF seeks to resist isolated new homes in the countryside (para 55). This is consistent with the thrust of policies TRS1 and TRS2.
73. The site is not in an isolated location. The application site is located adjacent to an established settlement within easy walking distance of the centre of the village, where there are a number of local services and facilities including a local convenience store, a public house, church, play park, sports field and a primary school. There are bus stops located within walking distance of the site which offer regular services into Tenterden and Ashford. Therefore, the site is not regarded as being physically isolated from services.
74. For these reasons, on balance, when assessed against paragraph 55 of the Framework, the site is considered to be relatively sustainably located which is a material consideration which weighs in favour of the proposal.

Impact on countryside/landscape character

75. Policy GP12 of the adopted Local Plan seeks to protect the countryside for its own sake including for its landscape and scenic value.

76. Policy EN32 of the Local Plan states that permission will not be granted for development which would damage or result in the loss of important trees or woodland.
77. Policy CS1 of the Core Strategy seeks to protect the character of the countryside, landscape and villages from the adverse impacts of growth. This is endorsed by Policy SP1 of the emerging Ashford Local Plan which sets out similar core principles for development within the borough.
78. Amongst other things, policy TRS17 of the Tenterden and Rural Sites DPD states that development in the rural areas shall be designed in a way which protects and enhances the particular landscape character area within which it is located, and, where relevant, any adjacent landscape character area. The policy also says that existing features that are important to local landscape character shall be retained and incorporated into the proposed development. Policy ENV3 of the emerging Local Plan is not materially different in its approach to landscape and character and design.
79. The site comprises a field in use for agriculture. The land rises to the south towards the hedge/tree line along the southern boundary. With the exception of trees and hedgerow, which predominately align the southern western and the northern boundary adjoining residential dwellings, there are few landscape features except the hedgerows and mature trees.
80. The site is located in the Low Weald within the Landscape Character Area of Biddenden and High Halden Farmlands, where the condition and sensitivity of the landscape is moderate. The overall guidelines for the area are to conserve and improve the landscape. This includes the conservation of long views out across the Low Weald, intimate small scale field patterns and strong sense of enclosure, field ponds and slow flowing streams. The strong matrix of hedgerows and hedgerow trees should be appropriately managed.
81. The site fronts directly onto the A28 and is separated from it by a stock proof fence, there is a gated field access located just to the east of the pond on site. There are no landscape features present along this frontage and so consequently, views into the application site are prominent.
82. Although landscaping is a matter that is reserved for future consideration, the illustrative layout proposal indicates that it is proposed to retain the pond on site together with the planting along the southern and western boundaries and along the northern boundaries adjoining residential properties. The illustrative layout also shows planting along the eastern boundary; where at present planting is minimal. A grant of outline planning permission would offer an opportunity at reserved matters stage to ensure reinforcement of the planting along the boundaries in order to retain a positive and softened edge to the wider countryside. This would accord with landscape objectives and with criteria d of emerging policy S33 of the Local Plan 2030. This would serve to ensure that the sense of enclosure that exists within the site at present is preserved and

enhanced, and will also assist to prevent prominent views into the site from the open countryside that lies to the south. In scenarios where it may be possible to see into the site from within the wider landscape, existing residential development located in close proximity, such as Millfield and Hopes Grove, will be associated with views of the development site. In this context, the site would not appear physically isolated as it will be seen against the backdrop of existing development within High Halden.

