

Application Number	18/00483/AS
Location	Land north of Five Bars, Tally Ho Road, Shadoxhurst, Kent
Grid Reference	97745/38386
Parish Council	Shadoxhurst
Ward	Weald South
Application Description	Outline planning permission for up to 60 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, change of use of agricultural land to informal public open space, surface water flood mitigation and attenuation, vehicular access point from Tally Ho Road and associated ancillary works. All matters to be reserved with the exception of the main site access.

Agent

Mr C Miles, Greenvolt Development Limited, 39a
Welbeck Steet, London, W1G 8DH

Site Area

5.1ha

(a) 167 / 74 R / 3X	(b) Parish Council R	(c) KHS +, KCC LLFA X, PROW -, KAS +, KCCE -, KCCDC +, SCB +, BTOD +, EH +, ES -, Housing +, CSCF +, OSLO +, RAM1 +, EA X, NE -, KWT -, IDB -, NHS -, SWS +, POL +, KFRS -
---------------------	-------------------------	---

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 the existing residential settlement north of Lonefield cul-de-sac and east of Tally Ho Road.
3. The site comprises an area of grassland currently used for agricultural purposes. It rises gently in a south easterly direction up to the site's south eastern corner along Tally Ho Road. Levels tend to drop between one and three metres in comparison to Tally Ho Road. The site extends along the northern edge of Tally Ho Road providing frontage onto the road. The site is enclosed by hedges; to the south of the site is a belt of landscaping screening properties along Tally Ho Road and Lonefield. The site is an agricultural field and vegetation within the site is grassland. Beyond the site are agricultural fields and open countryside.
4. The site lies adjacent to but outside the built-up confines of Shadoxhurst and so is located in the countryside in planning and visual terms.
5. 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.
6. 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.



Proposal

7. This an outline planning application for the erection of 60 dwellings (up to 40% affordable housing). Approval is sought for :
- introduction of structural planting and landscaping located along Tally Ho Road and along the north and south site boundaries as well as through the middle of the site.
 - the SUDS basin would be located in the south west part of the site,
 - change of use of agricultural land to informal public open space , surface water flood mitigation and attenuation,
 - vehicular access point from Tally Ho Road and associated ancillary works.
 - All matters to be reserved with the exception of the main site access.

The following documents have been submitted in support of the application:

Design and Access Statement

8. 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 Shadoxhurst and Ashford.
 - Sets out the rationale behind an early design approach to the proposed development.
 - Discusses the following technical matters:
 - Access and Movement
 - Density
 - Scale
 - Landscaping
 - Open space
 - Appearance
9. The statement concludes that:

- It has identified the site and its context, as well as the site and the area's key landscape, movement, land use and built form features.
- The site contributes to the village of Shadoxhurst with a new multi-functional area of open space and landscape structure that enhances the settlement's north eastern boundary and biodiversity in the area.

Planning Statement

10. The statement was prepared in [May 2017] and thus sets out a historic position. It states that the Ashford Core Strategy was adopted on 10th July 2008. The Core Strategy was set in conformity with the South East Regional Spatial Strategy (RRS), which has been revoked. The weight that its policies can be afforded is substantially reduced as Local Plan policies were not prepared in the context of the Framework and are now out of date. It is acknowledged that the proposal constitutes a departure from the Development Plan, as the site lies outside the settlement boundary of Shadoxhurst. However, Ashford Borough Council cannot demonstrate a 5-year supply of housing which means the policies relating to the supply of housing are out-of-date and the presumption in favour of sustainable development applies. The proposals are in accordance with the up-to-date and Framework compliant policies of the development plan and the development should be approved without delay.
11. It then goes on to say that Ashford has no adopted and up-to-date development plan. The Development Plan for Ashford is being reviewed and a new Local Plan to be produced. Ashford Borough Council are presently consulting on Proposed 'Main Changes' to the draft Ashford Local Plan 2030. The council is proposing 'Main Changes' to the policies and supporting text of the Regulation 19 version of the Ashford Local Plan (published in June 2016) to address a range of issues raised during public consultation, to ensure it is up to date, reflects the latest evidence base and meets the requirements of the latest national planning policy. The primary reason of this consultation is to allocate more site sites for housing to meet the authority's 5-year housing land supply. The emerging plan can be afforded no weight, and once the document is published (which may occur during the applications determination) this could still only be attributed extremely limited weight.
12. The planning statement then goes on to demonstrate that Ashford Borough Council is not achieving a 5 years housing land supply.
13. It then states that the proposed development provides significant material planning benefits, which weigh heavily in favour of the application proposal.

- Delivering market housing to meet an identified need, in an area where there has been historical substantial under-delivery
- 35% affordable homes [**HDSS Note:** since increased to 40%] and provide the full range of affordable housing at a time when other schemes might have been unable to deliver policy compliant level of affordable housing
- open space provision, for the benefit of new residents and the existing wider community;
- Ecological benefits through the protection and enhancement of existing wildlife corridors and provision of new green infrastructure within the development

14. The planning statement concludes that:

- The presumption in favour of sustainable development set out in national planning policy confirms that in circumstances where there is no deliverable five-year supply, the policies of the Development Plan for the supply of housing are out of date and the decision-taking test in S14 of the Framework applies. In the absence of any significant and demonstrable harm capable of outweighing the benefits, the presumption in favour of sustainable development is engaged which confirms that development should therefore be approved within the determination targets specified by central government.

[**HDSS Note:** As discussed in the Assessment section below, this material is now largely out of date.]

