

Application Number	17/01926/AS	
Location	Land rear of Charing Motors Ltd, Northdown Service Station, Maidstone Road, Charing TN27 0JS	
Grid Reference	94637/49690	
Parish Council	Charing	
Ward	Charing	
Application Description	Outline application for the erection of up to 17 dwellings and associated infrastructure with means of access from Maidstone Road to be considered in detail	
Applicant	Charing Motors Ltd	
Agent	Lee Evans Planning, St Johns Lane, Canterbury, Kent CT1 2QQ	
Site Area	1.04 hectares	
(a) 9/2R & 1+	(b) Charing - R	(c) KH&T – X; KCC SuDS – X; SWS – X; KCCE – X; EA – X; SSOS – X; KCCDC – X, PO (Drainage) – X; Housing – ; EH – X, ES – X, , NHS –; KWT – R; AONB Unit - +; KCC Minerals – X; KCC Heritage – X; Charing Arch Group – R; KCC PROW - ; Kent Police - +

Introduction

1. This application is reported to the Planning Committee because it involves the erection of more than 10 dwellings and therefore is classified as a major development that requires determination by the Planning Committee under the scheme of delegation.

Site and Surroundings

2. The application site comprises a 1.04 hectare area of land the bulk of which is rectangular in shape and sited to the rear of Charing Motors and service station.

There is a narrower piece of land which joins the rectangular part of the site to the A20. The site is largely laid to grass and there are no trees of any significance within the site. There are however trees and native hedge planting along the southern and western boundaries. To the south east corner is a pond which links to drainage ditches to the south, west and through the site. To the west of the site is a detached dwelling known as Bylands whilst to the east is the Swan Hotel. To the south are agricultural fields (although these have been proposed for allocation in the Ashford Local Plan 2030 submission document for residential development for up to 180 dwellings under policy S55) whilst north of the rectangular area of land, where the majority of the development would take place, is the MOT and workshop building as well as the petrol filling station (PFS) and shop which comprises Northdown Services and Charing Motors. Both are within the applicant's ownership. The service station is part single storey and part two storey and set behind the station forecourt. The workshop building is a functional commercial building to the west of this and was recently granted permission in 2012

3. There is a change in levels from north to south with the land dropping by approx. 7m from the northern part where the access is proposed from the A20 to the southern boundary. The main village centre lies approximately 700m to the east of the site. Currently however the pedestrian access linking this site to the village would require crossing the A20.
4. The site forms countryside within an area characterised as the Charing Farmlands Landscape Character Area. The character of this area is that of a gently undulating landform, open views across arable land, small clusters of woodland etc. The railway line disturbs the field pattern and the A20 is a detracting feature. Recent developments in Charing spread out from the historic core. Immediately opposite, but separated from the site by the A20, is the North Kent Downs AONB. There are no public rights of way in the vicinity of the site or affected by the development of this site.
5. The site lies within land designated as a Ground Source Protection Zone and an area of Ground Water Vulnerability.
6. A site plan is attached as Annex 1 to this report.



Figure 1 - Site Location Plan

Proposal

7. Outline planning permission is sought for the erection of up to 17 dwellings. The only matters for consideration under this application are the principle of the development and the means of access from the A20. Matters such as appearance, landscaping, layout, scale and access through the site are all reserved matters for consideration at a later date should outline planning permission be granted. Initially it was proposed that layout would also be considered in detail but this was deleted from the application following concerns raised by officers.
8. The indicative layout shows a central spine road emanating from the existing junction from the A20. The indicative layout (not for consideration) is shown in figure 2 below. This shows a mix of housing types including flats semi-detached and detached houses either side of the access road. The indicative layout shows the potential opportunity to provide either vehicular and/or pedestrian

access into S55 to the south although this is not a requirement of emerging policy S28 and therefore may not come forward at the reserved matters stage. All units are shown fronting the access road with front gardens and off road parking. It is proposed that all dwellings will be two story in height and this could be controlled by condition to ensure that is what is put forward for consideration at the reserved matters stage.

9. An indicative landscaping proposal has also been submitted which shows a strong and bolstered landscaping scheme around the perimeter of the site as well as a linear belt of tree and hedge planting through the site to provide further screening of the development as well as ecological enhancements. The development would not require the removal of any trees or existing boundary planting.
10. The proposed density of development is approximately 17 units per hectare.



Figure 2- Indicative Layout

11. In support of the application, a number of documents have been submitted which set out the applicant's position and have been summarised below:-

Planning, Design & Access Statement

- This sets out the context for the proposed development in terms of the site and surroundings as well as the adopted and emerging development plans and Government guidance. It states that it is proposed to provide 7 affordable units as part of the outline scheme to be secured through a legal agreement. This equates to 40% as required by HOU1 of the emerging Local Plan. It also states that the housing mix will meet the requirements of policy CS13 of the adopted Core Strategy. The statement confirms that the development will also meet or exceed national and local space standards and will not have any unacceptable impacts on highway safety, residential amenity, ecology, heritage assets, noise, contamination or flood risk. It also confirms that the applicant is willing to enter into a S106 agreement in respect of developer contributions that are CIL compliant.

Transport Assessment

- This looks at the entire site allocation which includes the petrol filling station and associated shop, the adjacent workshop building as well as the remainder of the undeveloped site to the rear. Although this application excludes the petrol filling station (already granted planning permission for 3 commercial units on the ground floor and 3 flats above under planning application reference 17/00865/AS) and the workshop, the transport statement looks at the impact of the traffic associated with the allocated site as a whole which includes these elements.
- The statement advises that the site is within a reasonable walking distance of Charing village and well related to exiting public transport links, facilities, amenities, sports facilities and the local primary school.
- As a result of the development combined with the development granted planning permission under 17/00865/AS and the retention of the workshop building overall there will be reduction in vehicle movements to and from the site. It states that there will a reduction of 43 trips in the AM peak and 73 in the PM peak.
- Parking can and will be provided in accordance with the Council's Residential Parking SPD.
- Swept path analysis demonstrates that the access can accommodate the private car, fire tender, refuse vehicles and pantechicons.
- The required sightlines of 2.4m x 120m can be provided to both the east and the west.

Flood Risk Assessment & Drainage Strategy Report

- Like the transport assessment this looks at the site allocation as a whole so includes the workshop building and the petrol filling station (as redeveloped) as well as this application.
- The site lies within Flood Zone 1 and is therefore at a low risk of fluvial flooding.
- An assessment of peak foul water flow has been carried out in accordance with Sewers for Adoption 6th edition and states that the development as a whole will generate a peak foul flow rate of 1.06 litres/second. It is proposed to pump the foul water from the development site due to the levels changes to the existing sewerage system which runs along the A20.
- The proposed parking areas will be permeable to accommodate storm events with a 30% allowance to accommodate climate change.
- Run off from the roofs of the proposed 17 dwellings will be conveyed to private soakaways designed to accommodate storm events with a 30% allowance to accommodate climate change.
- Final surface water discharge would be to the surrounding existing watercourse with run off limited to the site's existing surface water run off rate.

Phase 1 Environmental Assessment (Desk Study Report)

- Concludes that there are likely to be sources of contamination on the site that could have impacted the soil from the onsite and past activities particularly those immediately to the north. The risk to human health following the completion of the development could be classed as very low to moderate. The risk to new buildings and underground services again would be low to moderate.
- The site overlies a major aquifer and is within a ground source protection zone. The foul water will be discharged via the existing mains system as it is at present. Surface water would be via soakaways installed on the site. Consequently the risk to controlled waters would be classed as low to moderate. As a result a detailed Phase II intrusive investigation of the site is required which can be controlled by condition

Ecology

- The Preliminary Ecological Survey establishes that there is only 1 pond to the east which has potential for Great Crested Newts (GCN) and the surrounding land would provide terrestrial habitat. That said there are no other ponds within

500m and GCN are more likely present where there are clusters of ponds within 500m and good terrestrial habitat.