83. The positioning and design of boundary treatments will be an important consideration. The use of close boarded fencing on the rural fringes of the site will be carefully controlled to ensure alternative softer garden enclosures more sympathetic to the rural setting are provided.
84. The proposals would result in a significant visual change from an open field to a developed housing scheme, however, the visual impacts associated with this would be relatively localised and contained by the existing and enhanced landscaping to the boundaries. For these reasons and the reasons set out above, I therefore conclude that the redevelopment of the site to accommodate up to 28 units would not cause significant and demonstrable harm to the wider landscape character or visual amenity. Whilst the scheme would undoubtedly change the character of this part of the Ashford Road, I consider that in context with existing residential development this change in character is acceptable.
85. I am satisfied that the proposals would comply with development plan policies which I have referred to which seek to protect the countryside and landscape character. In addition, the proposals are considered to broadly reflect the landscape objectives set out in part d of draft policy S33 of the Local Plan, which, amongst other things requires development proposals for this site to retain and enhance the hedge and tree boundaries around the site particularly with the adjoining countryside.

Design, Layout and Impact on the setting of Hope House

86. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), it is the Council's statutory duty and obligation to have regard to the preservation and/or enhancement of heritage assets such as conservation areas and Listed buildings and their setting.
87. Policies CS1 and CS9 of the Core Strategy require good design, and seek to conserve and enhance the historic environment and built heritage. Emerging policy ENV13 states that proposals which protect, conserve and enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported.
88. Amongst other things policy TRS17 of the Tenterden and Rural Sites DPD states that proposals shall have particular regard to the setting, scale, layout, design and detailing of vernacular buildings and other traditional man made

features. Policy SP6 of the emerging Local Plan is not materially different in its approach to promoting high quality design.

89. The above policies are broadly consistent with the NPPF which seeks to safeguard heritage assets, attaches great importance to the design of the built environment and states that developments should respond to local character and history and reflect the identity of local surroundings and materials. Paras. 62, 63 and 64 seek to ensure high standards of design that help raise the standard of design more generally, and that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
90. The preamble to emerging policy S33 reinforces the need for high quality design in order to ensure that the re-development of this site preserves and/or enhances the setting of Hope House which is a Grade II Listed Building.
91. In addition to landscaping, which has been addressed in some detail above, layout, scale and appearance would be determined at the reserved matters stage.
92. The illustrative drawings submitted indicate that dwellings will be located to the rear of a number of properties fronting Ashford Road. This form of backland development already exists to the east of the site where Rowans and Lynton are positioned to the rear of Oaklands, and where Millfields is located to the rear of properties also fronting Ashford Road.
93. The proposed residential development would not extend beyond the southern extent of existing residential developments and so it would not encroach any further into the countryside by comparison.
94. The proposal is for an 'up to' number. As stated above, emerging policy S33 states that the indicative capacity for the site is 35 units. The indicative layout submitted with this application suggests that up to 28 dwellings may be able to be accommodated within the site subject to achieving a satisfactory layout.
95. Density of development varies in the nearby locality. A development of 28 units on this site would equate to 13 dwellings per hectare. This would not detract from housing densities nearby and is consistent (if not lower) in density than nearby development in locations such as Hopes Grove, Millfields and The Chennells.
96. As stated above, the scale of development would be considered at reserved matters stage but the applicant's details with the outline application make reference to 2-storey development. This is an edge of settlement location surrounded by mixed dwelling types including single and two storey dwellings. As such, contextually, two storey dwellings may be appropriate, but will need to be carefully considered to take account of the change in levels across the site.

97. Hope House is set in a substantial plot. The plot is well screened to the boundaries and so views of the listed buildings are somewhat limited.
98. The illustrative layout indicates that the pond to the east of Hope House will be retained, and the frontage to the application site is proposed to remain open with the exception of planting to the eastern boundary. There is already fairly robust tree cover along the southern boundary within the grounds of Hope House and the illustrative layout suggests that a landscaped green will be created within the application site to the rear of Hope House on its southern boundary. It will only be to the south and west that development will take place and this is shown to be positioned a substantial distance away from Hope House.
99. These illustrative arrangements suggest that setting of the building when viewed from within the public domain is unlikely to change significantly, as a result of proposal. On this basis, I consider that the proposals would preserve the setting of the Listed Building.
100. Overall, I am confident that a scheme for 'up to' 28 dwellings can be designed to protect the setting of Hope House and complement and protect the character and setting of the village in accordance with criteria b of emerging policy S33. Even if any harm were to arise in terms of the impact on Hope House, then in officer's view, this is likely to be minimal/less than substantial and would be outweighed by the public benefits previously identified (NPPF test paragraph 134), which include providing additional dwellings in a sustainable location to contribute to boosting the supply of housing.