Landscape and Visual Statement

15. The report states that the development site is located at the edge of Shadoxhurst, and is contained by existing development on two sides. This screens visibility of the site from the east and south. The scale and nature of development would be in keeping with the existing settlement.
16. It then goes on to say that the effect upon landscape character would be moderate/minor in year 1, which would reduce to minor by year 10 as the landscape proposals establish and mature.
17. The report concludes that the landscape and visual effects would be very limited, and the landscape has the capacity to comfortably accommodate this proposed development without undue harm.

Flood Risk Assessment

18. The report states that According to the Environment Agency's (EA) Flood Map for Planning Purposes, the Site is located within fluvial Flood Zone 1.
19. It then goes on to discuss the EA's Risk of Flooding from Surface Water flood map, which confirms that the majority of the Site is at very low risk of pluvial flooding, where there is less than a 0.1% annual probability (1 in 1000 year) of flooding occurring in any given year. Small isolated pockets of shallow flooding, associated with a 3.3% (high risk) and 1% (moderate risk) annual probability of occurring, have been identified on the eastern and western Site boundaries. However, residential development is unlikely to interact with these areas and the implementation of a surface water drainage strategy would reduce the risk to the Site and surrounding area to a minimum.
20. The report also discusses Groundwater Flood Risk and states that the site is at negligible risk of groundwater flooding during the 1% annual probability (1 in 100 year) event.
21. The Environment Agency's Risk of Flooding from Reservoir mapping confirms the Site is not at risk of a breach in any reservoirs.
22. The report concludes that a Sustainable Drainage Strategy is designed separately for the site for the effective management of surface water runoff. In addition, the regular maintenance of any drains and culverts surrounding the Site should be undertaken to ensure the risk of blockage is reduced to a minimum.

Sustainable Urban Drainage System

23. The report states that SuDS features including swales, permeable paving and a retention basin are proposed to attenuate a volume of 1681 m³ and infiltrate directly to ground.
24. It then goes on to say that where Site Investigation confirms infiltration to ground is not feasible, surface run-off should be discharged into a minor drainage channel at a controlled rate of 20.25 l/s, this will require a minimum storage volume of 1424 m³. A controlled discharge from the Site at a rate of 20.52 l/s, which equates to 4 l/s/ha across a Site size of 5.14 ha, is the maximum discharge rate according to Ashford Borough Council Sustainable Drainage SPD. This would require an attenuation volume of 1424 m³ to ensure there would be no increase in the volume and rate of runoff in all events up to and including the 1 in 100 year plus a 40% allowance for climate change.

Ecology

25. The report states that arable land within the site is not suitable for protected species. The hedgerow boundaries of the site provide a suitable habitat for nesting birds. No other protected species can be realistically anticipated here and no evidence of protected species was identified.
26. The report make some modest post-construction ecological enhancements at the survey site that are proportionate with the low level of environmental impact from the development. These measures aim to increase the diversity of species present on the site after the completion of any future development works.

Transport statement

27. The transport statement states that the site is accessible on foot and by bicycle and provides future residents with opportunities to travel to and from the site using sustainable modes of transport in addition to by car.
28. The report then says that the development will be supported by a Residential Travel Plan which will promote access by sustainable modes of travel and an initial RTP has been developed to support this planning application.
29. The report concludes that the development is forecast to have a negligible impact on the operation of the adjacent highway network with the development access forecast to operate well within capacity following the addition of trips associated with the fully developed site.

Travel Plan

30. The document highlights a series of measure to support sustainable modes of transport.
31. It then concludes that the development of the site provides opportunities to encourage residents to use sustainable travel modes immediately following occupation rather than attempting to encourage a mode shift following the establishment of non-sustainable travel habits. The RTP brings an array of benefits for those accessing the site, whilst minimising the environmental impact on the surrounding community and demonstrates the commitment of the developer to creating a sustainable community.

Heritage Statement

32. The report states that the assessment has established that there are no designated heritage assets within the Site. Development within the Site will

not affect the significance of any designated heritage asset in the surrounding area.

33. It then goes on to say that no features of archaeological interest have been recorded previously within the Site. Based on the results of extensive fieldwork in the surrounding area, it is considered that the Site has low potential to contain hitherto unrecorded features of archaeological interest.
34. It then concludes that there are no archaeological constraints upon the proposed development. Given the absence of known assets and the identified low potential, no further work is recommended. This approach is in line with national and local planning policy.

Contamination

35. The applicant's report regarding contamination concluded that there was an unlikely probability of the site being contaminated. A medium severity/consequence of any impacts and a low overall land quality risks posed by the site. The report recommends no immediate actions but observe a watching brief.

Planning History

No relevant planning history

Consultations

Ward Members: Both Ward members are on the Planning Committee.

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

1. Unallocated site
2. The development is not located in a suitable location and would cause significant harm to the countryside.
3. The type and scale of development proposed would cause significant harm to the rural character of Shadoxhurst.
4. Contrary to Policy:
 - a. SP7
 - b. Hou3a and Hou5

5. Insufficient capacity in the foul sewerage system
6. Insufficient capacity in the surface water system and potential flooding
7. The proposed development would be detrimental to the local road network

Stagecoach:

The hourly frequency will be reduced to 2-hourly in the middle of the day and on the 3rd of June. The bus stops near the village hall, about 100 metres away. These would adequately serve the proposed development. However the footpath runs out just beyond Loanfield, in which case this would need to be extended to reach the proposed development. The bus stops also lack raised kerbs and bus stop clearways, so are not meet current disabled access standards. Developer contributions ought to be sought to bring these up to standard.

KHS Depot

The amended masterplan should show an additional emergency access, S106 contributions would be required to enhance the bus service.