- In respect of reptiles, bats, barn owls, badgers, Dormice and birds it concludes that subject to conditions along with ecological enhancements then these would not be adversely impacted upon.
- A Herpetological Survey was undertaken to establish the likely presence of GCN and reptiles on the site following best practise. The pond was inspected on 1st May 2017 but was empty and dry. The reptile survey revealed 1 grass snake. The conclusion is that there would be no adverse impact on herptiles.
- A bat survey was also undertaken. Bats were recorded passing through the site with over 90% being the common pipistrelle bat. Recommendations are made in respect of lighting. In terms of potential bat roosts the petrol filling station building was surveyed. No bats were seen emerging from the building during the survey period and as such it is recommended that no further surveys are required.

Landscape

- Initially no landscape appraisal was provided although a visual diagram of the site (and that estimated after landscaping has established for 10 years) has been provided. The D& A Statement makes a landscape assessment stating that the site is on the edge of the village. It states that the site is near the foot of the AONB but does not lie within it. It does however form part of the Charing Farmlands LCA. It states that whilst visible from the west and north these views are already influenced by existing built development. The development will be visible from the AONB as the land rises to the north. These would however be distant views with the site seen in the context of the existing built development of the village. Careful attention to design and materials along with robust landscaping would ensure that the site is not visually intrusive in the surrounding landscape or from distant views from the AONB.
- Following concerns raised the Kent AONB Unit a Landscape and Visual appraisal was produced with many viewpoints taken from the AONB close to the Pilgrims Way and along Bowl Road. It demonstrates that whilst the site is viewable from distance it is viewed in the context of existing development and with the appropriate use of materials and ensuring the development is two storey in scale and a comprehensive landscaping scheme is devised and maintained then it would not detract from the character, appearance, setting and enjoyment of the AONB.

Heritage

- No Heritage Statement was provided as one was not required for validation purposes. There are no listed buildings or conservation areas close to the site that would be affected in any way. The site is not one known to contain archaeology or to be of archaeological interest nor is it close to any such designation. That said Charing is a historic village and it would be appropriate to condition of an archaeological watching brief.

Acoustic Assessment – Nov 2017

- This assessment has been produced with advice from the Council's Environmental Services team to take account of noise from the workshop building and the commercial uses that would replace Northdown service station and noise from the A20. The report concludes that the site is suitable for residential development subject to the glazing used in the dwellings ensuring an acceptable level for internal noise along with alternative ventilation. It concludes that the use of the site overall would result in a low noise impact and that 1.8m fencing around the perimeter of rear gardens will result in acceptable external noise levels.

Minerals Assessment Report

- A review of the Adopted Kent Minerals and Waste Local Plan (KMWLP) identifies that there may be minerals (aggregates in the form of sands and gravels) on or near the site.
- Records indicate that it is unlikely that there are competent quantities of usable materials on or near the site.
- Site Investigation reveals that there are no usable aggregates under the site and reinforces the opinion that there are unlikely to be aggregates close by in sufficient quantities to be economically viable to extract.
- The area to the south of the site where the KMWLP indicates there may be deposits, is not viable for extraction purposes given the constraints of nearby buildings, the railway and presence of a major highway which would all prevent economic extraction of aggregates even if such did exist.
- KMWLP expressly states that planning consent should not be withheld for Mineral Safeguarding reasons if there are no aggregates on the site or in economically viable quantities nearby.
- Planning Consent should not be withheld for Mineral Safeguarding reasons.

Planning History

17/00865/AS - Outline application for the erection of up to 18 dwellings and associated car parking, access and associated works – withdrawn.

12. There is no other planning history for this site. That said the allocation as a whole contains the petrol filling station as well as the workshop building. The latter was granted planning permission in 2012 (ref 12/00161/AS) and subsequently implemented. The PFS was granted planning permission for redevelopment to 3 commercial units on the ground floor with 3 flats above in 2018 (ref 17/00865/AS). The latter permission has not yet been implemented.
13. The site as a whole is proposed for allocation for approximately 20 dwellings under policy S28 of the submission version of the Local Plan to 2030.

Consultations

Ward Member: The Ward Member is an Ex-Officio member of the Planning Committee.

Charing Parish Council: Object:

- The red line does not include the land required for the new footpath linking the site to the village on the southern side of the A20 (HofDM&SS comment: This is on highway land and would be subject to a S278 agreement and as such does not need to be included in the application site).
- Supporting information relates to the withdrawn application and not this application.
- Site lies outside of the built confines of the village and does not constitute an allocation under the adopted development plan. Although a proposed allocation in the emerging local plan this has not yet been adopted. (HofDM&SS: the site is a proposed allocation in the emerging Local Plan 2030 and was deemed acceptable by the Inspectors at the examination in public).
- Concur with concerns raised by the AONB unit.
- Landscape Visual Assessment is misleading where it states the development will be totally screened by landscaping in 5-10 years.
- Highway and pedestrian safety concerns given increased traffic flows and close proximity of the access proposed for this site and the development behind under policy S55 which is subject to an outline application for 135 dwellings.

- Flood risk, Drainage & Contamination – The D&A statement says there is a low to moderate risk to human health and controlled waters. Further investigations are needed.
- Revised layout appears to build over a watercourse (HofDM&SS: Layout is not for consideration at this stage)
- S106 Contributions will be required if planning permission is granted. These should go towards improved community facilities and car parking in the village.

A further representation was received raising the following concern:

- Accesses for sites S28 & S55 are very close together. These developments will significantly increase traffic onto the A20 particularly during peak hours. This would be particularly problematic for vehicles wishing to exit and turn right to go towards Ashford or Canterbury. A single access point for these development sites should be considered. The third access to the service station close by will add further problems. It appears KH&T have only considered each access separately and not together. The accesses are only just within the 40mph limit so vehicles are likely to be exceeding this.

Kent Highways and Transportation: Object but these can be addressed provided:

- Sightlines of 2.4m x 120m can be achieved.
- Provision of a 2m wide footway to link the site to the village to avoid residents having to walk along the verge or cross the A20 to access the footpath to the north of the A20.
- Even distribution of the 4 visitor parking spaces through the site.
- Updating of tracking diagrams.
- Provision of an adoption plan.

Re-consultation: following receipt of amended/additional plans and information raise no objection subject to conditions.

KCC Flood & Water Management: holding objection as the drainage strategy does not account for the EA guidance of February 2016 on how to use climate change allowances in FRAs. The design needs to accommodate the 1:100 year storm with a 20% allowance for climate change and additional analysis undertaken to understand the flooding implications for a greater climate change allowance of 40%. The design and calculations should be undertaken in accordance with the Council's SUDs SPD.

They state that in order to accommodate these requirements that the design may need to be minimally modified and may need additional mitigation allowances.

Re-consultation: Following further discussions with officers they withdraw their holding objection subject to the imposition of conditions

Project Delivery Engineer (Drainage): - Raise a holding objection endorsing the comments made by KCC Flood Water Management.

Re-consultation: Following further discussions with officers they withdraw their holding objection subject to the imposition of conditions

Southern Water: no objection, subject to conditions for foul and surface water disposal, and have made the following comments:

- There appears from records that there could be a public sewer crossing the site and its exact positioning needs to be determined before the layout is agreed.
- SW can provide sewage disposal to service the development. A formal application for connection to the public sewer will be required.
- No objection to surface water draining into surrounding water courses.
- The development lies within a Source Protection Zone defined under the EA's Ground Protection Policy. Consultation with the EA is necessary in this respect.