Impact on residential amenity

101. Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
102. Whilst layout is reserved for future consideration, the indicative layout plan suggests that satisfactory distances can be maintained between the proposed and adjacent dwellings. Coupled with robust landscaping, I am satisfied that the re-development of the site can be achieved without causing demonstrable harm to neighbours amenity or to each other through loss of light, immediate outlook or by having an overbearing presence. Conditions can be used to maintain privacy at reserved matters stage, should it be considered necessary.
103. The indicative layout plan suggests that gardens can be provided to a size which complies with the Council's Residential Space and Layout SPD.
104. The reserved matters application should ensure that the internal accommodation proposed complies with the National Space Standards. This can be secured by condition.

105. Given the above, I am satisfied that the development would not result in harm to the residential amenity of neighbouring or future occupiers and can comply with the requirements of part d of emerging policy S33 which requires the development to be designed in a way that protects the residential amenity of neighbouring dwellings. The development is therefore in accordance with the NPPF.

The access arrangement and impact on the highway network

106. Policy CS15 of the Core Strategy relates to transport impacts, and amongst other things states, that developments 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.
107. Access arrangements consist of the detail of the means of access to the site being submitted and not full details of accesses within the site, which will be for consideration at reserved matters stage.
108. Vehicle access to serve the development will be achieved via a new access from the A28 Ashford Road. The statement indicates that for pedestrians a footway is proposed to the east of the site to meet with the existing westbound bus stop and footway, as well as dropped kerbs and tactile paving between the access and Hopes Grove. A reduction in the speed limit from 40mph to 30mph is also proposed to the west of Hookstead.
109. The results of the Transport Statement are summarised at paragraphs 41 to 44 of this report. The application has been subject to consultation with KCC Highways and Transportation.
110. Taking into account the introduction of a new road access for the proposal site with associated turning movements and the new section of footway on the on the south side of the A28 linking to the bus stop, KCC are content that extending the 30mph speed limit approximately 80m, just to the to the south east of the proposed junction can be considered appropriate.
111. KCC are satisfied that adequate visibility can be achieved. Visibility splays measuring 2.4m x 88m with no obstruction above 0.9m can be secured by condition.
112. KCC state that the traffic island at the existing 30mph terminal should be removed, and an enhanced gateway feature provided at the location of the new 30mph. Although a traffic island will not be possible due to the road width and the slight bend in the road, it will be possible to provide an enhanced gateway using a combination of coloured surfacing, roundels, ghost island/edge of carriageway markings with white timber posts to accompany the new speed limit signing.

113. The reserved matters application should ensure that adequate space is identified to provide parking in accordance with the Council's adopted Parking Standards SPD. This can be secured by condition.
114. For the reasons set out above, the proposed development is not considered to be harmful to highway safety, and would accord with criteria c of emerging policy S33.

Ecology

115. Policy EN31 of the adopted Local Plan states that development which significantly affects semi natural habitats will not be permitted unless measures have been taken to limit impact and long term habitat protection is provided where appropriate.
116. Guiding Principles Policies CS1 (A) (D) and (K) of the Core Strategy identify objectives of ensuring protection of the natural environment and integration of green elements enhancing biodiversity as part of high quality design. Against these overarching objectives, Policy CS11 of the Core Strategy specifically requires development proposals to avoid harm to biodiversity and geological conservation interests, and seek to maintain and, where practicable, enhance and expand biodiversity. This is included also in Policy ENV1 of the emerging Local Plan.
117. Policy TRS17 of the Tenterden and Rural Sites DPD requires development to have regard to the type and composition of wildlife habitats. These policies are consistent with the NPPF which indicates that the planning system should contribute to and enhance the natural and local environment.
118. The results of the Ecological Appraisal and Badger Survey are summarised in detail at paragraphs 27 to 40 of this report.
119. The application has been subject to consultation with KCC Biodiversity. KCC are satisfied with the result of the ecological appraisal which details the following:
- Medium population of Great Crested Newts
 - Grass snakes and slow worms within the site
 - Smooth and Palmate newts recorded within ponds
 - Suitable habitat for breeding birds within the site
 - Suitable habitat for hedgehogs within the site.
 - Least 5 species of foraging bats