Kent Fire

No representations

Kent Police

Having reviewed the online plans and documentation, the applicant/agent has demonstrated that they have considered crime prevention but have not yet attempted to apply all the seven attributes of CPTED in their submitted DAS. A meeting with the applicant should be held before the application is approved. Alternatively, a condition should be attached to the planning permission to ensure Kent Police involvement.

KCC Flood

We note that the Qbar for the 1 year return period is 4.22l/s/ha. It is recommended that a runoff rate of 4.0l/s/ha should be achieved as per the requirements of Ashford Borough Council's SPD. Recommends the following conditions to be attached to the permission:

Condition:

No development shall take place until: i. the details required by Condition 1 (assumed to be reserve matters condition for layout) shall demonstrate that

requirements for surface water drainage can be accommodated within the proposed development layout. ii. a detailed sustainable surface water drainage strategy has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme 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 discharged from the site as per the requirements of Ashford Borough Council's SPD (4/s/ha). The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use 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.

Condition: No building hereby permitted in any phase 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. The manual at a minimum shall include the following details: • A description of the drainage system and its key components • A general arrangement plan with the location of drainage measures and critical features clearly marked • An approximate timetable for the implementation of the drainage system • Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities • 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.

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.

Condition: No building on any phase (or within an agreed implementation schedule) of the development 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 the Local Planning Authority which demonstrates 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.

Project Office

Raised no objection and recommends that the Local Flood Authority conditions are attached to the planning permission.

Southern Water

Raise no objection to the proposed development but require the following condition to be attached to the planning permission:

"Occupation of the development to be phased to align with the delivery of sewerage infrastructure to prevent the increased risk of flooding" The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note

that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

IDB

No Objection

Environment Agency

No Objection

Ramblers

Whilst there are no Public Rights of Way directly impacted by this proposal, Ramblers also seek to support and encourage walking in rural residential and urban areas. The resulting increase in vehicular traffic from this proposed development will be detrimental to pedestrians using Tally Ho Road and be a further discouragement to residents of the village to walk to the shop and post office at Stubbs Cross, or from Stubbs Cross to the Public house in Shadoxhurst. Contrary to para. 2.2 on page 3 of the Transport Statement there are no segregated hard surface footways on either side of the road from close to the Shop and Post Office at Stubbs Cross to the bend in the road approaching the junction with Hornash Lane.

PROW

No Comments

KCC Archaeology

Not entirely in agreement with this assessment nor with the conclusions.

The proposed development may have an impact on buried archaeological remains, especially associated with prehistoric and Roman activity. A phased programme of archaeological work would be appropriate to clarify and mitigate any surviving archaeology on the site. This programme of works could be covered by condition but I would encourage consideration of evaluation works prior to any detailed design being finalised.

The proposed development may have a detrimental impact on the setting of the Roman road and on the designated Snailswood. I would welcome further detailed assessment of the historic landscape and the potential impact of this proposed development. It would be preferable for the historic landscape assessment to be provided prior to determination of this application, especially in view of the potential impact on a designated heritage asset.

In summary, there is potential for buried archaeological remains to survive on site and I do not entirely agree with the Archaeological Deskbased assessment. However, buried archaeological issues could be addressed through condition and I recommend the following condition is placed on any forthcoming consent for this outline:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

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 following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording 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 and that due regard is had to the preservation in situ of important archaeological remains.

With regard to historic landscapes, the impact of this scheme on the designated Snailswood and its setting and on the setting of the Roman road needs further assessment. To clarify this I recommend the need for a historic landscape assessment to inform decisions and recommend a historic landscape assessment is provided prior to determination of this outline application.

Natural England

No Comment

Kent Wildlife Trust

No representations

KCC Biodiversity

We recommend that there is a need for the following to be submitted prior to determination of the planning application:

- Updated indicative site layout to demonstrate that the habitat will be retained and enhanced OR
- Reptile survey.

If planning permission is granted we advise that there is a need for valid ecological survey(s) to be submitted with the reserve matters application to demonstrate that the findings within the submitted ecological survey are still valid.

We recommend that it is submitted at the same time or after the submission of the reserve matter plans to ensure that the management plan is implementable. We suggest the following wording:

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority within 3 months of commencement of the development. The content of the LEMP shall include the following. a) Description and evaluation of features to be managed; b) Aims and objectives of the management plan c) Appropriate management options for achieving aims and objectives; d) Prescriptions for management actions, together with a plan of management compartments; e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period; f) Details of the body or organisation responsible for implementation of the plan; g) Ongoing monitoring and remedial measures. The Plan must be implemented as detailed within the approved plan.

We also recommend that information must be submitted with the reserve matter application detailing what ecological enhancements will be incorporated in to the site.

Housing Services

The site lies in the rural area as identified and defined in Policy HOU1 in the borough council's emerging local plan. Therefore, there will be an expectation of 40% affordable housing being delivered within this scheme. Consistent with the policy, 10% of the total dwellings should be made available for affordable or social rent, and 30% of the total dwellings made available for affordable home ownership (of which 20% of the total dwellings should be shared ownership). Therefore, the expectation is that 6 units must be made available for affordable rent and 18 for affordable home ownership (of which 12 must be for shared ownership with the remainder a low-cost home-ownership product agreed by the Development Partnership Manager within the authority). Given the identified need within our current housing waiting list

(including those who have a stated local connection), we would request that for the affordable/social rent properties a mixture of 1-bed and 2-bed properties be made available for this purpose. We would expect the properties to meet the Nationally Prescribed Space Standards. In the case of the 2-bed properties we would expect four bed spaces to be provided. We would also request that the affordable housing composition be integrated into the development to ensure a balanced tenure neutral mix on the development rather than being positioned as a cluster of properties on the development – something we are happy to discuss with the developer should a full application come forward in due course.