KCC's Ecological Advice Service: - No objection subject to conditions. Advise that sufficient information has been submitted to determine the application. They consider the site to be of relatively low ecological value currently. They are satisfied that there will be no adverse impact on protected species and that with conditions covering lighting on the site and ecological enhancements/protection the ecological value of the site can be improved.

Environment Agency: - No objection subject to conditions but state:

- Controlled waters are sensitive in this location.
- Proposed development site is within Source Protection Zone 2 and located upon a principal aquifer.

Without conditions covering the following, the EA would object in line with Para 109 of the NPPF because it cannot be guaranteed that the development would not put at unacceptable risk from, or adversely be affected by, unacceptable levels of water pollution:

- Remediation strategy to deal with risks of ground contamination and the submission of a verification report
- Prevention of any development if further unidentified contamination is found.
- No infiltration of surface water into the ground unless agreed by the LPA.
- Foul drainage to be discharged to a main sewer
- Piling / foundation designs to be agreed by the LPA

KCC Developer Contributions: no objection subject to planning obligations for primary schools and libraries. They do not wish to seek secondary school contributions due to the pooling restrictions under Reg123 of the CIL Regs.

Housing: no comments received (JDCM: Affordable housing is to be provided at 40% in line with emerging policies and layout is not for determination at this stage)

Environmental Health: no objection subject to conditions relating to:

- Provision of electrical charging points
- Details of sewage disposal
- Imposition of the suggested conditions of the EA
- Details of glazing / ventilation and 1.8m high boundary treatments to protect residents from noise.

Environmental and Contracts (Street Scene & Open Spaces Officer): no objection.

Culture and the Environment (Open Space): no objections and request a planning obligation for contributions required under the Public Green Spaces and Water Environment SPD. They also state:

- None of the open space shown on the indicative layout would count towards Public Open Space.
- No details of the management of areas of open space and landscape buffers has been provided.
- Current layout is unacceptable.
- Landscape & Visual Assessment is limited to an assessment of views and greater consideration on impact on the setting of the AONB is needed.

NHS Canterbury and Coastal and NHS Ashford Clinical Commissioning Groups:

No comments received to date although a project for the extension to Charing Surgery has previously been identified for S106 contributions.

Kent Police: comment that the applicants do not appear to have considered crime prevention and no application for Secured By Design has been made. (JDCM: Layout is a reserved matter and these comments will be brought to the applicants attention).

Kent Wildlife Trust: Object and state the following:

- The site is not within or adjacent to any statutory or non-statutory sites of nature conservation importance. There is however the potential for protected species to be present on the site.
- The proposed access road to go through the southern boundary will require hedge removal and full details of ecological mitigation for this should be provided before the application is determined (JDCM: There is no policy requirement for vehicular access through the site to link through to the allocation to the south (policy S55). Access through the site along with siting is not for consideration at this stage).
- A lighting strategy for the site needs to be submitted.
- Opportunities for ecological enhancements not shown.

KCC PROW – No comments received.

Kent Downs AONB Unit: Whilst not objecting make the following comments:

- The development does not lie within the AONB but would impact upon its setting. The Kent Downs AONB Management Plan 2014 – 2019 under policy SD8 clearly states that proposals which negatively impact on the setting of and views to and from the AONB will be opposed unless they can be adequately mitigated.
- The development has the potential to impact on the setting of the AONB. From the AONB the site is viewed as rural undeveloped countryside unconnected from the village. Whilst proposed allocation S55 would link the development to the village this policy has yet to be adopted.
- The proposed landscaping and layout would mitigate the impact of the development from the AONB. If approved a condition requiring the implementation of the Landscape Master Plan will be required.
- The proposed scale parameters in terms of the height of the proposed development is acceptable.

KCC Minerals & Waste: - No Objection stating that the geological investigation of the development site is thorough and includes trial trenching etc. Safeguarded Sub-Alluvial River Terrace Deposits cannot be substantiated on the site despite being indicated in the Kent Minerals & Waste Local Plan.

KCC Heritage: - No objection subject to a condition requiring an archaeological watching brief and make the following comments:

- The site of the application lies within an area of general potential associated with prehistoric, Roman and later activity. The spring line location of the site would be favourable for prehistoric occupation and recent investigations to the south have located prehistoric remains. There is also potential for later industrial and agricultural activity, given the access to water and routeways. Metal detectorist finds have been recorded in the fields to the west and south. Although the site is located to the south-west of the medieval focus of Charing, this settlement was an important place due to the presence of the Archbishop's Palace and Charing developed as an important medieval market town.
- There is potential for prehistoric and later archaeology to survive on this site and formal assessment would be appropriate. I note the application is not supported by an Archaeological desk based assessment. There is mention of archaeology in the Design and Access Statement but this does not provide a reasonable assessment and I do not agree with the proposed mitigation.
- It would be preferable for an application of this size to be supported by a reasonable assessment of heritage issues, in accordance with NPPF section 12 paragraph 128.

Charing Archaeological Group: Object making the following points / comments:

- The site lies outside of the built confines where new residential development is resisted. The Charing Parish Design Statement states:

“Future development should not be allowed to sprawl further into the countryside” and “Preservation of locally cherished views, such as those to and from the Downs.....should be given priority”.

- There is insufficient ecological information submitted by the applicant
- Iron age activity and associated Romano-British activity is considerable in the parish and this has resulted in coin deposits from the first century BC to the end of the Roman period. This application should not be determined independently of the southern development under proposed policy S55.

Neighbours: Neighbours: 9 neighbours were consulted. 3 representations received. 2 object to the application and the other raises general comments:

The objections summarised below:

- Charing has enough houses already and more will result in the destruction of a healthy rural community
- Increases the formation of an A20 urban corridor
- Would further ruin views from the AONB and Pilgrims Way
- Site is outside of the village envelope and not identified for development by the Parish Council
- Proposal ignores the Charing Parish Design Statement.
- Layout indicates that 2 houses would be built on a spoil heap and across a water course.
- Contamination is an issue given previous uses.
- Development will impact on public water supply
- Residents will have to cross the A20 to get to the village (JDCM: amended plans have been provided to show the creation of a footpath on the southern side of the A20 to link the site to the village).
- Impact upon ground water/aquifer
- 1.8m fencing recommended by Environmental Health will add to the urban appearance of the development.
- The development goes against the Neighbourhood Plan (JDCM: this is in its early stages of preparation and is not in the public domain. As such it cannot be given any weight at this stage).
- Loss of an important employment facility and amenity – unsustainable.
- Proposed tree planting would impact upon foundations of the new dwellings.

The general comment is summarised below:

- The site like S55 is a sensitive setting from a ground water protection point of view and an appropriate site investigation and risk assessment may be required in consultation with the EA prior to the grant of planning permission.

Planning Policy

14. 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 its policies should now be afforded weight in accordance with para. 48 of the NPPF.

Local Development Framework Core Strategy 2008

CS1 - Guiding principles to development

CS2 - The Borough wide strategy

CS6 - The rural settlement hierarchy

CS8 - Infrastructure Contributions

CS9 - Design quality

CS10 - Sustainable Design & Construction

CS11 - Biodiversity and Geological Construction

CS12 - Affordable Housing

CS13 - Range of Dwelling Types and Sizes

CS15 - Transport

CS18 - Meeting the Community's needs

CS18a - Strategic Recreational Open Space

CS20 - Sustainable Drainage

Ashford Borough Local Plan 2000

GP12 - Protecting the countryside and Managing change

EN9 - Setting and entrances of towns and villages

EN10 - Development on the edge of existing settlement

EN31 - Important habitats

EN32 - Important trees and woodland

HG3 - Design in villages

CF7 - Main drainage in villages.

