

<b>Application Number</b>	17/01888/AS
<b>Location</b>	Land North of Farley Close, Woodchurch Road, Shadoxhurst, Kent
<b>Grid Reference</b>	97209 38215
<b>Parish Council</b>	Shadoxhurst
<b>Ward</b>	Weald South
<b>Application Description Applicant</b>	The construction of 21 dwellings alongside associated parking, infrastructure, access and landscaping works.
<b>Agent</b>	Esquire Developments Ltd C/o Agent  Mr John Collins, DHA Planning, Eclipse House, Eclipse Park, Sittingbourne Road, Maidstone, Kent, ME14 3EN
<b>Site Area</b>	1.10 hectares

1<sup>st</sup> Consultation

(a) 47 / 14R	(b) Parish Council R	(c) KH&T R, KCC(Drainage) R, KCC (Dev) X, EA -, EHM X , PO (Drainage) -, POS -, ABC (Housing) X, KCC (Bio) X, KCC (Heritage) X, KCC (PROW) X, SW X, KWT , RAM X, NE -, NHS -
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2<sup>nd</sup> Consultation

(a) 47/17R	(b) Parish Council -	(c) KH&T X, KCC(Drainage) X, KCC (Dev) -, EA -, EHM -, PO (Drainage) -, POS , ABC (Housing) -, KCC (Bio) X, KCC (Heritage) -, KCC (PROW) -, SW X, KWT -, RAM -, NE -, NHS X
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### 3<sup>rd</sup> Consultation

- (a) 65/4R                      (b) Parish Council -      (c) KH&T X, KCC(Drainage) X,  
PO (Drainage) -

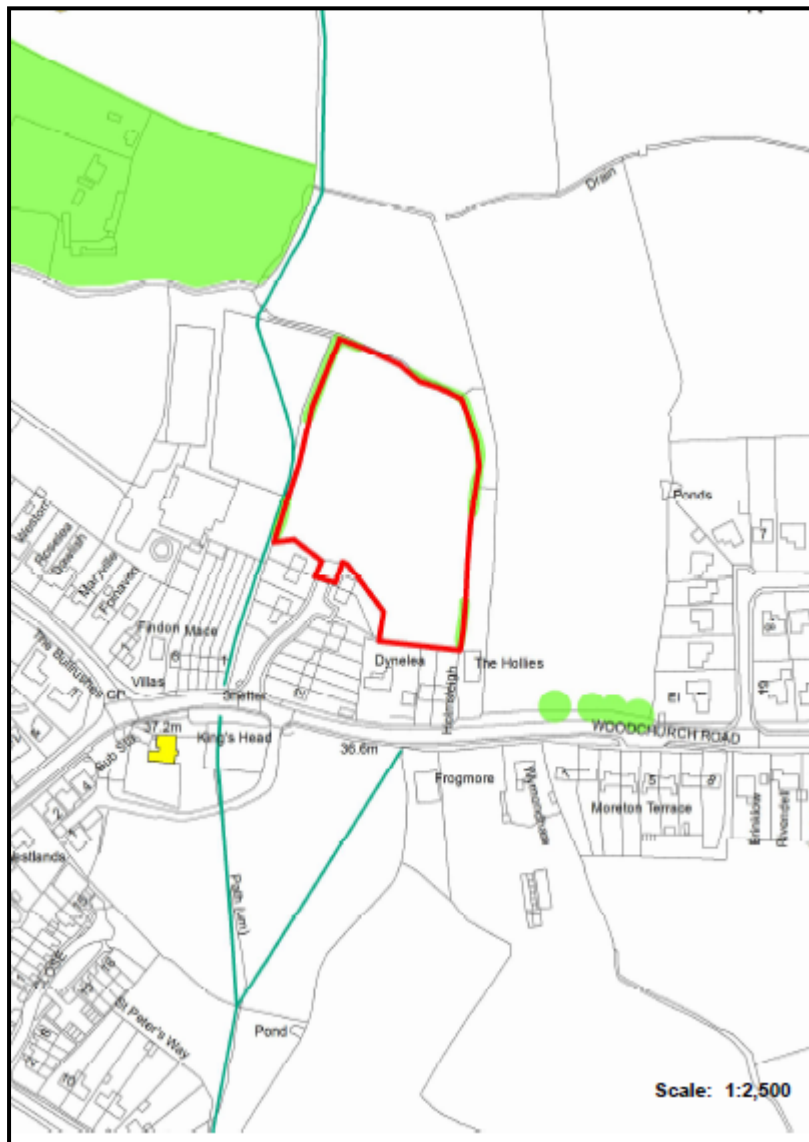
## **Introduction**

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

## **Site and Surroundings**

2. The application site adjoins the boundaries of existing residential and other development located on the northern side of Woodchurch Road in the centre of the village of Shadoxhurst.
3. The site extends to approximately 1.1 hectares and comprises undeveloped grassland bordered by mature planting. The site falls gently from south east to north west. The Topographical Survey submitted with the application indicates a fall of approximately 1 metre across the site from its highest point along the southern boundary to its lowest along the northern boundary. An existing drainage ditch is present along the northern boundary.
4. The site is accessed via a field gate from Farley Close. Farley Close is located off Woodchurch Road.
5. The site lies adjacent to but outside the built-up confines of Shadoxhurst and so is located in the countryside in planning terms. The site is however surrounded by existing or consented residential development along Woodchurch Road, including Farley Close to the south of the site, and Land between The Hollies and Park Farm Close, Woodchurch Road to the east of the site. Land between the Hollies and Park Farm Close benefits from planning permission for 12 dwellings. To the west of the site is large building and riding arena used for equestrian purposes. It will therefore have only one open boundary to farmland to the rear when the consented scheme is built..
6. The site lies within the Bethersden Farmlands Landscape Character Area (LCA), defined as highly sensitive with strong field boundaries and a sense of place. The landscape objectives within this LCA is to conserve and restore.
7. Public Right of Way number AW326 runs adjacent to part of the western boundary of the application site.

8. A plan showing the application site in relation to its surroundings is found below at **Figure 1** and is also attached as **Annex 1** of this report. Areas covered by TPO's are shown green.



**Figure 1 Site Location Plan**

9. An aerial photograph showing the site in relation to consented residential development is also found below at **Figure 2**.



**Figure 2 Site in relation to consented residential development**

## Proposal

10. The proposal is a full application. The application proposes 21 dwellings, with associated access, parking and landscaping. The proposals equate to a density of approximately 19 units per hectare.
11. The application has been amended since its original submission. The principle amendments include:
  - The narrowing of the width of the road to better reflect the sites rural location;
  - Alterations to the layout and mix of affordable housing; in order to ensure that these units are suitably integrated within the development and tenure blind;
  - Alterations to the design of the SuDs to incorporate swales and a dry pond.
12. Of the 21 dwellings proposed, the scheme comprises 14 market homes and 7 affordable homes in the following mix:

### *Market Homes*

- 4 no. 3 bed semi-detached houses;
- 2 no, 3 bed detached houses;

- 6 no. 4 bed detached houses; and
- 2 no. 5 bed detached houses.

*Affordable Homes*

- 4 No. 1 bed flats
- 3 no. 3 bed terraced houses.

13. A total of 40 parking spaces, 12 single garages and 2 double garages have been provided to serve the proposed dwellings together with five identified additional visitor parking spaces to be provided across the site. Access will be provided via Farley Close.
14. The dwellings would be two storey and traditionally designed comprising elevations of brick, tile hanging and painted weather-boarding with a mix of clay and slate roof tiles.



**Figure 3 Proposed Site Layout**



**Figure 4 Proposed Street Elevation**



**Figure 5 Proposed Street Elevation**

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

### **Design and Access Statement**

16. The introduction to this document states that Esquire Developments Limited, the Applicants, are an award winning developer delivering bespoke luxury and high quality homes throughout Kent.

17. This statement:

- Describes and analyses the site context, including, describing the site and immediate surroundings in detail, and referencing the site and its relationship to other consented developments close to the centre of the village.
- Sets out the rationale behind the design and layout, explaining (amongst other things) how the local character, architecture and materials, trees on the boundaries of the site, the ditches and topography have informed the overall design and layout.
- Describes the proposals in detail.
- Discusses the following technical matters:
  - Pedestrian and vehicular access;
  - Public and private landscaping proposals;
  - Fire prevention and rescue;
  - Refuse collection;
  - Ecology;
  - Drainages; and
  - Transport.

18. The document includes a Landscape and Visual Impact Assessment undertaken by Hill-Wood & Co. It concludes that the proposals will be screened by the existing trees and will not be significantly visible within 5 to 10 years due to proposed planting and management of existing planting.

19. The statement concludes that:

- The proposals for 21 homes have been carefully developed to comply with planning policy and guidance in a manner that is sensitive to its setting.
- The site is in a sustainable location within the rural village boundary of Shadoxhurst.
- In preparing this scheme considerable attention has been given to the need to screen the site. This has been achieved by retaining all of the mature trees on the site.
- There will be no harm imposed on the wider area and the high quality design of the houses and landscaping will enhance the area.
- The proposal will not conflict with the development plan or the objectives of the NPPF and NPPG.

#### **Phase I Desk Study and Site Reconnaissance Report – 20 November 2017**

20. LEAP Environmental Limited have produced a Phase 1 desk study and site reconnaissance report. The report summarises that the site is a dis-used field that does not lie within a source protection zone and is not in a flood zone. Evidence shows that the site has remained an undeveloped field since around 1870 with no historic landfills recorded within 500 metres of the site.
21. The following potential sources of contamination have been identified:
  - Potential for on-site pesticides associated with the historical agricultural land use and possible onsite migration from the adjacent agricultural land and the farm to the west.
  - Potential for localised on-site poly aromatic hydrocarbon contamination from the burning of garden wastes in the south of the site.
22. The report confirms that very Low to Low risks have been identified for the contaminants listed above with respect to the proposed residential development. Sampling and laboratory analysis of soils is recommended to determine the actual levels of risk at the site.
23. Substantial potential risks from the following potential geotechnical hazards on site are highlighted:
  - The underlying Weald Clay Formation could be subject to the effects of seasonal soil heave and shrinkage in the vicinity of trees on site.



- There is the potential for selenite crystals to be present within the underlying Weald Clay Formation, creating aggressive ground conditions for concrete.
  - Potential for a high groundwater table beneath the site.
24. An intrusive investigation is recommended to determine the geotechnical properties of the soils beneath the site and the actual levels of risk posed by potential contamination.

### **Preliminary Ecological Appraisal - 12th December 2017**

25. KB Ecology undertook a preliminary ecological appraisal of the site. It is noted that the site had been cleared by the land owner some time before the survey.

#### Great Crested Newts (GCN)

26. It was considered unlikely that GCN would be present on site other than occasionally commuting from one pond to another and therefore no further survey work or mitigation works are proposed with regards to this species.
27. The ecology report refers to the proposed SUDS Pond and says that this could actually benefit GCN.