KCC Developer Contribution

Request Summary

	Per 'Applicable' House (x60)	Per 'Applicable' Flat	Total	Project
Primary Education	£3324.00	£831.00	£199,440.00	Towards Phase 1 expansion of St Theresa's RC PS
Secondary Education	£4115.00	£1029.00	£246,900.00	Towards Phase 1 of the 1 FE expansion of The Norton Knatchbull school

'Applicable' excludes 1 bed units of less than 56 sqm GIA and sheltered accommodation.

	Per Dwelling (x60)	Total	Project
Community Learning	£34.45	£2067.11	Towards additional adult education classes and equipment in Tenterden to accommodate the additional learners from this development
Youth Service	£27.91	£1674.51	Towards additional additional youth sessions and equipment in Tenterden
Libraries	£48.02	£2880.95	Towards the additional bookstock supplied to the mobile Library service that attends Shadoxhurst to meet the demands of the additional borrowers from this development
Social Care	£77.58	£4654.80	Towards Fairlawns Respite Care centre in Ashford
	1 Wheelchair Adaptable Home as part of the on site affordable homes delivery		
INFORMATIVE: Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early			

<p>High Speed Fibre Optic Broadband connection:</p>	<p>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</p>
<p><i>Highways</i></p>	<p><i>Kent Highway Services will respond separately</i></p>

Please note that these figures:

- (a) are to be **index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment** (Oct-16 Index 328.3) are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

CCG

Views awaited

Environmental Health

Recommend the following informative information as part of any consent granted:
 “The applicant should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not occur, in general, outside of these times, on Sundays or Bank/Public Holidays. In addition, the applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties. Finally the applicant should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction sites.” We request the application of E020 and the submission of details for approval in order to avoid pollution of the surrounding area.

Standard phrase We note that the development includes residential dwellings. To promote the move towards sustainable transport options and to take account of cumulative impacts of development on air quality we would request the application of E047 to provide electric vehicle charging facilities on driveways etc. As with all developments on sites where there have been previous development there is a potential for unexpected contamination to be found during the works. As such we would ask that the following condition is applied; "If unexpected contamination is to be 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 then be undertaken and submitted to the Local Planning Authority for approval, and where remediation is necessary a remediation scheme must be prepared and agreed in writing prior to completion. Finally, a verification report must be submitted for approval by the Local Planning Authority prior to the occupation of the development." 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) I note that the proposed development is considered a major site, and as such I would request that condition E028 is applied with respects to providing construction management plan. In particular we request this for the purposes of ascertaining the; measures to minimise the production of dust on the site(s), measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s), maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s), measures to minimise the potential for pollution of groundwater and surface water, and the arrangements for public consultation and liaison during the construction works

Environmental Services

No representations

Cultural Services / Open space

Potential off-site contributions calculate as:

- Outdoor sport capital: £95,340 commuted sum: £19,560
- Play capital: £38,940, commuted sum: £39,780
- Allotments capital: £15,480, commuted sum: £3,960
- Strategic Parks capital: £8,760, commuted sum: £2,820
- Cemeteries capital: £17,040, commuted sum: £10,560

- Open space projects for the above contributions are to be agreed by Ashford Borough Council.
- The above comments on the level of contributions for open space should not be taken to indicate that Culture will approve the scheme.
- Contributions are calculated as per the current Public Green Space and Water Environment SPD and will require indexing.
- At 60 dwellings informal public open space is required on site, to a value of £21,720 capital and £19,500 commuted sum, 0.29ha in area, to be provided as one entire space and not sub-divided.

KCC Constabulary

No representations

Neighbours:

167 neighbours consulted; 70 representations received – 67 objections and 3 general comments which are summarised below:

General Comments:

- Concerned regarding the cumulative impact of development planned and approved at Shadoxhurst.
- Concerns were raised regarding the provision of footpath wide enough to accommodate buggies and disable person. [**HDMSS Comment:** Footways would meet Kent Highways Authority standards.]
- Does the proposed development encroach on the green belt? [**HDMSS Comment:** The site is open countryside but is not classified as Green Belt]

Objections:

- The proposed development would add unsustainable pressure on the village infrastructure.
- The proposed development would erode the rural character of the village and its separation between Ashford urban area and the planned urban extension Chilmington Green.
- The proposed development would result in loss of wildlife.

- The proposal would impact residents' views. [**HDMSS Comment:** Views are not a material consideration and cannot be taken into consideration in the determination of a planning application.]
- There is insufficient public transport in the area to cater for this proposed development.
- The frequency of the local bus service would be cut further shortly.
- The development would result in increased traffic, which the local road network cannot absorb without it being detrimental to residential amenities. [**HDMSS Comment:** Kent Highways Authority has raised no objections to the proposal on these grounds]
- There are insufficient amenities within the vicinity to cater for a development of this size.
- Lack of services such as school, nursery and shops.
- Work on site would result in air and noise pollution
- The proposal would encroach on green corridor.
- The site is not allocated in the local plan.
- The scale and quantity of housing proposed is not suitable for a village like Shadoxhurst.
- Overdevelopment of Shadoxhurst eroding the rural feel of the village.
- Supply might exceed demand and the council should wait to see if homes with planning permission are being sold before they approved further new built.
- It would further reduce the ability of residents living along Tally Ho Road to come out of their drive.
- Shadoxhurst has poor internet connectivity.
- The proposed development would encroach on open countryside.
- Impact on the drainage network. [**HDMSS Comment:** the local flood authority has raised no objections to the proposal]
- Loss of agricultural land would impact food production. [**HDMSS Comment:** the site is classified as grade 3 agricultural land]