120. On the basis of the additional information provided in the Technical Note, KCC are satisfied that the mitigation proposed can be implemented and retained within the proposed development site.
121. KCC confirm that the ecological mitigation outlined within the submitted reports is satisfactory but there will be a requirement for a detailed mitigation strategy and management plan to be submitted as a condition of planning permission. This is to ensure that the area is managed appropriately for the life time of the development.
122. At the request of KCC, an updated badger survey has been submitted. The survey indicates that there is evidence of foraging/commuting badgers within the site but the setts on site have been assessed as inactive. Therefore KCC are satisfied that there is currently no requirement for a badger mitigation strategy to be carried out. However, as badgers are highly mobile and setts may become active prior to works commencing, if planning permission is granted an updated badger survey must be carried out prior to works commencing on site. This can be secured by planning condition. If an active badger sett is recorded details of the mitigation must be included which can form part of the above recommended condition.
123. Based on the information submitted and the response received from KCC, I am satisfied that the LPA has fulfilled its duty to appropriately assess the development under Regulation 9(5) of the Conservation of Habitats & Species Regulation 2010. Subject to conditions, the proposed development is not considered to result in any adverse impacts to matters of ecological importance in accordance with the relevant policies set out in European and UK law as well as in the adopted development plan, emerging plan and NPPF. In addition, and on this basis I am satisfied that the proposals can comply with the ecological criteria set out in emerging policy S33.

Drainage and flooding

124. The submitted Flood Risk Assessment (FRA) indicates that the application site is sequentially appropriate as it is located within Flood Zone 1 where there is little to no risk of fluvial or tidal flooding.
125. The FRA states that the land is assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year and is at low risk of flooding from all other sources.
126. The FRA includes a Surface Water Management Strategy (SWMS). The aim of the SWMS is to replicate the existing drainage patterns by providing storage to limit peak runoff from the site to existing greenfield runoff rates.
127. The strategy seeks to incorporate Sustainable Urban Drainage Systems (SuDs) and to enhance water quality. The following drainage elements are identified as

being appropriate for the site; water butts, permeable paving, detention ponds, wet ponds and piped systems. It is envisaged that pipes will be used for conveyance and connections between SuDS elements where necessary. The FRA states that pipes can be oversized to provide additional attenuation storage if appropriate.

128. Surface water runoff is to be disposed of via exiting drainage routes to watercourses. Attenuation and treatment will be provided by a detention pond/wet pond. It is stated that a controlled outlet from the pond will limit runoff from the development to greenfield runoff rates.
129. The proposed surface water management strategy provides sufficient storage to attenuate runoff from the development to at or below greenfield runoff rates for all rainfall events up to and including the 1 in 100 year plus climate change event.
130. The proposed system has been subject to consultation with KCC Flood and Water Management and ABC Project Delivery Engineer neither of whom have raised any objection to the proposals. However, KCC have advised that the detailed design should incorporate an additional analysis to understand the flooding implication for a greater climate change allowance of 40%, as specified in Environment Agency guidance, February 2016, and should also consider maintenance of water quality before discharge to watercourse. An informative can be added to any grant of consent advising the developer of this.
131. Overall, subject to conditions, I am satisfied that surface water can be managed in accordance with the requirements set out in the Council's adopted SPD. Based upon the strategy submitted I am also satisfied that the proposal will not worsen flooding on the site or on adjacent land. I therefore consider that the proposal would accord with the provisions of Policy CS20 of the core Strategy.
132. In their response dated 19 July 2018, Southern Water confirm that their initial investigations indicate that they can provide foul sewage disposal to service the proposed development. I am therefore satisfied that the proposals can comply with criteria e of emerging policy S33 which requires the development to provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider.