CF21 - School requirements

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

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

S28 - Charing – Northdown Service Station, Maidstone Road

HOU12 - Residential space standards internal

HOU13 - Homes suitable for family occupation

HOU14 - Accessibility Standards

HOU15 - Private external open space

HOU18 - Providing a Range and Mix of Dwelling Types and Sizes

EMP6 - Promotion of Fibre to the Premises (FTTP)

TRA3a - Parking Standards for Residential Development

TRA5 - Pedestrians

TRA6 - Cycling

TRA8 - Travel Plans, Assessments and Statements

ENV1 - Biodiversity

ENV3a - Landscape Character and Design

ENV4 - Light Pollution and Promoting Dark Skies

ENV5 - Protecting important rural features

ENV7 - Water Efficiency

ENV8 - Water Quality, Supply and Treatment

ENV9 - Sustainable Drainage

ENV13 - Conservation and Enhancement of Heritage Assets

COM1 - Meeting the Communities Needs

COM2 - Recreation, Sport, Play and Open Spaces

IMP1 - Infrastructure Provision

Supplementary Planning Guidance/Documents

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011

Sustainable Design and Construction SPD April 2012

Public Green Spaces & Water Environment SPD 2012

Dark Skies SPD 2014

Village Design Statements

Charing Parish Design Statement

Charing is proposing to have a Neighbourhood Plan although preparation of this is at an early stage. It is not in the public domain and as such cannot be afforded any weight.

Other Guidance

Informal Design Guidance Notes 1- 3 2015

Government Advice

National Planning Policy Framework 2018

National Planning Policy Guidance

Technical housing standards – nationally described space standard

National Planning Policy Framework 2018

15. Members should note that the determination must be made in accordance with the statutory Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF effectively provides that less weight should be given to the policies above if they are inconsistent with the NPPF (para. 213). The following sections of the NPPF are relevant to this application.

Relevant sections:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport

- Chapter 11 – Making effective use of land
 - Chapter 12 – Achieving well-designed places
 - Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
 - Chapter 15 - Conserving and enhancing the natural environment
 - Chapter 16 - Conserving and enhancing the historic environment
16. The Submission Local Plan is a material consideration and the emerging policies should be attached some weight in decision-making. Paragraph 48 of the NPPF States:
- “Local Planning Authorities may give weight to relevant policies in emerging plans according to:
- The stage of preparation of the emerging plan (the more advanced its 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 weight that may be given);
 - The degree of consistency of the relevant policies in the emerging plan to this framework (the closer the policies in the emerging plan to the policies in the framework, the greater the weight that may be given).”

Assessment

17. The main issues for consideration are:
- (a) Five year housing land supply
 - (b) The principle of the development
 - (c) Sustainability & location of the development
 - (d) Landscape character, visual amenity & Impact on the setting of the AONB and views from it
 - (e) Impact on Residential Amenity

- (f) Heritage and impact upon heritage assets
- (g) Transport and highway safety
- (h) Ecology and biodiversity
- (i) Flooding/drainage/water supply and sewerage
- (j) Trees and landscaping
- (k) Affordable housing and housing mix
- (l) Other matters
- (m) Whether planning obligations are necessary

(a) Five year housing land supply

- 18. 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 Local Plan that they are indicating are required to make the Plan sound. This means that the Council can satisfy the requirement of paragraph 59 and 67 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.
- 19. The submission Local Plan has considered and validated the essential land use planning strategy adopted by the Council, as being the right strategy to apply, namely focusing growth in and near the built-up area of Ashford, as well as in the main rural settlements in the hierarchy, based on sustainability considerations and seeking to recognise the character and important qualities of the villages and the countryside. The land use planning strategy in both the adopted and emerging plan documents is sound and justified. Charing is considered to be one of the higher tier settlements being a tier 2 settlement under policy CS6 of the adopted Core Strategy.
- 20. The submission Local Plan of December 2017 proposes this site along with the frontage development of the PFS and workshop for an indicative capacity of 20 dwellings under policy S28.

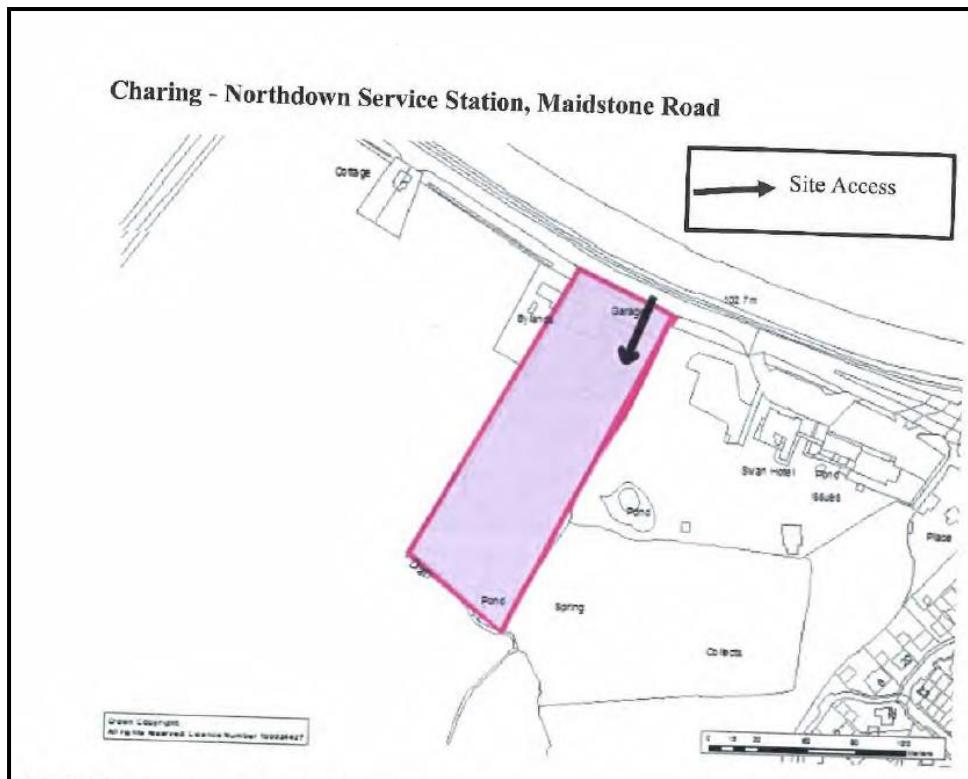


Figure 3 - Proposed policy S28 Submission Local Plan

(c) Principle of the Development

21. 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 indicate otherwise. Section 70 of the Town and Country Planning Act 1990 is concerned with the determination of planning applications and provides that regard must be had to the provisions of the development plan, so far as they are material, and any other material considerations.
22. The application proposes a development of up to 17 units on a predominantly 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'
23. Policy CS2 of the Core Strategy sets out the Borough Wide Strategy. Amongst other things, the policy identifies a need for land to supply new dwellings and related uses outside of the 'Ashford Growth Area'.