- The proposed density is not in keeping with Shadoxhurst.
- The proposed style of the area is single storey.
- Community involvement has been inexistent.
- Loss of wildlife

Planning Policy

36. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30. The new Ashford Local Plan to 2030 has now completed its examination hearing sessions and the Council has received post-hearings advice from the Local Plan Inspectors; as a result, such its policies should now be afforded weight.
37. 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
ENV9	The setting of towns and villages and sites of local importance.
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

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

Local Plan to 2030 (Submission Version December 2017)

SP1 Strategic Objectives

SP2 The Strategic Approach to Housing Delivery

SP6 Promoting High Quality Design

SP7 Separation of Settlements

HOU1 Affordable Housing

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
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage
ENV15	Archaeology
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

Government Advice

National Planning Policy Framework (NPPF) 2012

39. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework

(NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

40. 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).”

41. 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 11 sets out conserving and enhancing the natural environment.

Assessment

42. The main issue for consideration are:

- 5 Year Housing Land Supply

- The principle of development, and status of the emerging development plan
- Location and scale of development
- Impact on the countryside / landscape character
- Impact on residential amenity
- Impact on Highway Network
- Ecology
- Archaeology
- Drainage and Flooding
- Provision of affordable housing
- Whether planning obligations are necessary

5 year housing land supply

43. The Local Plan Inspectors' post-hearings advice Note of the 29th June 2018 has confirmed that they consider the Council is able to demonstrate a 5 year housing land supply based on the changes to the Submission Plan that they are indicating are required to make the Plan sound. This means that the Council can satisfy the requirement of paragraph 47 of the NPPF and all relevant policies for the supply of housing should be considered up-to-date with full Development Plan status weight applied.

Principle of development

44. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the adopted Development Plan unless material considerations suggest otherwise. Section 70 of the Town and Country Planning Act 1990 is concerned with the determination of planning applications with regard to the provisions of the development plan, so far as they are material and any other material considerations. The Local Plan Inspectors issued a post-hearings advice Note on 29th June 2018 which sets out the elements of the Submission Local Plan that they consider require amendment in order to be found sound. In the context of paragraph 216 of the NPPF, this Note provides a material step towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need

for amendment to policies in the Plan, it is reasonable to assume that these policies are, in principle, sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' advice, significant weight should be attached to the Inspectors' advice in the application of those policies.

45. 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.

46. The application proposes a development of 60 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'

47. 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.

48. 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."

49. According to this definition the site is outside the built confines of Shadoxhurst. It should be noted that the applicant themselves recognised the site to be outside the built confines.

50. 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).
51. 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 109 states that "the planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes".
52. With this in mind, the emerging Local Plan to 2030 recognises that new housing outside settlement boundaries may be sustainable. However, the proposal would need to comply with a series of criteria. HOU 5 states that:

Proposals for residential development adjoining or close to the existing built up confines of the settlements listed in policy HOU3a [HDSS Note: these include Shadoxhurst] 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.*

53. 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 not to be in conformity with the relevant criteria contained in this policy, and for this reason, policy HOU5 is considered to be a significant material consideration.
54. Overall, in officer's view, the Development Plan remains the base on which the application need to be assessed. The Ashford Local Plan to 2030 is now at an advanced stage of its independent examination and as such is a material consideration and its policies should now be afforded weight.
55. This a greenfield site and the proposal would have a significant visual impact as well as a potential environmental impact. To conclude, the proposed development does not accord with the core planning principles, in that the development is not genuinely plan led, would harm the character and beauty of the area, and is not easily or safely accessible. On balance, taking into account all cumulative impacts, the proposed development would not be sustainable.

Location and scale of the development.

56. As set out above, the NPPF seeks to protect and enhance the countryside as well as located development in sustainable locations. This is consistent with HOU5 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.* In the last 7 years a total of 71 dwellings were

approved at Shadoxhurst, a small settlement with limited services which include a pub, a village hall, a small shop (not accessible on foot), a play area and a park. Based on 2011 census data, this represents an 15% growth. It is reasonable to assume that a large-scale proposal of 60 dwellings, which is more than all development approved in six years at Shadoxhurst, would not be proportional to the low level of service currently provided in the vicinity. Finally, the proposal would translate in a significantly higher level of growth than the relatively organic way Shadoxhurst has grown in recent years.

57. Hou5 b) requires sites to be *within easy walking distance of basic day to day services in the nearest settlement*. The site is considered to be within easy access of Shadoxhurst centre, although footpaths would need to be upgraded to allow for a safe access, and not all basic day-to-day services are there once it is reached. Assuming 800 metres to be a walkable distance, the site would not be within walking distance of the local shop located at Stubbs Cross, nor to the local pub (950 metres each). It should be noted that no footpaths are serving the stretch of road leading to the local shop, making it highly unlikely future residents would walk to the convenience store. Other facilities such as the village hall, playing fields and play area would be located within walking distance.
58. In terms of public transport/connectivity, the site is within walking distance of a rural bus service. Whilst Stagecoach has indicated that the existing footpath would need to be extended to reach the proposed development and the service frequency would be reduced from the 28th of June, KCC Highways has recommended S106 contributions to enhance the quality of the bus service and bus stop. The applicant has commented on this issue but would like to discuss the amount required. As a result, I would assume that the proposal would not be served by a suitable sustainable mode of transport.
59. In conclusion, the site is located outside the built confines of the village and the cumulative impact of 60 dwellings in addition to the 54 dwellings already approved, on local infrastructure and the village is not considered to be proportionate. The limited public transport, lack of pedestrian facility to the shop and the location of the site would certainly encourage the use of private cars for day to day mobility. These are considered to be material factors to weigh against the proposal.