#### Reptiles

28. The report confirms that at the time of the site visit, apart from a small pocket of nettles and bramble in the South East corner, there was no suitable habitat for reptiles. The report states that it is likely that reptiles are present in the grassland and scrub present directly to the North of the site. The report recognises that this is within the blue line and thus outside of the area that is proposed to be developed.
29. The report advises that reptiles are likely to colonise, if vegetation is allowed to grow back. It is therefore recommended to install a reptile proof fence around the proposed work areas before spring 2018 to ensure no animals enter the site before the start of the ground works.
30. Should the fence not be in place before summer 2018, then the report recommends a reptile survey is undertaken. [**HDMSS Comment:** This can be secured by condition].

### Badgers and Water Voles

31. There were no setts or signs of badgers or indeed water voles with the conclusion being that the ditches do not provide very good habitat for water voles.

### Bats

32. It was concluded that some of the oak trees present along the West boundary offered suitability for bats (presence of dead wood and cavities). Also, the site is likely to be used by foraging and commuting bats. The majority of trees along this boundary will be retained. Other than a bat sensitive lighting scheme, no further work is recommended with regards to bats. [**HDMSS Comment:** This can be secured by condition].

### Dormouse

33. The report considers that the boundary trees have some very restricted potential to support the hazel dormouse. *However, no* dormouse chewed hazel nuts were found during the site visit. Although suitable ancient woodlands are present near-by, the report indicates that only a very small pocket is connected to the site within 500m but it is not well connected to other woods and dormice are not known locally.

### Birds

34. The report states that it is considered that the trees lining the boundaries of the site have high potential to support breeding birds. The report goes on to state that the effect on birds can be avoided by undertaking any vegetation clearance outside of the nesting season. [**HDMSS Comment:** An informative can be placed on any decision notice advising the developer of this].
35. The report concludes with some additional recommendations and enhancements. It is suggested that these could include the following:-
- Provision of hedgehog nesting boxes.
  - Provision of 12cm square gaps under any new fencing to allow hedgehogs access onto all garden areas.
  - Provision of ready-made bird boxes (sparrow terrace timber boxes or house martin nests for instance or mix of open-fronted and hole-nesting boxes and constructed from woodcrete).

- Provision of bat roosting spaces within the new buildings.
- Provision of barn owl boxes.
- Provision of owl boxes in trees.
- Provision of reptile / amphibian hibernacula.
- Provision of two brash/log piles
- Establish climbing plants on walls and other vertical structures.
- Establish wildflower plug/bulb planting in amenity grassland and private gardens.
- Creation of drought-resistant wildflower garden to attract invertebrates and reduce need for water.
- Create a wildlife pond.
- Integration of Sustainable Urban Drainage Systems (SUDS).
- Consider using grid mesh system (or Ground Reinforcement Grids) with topsoil and seeding with a wildflower species mix, to car parking areas and new access drives to retain some vegetation as well as drainage, or Gravel turf.
- Integration of a rain garden.

**[HDMSS Comment:** These can be secured by condition].

### **Landscape and Visual Impact Assessment**

36. A landscape and visual impact assessment has been undertaken by HW & Co. This has looked at likely vantage points. The document took 23 viewpoints all within relatively close proximity to the site, from closer and more distant vantage points.
37. The report concludes that when seen in the context of other permissions and the existing edge of settlement, as well as in the context of existing woodland areas, the proposals will not be significantly visible from the surrounding landscape, especially within a 5-10 year period due to the proposed planting and management of the existing planting within the boundaries of the site.

38. The report concludes that the site is actually less visible than that which was previously granted immediately next door to the east.

### **Flood Risk Assessment and Drainage Strategy – 15 December 2017**

39. Considine Civil & Structural Engineers have produced a supporting document.
40. The document refers to the existing ditch network and the site geology. The report concludes that the risk of flooding from a fluvial or tidal sources is negligible as the land lies within flood zone 1 with a 1-1000 year probability of river or sea flooding. Environment Agency information shows a low probability of flooding from overland flows and it is concluded that the risk of flooding from groundwater is also considered to be low. The report also concludes that the risk of flooding from sewers, highway drainage and private drains is low.
41. The report sets out a Surface Water Strategy for the site and confirms that the surface water drainage system serving the new development will look to reduce the run-off from the developed site to pre-development levels so that flood risk is not increased.
42. The report confirms that it is proposed to install new foul water drainage to serve the development, which will discharge to the existing foul sewer in Farley Close. Final discharge from the development site will be to the existing foul water sewer situated in Woodchurch Road.
43. The report concludes the following:
- It is believed that the existing public foul water sewer has, or will shortly have sufficient capacity to accept the predicted peak development flows.
  - The underlying geology makes the disposal of surface water by infiltration impractical.
  - All access roads, not to be offered for adoption, and private parking areas could be constructed using permeable pavements. However, given the underlying geology of the site we propose a sealed (piped) system. This still provides the pollution control benefits of a permeable pavement but would require a positive outfall to the site wide drainage network.
  - Final discharge from the development site will be to the existing ditch network located towards the northern boundary of the site. Discharge will be controlled by a flow control limiting discharge to a maximum of 5.0 l/s, with the balance in volume attenuated.

- It is proposed to re-align the existing Southern Water surface water sewer crossing the development site. This will be positioned to limit the impact this asset has on the developable area of the site, while still providing sufficient maintenance access. These works will be subject to a Section 185 agreement with Southern Water.

### **Amended Flood Risk Assessment and Drainage Strategy – 12 February 2018**

44. This report has concludes the following:

- Having considered the potential sources of flooding, all have been identified as having a low risk to the development site. It is believed the main risk of flooding to the site, post development, would be the newly constructed surface water drainage system.
- Providing finished floor levels at least 300mm above existing levels will protect the development from Very Low Risk flooding events.
- An assessment of peak foul water flow has been carried out and it is believed the proposed development will generate a peak foul flow rate of 0.70 litres/second.
- Consultation with Southern Water Services reveals that the network is currently at capacity at certain times. However, it is believed that the existing public foul water sewer will shortly have sufficient capacity to accept the predicted peak development flows.
- All access roads, not to be offered for adoption, and private parking areas are to be constructed using permeable pavements.
- Given the underlying geology of the site, we would propose a sealed system. This still provides the pollution control benefits of a permeable pavement but requires a positive outfall to the site wide drainage network. More severe storm events will be attenuated in an open 'dry pond' within the scheme.
- Final discharge from the development site will be to the existing ditch network located towards the northern boundary of the site. Discharge will be controlled by a flow control limiting discharge to a maximum of 5.0 l/s, with the balance in volume attenuated in an open 'dry pond'.

- It is also proposed to re-align the existing Southern Water surface water sewer crossing the development site.

### **Transport Statement – December 2017**

45. DHA Transport have produced a Transport Statement. This looks at existing transport conditions including the local highway network, walking and cycling infrastructure, public transport infrastructure, accessibility, road safety and local conditions.
46. The report notes that Farley Close is a cul-de-sac with 5 metres width which intersects with Woodchurch Road a rural distributor which measures approximately 6m in width.
47. The report notes that there is good walking and cycling infrastructure and that the site is well connected to the Public Right of Way network with cycle route 18 very close to the site.
48. In respect of public transport, the closest bus stops are located to the south of Farley Close, approximately 80 metres or just a one minute walk from the site.
49. It is also stated that there is reasonable connection to Ham Street railway station which is 5.7 kilometres from the site.
50. The accident record for the general location only includes 1 slight incident recorded in the latest three-year period. The report confirms that this incident was not recorded within the near vicinity of the site or its access to the wider highway network.
51. Access to the site will be derived from Farley Close, extending the existing cul-de-sac layout.
52. The existing priority junction onto Woodchurch Road will be maintained and utilised for the proposed development.
53. The reports states that it is understood that the spine road on entry to the site will be provided for adoption, with adoption ending at the shared surfaces.
54. The statement confirms that the site layout has been tracked to ensure that service vehicles such as refuse freighter and fire tender can access the site.

55. The report concludes that the proposed development will result in an additional 94 vehicle trips across the 12-hour weekday (07:00-19:00), of which 11 will occur during the AM peak hour and nine will occur during the PM peak hour. This equates to an average of 8 vehicle trips per hour across the 12-hour period. The report states that given the location of the site, it is considered that these trips will readily dissipate onto the wider highway network, with no 'severe' impacts in line with the NPPF.
56. The report concludes that there will therefore be no sound transport based objection to the proposal.

### **Highways Technical Note – January 2018**

57. This Technical Note was prepared in response to the comments raised by Kent County Council Highways and Transportation.
58. Based on an amended layout, the note confirms the following:
- Visitor parking allocation has been spread more evenly across the site.
  - Parking bays are provided to the correct sizing standard, with all parallel bays measuring 2.5m by 6.0m.
  - For individual units, spaces are provided at 2.5m by 5.0m, with additional space provided where spaces abut walls for ease of access.
  - The space for plot 8 has now been provided with the necessary 6.0m reversing distance.
59. To establish the necessary visibility splays for the access onto Woodchurch Road, an Automatic Traffic Count (ATC) survey was undertaken on Woodchurch Road. The results confirm that splays of 54.25m and 55.95m are required for the east and westbound flows respectively.
60. To ensure that the above visibility is achievable, a review of visibility at the Farley Close / Woodchurch Road junction was undertaken. Drawings submitted show, visibility splays of 2.4m by 90.0m and 2.4m by 77.0m are achievable to the west and east of the junction respectively.
61. The note confirms that the main spine road on entry to the site has been narrowed to 4.1m following discussions with both KCC H&T and the case officer for Ashford Borough Council.

62. A passing place is provided approximately 18.0m into the site, providing a carriageway width of 4.8m, allowing for two vehicles to comfortably pass.
63. To ensure the necessary vehicles can still access the site, leaving within a forward gear, revised swept path analysis has been provided. As shown, the necessary vehicles can still access and manoeuvre within the site, ensuring the suitability of the proposals.