24. Policy CS6 sets out the rural settlement hierarchy in which Charing is deemed a tier 2 settlement. These are villages identified as acceptable for taking new development through site allocations and indeed Charing was allocated two sites for development in the Tenterden & Rural Sites SPD. These have both been granted planning permission with the site at Poppyfields completed.
25. 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 Charing subject to a meeting certain criteria. The preamble to policy TRS1 defines the built-up confines as being:

“the limits of continuous and contiguous development forming the existing built-up area of the settlement, excluding any curtilage beyond the built footprint of the buildings on the site.”
26. According to definition the site is outside the built confines of Charing, and the erection of up to 17 dwellings cannot be considered to represent minor development/ infilling as set out in Policy TRS1 either.
27. 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).
28. The emerging Local Plan 2030 continues to pursue a hierarchical approach towards the distribution of housing development across the borough in a plan led and sustainable way.
29. In the rural area, larger scale development – in a rural context – is focused at the more sustainable and established rural settlements, those which have more services and facilities and a greater ability to absorb higher levels of new housing (i.e. Charing).
30. The Plan also proposes to allocate a significant number of housing allocations at medium sized rural settlements which will spread the responsibility for accommodating new housing growth in a sustainable way across the borough and focus new housing in a way that is proportionate and close to the services and facilities in the locality. This site is one such proposed allocation.
31. Within the emerging plan the application site is identified (under policy S28) as being suitable for residential development. Policy S28 states that the indicative capacity for the site as a whole is 20 units. The draft allocation evidences the fact that the Council considers the principle of residential development on this site to

be acceptable and also sustainable in accordance with the principles identified above. As part of the site allocation, the PFS has been granted permission for 3 commercial units with 3 flats above. This development in conjunction with the redevelopment of the PFS would mean the delivery of up to 20 units on this site in line with the emerging policy. Emerging policy S28 states that:

"Land at Northdown Service Station is proposed for residential development for up to 20 dwellings. Development proposals for this site shall:

- a) *Be designed and laid out in such a way as to protect the character and setting of the countryside. Particular attention needs to be given to topography of the site and advice in the Charing Parish Design Statement;*
 - b) *Provide vehicular access onto the A20 Maidstone Road, as shown on the proposals map;*
 - c) *Retain the existing employment uses on the frontage where possible;*
 - d) *Retain and enhance the hedge and tree boundaries around and within the site particularly where there is adjoining countryside;*
 - e) *Ensure that any land contamination issues are satisfactorily investigated and resolved or mitigated.*
32. Overall, in officer's view, whilst the starting point for assessing this application remains the adopted Development Plan, the new Ashford Local Plan to 2030 has now been through its examination and the Inspector's report for proposed changes to make the plan sound has now been reviewed and being considered. Policies within this plan carry weight.
33. In terms of the weight to be attached to relevant policy S28, for reasons set out in detail in the remainder of the report, the proposed development is considered to comply with the relevant criteria contained in this site-specific policy. For this reason, policy S28 is considered to be a significant material consideration.
34. Also a material consideration and worthy of note, is the fact that other emerging site allocations such as Land adjacent the Kings Head (reference 15/01496/AS) and Land rear of Rose Cottage Farm, North Street, Biddenden, Kent (reference 17/00258/AS) have recently been approved by the Planning Committee.
35. One minor change proposed by the Local Plan Inspectors to the policy above (and other site allocations) is that the wording 'up to' should be replaced with 'indicative capacity' so as not to unnecessarily restrict the supply of housing on allocated sites. There are no other changes to this policy proposed and the Inspectors considered the allocation acceptable and sustainable subject to

criteria a)-e) as set out above being satisfied. Based on this it is very likely that the policy will form part of the adopted Local Plan 2030 with the minor modification to the wording and as such the policy can be afforded weight at this stage. Indeed this site will make a contribution to the Council maintaining a 5 year housing land supply and thereby being in a stronger position to resist inappropriate developments on unallocated sites outside of the town and village confines within the Borough. The delivery of this site will also help to boost the supply of housing which is a requirement of the NPPF. The criteria of the policy is tested in subsequent section of this report but subject to compliance with these the development proposed can be considered acceptable in principle.

(c) Sustainability - Location of the Development

36. The NPPF seeks to resist isolated new homes in the countryside (para 79). This is consistent with the thrust of policies TRS1 and TRS2.
37. The site, whilst outside of the built confines of Charing as defined under policies TRS1 & TRS2, is not in an isolated location. The application site is located adjacent to an established tier 2 settlement within easy walking distance of the centre of the village. There are a wide range of local services and facilities including a shops, primary school, cafes, public house, village hall, sports field and open space, children's play areas, church, train station etc. within Charing. There are bus stops located within walking distance of the site. Therefore, the site is not regarded as being physically isolated from services and is sustainably located hence the Inspectors acceptance of this site allocation without modification to the site area or indicative capacity.

(d) Landscape character, visual amenity & Impact on the setting of the AONB and views from it

38. There would be a landscape character impact and to a degree an urbanising effect from the construction of up to 17 dwellings on the setting to Charing. This is a historic village at the foot of the North Kent Downs AONB and the rural landscape surrounding the village, is typical of the wider countryside. Paragraph 170 of the NPPF has regard to conserving and enhancing the natural environment stating that:-

“The planning system should contribute to and enhance the natural and local environment by:

- *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils”*

39. The Courts have found that the consideration of whether a site is a valued landscape should include consideration of whether it has demonstrable physical attributes to warrant such a description.
40. Chapter 15 of the NPPF deals specifically with conserving and enhancing the natural environment. Para 172 states that “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection.....”. It goes on to state that “major developments in such areas should be refused other than in exceptional circumstances, where it can be demonstrated that the development is in the public interest”.
41. Policy GP12 of the adopted Local Plan seeks to protect the countryside for its landscape and scenic value, which is consistent with the NPPF.
42. 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.
43. Amongst other things, policy TRS17 of the Tenterden and Rural Sites DPD states that development in the rural areas shall be designed in a way which protects and enhances the particular landscape character area within which it is located, and, where relevant, any adjacent landscape character area. The policy also says that existing features that are important to local landscape character shall be retained and incorporated into the proposed development. Policy ENV3 of the emerging Local Plan is not materially different in its approach to landscape and character and design.
44. Although the development is not in the AONB it is visible at range from it i.e. the Pilgrims Way etc. Kent Downs AONB Unit (officer level view) acknowledge that the site lies outside of the designated AONB but contributes to its setting as identified in the Kent Downs AONB Management Plan 2014 – 2019. Policy SD8 of this plan amongst other things states that development proposals that adversely impact on the setting of the AONB will be opposed unless they can be satisfactorily mitigated. This is also reflected in Para 6.33 of the Core Strategy. The AONB Unit raises concerns over the urbanising effect the development will have on the countryside, and its visual separation from the village in the absence of policy S55 (indicative capacity of 180 dwellings) of the emerging Local Plan being adopted. This proposed site allocation abuts the eastern and southern boundaries of this site. They consider that the landscaping strategy with a good layout will reduce the impact of the development when viewed from the AONB. The AONB unit consider the scale parameters as set out in the application (for 2 storey development) to be acceptable.