Impact on countryside/landscape character

60. Policy EN9 of the Ashford Local Plan 2000 restricts development which *“would damage significantly buildings, landscape features, or important views, which contribute to the settings and entrances of towns and villages will not be permitted.”*

61. Policy HOU5 f) of the Local Plan 2030, refers to the need for development to sit sympathetically within the wider landscape.
62. 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.
63. SP7 of the Local Plan to 2030, prevents built development which would result in the merging of settlements and would erode the character of the area. It also specifies that coalescence could happen through 'progressive ribbon development'.
64. 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 streams and ditches. The landscape objectives for this LCA seek to conserve and restore woodlands, hedges and habitats of high ecological value.
65. The site rises gently in a south easterly direction up to the site's south eastern corner along Tally Ho Road. The site extends along the northern edge of Tally Ho Road fronting onto the street. The site is enclosed by mature hedges and to the south is a belt of landscaping screening properties along Tally Ho Road and Lonedied. Beyond the site are agricultural fields and open countryside. There is limited capacity for the existing landscape (land forms, existing vegetation) to shelter the proposal and mitigate visual impact from Tally Ho Road.
66. Given the location of the development at the edge of the settlement, with existing far reaching views and ribbon development to one side of the road, there is a strong identity to the landscape character at this location. This landscape feature is essential in defining the end of the urban settlement and the start of the countryside. It also provides long range views on a landscape which is representative of the description given in the Landscape Character area, open countryside including small features such as small field, high hedgerow with some mature trees and as such should be protected.
67. Considering views coming from Stubbs cross to Shadoxurst, the proposal would significantly erode the edge of the settlement, fundamentally changing how Shadoxurst appears in the landscape. By replicating ribbon development similar to the ones on the eastern side of Tally Ho Road, the proposal would change the rural character of Shadoxurst.

68. The scale of the development (60 dwellings) and the all the infrastructure required to serve such a development with the paraphernalia associated with resident development (additional hard surfacing, enclosing fencing, lawns, patio areas, wheelie bins, washing lines, garden furniture) would certainly deteriorate the rural character and have an urbanising impact which would change how the settlement appears in the landscape.
69. Overall, I consider that the development of this field fronting on Tally Ho Road goes against the prevailing character of the area and would therefore be contradictory to HOU5 f). It would introduce an incongruous form of development harmful to the character and appearance of this part of Shadoxhurst. Together with the domestication of the surroundings, the proposed development would appear visually prominent and incongruous in its context, in a manner that would diminish the countryside character causing significant and demonstrable harm to the landscape quality and visual amenity of the area. Finally, it would contribute in eroding the separation between Shadoxhurst and further planned development by replicating ribbon development on the eastern side on Tally Ho Road.

Impact on residential amenity

70. 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.
71. Although layout is reserved for future consideration, assuming a two storey development, the indicative layout plan suggests that satisfactory distances can be maintained between the proposed and adjacent dwellings. A number of residents have raised concerns regarding potential noise and air pollution during the construction phase, however these details could be dealt with via a comprehensive construction management plan if planning permission was to be granted. The highways authority has raised no objection to the proposal, regarding the impact on the local road network. Other concerns raised by residents are also addressed in other parts of this report.
72. Given the above, I am satisfied that the development would not result in harm to the residential amenity of neighbouring or future occupiers.

Highway Impact

73. 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.

74. Criteria c) of emerging policy HOU5 of the Local Plan 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.
75. The proposal has been amended to accommodate recommendations made by KCC Highways and Transportation. As part of the development, a footway on the western side of Tally Ho Road will need to be provided. The bus stop would need to be upgraded and a planning condition should be attached to the permission, if granted, to secure its upgrade.
76. KCC Highways and Transportation is satisfied that adequate visibility splay can be achieved at the access.
77. KCC Highways and Transportation require S106 contributions to improve the bus service. These contributions would help to mitigate the impact the proposal could have on the local road network.
78. In summary, KCC Highways is satisfied with the proposed development providing adequate mitigation are secured through S106 and the planning process.

Ecology

79. 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.
80. 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.
81. The application has been subject to consultation with KCC Biodiversity. They are satisfied with the majority of conclusions reached by the applicant's ecology consultant. However, they have raised concerns regarding the potential impact on reptiles. As such, they have recommended that the applicant should demonstrate how habitat will be retained or to undertake a reptile survey. The applicant has submitted further information and KCC Biodiversity has been consulted but has not yet responded.

82. KCC Biodiversity also recommends that further work would be required at reserved matters stage concerning landscape management plan, updated surveys, and further studies on potential ecological enhancement.
83. The applicant has not yet submitted the information recommended by KCC Biodiversity for reptiles, as such I can only conclude that the proposal might represent a risk for the possible reptile population.

Archaeology

84. ENV15 of the Local Plan to 2030 aims at protecting important archaeological sites.
85. The officer at KCC Archaeology is not entirely in agreement with the assessment submitted by the applicant's archaeological consultant and does not agree with the conclusions. KCC Archaeology recommends further work to understand how the proposed development may have an impact on buried archaeological remains, especially associated with prehistoric and Roman activity. They would also welcome further details on the impact the proposal could have on the setting of the Roman road and on the designated Snailswood. Both required work could be secured via planning conditions.
86. As such, I am satisfied that the further studies would allow an adequate assessment of the impact of the proposal and find adequate solutions to mitigate, protect or enhance heritage assets.