### **Affordable Housing – Supporting Statement**

64. The statement includes the following:

*It is noted that the proposal brings 7 No, affordable houses; 4 No for affordable rent and 3 No. for shared equity. This mix is in accordance with the Council's standard of 35%.*

*We note that based on 35% calculation the requirement would be 7.3 dwellings and as is normal practice the figure is rounded down to 7. We wish to place on record that where the % figure is above .5 the figures are rounded up, which ensures that in overall terms the Council ensure they meet their 35% target.*

*In addition to the above we note that the units are all designed to the same very high quality and using the same materials such that they will be tenure blind.*

*We note that the approach that we have set out is consistent with the Councils approach to affordable housing as has been applied on other sites locally.*

*In addition to this we note that Hyde Housing Association have already expressed an interest in the site and we would expect to be able to deliver the units within a short space of time which would help with not only affordable housing delivery but housing delivery in general.*

### **Arboricultural Tree Survey – November 2017**

65. A total of 11 trees have been recommended for removal. It is stated that these do not merit retention due to their condition and would be misplaced within the formal development. The following works to a further 25 trees are recommended:



Ashford Borough Council - Report of Head of Development Management and Strategic Sites  
 Planning Committee 20 June 2018

Tree no.	Species	Timing	Required works	Reason
T05	Oak, pedunculate	Pre-construction	Crown lift to 5.2 metres, reduce lateral growth over site	Overhanging site
T12	Oak, pedunculate	Pre-construction	Remove 2 x lower limbs	Overhanging site
T15	Oak, pedunculate	Pre-construction	Remove 1 lower limb over site	Overhanging site
T18	Oak, pedunculate	Pre-construction	Remove lower limbs over site Reduce lateral growth by 3m from branches overhanging site Remove limb at 7 m overhanging site	Overhanging site
T20	Oak, pedunculate	Pre-construction	Reduce lateral growth by 3m from heavy limbs overhanging site	Overhanging site
T24	Oak, pedunculate	Pre-construction	Remove 1 x lower limb	Overhanging site
T25	Oak, pedunculate	Pre-construction	Remove 1 x lower limb	Overhanging site
T28	Oak, pedunculate	Pre-construction	Crown lift to 5.2 metres for vehicle access. Remove branch stub Remove south stem over site Remove branch growing into adjacent tree	Overhanging site
T29	Oak, pedunculate	Pre-construction	Remove two suppressed stems growing into site. Sever ivy at base	Overhanging site
T31	Hornbeam	Pre-construction	Crown lift 5.2m over site Remove epicormic growth on site. Sever ivy at base	Overhanging site
T32	Hornbeam	Pre-construction	Crown lift 5.2m over site Remove epicormic growth on site. Sever ivy at base	Overhanging site
T33	Hornbeam	Pre-construction	Remove two suppressed stems growing into site. Sever ivy at base	Overhanging site
T34	Hornbeam	Pre-construction	Remove large section over site Sever ivy at base	Overhanging site
T35	Oak, pedunculate	Pre-construction	Sever ivy at base	Improve tree health
T39	Hornbeam	Pre-construction	Crown lift to 5.2 metres for vehicle access over site	Overhanging site
T40	Hornbeam	Pre-construction	Crown lift to 5.2 metres for vehicle access over site	Overhanging site

T42	Oak, pedunculate	Pre-construction	Remove snapped stub Reduce lateral growth by 3m on lower sections to reduce weight. Reduce upper crown by 2 metres to improve weight.	Overhanging site, improve tree health
T43	Hornbeam	Pre-construction	Crown lift to 5.2 metres for vehicle access over site. Reduce crown by 1 metre by even weight.	Overhanging site
T44	Oak, pedunculate	Pre-construction	Crown lift to 5.2 metres for vehicle access over site. Reduce crown by 1 metre to even weight.	Overhanging site
T47	Oak, pedunculate	Pre-construction	Crown lift to 5.2 metres for vehicle access over site	Overhanging site
T51	Oak, pedunculate	Pre-construction	Crown lift to 5.2 metres for vehicle access over site. Reduce crown by 2 metres to reduce shading	Overhanging site
T52	Oak, pedunculate	Pre-construction	Crown lift to 5.2 metres for vehicle access over site. Reduce crown by 2 metres to reduce shading	Overhanging site
T53	Oak, pedunculate	Pre-construction	Remove low sections over site to lift crown. Reduce crown by 2 metres to reduce shading	Overhanging site
T54	Oak, pedunculate	Pre-construction	Crown lift to 5.2 metres for vehicle access. Reduce crown by 2 metres to reduce shading Sever ivy at base.	Overhanging site
T55	Eucalyptus	Pre-construction	Remove northern stem to boundary	Overhanging site

66. It is considered that the retention of the remaining trees, combined with future replacement planting is suitable mitigation for the loss, and would provide a net gain in biodiversity and the amenity benefits of the site.
67. Tree protection measures, including the use of cellular confinement sub-base systems for the construction of any proposed surface within an RPA are recommended, and the installation of tree protective fencing and temporary ground protection will adequately protect the retained trees. These methods should be accompanied by detailed methods and supervision from the site consultant arborist.
68. Development work will be available after protection measures are instigated as described within this report. If during the construction phase site space becomes a premium, additional ground protection may need to be added after consultation with the site arborist. Excavations within retained tree RPAs for construction operations such as; service trenches; changes in levels, foundations excavations and removal of existing hard surfacing will be avoided where possible. If unavoidable these works should only proceed after consultation with the site arborist and follow recommendation within the site specific method statement. The development of the site will bring an opportunity for best practice tree management of the remaining trees, and an opportunity for replacement planting allowing an increase in the net biodiversity.

#### **Amended Arboricultural Tree Survey - February 2018**

69. A total of 3 trees have been recommended for removal. It is stated that these do not merit retention due to their condition and would be misplaced within the formal development. The following works to a further 19 trees are recommended:

Tree no.	Species	Timing	Required works	Reason
T05	Oak, pedunculate	Pre-construction	Reduce heavy section at 8 meters, cut back to growth point.	Overhanging site
T06	Oak, pedunculate	Pre-construction	Cut back site face by 2 meters to growth points.	Overhanging site
T08	Oak, pedunculate	Pre-construction	Cut back site face by 1 meter to growth points	Overhanging site
T09	Oak, pedunculate	Pre-construction	Cut back site face by 1 meter to growth points. Sever ivy at base.	Overhanging site
T12	Oak, pedunculate	Pre-construction	Remove 2 lower limbs over site.	Overhanging site
T15	Oak, pedunculate	Pre-construction	Remove 1 lower limb over site	Overhanging site
T16	Oak, pedunculate	Pre-construction	Remove 1 lower limb over site and cut back snapped stub	Overhanging site
T20	Oak, pedunculate	Pre-construction	Remove limb at 7 m overhanging site	Overhanging site
T25	Oak, pedunculate	Pre-construction	Remove 1 x lower limb	Overhanging site
T28	Oak, pedunculate	Pre-construction	Remove branch stub	Overhanging site
T29	Oak, pedunculate	Pre-construction	Remove branch growing into adjacent tree	Overhanging site
T31	Hornbeam	Pre-construction	Sever ivy at base	Overhanging site
T32	Hornbeam	Pre-construction	Sever ivy at base	Overhanging site
T33	Hornbeam	Pre-construction	Sever ivy at base	Overhanging site
T34	Hornbeam	Pre-construction	Sever ivy at base	Overhanging site
T35	Oak, pedunculate	Pre-construction	Sever ivy at base	Improve tree health
T42	Oak, pedunculate	Pre-construction	Remove snapped stub	Improve tree health
T54	Oak, pedunculate	Pre-construction	Sever ivy at base.	Overhanging site
T55	Eucalyptus	Pre-construction	Reduce end weight on selected lower limb	Overhanging site

70. It is considered that the retention of the remaining trees, combined with future replacement planting is suitable mitigation for the loss, and would provide a net gain in biodiversity and the amenity benefits of the site.
71. Tree protection measures, including the use of cellular confinement sub-base systems for the construction of any proposed surface within an RPA are recommended, and the installation of tree protective fencing and temporary ground protection will adequately protect the retained trees. These methods should be accompanied by detailed methods and supervision from the site consultant arborist.
72. Development room will be available after protection measures are instigated as described within this report. If during the construction phase site space becomes a premium, additional ground protection may need to be added after consultation with the site arborist. Excavations within retained tree RPAs for construction operations such as; service trenches; changes in levels, foundations excavations and removal of existing hard surfacing will be avoided where possible. If unavoidable these works should only proceed after consultation with the site arborist and follow recommendation within the site specific method statement. The development of the site will bring an opportunity for best practice tree management of the remaining trees, and an

opportunity for replacement planting allowing an increase in the net biodiversity.

## Planning History

There are no previous applications on the application site. However, the following planning application is considered to be relevant to this proposal.

- 16/01841/AS Erection of 12 dwellings, the creation of a new access from Woodchurch Road, new landscaping and ancillary works at Land between The Hollies and Park Farm Close, Shadoxhurst. Granted.

## Consultations

**Ward Members:** The Ward Members are Cllr Bradford and Cllr Hicks. Both Cllr Bradford and Cllr Hicks are members of the Planning Committee. Neither Ward Member has made any formal representations.

### 1<sup>st</sup> Consultation

**Shadoxhurst Parish Council:** Object to the proposal. The reasons for this are summarised below:

1. Unallocated site
2. Over development
3. Lack of housing need and cumulative impact of residential development
4. Contrary to adopted Local Plan policies
5. Insufficient capacity in foul sewerage system
6. Insufficient capacity in the surface water system and risk of flooding
7. Highways and transportation impact
8. Loss of amenity
9. Harm to biodiversity

**Kent Highways and Transportation:** Object to the proposal and seek amendments to the parking provision. Details of visibility splays, location of services, an adoption plan and hard materials is also required.

**Kent Country Council Public Rights of Way:** state that as the proposal does not directly affect the public path I raise no objections to it. However, given the proximity to the Public right of Way and the likely increase in use of the route I would request a sum of £1500 be secured by Section 106 agreement to improve accessibility of the wider network, specifically the upgrading of two sleeper bridges and the replacement of stiles on footpath AW326.

**Kent County Council Ecological Advice Service:** advise that additional information is required prior to determination of the planning application.

**Kent County Council Development Contributions:** Request funds towards primary education. £3324 per applicable house (x19) and £831.00 per applicable flat (x2) totaling £64,818.00 towards Woodchurch Primary School Expansion.

**[HDMSS Comment:** The scheme has been amended since its original submission, which has affected the tenure across the site. The scheme now proposes 17 houses and 4 flats. Consequently, the total contribution towards primary education would amount to £59,832].

£1008.33 is requested for Libraries towards the additional bookstock supplied to the mobile library services that attend Shadoxhurst.

A informative is recommended relating to broadband.

**Kent County Council Flood and Water Management:** Object to the proposals. Further detail is necessary to ensure that the site drainage arrangements meet with Ashford Borough Council's Sustainable Drainage SPD. It should also be ensured that the proposed layout incorporates existing and proposed drainage features and is designed to be maintainable without impact on other planning matters.

**Kent County Council Heritage:** The site lies in an area of potential associated with Iron Age activity and later activity. Remains associated with this prehistoric and later activity may survive on site. A condition to secure field evaluation is recommended.

**ABC Housing:** The affordable housing element should be 35% of the total dwellings with a 60:40 mix of affordable rent: shared ownership, however having consider the needs of the village a preference for a higher percentage of affordable rent would be desirable. The location and the design of the dwellings in addition to the location of the parking spaces does not lead to a tenure neutral design.

**ABC Drainage:** No comments received.

**ABC Environmental Health:** No objection subject to conditions.

**Southern Water:** The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the public surface water sewer, so long as this would result in no unacceptable loss of hydraulic capacity.