45. In respect of these comments, particularly in respect of Policy S55, whilst the Local Plan has yet to be formally adopted it has been through its examination in public and whilst some amendments to the policy are suggested the allocation itself along with this site was considered acceptable in principle by the Inspectors and both will almost certainly form part of the adopted development plan in due course.
46. In terms of the layout and landscaping these are both reserved matters as is scale and appearance. The indicative layout is unimaginative and very suburban in appearance with a spine road and pedestrian footpaths to either side of this. It has an over engineered appearance and is parking dominated. It offers no sense of place or sense of arrival. As a result of these concerns the application was amended to leave layout as a reserved matter. The indicative layout shows the potential for vehicular access to site S55. This is not a requirement of policy S28, however it is referred to as an aim in the reasoned justification for the policy, at para. 4.296, and some form of connectivity to S55 would be desirable, if it can be achieved. This can be investigated in detail at the reserved matters stage however is not a matter that should be controlled through condition as part of this application.
47. The site, along with S55, falls within the Charing Farmlands Landscape Character Area. The landscape analysis states that the condition is poor with some detracting features (i.e. railway line and A20). The sensitivity is considered high with the guidelines seeking to restore and to ensure the setting of the AONB is conserved.
48. The landscape visual assessment shows there will be views of the development from the AONB and countryside to the west. That said it is set behind existing development to the north and viewed in the context of the existing built development of the village along with the proposed allocation at S55 (currently subject to an application for outline planning application and is under consideration). However I consider that the proposed development of this site would not be visually unacceptable or harm the setting of the AONB provided appropriate layout, landscaping, scale and appearance (particularly materials) is achieved at the reserved matters stage, whether development on site S55 comes forward at the same time or not. The development is of public interest given its proposed allocation for housing in order that the Council can demonstrate a 5 year housing land supply (and in turn better resist inappropriate speculative developments) and to boost the supply of housing. The development will also help to maintain and support existing and new amenities in the village and provide some further sustainable growth.

49. In light of the above I consider the proposal acceptable in principle in respect of its impact on the countryside and setting of the North Kent Downs AONB.

(e) Impact on Residential Amenity

50. 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.
51. Whilst layout is reserved for future consideration, the indicative layout plan suggests that satisfactory distances can be maintained between the proposed and adjacent dwellings. Coupled with robust landscaping, I am satisfied that the re-development of the site can be achieved without causing demonstrable harm to the occupants of Bylands to the west through loss of light, immediate outlook or by having an overbearing presence. The flats permitted above the proposed commercial units at the front of the site (not yet under construction), where the PFS currently is, are a significant distance away and would not be adversely impacted upon nor would they unacceptably overlook the proposed development. If the PFS is ultimately not redeveloped its retention would not prejudice the delivery of this site on amenity grounds
52. The indicative layout plan suggests that gardens can be provided to a size which complies with the Council's Residential Space and Layout SPD and emerging policies HOU12 & HOU15 and this can be secured by condition.
53. The reserved matters application should also ensure that the internal accommodation proposed complies with the National Space Standards. This can be secured by condition.
54. Given the above, I am satisfied that the development would not result in harm to the residential amenity of neighbouring or future occupiers. The development is therefore in accordance with the adopted and emerging development plans and the NPPF.

(f) Heritage and impact upon heritage assets

55. There are no listed buildings or conservation areas impacted upon by this proposed development. The site is not recognised as having archaeology or being of archaeological potential. The Charing Archaeology Group has objected to the application. They state that the site lies outside of the built confines of Charing and is contrary to the 2002 Charing Parish Design Statement which states "Future development should not be allowed to sprawl into the countryside." And "Preservation of locally cherished views, such as those to and from the Downs....should be given high priority". The group identify that there

was iron age activity and associated Romano-British activity in the parish resulting in coin deposits from the first century BC to the end of the Roman period.

56. Given its proximity of this site to the historic village of Charing I would consider it appropriate that an archaeological watching brief condition is imposed should planning permission be granted and this is an approach endorsed by KCC Heritage. Subject to this I consider that there would be no adverse impact upon any heritage assets or their setting as a result of this development. Issues raised surrounding views to and from the AONB have already been set out in this report.

(g) Transport and highway safety

57. Policy CS15 of the Core Strategy states that development that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development. It states that new accesses onto the road network will not be permitted if a materially increased risk in accidents or traffic delays would be likely to result. The NPPF also states that development should ensure that a safe and suitable access can be achieved for all people.
58. Access arrangements consist of the detail of the means of access to the site being submitted and not full details of accesses within the site, which will be for consideration at reserved matters stage.
59. It is proposed to alter and improve one of the existing accesses that currently serve the PFS in order to service this development. The access has been modelled to accommodate all vehicle types up to a pantechnicon. The A20 where this access is proposed is subject to a 40mph speed restriction. The required sightlines of 2.4m x 120m can be achieved in both and east and west direction.

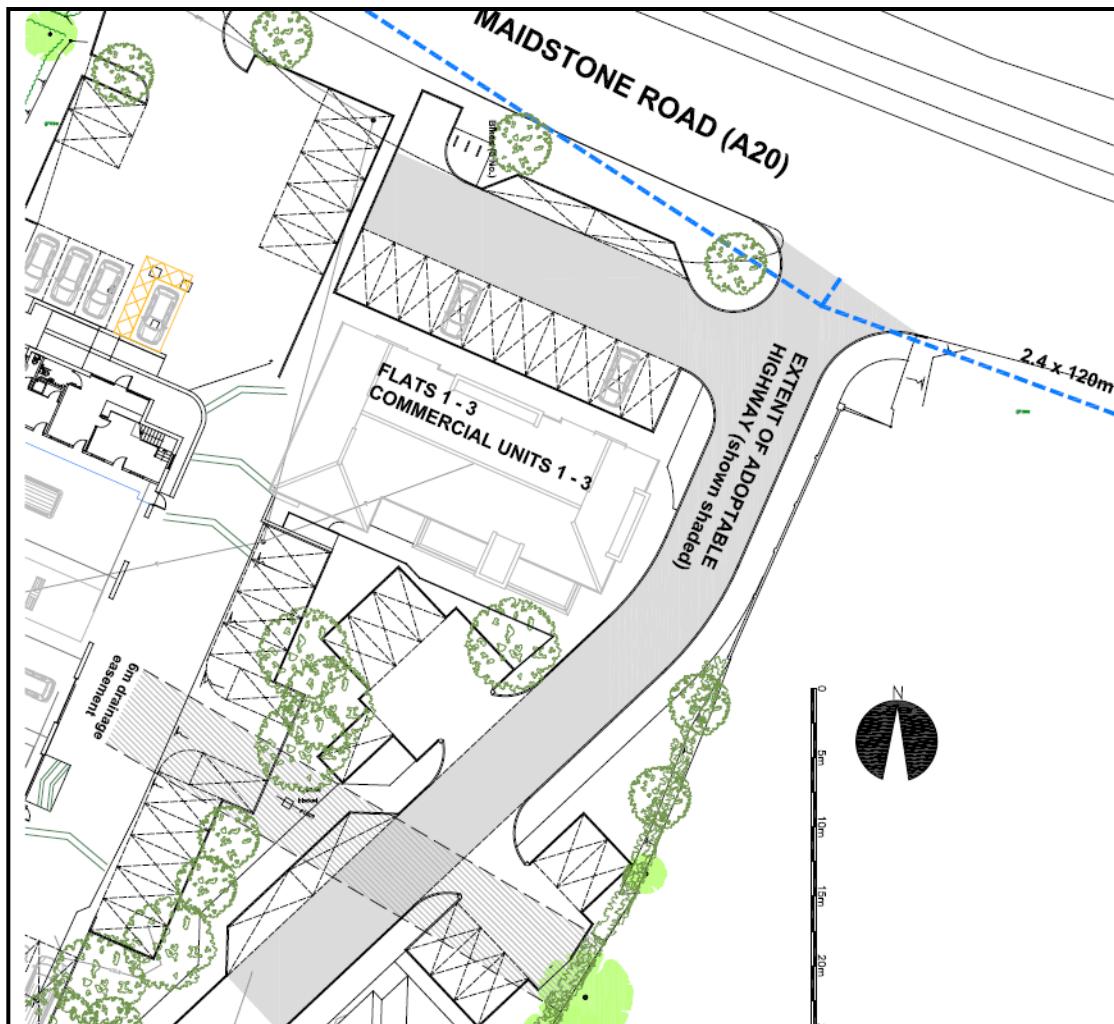


Figure 4 - Plan to show sightlines and area for potential adoption by KCC

60. The proposed site layout illustrates a 5m wide access with a spine road running through the site. The first section of this would be constructed to an adoptable standard. The indicative plans show footways either side of this access road. A potential for there to be a vehicular and/or pedestrian access link into S55 to the rear is also shown albeit this is not a requirement of either policy S28 or S55. Notwithstanding this such an access is referred to in the text accompanying policy S28 and it may be preferable from an urban design perspective to provide some linkage between the two sites to improve connectivity and integration between the two sites.