Drainage, flooding and Contamination

87. The application is supported by a Flood Risk Assessment and Drainage Strategy.
88. 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.
89. KCC Local Flood Authority generally agrees with the principles of the drainage design. They note that the Qbar for 1 year return period is 4.22l/s/ha. It is recommended that a runoff rate of 4.0l/s/ha should be achieved as per the requirements of Ashford Borough Council's SPD. ABC's drainage engineer, has raised no objection to the proposed scheme and has confirmed that the difference will not vary the amount of attenuation required significantly. Finally, it is considered the design would allow to bring the discharge down to the level required by the SPD.

90. Given all of the above, I am satisfied that the proposal would not result in exacerbating any local flooding issues nor would be detrimental to local infrastructure or residential amenities.
91. The applicant's report regarding contamination concluded that there was an unlikely probability of the site being contaminated. A medium severity/consequence of any impacts and a low overall land quality risks posed by the site. The report recommends no immediate actions but observe a watching brief.
92. ABC's Environmental Health department did not raise any objections to the proposal but suggested conditions to mitigate against air and noise pollution, as well as contamination if discovered when work starts on site.

Affordable Housing

93. The applicant has confirmed that they will meet requirement of policy HOU 1 of the Ashford Local Plan and will provide 40% affordable housing. Based on this calculation the requirement for this development would be of 24 dwellings. The housing could be secured through a S106 Agreement, should permission be granted.
94. The expectation is that 6 units must be made available for affordable rent and 18 for affordable home ownership (of which 12 must be for shared ownership with the remainder a low-cost home-ownership product agreed by the Development Partnership Manager within the authority). Given the identified need within our current housing waiting list (including those who have a stated local connection), the affordable/social rent properties should be a mixture of 1-bed and 2-bed properties. The applicant has confirmed that they would comply with the recommendations made by the Council's Housing department.
95. The proposal would make a significant contribution to the required level of affordable housing Ashford Borough Council is aiming to secure and deliver. This should be viewed as a material consideration weighing in favour of the application, considering that Ashford has under delivered affordable housing in recent years.

Planning Obligations

96. 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

97. 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, if secured by a s.106 Agreement they may be a reason to grant planning permission in this case. If they have not been secured by an Agreement or Undertaking, their absence is a reason to refuse permission in this case.

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.	<p>Primary Education</p> <p>Towards Phase 1 expansion of St Theresa's RC PS</p>	£3324.00 Per house	<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 Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend primary school</p>

Ashford Borough Council - Report of Head of Development Management and Strategic Sites
 Planning Committee 18 July 2018

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>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>
2.	<p>Secondary Education</p> <p>Towards Phase 1 of the 1 FE expansion of The Norton Knatchbull school</p>	£4115.00 Per house	<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</p>	<p>Necessary as no spare capacity at any secondary school in the vicinity and pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, saved Local Plan policy CF21, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p>

Ashford Borough Council - Report of Head of Development Management and Strategic Sites
 Planning Committee 18 July 2018

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
			date of payment (Oct-16 Index 328.3)	<p>Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
3.	<p>Community Learning</p> <p>Towards additional adult education classes and equipment in Tenterden to accommodate the additional learners from this development</p>	£34.45 per dwelling	Before occupation of 50% of the units.	<p>Necessary as no spare capacity is available to meet the demand that would be generated and pursuant to Core Strategy policy CS18, KCC Guide to Development Contributions and the Provision of Community</p>

Ashford Borough Council - Report of Head of Development Management and Strategic Sites
 Planning Committee 18 July 2018

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use community learning facilities</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 users and is based on the number of dwellings.</p>
4.	<p>Youth service</p> <p>Towards additional additional youth sessions and equipment in Tenterden</p>	£27.91 per dwelling	Before occupation of 50% of the units	<p>Necessary as no spare youth service space available to meet the demand that would be generated and pursuant to Core Strategy policy CS18, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p>

Ashford Borough Council - Report of Head of Development Management and Strategic Sites
 Planning Committee 18 July 2018

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>Directly related as occupiers will use youth service 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 the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
5.	<p>Libraries</p> <p>Towards the additional bookstock supplied to the mobile Library service that attends Shadoxhurst to meet the demands of the additional borrowers from this development</p>	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as more books required to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books to be funded will be available to them.</p>

Ashford Borough Council - Report of Head of Development Management and Strategic Sites
 Planning Committee 18 July 2018

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is based on the number of dwellings.</p>
6.	<p>Social Care</p> <p>Towards Fairlawns Respite Care centre in Ashford</p>	£77.58 per dwelling	Before occupation of 50% of the units	<p>Necessary as additional social services premises required to meet the demand that would be generated pursuant to Core Strategy policy CS18, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use adult social services 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</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.
7.	<p>Affordable Housing Provide not less than 40% of the units as affordable housing, comprising 60% affordable rent units and 40% shared ownership units in the locations and with the floorspace, wheelchair access (if any), number of bedrooms and size of bedrooms as specified.</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared</p>	<p>6 units -affordable rent</p> <p>18 units – affordable home ownership of which 12 units should be made for affordable shared ownership and 6 units should be an agreed low-cost home ownership product</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</p>	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to Core Strategy policy CS12, the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	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.			
8.	Monitoring Fee Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years	Necessary in order to ensure the planning obligations are complied with. Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered. Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.