Should the applicant wish to divert apparatus:

1. The 225mm diameter surface water sewer requires a clearance of 3 metres either side of the sewers to protect it from construction works and allow for future access for maintenance.
2. The 225mm diameter foul sewer requires a clearance of 3 metres either side of the sewers to protect it from construction works and allow for future access for maintenance.
3. The 100mm diameter foul rising main requires a clearance of 3 metres either side of the sewers to protect it from construction works and allow for future access for maintenance.
4. No development or new tree planting should be located within 3 metres either side of the external edge of the public sewers and rising main.
5. No new soakaways, ponds, swales or other water retaining or conveying features should be located within 5m of a public sewer/adoptable sewer.
6. All other existing infrastructure should be protected during the course of construction works.

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout.

Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of an existing pumping station site.

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 results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure.

Our initial investigations indicate that Southern Water can provide surface water disposal to service the proposed development.

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.

**Environment Agency:** No comments received.

**Ramblers Association:** The application acknowledges the existence of the PROW, which runs through a field adjacent to the western boundary of the application site. The footpath is separated from the site by a mature tree line and hedgerow which are to be retained, and also a drainage ditch in the field. Provided that the PROW is not obstructed during the course of construction on the site or in the future as a result of this development there is no objection from the Ramblers.

**Kent Wildlife Trust:** No comments received.

**Natural England:** Natural England state they have no comments to make on this application.

**NHS:** No comments received.

## **2<sup>nd</sup> Consultation**

**Shadoxhurst Parish Council:** No further comments received.

**Kent Highways and Transportation:** Object. The proposed services serving the site must be located under the proposed footway or alternatively run in a service strip next to residential properties for the shared surface areas.

The most western parking space for plot 8 does not meet the minimum length requirements of 5 metres together with the required 6 metre reversing distance.

The parallel parking spaces by the rear garden to plot 19 should be 2.7 metres in width as they are obstructed on one side. Furthermore it is not clear who these parking spaces are actually allocated to.

Following receipt of further information, Kent Highways raise no objection subject to conditions.

**Kent Country Council Public Rights of Way:** No further comments received.

**Kent County Council Ecological Advice Service:** Accept that there is no requirement for any specific species surveys to be carried out as part of this planning application.

The preliminary ecological appraisal details that the site is clear of vegetation and there is no suitable habitat for protected/notable species currently present. As a result of reviewing the aerial photos available to us it is clear that the ecological interest of the site has recently changed and previously the site contained suitable habitat for protected/notable species (including breeding birds and reptiles).

The vegetation clearance works likely resulted in a breach of wildlife legislation

As the site clearance works has resulted in the loss of habitat suitable for protected/notable species we would expect ecological enhancements to be incorporated into the site to minimise the impact the loss of habitat will have on the wider area.

The enhancements are located in hedgerows within the site boundaries. The site clearance has resulted in a decline in connectivity and the proposal to retain and enhance hedgerows within the site will ensure connectivity through the site is maintained. As the hedgerows are within the curtilage of properties, there is a need to ensure that they are maintained and not removed by future residents.

**Kent County Council Development Contributions:** No further comments received.

**Kent County Council Flood and Water Management:** Consider their previous comments have been addressed sufficiently, subject to further considering in any detailed design work. It is recommended that the details of the detailed design work and maintenance of the system is secured by condition.

**Kent County Council Heritage:** No further comments received.

**ABC Housing:** No further comments received.

**ABC Drainage:** No comments received.

**ABC Environmental Health:** No further comments received.

**Southern Water:** The comments in our response letter dated 19/01/2018 remain unchanged and valid for the submitted details.

**Environment Agency:** No comments received.



**Ramblers Association:** No further comments received.

**Kent Wildlife Trust:** No comments received.

**Natural England:** State they have no comments to make.

**NHS:** A need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development is expected to result in a need to invest in local surgery premises:

Kingsnorth Medical Practice is the nearest practice to the development. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

**Ashford CCG therefore seeks a contribution of £18,000 based on** NHS Kent and Medway formulae for calculating s106 contributions which have been used for some time and are calculated as fair and reasonable.

**[HDMSS Comment:** The scheme has been amended since these comments were received. This has affected the tenure across the site. Therefore, the contribution required has been re-calculated based on the amounts and occupancy rates set out in this letter received from the NHS].

### **3<sup>rd</sup> Consultation**

**Shadoxhurst Parish Council:** No further comments received.

**Kent Highways and Transportation:** Object based on the arrangement of visitor parking.

Amended plans have been submitted to address these concerns. KCC has reviewed these and requested further minor amendments to the layout arrangements for the visitor parking. It is anticipated that this minor issue will be resolved by the time the application is reported to Development Control Committee. This matter will be concluded in the update.

**Kent County Council Flood and Water Management:** We have reviewed the updated amendments to the proposed drainage layout and have no objections to these changes. We would therefore refer you to our previous response made on 9th March 2018 in relation to our conditions for this development.

**ABC Drainage:** No comments received.

**Neighbours:** Throughout the consultation process 65 neighbours have been notified by letter, a site notice has been posted and the application has been advertised in the press. Throughout the course of the consultation process, 35 letters of objection were received and 2 letters of comment, the content of these are summarised below:

1<sup>st</sup> Consultation – 14 Letters of objection and 2 comments, summarised below:

- Combined with development at Chilmington Green, Kingsnorth and other development coming forward in Shadoxhurst, local residents will be positioned in a large built up area.
- Inadequate road system to serve the development.
- Increase in traffic.
- Traffic calming should be provided.
- Access from Farley Close onto Woodchurch Road is dangerous.
- The development will increase road traffic accidents.
- Woodchurch Road is dangerous with its bends.
- Consideration should be given to reducing the speed limit through the village to 30mph.
- High traffic speeds along Woodchurch road.
- Visibility at the access from Farley Close onto Woodchurch Road is poor and the sight lines identified are not achievable.
- Health facilities, shops, utilities and the pub cannot accommodate the additional demand arising from this development.
- GP Surgeries are already oversubscribed.
- Schools are already oversubscribed.
- Impact on water supply/consumption.
- Adverse impact on sewage infrastructure.
- Additional demand on broadband. Speeds are already slow.

- The development will increase surface water flooding.
- Loss of a greenfield site.
- Impact on biodiversity/wildlife – owls, bats, birds, foxes, rabbits, field mice, hedgehogs and amphibians.
- The land was subject to illegal clearing of wildlife and trees prior to ecological surveys being undertaken. [**HDMSS Comment:** Site clearance works undertaken in October 2017, whilst the site clearance works likely resulted in a breach of wildlife legislation, to act upon this is not within the jurisdiction of the Local Planning Authority. The applicant has advised that they were not responsible for these works and that site clearance works were undertaken prior to the applicant acquiring the site].
- Contrary to Ashford Local Plan 2030.
- Development is located to the rear of houses on Woodchurch Road.
- Density of development is unacceptable.
- Further increase in the size of the village.
- Cumulative affects of recent residential development needs to be considered – the village is becoming to large.
- The village has few open spaces and no amenities.
- The development would result in the creation of another estate.
- The application was submitted just before Christmas which is unacceptable.
- Loss of trees.
- Tree Preservation Orders (TPO'S) should be applied to protect trees.
- If permitted large landscape buffers should be provided between existing and proposed dwellings.
- There should be no more development until those that have been built in recent years have been sold and occupied.
- Loss of amenity to residents of Farley Close through use of the access.
- Spreading the built up confines into the open countryside.

- No mention of the existing watercourse along the eastern boundary.
- Positioning of high density development adjacent to existing housing is unacceptable.
- The proposal is out of proportion with the size of the village.
- There should be no further major development in Shadoxhurst.
- The village should not extend into Ashford Town.
- The site is outside the built up confines.
- Impact upon the character and appearance of the village.

2<sup>nd</sup> Consultation – 17 Letters of objection raising the following additional issues:

- Amphibians have migrated back onto the site.
- Loss of Green Belt [**HDMSS Comment:** The site is a green field but is not located in the Green Belt]
- There is no demand within the village for 3, 4 and 5 bedroom houses.
- The site is not allocated in the adopted or emerging Local Plan.
- Southern Water currently object to the proposal [**HDMSS Comment:** Southern Waters comments are summarised above].
- The village is in danger of merging with Chilmington Green.
- Fails emerging policy SP7 [**HDMSS Comment:** The site is a substantial distance from the next nearest settlement and so the proposals would not result in the coalescence or merging of two (or more) separate settlements].
- The proposal fails to comply with emerging policy HOU1 which requires 40% affordable housing [**HDMSS Comment:** The application was received on 18 December 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 affordable housing requirements, greater weight is attached to policy CS12 of the Core Strategy.
- Impact upon residents and the road network during construction.

3<sup>rd</sup> consultation – 4 Letters of objection raising the following additional issues:

- The site has recently been strimmed again in May 2018.

### **Planning Policy**

73. 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 is now undergoing examination and as such its policies should now be afforded weight in accordance with paragraph 216 of the NPPF.
74. 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
EN10	Development on the edge of existing settlements
EN31	Important Habitats
EN32	Important trees and woodland
HG3	Design in Villages
LE5	Equipped Public Open Space
LE6	Off-site provision of Public Open Space
LE7	Play Facilities
LE8	Leisure Facilities
LE9	Maintenance of Open Spaces
CF6	Standard of Construction
CF7	Main Drainage in Villages
CF21	School requirements for new housing development

**Tenterden & Rural Sites DPD 2010**

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

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

**Local Plan to 2030 (Submission Version December 2017)**

SP1	Strategic Objectives
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SP2	The Strategic Approach to Housing Delivery
SP6	Promoting High Quality Design
SP7	Separation of Settlements
HOU3a	Residential windfall development within settlements
HOU5	Residential windfall development in the countryside
HOU12	Residential space standards internal
HOU14	Accessibility Standards
HOU15	Private external open space
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 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

76. 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.
77. 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).”

78. 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; 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)

79. **Other Government Policy**

Technical Housing Standards – Nationally described space standards

**Assessment**

80. The main issues for consideration are:

- 5 Year Housing Land Supply and status of the emerging development plan
- Principle of the development
- Location and scale of development
- Impact on countryside / landscape character
- Design and Layout
- Impact on the setting of Heritage Assets
- Impact on residential amenity
- 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**

81. 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**

82. 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.
83. The National Planning Policy Framework is one such material consideration. As set out above, the Framework indicates that the weight to be attached to existing policies in the development plan will depend according to their degree of consistency with the Framework.
84. The application proposes a development of 21 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'*
85. 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'.