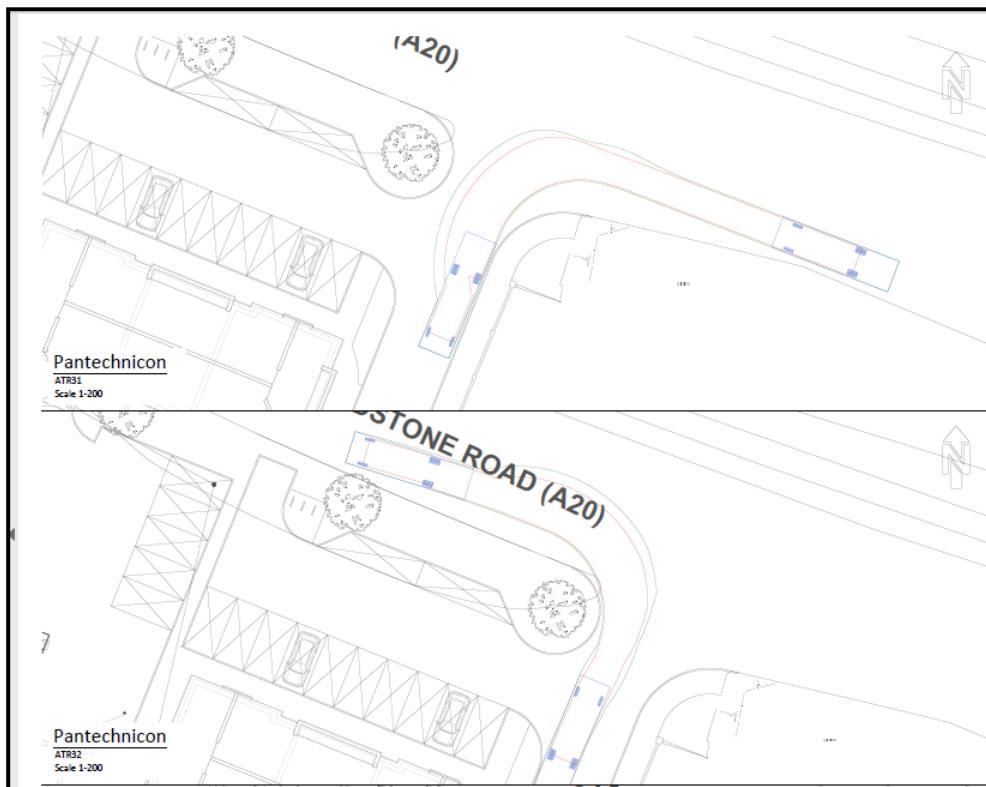


Figure 5 - Pantechnican tracking at the entrance / exit to the A20

61. A new 2m wide footpath is shown proposed to the southern side of the A20 linking the site to the village as currently there is only one to the north and would require residents to cross the A20 to access this which would be detrimental to both pedestrian and vehicular safety. The new footpath would address this issue as well as link the site to the village in a sustainable way. This would be on highway land and can be secured via condition.

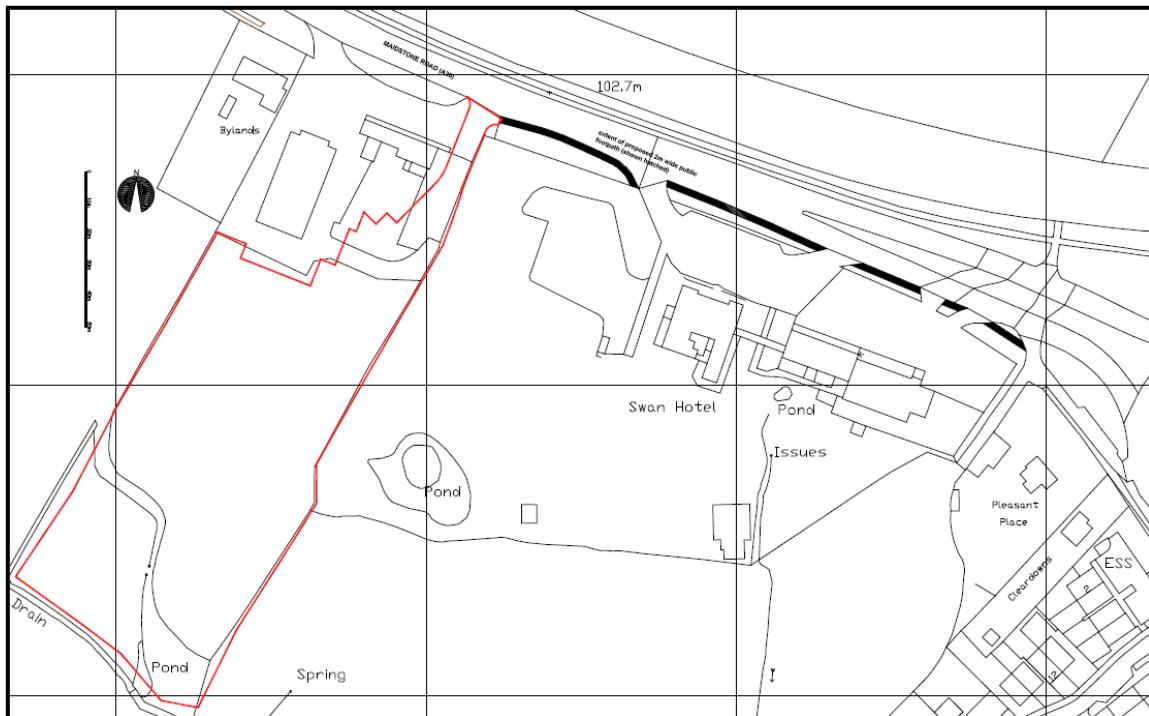


Figure 6 - Proposed pedestrian/Cycle footway to link the site to the village

62. In terms of traffic movements associated with the development this is set out in the summary of the transport assessment in the proposals section. The applicants have carried out a Trip Rate Information Computer System (TRICS) assessment for the site which shows that the development would generate a total of 11 trips in the AM peak (08:00 – 09:00hrs) and 12 in the PM peak (17:00 – 18:00hrs) for the residential properties (including the 3 flats recently granted permission). The trips associated with the commercial space granted planning permission would equate to 4 in both the AM & PM peaks. Total trip rates would be 15 in the AM peak & 16 in the PM peak. The existing PFS, shop and flat on the site currently generate 57 trips in the AM peak and 88 in the PM peak. As such the development of Site S28 as a whole would result in a significant reduction in the volume of traffic on the A20 and vehicular movements onto and exiting the A20 over the existing situation. Even if the PFS is not redeveloped there is adequate capacity on the A20 to accommodate the small increase in vehicle movements arising from this development
63. The development would be able to provide parking and visitor parking in line with the Council's Residential Parking SPD and this is proposed to be secured by condition for when reserved matters applications are submitted.

64. The proposed development would comply with the requirements of the development plan policies CS1 and CS15 and the NPPF and emerging policies SP1, HOU3a, HOU5 and TRA7 in terms of highway safety and capacity issues as well as pedestrian safety.