Ashford Borough Council - Report of Head of Development Management and Strategic Sites
 Planning Committee 18 July 2018

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
9.	Outdoor sport	Capital: £95,340 commuted sum: £19,560	Before occupation of 75% of the dwellings	<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 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</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 and the extent of the</p>

Ashford Borough Council - Report of Head of Development Management and Strategic Sites
 Planning Committee 18 July 2018

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				facilities to be provided and maintained and the maintenance period is limited to 10 years.
10.	Play	capital £38,940, commuted sum: £39,780	Before occupation of 75% of the dwellings	<p>Necessary as children’s and young people’s play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Ashford Local Plan 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>

Ashford Borough Council - Report of Head of Development Management and Strategic Sites
 Planning Committee 18 July 2018

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				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.
11.	Allotments	capital £15,480, commuted sum: £3,960	Before occupation of 75% of the dwellings	Necessary as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Ashford Local Plan 2030 Submission Version policies COM1, COM3 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.

Ashford Borough Council - Report of Head of Development Management and Strategic Sites
 Planning Committee 18 July 2018

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>Directly related as occupiers will use allotments and the facilities 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>
12.	Strategic Parks	capital £8,760, commuted sum: £2,820	Upon occupation of 75% of the dwellings	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

Ashford Borough Council - Report of Head of Development Management and Strategic Sites
 Planning Committee 18 July 2018

	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.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of dwellings and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
13.	Cemeteries	capital £17,040, commuted sum: £10,560	Before occupation of 75% of the dwellings	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

Ashford Borough Council - Report of Head of Development Management and Strategic Sites
 Planning Committee 18 July 2018

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>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>Directly related as occupiers will require cemeteries and the cemetery 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>
14.	informal public open space	0.29ha in area, to be provided as one entire		

Ashford Borough Council - Report of Head of Development Management and Strategic Sites
 Planning Committee 18 July 2018

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	<p>To be provided onsite in an agreed location</p> <p>Commuted sum to be paid for maintenance</p>	<p>space and not sub-divided</p> <p>Commuted sum £19,500</p>	<p>Before occupation of 75% of the dwellings</p>	<p>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, Public Green Spaces and Water Environment SPD and guidance in the NPPF</p> <p>Directly related as occupiers will use informal/natural green space and the space to be provided would be available to them</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the</p>

Ashford Borough Council - Report of Head of Development Management and Strategic Sites
 Planning Committee 18 July 2018

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				facilities to be provided and maintained and the maintenance period is limited to 10 years.
<p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the council web site in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs.</p> <p>If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.</p>				

Working with the applicant

98. 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.
99. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Conclusion

100. The Council now considers it can demonstrate a deliverable five year housing land supply in accordance with paragraph 47 of the NPPF, and this has been confirmed by the Local Plan Inspectors.
101. The site is not allocated for development in the adopted development plan.
102. 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.
103. Emerging policy HOU5 is material to the assessment of this application. The proposal would be contrary to HOU5 of the Ashford Local Plan to 2030, and in particular to criteria a), b), d) and f). The proposal would also be contrary to Policy SP7 of the same document, which prevents built development which would result in the merging of settlements and would erode the character of the area.
104. Although, it is recognised that the proposed development would fulfil the social aspect of sustainable development by providing the required level of affordable housing, it would fail to meet the environmental aspect of sustainable development. This is because it would introduce an incongruous form of development harmful to the character and appearance of this part of Shadoxhurst. Together with the domestication of the surroundings, the proposed development would appear visually prominent and incongruous in its context, in a manner that would diminish the countryside character causing

significant and demonstrable harm to the landscape quality and visual amenity of the area. It would fundamentally change how Shadoxhurst appears in the landscape as well as the setting of and the entrance to Shadoxhurst. It is worth noting that no supporting documents were submitted to suggest the proposal would fulfil the economic aspect of sustainable development.

105. I have concluded that a development of this scale in this settlement, with little services and amenities, detrimental to visual amenity and character, would be contrary to policies.

Recommendation

Refuse

on the following grounds:

1. The proposal is contrary to Policy EN9 of the Ashford Local Plan 2000; Policies CS1 and CS9 of the Local Development Framework Core Strategy 2008; Policies TRS2 and TRS17 of the Tenterden and Rural Sites DPD, Policies SP1, SP6, SP7, and HOU5 of the Ashford Local Plan 2030 (Submission Version), and Central Government guidance contained in the National Planning Policy Framework and would therefore be contrary to interests of acknowledged planning importance for the following reasons:
 - a. The proposed development would constitute an inappropriate development which would fail to respond positively to its context by virtue of the fact that it would erode the rural character of the village changing the way Shadoxhurst is perceived in the landscape and would reinforce ribbon development and the urbanisation of the countryside. Finally, the proposed development would appear visually prominent and incongruous in its context, in a manner that would diminish the countryside character causing significant and demonstrable harm to the landscape quality and visual amenity of the area.
 - b. The scale of the proposed development would represent a significant level of growth for a settlement with limited amenities and services. It is considered that the proposed level of growth would not be proportionate and the demand generated would not be adequately absorbed by the current offer of services.
 - c. The proposal is not located within walking distance of two of the important services in the village, the pub and the local shop, which would encourage future residents to use their private cars to access these facilities.

- d. KCC Biodiversity require more information to be submitted, and has been consulted but not yet responded. As such it cannot be fully determined whether or not the proposal would be detrimental to the local fauna.
- e. KCC Archeaeology disagree with the conclusions reached by the applicant's archaeological consultant and has required further work to be undertaken.
- f. No planning obligation entered into.

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

- the applicant/agent was updated of any issues after the initial site visit,
- the application was acceptable as submitted and no further assistance was required.
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with without delay.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/00483/AS.

Contact Officer: Paolo Lesbordes

Telephone: (01233) 330288

Email: paolo.lesbordes@ashford.gov.uk

Annex 1