86. Policy CS6 sets out a rural settlement hierarchy in which Shadoxhurst was not deemed a tier 3 settlement. These were villages in which a limited amount of new development was seen as acceptable through small site allocations within the Tenterden & Rural Sites DPD 2010. Although policy TRS1 of the Tenterden & Rural Sites DPD identifies Shadoxhurst as being capable of accommodating minor residential development or infilling, Shadoxhurst was not afforded any housing allocations in this document.
87. 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 Shadoxhurst subject to 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.”*
88. According to this definition the site is outside the built confines of Shadoxhurst.
89. 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).
90. The emerging Local Plan 2030 continues to pursue a broadly hierarchical approach towards the distribution of housing development across the borough in a plan led and sustainable way, which the Council considers is consistent with the National Planning Policy Framework. Shadoxhurst continues to be a secondary settlement in which infilling is acceptable (para. 5.44 and policy HOU3a).
91. Paragraph 17 of the NPPF sets out the core land-use planning principles that should underpin both plan-making and decision-taking. The fifth core planning principle includes to “take account of the different roles and character of different areas, ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.” Specifically, paragraph. 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and isolated new homes in the countryside should be avoided.

92. With this in mind, the emerging Local Plan to 2030 recognises that new housing outside settlement boundaries may be sustainable and make a positive contribution to meeting housing needs across the borough (page 232 paragraph 5.56). However, it also recognises that for proposals that adjoin or are close to existing settlements, it is necessary to consider the relative social, economic and environmental advantages and disadvantages of a scheme in accordance with the three dimensions of 'sustainable development'. This is reflected within emerging policy HOU5 of the Local Plan to 2030, which relates to residential windfall development in the countryside. Part 1 of emerging policy HOU5 states that:

*Proposals for residential development adjoining or close to the existing built up confines of the settlements listed in policy HOU3a will be permitted providing that each of the following criteria is met:*

*a) the scale of development proposed is proportionate to the level of service provision currently available in the nearest settlement and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development;*

*b) the site is within easy walking distance of basic day to day services in the nearest settlement;*

*c) the development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area;*

*d) the development is located where it is possible to maximise the use of public transport, cycling and walking to access services;*

*e) conserve and enhance the natural environment and conserve any heritage assets in the locality;*

*f) the development (and any associated infrastructure) is of a high quality design and meets the following requirements:-*

- i) it sits sympathetically within the wider landscape,*
- ii) it preserves or enhances the setting of the nearest settlement,*
- iii) it includes an appropriately sized and designed landscape buffer to the open countryside,*

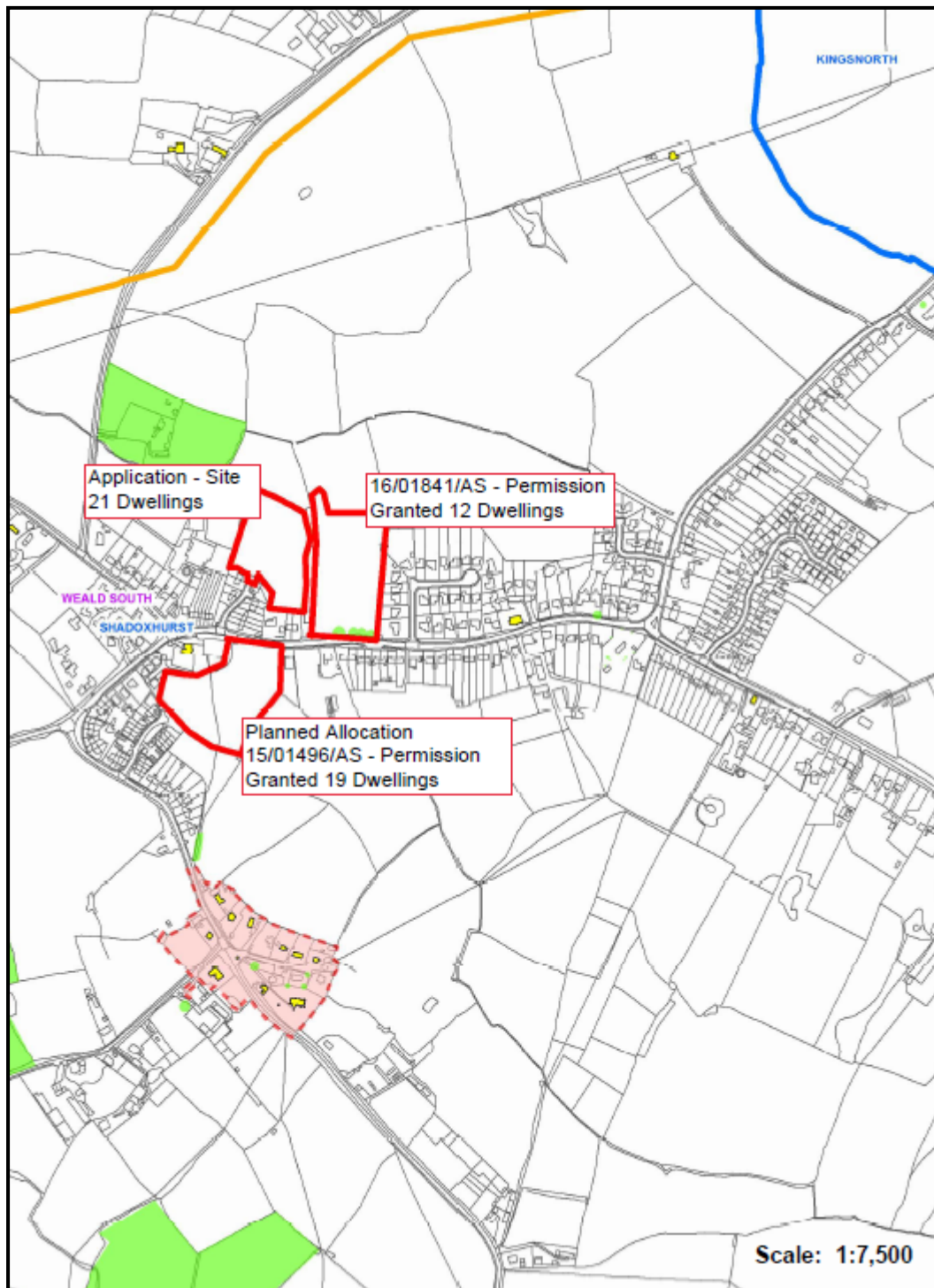
- iv) *it is consistent with local character and built form, including scale, bulk and the materials used,*
- v) *it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,*
- vi) *it would enhance biodiversity interests on the site and / or adjoining area and not adversely effect the integrity of international and national protected sites in line with Policy ENV1.*

93. 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 is now undergoing examination and as such is a material consideration and its policies should now be afforded some weight.
94. In terms of the weight to be attached to relevant policy HOU5, 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 policy, and for this reason, policy HOU5 is considered to be a significant material consideration.
95. This is a greenfield site and in this respect the development would have a slightly negative environmental impact.
96. However, benefits associated with the scheme include, its ability to help boost the supply of housing in accordance with paragraph 47 of the NPPF, and other recognised social and economic benefits including enhancing the vitality of an existing rural community by virtue of its relatively sustainable location immediately adjoining the built up confines of Shadoxhurst (see below), its ability to promote personal wellbeing and social cohesion as a consequence; its potential to increase demand for existing services thus maintaining and/or enhancing their vitality, generation of job opportunities, for example, during the construction process, and other economic benefits arising from purchasing goods and utilising services and facilities in the immediate and wider locality.

### **Location and Scale of the Development**

97. As set out above, the NPPF seeks to locate development where it will enhance or maintain the vitality of rural communities, and resist isolated new homes in the countryside (para 55). This is consistent with the thrust of policies TRS1, TRS2 and emerging policy HOU5 part (1).

98. Criteria (b) of HOU5 requires *the site to be within easy walking distance of basic day to day services in the nearest settlement. Criteria d) requires the development to be located where it is possible to maximise the use of public transport, cycling and walking to access services.*
99. The site is not in an isolated location. The site is located immediately adjacent to an established settlement and has access to a moderate range of facilities. The village has a public house, a village hall, a church, a play area and park and is served by a rural bus service. A small shop / post office is located 1.6 kilometres away at Stubbs Cross. Therefore, the site is not regarded as being physically isolated from services.
100. In terms of public transport/connectivity the site is within easy walking distance of a regular rural bus service to both Ashford and Tenterden which runs for between 7-12 hours a day depending on whether it falls within school term time.
101. In light of the above, I am satisfied that the proposals would comply with criteria b and d of emerging policy HOU5.
102. Criteria (a) of emerging policy HOU5 requires the scale of development proposed to be proportionate to the level of service provision currently available in the nearest settlement and commensurate with the ability of those services to absorb the level of development in combination with any **planned allocations** in the emerging Local Plan and **committed development** (i.e. extant planning permissions) [**HDMSS emphasis**].
103. *Planned allocations and extant permissions of a notable size and scale, include, development comprising 19 dwellings at Land adjacent to the Kings Head PH permitted in accordance with emerging site allocation policy S36 under application reference 15/01496/AS, and development comprising 12 dwellings at Land between The Hollies and Park Farm Close permitted under application reference 16/01841/AS.*
104. The site location plan copied below illustrates that the increase in housing numbers arising from these proposals in the context of the settlement as a whole, is not considered to be disproportionate, and the cumulative impact of these developments upon the service provision within the settlement would not compromise the ability of these services to meet the day to day needs of the local community. Conversely, this plan led approach to growth could in turn maintain and/or even enhance the viability of these facilities. As such, I am satisfied that the proposals would not conflict with criteria (a) of emerging policy HOU5 of the Local Plan to 2030.



**Figure 6 Planned Allocations and Committed Developments**

105. In conclusion, the site is not isolated, is located where it will maintain or even enhance the vitality of the existing rural community, and the development proposed is considered to be proportionate for the purpose of an assessment



against policy HOU5. These are considered to be material factors that weigh in favour of the proposal.

### **Impact on countryside/landscape character**

106. Policy GP12 of the adopted Local Plan seeks to protect the countryside for its landscape and scenic value (it is no longer consistent with national policy to protect the countryside for its own sake).
107. 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. Policy TRS18 of the Tenterden and Rural Sites DPD seeks to protect important rural features including semi-natural woodland.
108. 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.
109. 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.
110. With regard to landscape impacts, amongst other things, criteria f of emerging policy HOU5 requires development to *sit sympathetically within the wider landscape, and include appropriately sized and designed landscape buffers to the open countryside.*
111. The site comprises an open field and area of scrub with recently cleared low level vegetation to the centre. The applicant confirms that the site was cleared prior to their acquisition. The land falls gently to the north towards a natural drainage ditch. Trees are located around the perimeter of the site with the majority of trees being located along the North, East and West boundaries. With the exception of the existing planting to the boundaries there are few landscape features. As such, the boundary trees are the most distinctive feature on the site and make a valuable contribution to visual amenity. Due to this, during the processing of this planning application, a Tree Preservation Order (TPO) was imposed, affording formal protection to many of the boundary trees on site. The location of these trees is identified in green on the plan copied below.