Housing Mix and Affordable Housing

133. The application was received on 21st June 2017 prior to the Local Plan 2030 being submitted for examination, and the application has not been substantially amended since its initial receipt. Consequently, for the purpose of assessing housing mix and requirements for affordable housing, greater weight is attached to policies CS12 and CS13 of the Core Strategy.

134. The tenure mix across the development will be considered at reserved matters stage, however the applicant's details with the outline application makes reference to 12 x four bedroom dwellings, 10 x three bedroom dwellings and 6 x two bedroom dwellings. This represents a reasonable housing tenure mix for the village and I consider it meets the requirements of policy CS13.
135. It is proposed to provide 'up to' 28 residential units. The inclusion of ten affordable housing units represents a rate of provision of 35.7% of the development as a whole, which complies with policy CS12 of the Core Strategy, which seeks 35% quota provision. The housing will be secured as affordable housing in perpetuity through a S106 Agreement.
136. The mix of affordable housing on this site needs to be provided in accordance with Policy CS12 which requires a 60:40 tenure ratio split between social rented (60%) and shared ownership affordable housing (40%). This can also be secured in perpetuity through a S106 Agreement.
137. In light of the above I consider that the proposed housing mix and the affordable housing element provided is acceptable and also well integrated so as to warrant the support of this application in this respect.

Planning Obligations

138. 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
139. 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>Affordable Housing</u> Provide not less than 35% of the units as affordable housing, comprising 60% affordable rent units and 40% shared ownership units in the locations and with the floorspace, wheelchair access (if any), number of bedrooms and size of bedrooms as specified.</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the</p>	<p>35% of units as affordable housing with 60% affordable rent units</p> <p>40% shared ownership units</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</p>	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to Core Strategy policy CS12, the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>

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	registered provider's nominations agreement.			
2.	<p><u>Children's and Young People's Play</u></p> <p>Contribution towards the provision of new swings and additional play equipment together with safer surface</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	<p>Before completion 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 play space to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the</p>

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				extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
3.	<p><u>Informal/Natural Space</u></p> <p>Contribution towards upgrading the pond at Hopes Grove, High Halden and planting of trees at Hookstead Green</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as improvements to the informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to 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 informal/natural green space and the space to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the</p>

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				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.
4.	<p><u>Outdoor Sports</u></p> <p>Contribution towards the provision of a tennis court/outdoor gym/cricket facilities at the recreation ground at Hopes Grove/Shawlands Lane, High Halden</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	Before completion of 75% of the dwellings	<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 & Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the</p>

				extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
5.	<p><u>Strategic Parks</u></p> <p>Contribution towards signage Conningbrook Lakes Country Park.</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to 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</p>

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				provided and maintained and the maintenance period is limited to 10 years.
6.	Allotments Contribution towards a project to identify and acquire land within the Parish of High Halden for allotments.	£258 per dwelling for capital costs £66 per dwelling for future maintenance	Before completion of 75% of the dwellings	<p>Necessary as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to 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 allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the</p>

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				extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
7.	<u>Secondary Schools</u> Towards Norton Knatchbull School Dining Hall expansion	£ 4115.00 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)	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. Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them. Fairly and reasonably related in scale and kind considering the extent of the development and

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				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.
8.	<p>Libraries</p> <p>Contribution for additional bookstock at libraries in the Borough.</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 policies CS8 and 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</p>