**Figure 7 Tree Preservation Order (Green)**

112. The site is located in the Low Weald within the Landscape Character Area of Bethersden Farmlands, where characteristic features include small fields, bounded by a strong pattern of high hedgerows with mature trees interspersed with woodland blocks and steams and ditches. The landscape objectives for this LCA seek to conserve and restore woodlands, hedges and habitats of high ecological value.
113. The proposed development would not require any significant alterations to the landform or topography. It was initially proposed to remove 11 trees from the site and undertake various works to a further 25 trees. However, in light of the

TPO imposed and following consultation and further discussion with the Local Planning Authority, it has been agreed that only 3 trees will be removed from the site. In addition the further works proposed to trees have been significantly reduced. These will be undertaken to 19 trees on site. These works are identified in the updated Tree Survey dated February 2018. This survey also identifies methods for protection during construction. Officers are now satisfied that the works to be undertaken are the minimum necessary, and that where possible, the proposal now seeks to retain and protect existing boundary planting in the interest of conserving the landscape character.

114. Careful consideration has been given to views in and out of the site and consequently to the layout.
115. Whilst it will be possible to see into the site from within the wider landscape, and from Woodchurch Road, the retention of existing boundary trees and further reinforcement of these boundaries (which can be secured through landscaping conditions), will seek to soften the impacts of the development by assisting to prevent prominent and/or exposed views into the site from within the wider landscape. It will also ensure the provision of an appropriately sized and designed landscape buffer to the open countryside.
116. The proposed layout takes into consideration the landscape character, by sensitively positioning lower density development along the boundaries with the open countryside. In addition, the layout enables views through the site, and out towards the open countryside to the north. As a gesture to characteristic features, swales, a SuD's pond and proposed tree planting will form part of this vista, helping the development to integrate into its surroundings.
117. In addition to the above, as illustrated in the 'Montage Viewpoint Report' by Clague Architects, consented residential development (currently under construction on the site adjacent), and dwellings at Farley Close will be associated with views of the development. These existing and consented dwellings are of a similar scale and form to a number of the dwellings currently proposed. In this context, the site would not appear physically isolated and it would not appear at odds with existing and consented residential development.
118. The development will not extend beyond the northern boundary of the consented development at Land between the Hollies and Park Farm Close. In addition, it would not extend beyond the northern boundary of development associated with the equestrian use, on the land to the west of the site. Consequently, officers are satisfied that the development would remain suitably consolidated. The western and northern boundaries to the proposed development would define the settlement edge so far as residential

development is concerned. Beyond these boundaries the landscape increases in openness and the long ranging views of open fields makes a significant and positive contribution to the rural landscape character.

119. 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 and to ecology are provided.
120. 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 softened 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 21 units would sit sympathetically within the wider landscape, and would not cause significant and demonstrable harm to the wider landscape character or visual amenity.
121. On this basis it is considered that the proposals would comply with development plan policies which I have referred to which seek to protect landscape character. In addition, the proposals are considered to broadly reflect the landscape objectives set out in part 1 (f) of emerging policy HOU5 of the Local Plan and would accord with the LCA landscape objectives.

### **Design and Layout**

122. Policy HG3 of the Local Plan 2000 requires development to reflect, the historic pattern of the village; important open spaces within the village and important areas of planting; important views in and out of the village; the relationship between the built form of the village and the surrounding countryside; and the variety of building types, local materials, building proportions, architectural features and styles.
123. Policies CS1 and CS9 of the Core Strategy require good design.
124. 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.
125. 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.
126. Amongst other things, emerging policy HOU5 requires development (and any associated infrastructure) to be of a high quality design, sit sympathetically within the wider landscape, preserves or enhance the setting of the nearest settlement, and be consistent with local character and built form, including scale, bulk and the materials.
127. In terms of the surrounding pattern of development, this comprises properties fronting Woodchurch Road, and cul-de-sacs, some of which wrap around the rear of this frontage development. Examples of this include Park Farm Close and Eastwell to the west of the site. Consequently, the proposed development, which extends off Farley Close and wraps around the rear of properties fronting Woodchurch Road, would not appear at odds with the established spatial layout.
128. The proposal is for 21 dwellings arranged around a semi-circuitous street, with a private access serving lower density development to the north of the site. In terms of the layout, plots 1 to 5 and plots 9 and 10 have been thoughtfully positioned to reflect the established layout to Farley Close. This enables the scheme to be sensitively integrated into the site, as it is considered that it will appear as an organic extension to existing development in Farley Close.
129. Dwellings are positioned so that they front either the road or private access which serves them. The slight stagger in the building line, slight variation in orientations of the dwellings, set back from the road and landscaping to the frontage give a softer edge to the built development. The orientations also allow natural surveillance of The Green.
130. As set out above, the layout enables views through the site, and out towards the open countryside to the north. As a gesture to characteristic features, swales, a SuD's pond and proposed tree planting will form part of this vista, helping the development to integrate into its surroundings. These elements will assist the development to assimilate into its rural setting whilst creating a distinct sense of place.
131. At 19 dwellings per hectare, the density of development is appropriate for an edge of village site in close proximity to the village centre. Positioning the lower density development along the boundaries with the open countryside and the higher density of development towards the south is considered to be

the correct response for this edge of settlement site, as it allows for the provision of robustly landscaped buffers.

132. For the most part allocated parking for the dwellings is provided at the side of each property. This seeks to ensure that the scheme will not be dominated by the presence of cars on the frontage. Where parking is provided to the front of dwellings (i.e. units 15 to 21) or on street for example for visitors, this is softened by the provision of landscaping adjacent.
133. The properties themselves have traditional building forms as might be found in rural areas such as this. Furthermore, the form and scale of development would respond to the form and scale of development at Farley Close and consented development on the site adjacent, in context with which the scheme will be read. Consequently, the proposal would not appear at odds in its contextual setting.
134. The proposed dwellings would include a number of contextural features, such as, working chimneys, half-hipped roofs, porches and exposed rafters. Given the edge of settlement location, high quality natural materials are proposed and a suitably worded condition is proposed to ensure this is achieved. Overall, the scheme proposes an appropriate form of design that will help to reinforce local distinctiveness.
135. Existing and consented dwellings in Farley Close and at Land between The Hollies and Park Farm Close, are of a similar scale and form to a number of the dwellings currently proposed. In this context, the site would not appear physically isolated and it would not appear at odds with existing and consented residential development.
136. I consider that the proposed development in terms of both layout, appearance and landscaping is of a high design quality, and I am confident the proposals will represent an appropriate form of development that sits sympathetically within the landscape and preserves the village setting. Therefore, in my view the design of the scheme is in accordance with Core Strategy policy CS9 of the Core Strategy, TRS17 of the Tenterden and Rural Sites Development Plan Document, and policies SP6 and HOU5 of the emerging Local Plan 2030.

### **Impact on the setting of Heritage Assets**

137. 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 special regard to the desirability of preservation and/or enhancement of heritage assets such as conservation areas and Listed buildings and their setting.

138. 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.
139. The site is in excess of 100 metres away from the nearest listed building which is the Grade II Listed Public House (The Kings Head). Given the separation distance, the proposed development is not considered to adversely affect the setting as it will not be viewed in immediate context with the Listed Building or obstruct any important views of it.

### **Impact on residential amenity**

140. 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.
141. Satisfactory distances have been maintained between the proposed and existing adjacent dwellings. Coupled with robust landscaping, I am satisfied that the development of the site can be achieved without causing demonstrable harm to neighbours amenity or to each other through loss of privacy, loss of light, immediate outlook or by having an overbearing presence.
142. Due to the set back of properties in Farley Close from the proposed access road into the site, the increase in vehicular activity associated with the proposed development is not considered to result in any demonstrable harm through undue noise and disturbance. Furthermore, having regard to the guidance contained in the PPG, I have not been presented with any evidence which suggests that the increase in traffic associated with this proposal would increase noise traffic impacts in such a way that would cause changes to behaviour and attitude. I am therefore satisfied that there would be no observed adverse effects resulting from the increased traffic movements associated with the proposed development.
143. Gardens are being provided to a size which complies with the Council's Residential Space and Layout SPD.
144. The internal accommodation proposed complies with the National Space Standards.
145. 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.

### **Highway Impact**

146. 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.
147. Criteria c of emerging policy HOU5 seeks to ensure that the development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area.
148. The transport impacts arising from the proposal are detailed at paragraphs 44 to 63 of this report.
149. Throughout the course of the application, minor amendments to the layout have been provided to address highway and visual impacts identified by the LPA and Kent Highways and Transportation.
150. The final layout proposals show a carriageway width of 4.1m with a footpath on one side.
151. Vehicle trips associated with the proposal will amount to 11 during the AM peak hour and nine during the PM peak hour. This equates to an average of 8 vehicle trips per hour across the 12-hour period. It is considered that this relatively modest increase in vehicle trips can be accommodated on the local highway network without any demonstrable adverse impacts.
152. Access to the site will be through Farley Close, extending the existing cul-de-sac layout. To establish the necessary visibility splays for the access from Farley Close onto Woodchurch Road, an Automatic Traffic Count (ATC) survey was undertaken on Woodchurch Road.
153. The survey identified that visibility splays of 2.4m by 90.0m and 2.4m by 77.0m are achievable to the west and east of the junction respectively. The plans show that the latter measurement has been taken to the centreline. The applicants Transport consultant considers this to be appropriate given the curvature of the road in this location, limiting the likelihood for overtaking manoeuvres to take place. The plans also show that the eastern splay has been taken to the back of the footway, intersecting the hedge line in this location. The splay crosses highway land with the hedge encroaching onto



this. The Transport consultant notes that as the hedge is currently encroaching onto highway land, and that KCC can write to the home owner requesting that it is maintained so as not to obstruct visibility. KCC have not taken issue with this approach.

154. With regard to parking, one bedroom flats would benefit from one off street parking space each. Three bedroom houses, would benefit from a minimum of 2 off street parking spaces each. Four and five bedroom houses would benefit from 3 off street parking spaces. Units 1 -14 would also each benefit from a single or double garage. A total of 5 visitor parking spaces have been provided across the site. This amount of parking would comply with the Councils Residential Parking SPD.
155. In addition to parking, a useable layout sufficient for turning, to allow standard vehicles to enter and exit the site in a forward gear has also been provided. The road has been tracked and shown to be able to accommodate a refuse collection vehicle with adequate on site turning available so that this can also exit the site in forward gear.
156. With regard to refuse collection, a refuse collection point will need to be provided to serve units 13 to 21. This can be secured by condition. The layout is as such that pull distances for refuse bins will be limited to less than 30m in accordance with ABC's Design Guidance Note 1: Residential Layouts and Wheeled Bins.
157. The application has been subject to consultation with Kent Highways and Transportation. In latest comments received from KCC, KCC has requested further minor amendments to the layout arrangements for the visitor parking. With the exception of this minor outstanding issue, KCC are satisfied with the scheme. It is anticipated that this minor issue will be resolved by the time the application is reported to Development Control Committee. This matter will be concluded in the update.
158. 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 HOU5.

## **Ecology**

159. 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.

160. 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 reflected also in policies HOU5 and ENV1 of the emerging Local Plan.
161. 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.
162. The results of the Ecological Appraisal are summarised in detail at paragraphs 25 to 35 of this report.
163. The preliminary ecological appraisal details that the site is clear of vegetation and there is no suitable habitat for protected/notable species currently present.
164. The application has been subject to consultation with KCC Biodiversity. KCC accept that there is no requirement for any specific species surveys to be carried out as part of this planning application. This is because the ecological interest of the site was compromised as a result of site clearance works undertaken in October 2017. Whilst the site clearance works likely resulted in a breach of wildlife legislation, to act upon this is not within the jurisdiction of the Local Planning Authority.
165. The applicant has advised that they were not responsible for these works and that site clearance works were undertaken prior to the applicant acquiring the site. This corresponds with recent information held on record by the Council in connection with reports relating to the site clearance works and possibility of a planning contravention.
166. As the site clearance works has resulted in the loss of habitat suitable for protected/notable species both the LPA and KCC expect ecological enhancements to be incorporated in to the site to minimise the impact the loss of habitat will have on the wider area.
167. The ecological appraisal lists a number of recommendations for enhancements, and the letter from KB Ecology dated 8 February 2018 confirms that the applicant intends to incorporate recommended enhancements into the site to compensate for the loss. These can be secured by condition. Subject to this, 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 policies HOU5 and ENV1.

### **Drainage, flooding and Contamination**

168. The application is supported by a Flood Risk Assessment and Drainage Strategy, which was amended in February 2018 to address comments submitted by KCC Local Lead Flood Authority.
169. The submitted assessment 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.
170. Kent County Council Flood and Water Management identify that the site lies within an area at risk of surface water flooding. The source of this flooding is from local watercourses and overland flows. The assessment considers this and proposes that finished floor levels are located 300mm to 500mm above existing ground level. KCC agree that this will mitigate the risk from flooding from surface water and overland flows from off site.
171. The amended report updates the Surface Water Strategy for the site. The strategy seeks to incorporate Sustainable Urban Drainage Systems (SuDs). In designing the system, consideration has been given to topography and natural patterns of drainage. The previously proposed cellular storage has been removed and replaced with a dry attenuation pond (The Green). Swales have also been introduced. This better reflects the requirements of Ashford Borough Council's Sustainable Drainage SPD as it provides greater amenity value to the drainage scheme.
172. A controlled outflow from the pond is proposed to a diverted surface water sewer. Final discharge from the development site will be to the existing ditch network located towards the northern boundary. Permeable paving is proposed for hardstanding's not offered for adoption.
173. The strategy confirms that the surface water drainage system serving the new development will look to reduce the run-off from the developed site to pre-development levels so that flood risk is not increased.

174. The updated system has been subject to further consultation with KCC who consider that their previous comments have been addressed sufficiently subject to further considering any detailed design work. This can be secured by condition.
175. 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.
176. The application proposes the installation of a new foul water drain to serve the development. It is stated that this will discharge into the existing foul sewer in Farley Close. In their response dated 19 January 2018, Southern Water confirm that they cannot accommodate the needs of this application without the development providing additional local infrastructure. In order to address this issue Southern Water require details of the proposed means of foul water disposal and an implementation timetable. Southern Water suggest that this is secured through the imposition of an appropriately worded condition. This is considered to represent a reasonable approach and will ensure that adequate means of disposing of foul sewage is secured.
177. In respect of contamination, the results of the Phase 1 Desk Study are set out at paragraphs 20-24 of this report. The study recommends some further investigation into potential contamination which can be secured by condition.

### **Housing Mix and Affordable Housing**

178. The application was received on 18 December 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.
179. The tenure mix across the development comprises 2 x five bedroom dwellings, 6 x four bedroom dwellings, 9 x three bedroom dwellings, and 4 x 1 bedroom flats. This represents a reasonable housing tenure mix for the village and I consider it meets the requirements of policy CS13.
180. It is proposed to provide 21 residential units. Policy CS12 of the Core Strategy, seeks 35% provision for affordable housing. Based on this 35% calculation the requirement for this development would be 7.3 dwellings. Given that this figure is closer to 7, the number of units has been rounded down. The inclusion of 7 affordable housing units represents a rate of

provision of 33% of the development as a whole. Whilst below the 35% provision required, this is consistent with the approach taken in respect of the consented development adjacent to this site at Land between the Hollies and Park Farm Close. This is a material consideration. In light of this, on this occasion, the level of provision is considered to be acceptable. The housing will be secured as affordable housing through a S106 Agreement.

181. 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 would result in 4 of the units being social rented, and the other 3 unit's shared ownership affordable housing. This can also be secured through a S106 Agreement.
182. 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**

183. 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
184. 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**

**Land North of Farley Close, Woodchurch Road, Shadoxhurst, Heads of Terms for Section 106 Agreement**

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1	<p><b><u>Affordable Housing</u></b>                      Provide as close as possible to 35% of the units as affordable housing, comprising no less than 4 affordable rent units and no less than 3 shared ownership units in the locations and with the floorspace, wheelchair access ( at least one property), number of bedrooms and size of bedrooms as specified. The affordable housing shall be managed by a</p>	<p>4 affordable rent units and 3 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><b>Necessary</b> 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, Ashford Local Plan 2030 Submission Version policy HOU1, and guidance in the NPPF.  <b>Directly related</b> as the affordable housing would be provided on-site in conjunction with open market housing.  <b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	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 registered provider's nominations agreement.			
2	<p><b><u>Strategic Parks</u></b>                      Contributions towards the provision of seating at Conningbrook Lakes Country Park.</p>	<p>£146 per C3 dwelling for capital costs.                      £47 per C3 dwelling for future maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as strategic parks are required to meet the demand that would be generated by the development 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, Ashford Local Plan 2030</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>Submission Version policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF. 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 dwellings and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
3	<p><b><u>Outdoor Sports Pitches</u></b>                      Contribution towards the provision of a single mast exercise/activity net for the recreation ground at Hornash Lane and maintenance thereof.</p>	<p>£1,589 per C3 dwelling for capital costs</p> <p>£326 per C3 dwelling for future maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as outdoor sports pitches are required to meet the additional 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, Ashford Local Plan 2030 Submission Version policies COM1, COM2</p>



	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	Contribution towards the acquisition of land adjacent to the existing recreation ground at Hornash Lane to extend the amount of land available for sports provision to meet increasing demands.			and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them. Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
4	<p><b><u>Informal/Natural Green Space</u></b></p> <p>Contribution towards provision of, or improvements to, the park furniture, pathways and parking facilities at the recreation ground at</p>	<p>£434 per C3 dwelling for capital costs</p> <p>£325 per C3 dwelling for future maintenance</p>	Before completion of 75% of the dwellings	Necessary as informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Ashford Local Plan 2030 Submission Version policies COM1, COM2 and IMP1,

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	Hornash Lane and maintenance thereof.			Public Green Spaces and Water Environment SPD and guidance in the NPPF Directly related as occupiers will use informal/natural green space and the space to be provided would be available to them Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
5	<p><b><u>Children's and Young People's Play Space</u></b></p> <p>Contribution towards provision of, and/or improvements to, the play equipment (for all ages) at the recreation ground at Hornash Lane.</p>	<p>£649 per C3 dwelling for capital costs</p> <p>£663 per C3 dwelling for maintenance</p>	Before completion of 75% of the dwellings	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, Ashford Local Plan

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>2030 Submission Version policies COM1, COM2 and IMP1, 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 extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
6	<p><b><u>Cemeteries</u></b></p> <p>Contribution towards fencing, signage and maintenance of Shadoxhurst Church Cemetery.</p>	<p>£284 per C3 dwelling for capital costs</p> <p>£176 per C3 dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as cemeteries are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Ashford Local Plan 2030 Submission</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				Version policies COM1 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF. Directly related as occupiers will require cemeteries and the cemetery provided would be available to them. Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
7	<b><u>Health Care Provision</u></b>  Contribution towards the extension, refurbishment and/or upgrade of Kingsnorth Medical Practice.	£360 per person, totalling £19,800 based on the following predicted occupancy rates:	Before completion of 75% of the dwellings	Necessary to support the registrations and delivery of health services to the new population in order to continue to meet demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Ashford Local Plan 2030 Submission Version policies COM1 and

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
		4 x 1 bed units at 1.4 persons.  9 x 3 bed units at 2.8 persons.  6 x 4 bed units at 3.5 persons.  2 x 5 bed units at 4.8 persons.		IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF. Directly related as occupiers will increase demand on local primary and community health service and the local services would be available to them.  Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
8	<p><b><u>Library Bookstock</u></b></p> <p>Contribution towards the additional bookstock supplied to the mobile library service that attends Shadoxhurst.</p>	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	Necessary as additional bookstock is required to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, Ashford Local Plan 2030 submission version policies COM1 and IMP1, Ashford KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>Directly related as occupiers will use library facilities and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings</p>
9	<p><b><u>Primary Schools</u></b></p> <p>Contribution towards the expansion of Woodchurch Primary School.</p>	<p>£3,324 per C3 dwelling house</p> <p>£831 per C3 flat.</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> <p>To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)</p>	<p>Necessary to increase capacity at the local primary school within the vicinity to meet the demand generated and pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, saved Local Plan policy CF21, Ashford Local Plan 2030 submission version policies COM1 and IMP1, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings.</p>
10	<p><b><u>Upgrade public footpath AW326</u></b></p> <p>Contribution to enable the County Council to upgrade Footpath AW326 which immediately adjoins</p>	£1500	on occupation of 50% of the dwellings	<p><b>Necessary</b> as the condition of the sleeper bridges and stiles serving footpath AW326 has deteriorated and the development would increase footfall. Public footpaths must be maintained in order to continue to meet demand pursuant to Core Strategy policies</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	<p>the western boundary of the application site.</p> <p>The condition of two sleeper bridges and stiles along footpath AW326 have deteriorated and need upgrading/replacing..</p>			<p>CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Ashford Local Plan 2030 submission version policies COM1 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use the public right of way.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers.</p>
11	<p><b><u>Monitoring Fee</u></b></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£1000 per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years</p>	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p>



<b>Planning Obligation</b>				<b>Regulation 122 Assessment</b>
<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>		
				<b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.
<p><b>Notices</b> 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 <b>index linked</b> (normally from the date of the Committee's resolution) in order to ensure the value is not reduced over time. The <b>costs</b>, expenses and disbursements of the Council's Legal and Planning Departments incurred in connection with the negotiation, preparation and completion of the deed are also payable. The Kent County Council will also require payment of their legal costs.</p>				

## **Human Rights Issues**

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

## **Working with the applicant**

186. 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**

187. The Council now considers it can demonstrate a deliverable five year housing land supply in accordance with paragraph 47 of the NPPF.
188. The site is not allocated for development in the adopted development plan.
189. Although adopted development plan policy TRS1 of the Tenterden and Rural Sites DPD states that minor development or infilling will be acceptable within the built-up confines of villages including Shadoxhurst, the application site would fall outside the built-up confines. The development does not meet the exception criteria set out in policy TRS2. The application therefore represents a departure from the development plan.
190. Notwithstanding the conflict identified in the paragraph above, the site is considered to comply with the criteria set out in emerging policy HOU5 of the Local Plan to 2030. The emerging plan is under examination and as such policy HOU5 is a significant material consideration, and the fact the proposed development complies with the relevant criteria contained in this policy, and other relevant policies in the current plan weighs in favour of granting planning permission.
191. Other material considerations include the benefits associated with the scheme which include its ability to help to boost the supply of housing in accordance with paragraph 47 of the NPPF and its relatively sustainable location. Other recognised social and economic benefits include enhancing the vitality of an existing rural community by virtue of its relatively sustainable location

immediately adjoining the built up confines of Shadoxhurst (see below), its ability to promote personal wellbeing and social cohesion as a consequence; its potential to increase demand for existing services thus maintaining and/or enhancing their vitality, generation of job opportunities, for example, during the construction process, and other economic benefits arising from purchasing goods and utilising services and facilities in the immediate and wider locality.