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

Human Rights Issues

140. 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

141. 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

142. The site is not allocated for development in the adopted development plan.
143. Although adopted development plan policy TRS1 of the Tenterden and Rural Site DPD states that “minor development or infilling will be acceptable within the built-up confines of High Halden”, the application site would fall outside the built-up confines and does not represent minor infilling. Neither does the development fall to be considered against the exception criteria set out in policy TRS2. The application therefore represents a departure from the development plan.
144. Notwithstanding the conflict identified in the paragraph above, the site is allocated for development in the emerging Local Plan 2030 under policy S33. The emerging plan has been submitted for examination and as such policy S33 is a significant material consideration, and the fact the proposed development complies with the relevant criteria contained in the site specific policy, and other relevant policies in the current plan weighs in favour of granting planning permission.
145. Other material considerations include the benefits associated with the scheme which include its ability to help to boost significantly the supply of housing in accordance with paragraph 47 of the NPPF and its relatively sustainable location. Other recognised social and economic benefits include generating jobs opportunities, for example, during the construction process, and in particular the provision of specific tenures of affordable housing which will contribute to meeting identified housing needs and can be secured by a S106

obligation. Future residents would also buy goods and utilise services and facilities in the local area providing economic benefits to the immediate and wider locality.

146. Matters relating to layout, scale appearance and landscaping are reserved for future consideration. However, based on the information available and indicative drawing submitted I am confident that a scheme can be designed which will represent an appropriate form of development that sits comfortably within its contextual setting in accordance with policy GP12 of the Local Plan, CS1 and CS9 of the Core Strategy, TRS17 and TRS18 of the Tenterden and Rural Sites DPD and emerging policy S33 of the Local Plan 2030.
147. In terms of the impact of the development on the setting of the adjacent Listed Building, I am satisfied that a scheme can be designed that would not result in either harm or less than substantial harm to the setting of the Listed Building in accordance with policies CS1 of the Core Strategy part a of policy S36 and policy ENV13 of the emerging Local Plan to 2030. Even if any minimal harm were considered to arise, I would deem this to be extremely minimal and certainly less than substantial in accordance with the NPPF test. Any limited harm would be outweighed in this case by the public benefits previously identified.
148. There would be no material harm to neighbouring or future occupier's amenity, highway safety or ecology. In terms of flooding I am satisfied that subject to conditions, the site can be drained in an acceptable way. I am therefore satisfied that the proposal accords with policies EN31 and EN32 of the Local Plan, CS11, CS15 and CS20 of the Core Strategy and TRS17 of the Tenterden and Rural Sites DPD.
149. My assessment of the various issues above indicate that minimal harm would arise as a consequence of residential development here, any incremental harm can be easily mitigated through the imposition of conditions. When balanced alongside the potentially positive social and economic impacts arising from the proposal, in my view the proposal would represent sustainable development. Sustainable development is at the heart of the NPPF and should be seen as the golden thread running through decision taking.

150. In conclusion, whilst the proposal fails to accord with the development plan as a whole, the areas where it is in conflict with it do not result in any demonstrable harm. In addition, the fact the proposed development complies with the relevant criteria contained in emerging site-specific policy S33, and other relevant policies in the current plan, is a significant material consideration. As such, I recommend that planning permission should be granted.

Recommendation:

(A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations as detailed in Table 1, in terms agreeable the Head of Development Management and Strategic Sites or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve minor changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional planning conditions or deleting conditions) as she sees fit.

(B) Grant Outline Planning Permission

Subject to the following conditions and notes:

Implementation

1. Approval of the details of the layout, scale, landscaping internal access arrangements and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

Reason: To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason: To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

3. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

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

Architecture

4. No flues, vents, stacks, extractor fans or meter boxes shall be located on the front elevation of any of the units.

Reason: In the interest of visual amenity.