192. I have concluded that the proposed development is of a high design quality, and an appropriate density and layout. I am confident the proposals 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 policy HOU5 of the emerging Local Plan 2030.
193. In terms of the impact of the development on the setting of the nearest Listed Building (The Kings Head PH), I am satisfied that a scheme is sufficiently distanced from this buildings to prevent any harm to its setting. I am therefore satisfied that the scheme accords with policies CS1 of the Core Strategy and policy ENV13 of the emerging Local Plan to 2030.
194. There would be no material harm to neighbouring or future occupier's amenity, or highway safety. The loss of habitat resulting from site clearance works prior to the applicant acquiring the site, shall be compensated for through ecological enhancements that can be secured by conditions. In terms of flooding, drainage and contamination, I am satisfied that subject to conditions, the site can be developed 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.
195. The scheme would secure 7 affordable housing units. Whilst slightly below the 35% provision required by policy CS12, this equates to 33% which is consistent with the approach taken in respect of the consented development adjacent to this site at Land between the Hollies and Park Farm Close. This is a material consideration, and in light of this, on this occasion, the level of provision is considered to be acceptable. Rounding up the MINOR fraction would mean requiring 38% which is above the Core Strategy target.
196. 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.

197. 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 policy HOU5, 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 to 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) Permit**

Subject to the following conditions and notes:

### **Implementation**

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

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

### **Approved Plans**

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

3. No development above foundation level shall be carried out on the land until samples and written details including source/manufacturer of the materials to be used in the construction of the external surfaces of the development (including details and samples of any hardsurfacing) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved external materials.

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

4. Before any works above foundation level are carried out the following details shall be submitted to and approved in writing by the Local Planning Authority:
  - a) Details and location of rainwater goods;
  - b) Details of any flues, grilles and vents to be installed including location dimensions, colour and material;
  - c) Details of electricity and gas meter boxes and any external pipe work including their location on the buildings;
  - d) Details and sections through eaves, porches/entrance canopies, chimneys; and
  - e) Details of all windows including recess depth of glazing

The works shall only be carried out in accordance with the approved details.

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

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

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

### **Lighting**

6. 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.

### **Levels**

7. The finished floor levels for living accommodation shall be set no lower than 300mm above existing ground level.

**Reason:** To reduce the risk of internal flooding from surface water during a flooding event.

### **Hard and Soft Landscaping/Trees**

8. Works to trees and methods for the protection of retained trees shall be carried out in strict accordance with the approved Arboricultural Tree Survey and Impact Assessment dated 16 February 2018 and shall not be varied unless previously agreed otherwise in writing by the Local Planning Authority.

**Reason:** In the interests of tree preservation and amenity.

9. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars including the Arboricultural Tree Survey and Impact Assessment dated 16 February 2018; 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.

- 10. 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.

- 11. A landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before any development above foundation level. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully prior to the first

occupation of any part of the approved development in accordance with the approved details. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

**Reason:** In order to protect and enhance the amenity of the area.

12. The details of soft landscape works required in condition 11 immediately above shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

**Reason:** To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area.

13. No development shall take place above foundation level until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant]. The approved hard and soft landscape works shall be carried out fully prior to the first occupation of any part of the approved development in accordance with the approved details.

**Reason:** In order to protect and enhance the amenity of the area.

14. All new trees planted shall be protected against stock and rabbits when planted and such protection shall be retained and maintained for five years from the date of the first occupation of any part of the approved development.

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

15. 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

16. 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.

### **Development Restrictions**

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

18. 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.

### **Ecology**

19. The reptile proof fencing detailed within the Preliminary Ecological Appraisal; KB Ecology; Dec 2017 must be erected around the proposed work area by an experience ecologist prior to Spring 2018.

If the fence is not in place by Summer 2018 (1<sup>st</sup> June 2018) then prior to works commencing on site (including vegetation clearance) a reptile survey must be undertaken, the details of which shall be submitted to and approved in writing by the Local Planning Authority.

The works shall be carried out in accordance with the approved details and any methods of mitigation proposed therein

**Reason:** To ensure that the proposed development will not have a harmful impact on protected species.

20. Prior to development commencing, a scheme for the enhancement of biodiversity on the site based on the recommendations set out in the Preliminary Ecological Appraisal; KB Ecology; Dec 2017 shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall take account of any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. The scheme shall include a timeframe for implementation and a maintenance plan. The scheme shall be implemented and maintained thereafter in accordance with the approved details.

**Reason:** To protect and enhance existing species and habitat on the site in the future

### **Highways and Construction**

21. No development including any 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 Management and Transport 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 including HGV's;
- c) Details of areas for the storage of plant and materials;
- d) Details of the form and location of any proposed temporary works compounds; and

- e) a programme of works (including details of the timing of deliveries, measures for traffic management/signage);
- f) details of any temporary fencing/hoardings to be provided behind any visibility splays;
- g) details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances;
- h) measures to control the emissions of dust and dirt during construction; and

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.

22. 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.

23. The vehicle parking spaces, and turning areas shall be provided in accordance with details approved on drawing number 23375A/10F before any dwelling is occupied, and shall thereafter be retained as such. Thereafter the vehicle parking spaces and turning areas shall not be used for any purpose other than as vehicle parking spaces and turning and manoeuvring of vehicles.

**Reason:** To retain vehicle parking spaces and turning areas in the interest of highway safety.

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 enacting that Order, the garages shall be provided in accordance with details approved on drawing number 23375A/10F before any dwelling is occupied, and shall thereafter be retained as such. Thereafter the garages shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage without the grant of further planning permission from the Local Planning Authority.

**Reason:** To ensure adequate provision for vehicle parking in the interest of highway safety, and in the interest of visual amenity.

24. No development shall take place above foundation level until details of secure, covered bicycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed before any dwelling is occupied and shall thereafter be retained and maintained.

**Reason:** To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.

25. 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 Safety.

26. No dwelling shall be occupied until the visibility splays identified on drawing number T-06 Revision P1 and hereby approved have been provided in accordance with that plan. The 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.

### **Drainage**

27. Prior to the commencement of the development details of the measures which will be undertaken to divert/protect the public foul sewers and rising main shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The measures for protection shall be provided in accordance with the approved details.

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

28. Prior to the commencement of the development, a drainage strategy detailing the proposed means of foul and surface water disposal, and a implementation timetable, shall be submitted to and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved scheme and timetable.

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

29. Prior to the commencement of the development a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with Kent County Council Flood and Water Management.

The detailed drainage scheme shall be based upon the principles within the Flood Risk Assessment and Drainage Strategy Report, (Rev C, 12/02/2018), Considine Ltd and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed 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.

30. No building hereby permitted shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to and approved in writing by the local planning authority in consultation with Kent County Council Flood and Water Management. The manual at a minimum shall include the following details:
1. A description of the drainage system and it's key components.
  2. An as-built general arrangement plan with the location of drainage measures and critical features clearly marked.

3. An approximate timetable for the implementation of the drainage system.
4. Details of the future maintenance requirements of each drainage or SuDS component (including ordinary watercourses under the riparian responsibility of the site) and the frequency of such inspections and maintenance activities.
5. Details of who will undertake inspections and maintenance activities, including 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.

The drainage scheme as approved shall subsequently be provided and maintained in accordance with these details.

**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.

31. No building hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to and approved in writing by the Local Planning Authority in consultation with Kent County Council Flood and Water Management.

The report shall demonstrate the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

**Reason:** To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

### **Contamination**

32. The development hereby permitted shall not be begun until a scheme to deal with contamination of land and/or groundwater has been submitted and

approved by the Local Planning Authority and until the measures approved in that scheme have been implemented. The investigation report shall be conducted and presented in accordance with the guidance in CLR11 "Model Procedures for the Management of contaminated land" published by the Environment Agency. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

- A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The requirements of the Local Planning Authority shall be fully established before the desk-top study is commenced and it shall conform to any such requirement. Two full copies of the desk-top study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.
- A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:
  - i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above.
  - ii) The requirements of the Local Planning Authority for site investigations have been fully established, and
  - iii) The extent and methodology have been agreed in writing with the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to the Local Planning Authority without delay upon completion.
- A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority. Two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority.

**Reason:** To control pollution of land or water in the interests of the environment and public safety.

33. 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 in accordance with the requirements of condition 1, 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)

Note: For further information and technical guidance regarding the requirements of this condition applicants should contact the Borough Council's Environmental Protection Team (01233 331111).

### **Archaeology**

34. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

**Reason:** To ensure that features of archaeological interest are properly examined and recorded.

### **Sustainability**

35. 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.

### **Refuse**

36. No development shall take place above foundation level until full details of facilities to accommodate the storage of refuse and material for recycling for each dwelling and its collection by refuse vehicles has been submitted to and approved in writing by the Local Planning Authority. 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.

37. 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**

38. 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

### **Compliance & Build Quality**

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

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

### **Note to Applicant**

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

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

In accordance with paragraphs 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

- was provided with pre-application advice,

- The applicant was provided the opportunity to submit amendments to the scheme to address issues raised.
  - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
2. Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact [broadband@kent.gov.uk](mailto:broadband@kent.gov.uk)
  3. 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](http://www.southernwater.co.uk).
  4. The applicants attention is drawn to the comments received from Kent County Council Public Rights of Way, which state the following:
    1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:
    2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development:
    3. No hedging or shrubs should be planted within 1.5 metres of the edge of the Public Path.
- The granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
5. 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. 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.

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](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31<sup>st</sup> August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
7. In respect of condition 6 above, the applicant is advised that the recommendations from the Bat Conservation Trust, titled Bats and Lighting in the UK, should be considered, when designing any lighting scheme for the proposed development.
8. 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.

## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 17/01888/AS

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Annex 1