Highways

5. Prior to commencement of any works on site, a detailed highway layout drawing shall be submitted showing the proposed 30mph speed limit extension in a south westerly direction by approximately 80m. The drawing shall include details of the removal of the existing traffic island, proposed footway to the existing westbound bus stop and details of the new gateway feature to accompany the relocated 30mph speed limit. The works shall be completed prior to the first occupation of any dwelling in accordance with the approved details.

Reason: In the interests of Highway Safety.

6. No dwelling shall be occupied until the vehicular access and associated visibility splays identified on drawing number T-04 Revision P2 and hereby approved have been provided in accordance with that plan. The access and visibility splays shall thereafter be retained in accordance with those plans and the area within the visibility splays shall be permanently maintained with no obstructions over 0.9 metres above carriageway level within these splays.

Reason: In the interest of highway safety.

7. The details submitted in pursuance of Condition 1 shall show adequate land, reserved for parking and/or garaging to meet the needs of the development and in accordance with the Council's adopted Residential Parking and Design guidance SPD or any adopted guidance or policy which may have superseded it. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, 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 the land so shown as to preclude vehicular access to this reserved parking area

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to parking inconvenience to other road users, be detrimental to amenity and in order to compensate for the loss of existing on-road parking.

8. No site clearance, preparation or construction works shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday, Public and Bank Holidays.

Reason: To protect the amenity of local residents.

9. No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction and Transport Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Construction and Transport Management Plan shall include, but not be limited to the following:

- a) Routing of construction and delivery vehicles to / from site;
- b) Details of areas for the parking, loading and unloading of plant and materials, and provision on-site for turning for personnel, delivery and construction vehicles;
- c) Details of areas for the storage of plant and materials;
- d) A programme of works including details of the timing of deliveries
- e) Details of temporary traffic management / signage
- f) Details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances; and
- g) Provision of measures to prevent the discharge of surface water onto the highway.

The approved Management and Transport Plan shall be adhered to throughout the duration of the demolition and construction period.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in the interest of the amenity of local residents.

10. No dwelling shall be occupied until the following works between that dwelling and the adopted highway have been completed in accordance with details approved prior to the first occupation of the dwelling
 - a) Footways, with the exception of the wearing course
 - b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway furniture(if any).
 - c) All wearing courses shall be completed within a year of the occupation of the dwellings to which they relate.

Reason: In the interests of Highway and pedestrian Safety.

Drainage

11. Prior to the commencement of the development details of the proposed means of foul water disposal and the maintenance of such, shall be submitted to and approved in writing by, the Local Planning Authority in consultation with Southern Water and such approved works shall be carried out before occupation of any dwelling and thereafter retained and maintained as such.

Reason: To ensure the satisfactory disposal of sewage and avoid the risk of pollution.

12. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the proposals of the Surface Water Management Strategy by RMB Consultants (dated June 2017) which demonstrates that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not

exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

13. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- a) a timetable for its implementation, and
 - b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

Environmental protection

14. 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 prior to the commencement of development, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2.

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 (LDF Core Strategy Policy CS1 and CS4).

Hard and Soft Landscaping/Trees

15. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the buildings for their permitted use.
- a. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned, thinned or reduced other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority.
 - b. If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
 - c. All retained trees 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 demolition and construction.
 - d. No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
 - e. No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
 - f. 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;
 - g. Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
 - h. No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: In order to protect and enhance the appearance and character of the site and locality.

16. 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 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: In the interest of visual amenity.

17. Before any development above foundation level, details of the design of boundary treatments to include gates, boundary walls and fences to all front, side and rear boundaries and open space within the development shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided prior to the first occupation of any part of the approved development in strict accordance with the approved details. Thereafter these approved boundaries shall be retained and maintained.

Reason: In the interests of visual amenity

18. No dwelling shall be occupied until a landscape management plan, including management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape management plan shall be adhered to unless previously agreed otherwise, in writing by the Local Planning Authority.

Reason: To ensure the new landscaped areas are properly maintained in the interest of the amenity of the area and to maximise the scope of their ecological value.

Ecology

19. No development shall take place (including any ground works, site or vegetation clearance) until an ecological mitigation and enhancement strategy and management plan has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) Updated Ecological scoping survey and any recommended specific species surveys.

- b) Updated Badger survey.
- c) Purpose and objectives for the proposed works.
- d) Detailed design(s) and/or working method(s) necessary to achieve stated objectives.
- e) Extent and location of proposed works, including the identification of a suitable receptor site, shown on appropriate scale maps and plans.
- f) Maps showing the location and types of ecological enhancements.
- g) Aims and objectives of the management.
- h) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.
- i) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works.
- j) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period.
- k) Details of the body or organisation responsible for implementation of the plan.
- l) Ongoing monitoring and remedial measures.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To ensure that the proposed development will not have a harmful impact on protected species, habitats and wider biodiversity.

Space Standards

20. The details submitted in pursuance of condition 1 shall show accommodation that complies with the Nationally Described Space Standards and external private space that complies with the Council's Residential Space and Layout SPD.

Reason: In the interest of the amenity of future occupiers.

Lighting

21. No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). Any associated external lighting that is provided shall be fitted with a timer control system to ensure that the lighting system is switched off at times to be agreed in writing with the Local Planning Authority. The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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

Development restrictions

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the dwellings hereby approved shall only be occupied as single dwelling houses as described by Use Class C3 of the Town and Country Planning Use Classes Order 1987 as amended.

Reason: To ensure that car parking provided within the development remains adequate to meet the needs of the occupiers of the development and to protect the amenities of future occupiers of the development.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A, B and 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.

Refuse

24. Full details of facilities to accommodate the storage of refuse and material for recycling for each dwelling and its collection by refuse vehicles shall be submitted at the same time as details required to be submitted pursuant to Condition 1 and approved by the Local Planning Authority in writing. The approved details shall be implemented before the occupancy of dwellings to which they relate. Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 1995, or any other Order or any subsequent Order revoking or re-enacting that Order, such approved facilities shall be retained and maintained and access thereto shall not be precluded.

Reason: To ensure satisfactory arrangements are put in place and retained in perpetuity for the collection and storage of refuse and recycling.

Sustainability

25. Prior to the first occupation of each new dwelling with a designated parking space provided by means of a driveway, carport, or garage, the dwelling shall be provided with at least one electric vehicle charging point. The charging point may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The charging point shall thereafter be retained available, in a working order for the charging of electric vehicles.

Reason: To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles.

26. No dwelling shall be occupied, until it has been constructed and fitted out to ensure that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day, as measured in accordance with a methodology approved by the Secretary of State, and a copy of the Notice required by the Building Regulations 2010 (as amended) confirming this, shall be submitted to the Local Planning Authority.

Reason: In order to set a higher limit on the consumption of water by occupiers as allowed by regulation 36 of the Building Regulations 2010 and increase the sustainability of the development and minimise the use of natural resources pursuant to Core Strategy policies CS1 and CS9 and guidance in the NPPF.

Broadband

27. Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction.

Reason: in the interests of providing good broadband connections

Notes to Applicant

1. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affects the way in which the property may be used.

2. 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 was provided with the opportunity to submit further information to address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

3. Any feature capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' and we would urge the applicant to contact us prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require our formal flood defence consent (including culvert removal, access culverts and outfall structures). Please contact flood@kent.gov.uk for further information.

4. "A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove

House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

5. The applicant is advised that the initial assessment by Southern Water does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that noncompliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

6. The applicant is advised that the detailed drainage design should incorporate an additional analysis to understand the flooding implication for a greater climate change allowance of 40%, as specified in Environment Agency guidance, February 2016. The detailed design should also consider and address the maintenance of water quality before discharge to watercourse.
7. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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

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

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

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 17/00952/AS)

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Annex 1