(h) Ecology and biodiversity

65. Guiding Principles set out within policy CS1 seek to ensure the protection of the natural environment and the integration of green elements enhancing biodiversity as part of high quality design. Against these overarching objectives, Policy CS11 specifically requires development proposals to avoid harm to biodiversity and seeks to maintain and, where practicable, enhance and expand biodiversity. This is also included within emerging policy ENV1. Policy CS9 and emerging policy SP6 seek to ensure that natural features of interest are incorporated to celebrate local distinctiveness as well as respond to landscape character and help to minimise the ecological footprint of Ashford's growth over time. These policies pre-date, but are aligned with, section 7 of the NPPF on the importance of good design and section 15 which relates to conserving and enhancing the natural environment.
66. The site is predominantly laid to grass. There is a pond in the south east corner and drainage ditches to the south and west and running through the southern part of the site. A preliminary ecological survey along with a follow up Bat Survey and Herpetological Survey have been submitted in support of the application. The report confirms that the site is not of value for nature conservation and the absence of natural features and habitats within the development area confirms its lack of importance for biodiversity. The development can provide ecological enhancements. There were no signs of badger on the sites.
67. In terms of bats 4 species of bats were recorded foraging/commuting during the emergence and activity surveys. 90% of these were the common Pipistrelle bat. There was no evidence of bats emerging from the service station building to the north. The perimeter existing planting is to be retained and bolstered thereby ensuring foraging opportunities will be retained/enhanced. Lighting on the site will be important in terms of minimising its impact on bats and can be controlled by condition.
68. Great Crested Newts (GCN) & Reptiles – The terrestrial habitat which comprises the site could be suitable for GCN & Reptiles. The pond on the site was surveyed but was found to be empty and dry. There is not a good network of ponds within 500m of the site between which GCN can move. The reports concludes that there will be no impact upon GCNs. In terms of reptiles 1, grass snake was revealed. The reports advise that the south eastern corner of the site

should be retained with a 5m buffer between the site and the ditch retained. This being the case there would be no adverse impact on reptiles.

69. In terms of Barn Owls & Dormice there is a possibility that these could forage across the site. Whilst some foraging habitat would be lost, much is retained around the perimeter and there is good foraging habitat in the surrounding area and as such the Barn Owl would be unlikely to be adversely affected. In respect of dormice these were recorded in the ecological survey for site S55. There could be dormice present within the hedgerows surrounding the site. Low numbers however were recorded within S55 and as the proposed development will retain and enhance the majority of the boundary planting the dormouse will be unlikely to be impacted upon and further survey work unnecessary. To avoid the dormouse being impacted upon during the construction and operation phase a condition to cover vegetation clearance, planting, timing of works and details of hedgerow management is necessary.
70. Whilst I note the concerns raised by KWT and in the letters of objection, the survey information has been fully assessed by the ecologists at KCC who raise no objections on ecological grounds subject to conditions.
71. In light of the above I do not consider that the proposed development would adversely impact on matters of ecological importance subject to the imposition and compliance with conditions.

(i) Flooding/drainage/water supply and sewerage

Flooding/Drainage

72. Policy CS20 states all development should include appropriate sustainable drainage systems (SUDS) for the disposal of surface water, in order to avoid any increase in flood risk or adverse impact on water quality. Emerging Policy ENV9 also seeks this and requires compliance with the adopted Sustainable Drainage SPD.
73. The site is in Flood Zone 1 and at low risk from flooding due to watercourses. The applicant has submitted a drainage strategy for the site which ensures that run-off from it would not exceed the existing run-off rate (and therefore not exacerbate flood risk elsewhere) and would utilise the existing drainage ditches adjacent to the site which then feed into the wider drainage network. Whilst in principle this may be acceptable, the strategy has not been based on the Council's adopted SPD and does not take into account to 2016 changes the EA produced on accommodating climate change. The site is however a green field site proposed in the emerging Local Plan for residential development. As layout is now not for consideration there is no reason why a compliant drainage strategy cannot be reached and agreed before layout is considered in detail so

that the former is not compromised. A drainage condition to this effect is proposed and KCC & ABC Drainage raise no objection as a result.

74. In light of the above I consider the proposal acceptable in respect of drainage and flood risk.
75. Concerns have been raised in the representations over water supply and whether the water quality will be affected given the site lies overlies a major aquifer and is within a Ground Protection Zone. Southern Water has raised no issues over water supply and up to 17 units in this application will not materially impact upon this. Detailed contamination and drainage conditions are requested to ensure water quality is not compromised. Further the PFS at the front currently poses a significant risk to ground water quality. The planning permission granted to redevelop this (and which forms part of this site allocation) will result in a considerable improvement and a significant reduction in risk of polluting the ground water supply. A professional contractor will need to be engaged for such works and would be at risk of prosecution by the EA should such a pollution event occur. The EA and Drainage Authorities are satisfied that with the imposition of conditions there would be no unacceptable risk of ground water supplies being affected and indeed future risk of pollution reduced.

Sewerage

76. There is a public sewer network on the A20 which the development can link to. As the site is lower than the A20 a pump will be required to enable connection to the existing sewerage system. Southern Water has raised no objection to this, subject to conditions and an agreement to connect to the existing sewerage system, and there is capacity in the existing network to accommodate the development.
77. The development would not be harmful to flood risk, drainage and foul water through the use of appropriate conditions. The proposed development would comply with the requirements of the development plan policies CF6, CF7, CS20, and the NPPF and emerging policies HOU5, ENV8 and ENV9.

(j) Trees and landscaping

78. There are no trees within the site that would require removal and it is proposed that the existing perimeter planting is retained and significantly bolstered. There would also be landscaping within the site. Whilst a landscaping master plan has been provided, landscaping is a reserved matter and is for consideration at a later stage should outline planning permission be granted.

(k) Affordable housing and housing mix

79. The site is in excess of 15 units and in excess of 0.5ha and therefore the scheme should provide 35% affordable housing under the adopted development plan policy CS12 of the Core Strategy. However, emerging policy HOU1 requires 40% and as the Submission Local Plan carries some weight in decision making this requirement shall be requested for this development equating to 7 units. The mix of affordable housing requires a split between social rented (10%) and other forms of affordable housing (30% including a minimum 20% shared ownership). This matter would be addressed in the legal agreement and the applicant is in agreement with this.
80. The indicative layout proposes a mix of flats, semi-detached and detached houses which will ensure an acceptable housing mix as required by policy CS13. This can be secured by condition.

(l) Other matters

Socio/Economic benefits

81. The proposed development would create an economic benefit from construction, with employment to contractors, local tradespeople, their spending in the local area and in the supply chain. Whilst for a temporary period this would have some benefit.
82. The increase in the local residential population would increase expenditure in the local economy as this would comprise people who have moved from elsewhere. However, no evidence has been submitted to suggest that local shops are struggling through a lack of custom.

Noise

83. Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location and should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new developments and avoid noise giving rise to significant adverse impacts on health and the quality of life.
84. The Proposed development would be set back a considerable distance from the A20 and behind the existing Northdown service station which has full planning permission for redevelopment. That said noise from the A20 is still a material consideration as is the potential noise conflict from the nearby workshop building and the commercial ground floor uses which form part of the full planning permission for the redevelopment of Northdown Service Station. In terms of the workshop building, this is a new building which is highly insulated and designed

to minimise noise outbreak given the rural setting and the close proximity of the dwelling Bylands to the west. Since its construction and use there have been no noise complaints. Given that the proposed development would be considerably further away from this workshop building than Bylands then there is unlikely to be any conflict. The commercial units associated with the redevelopment of Northdown Services are for A1 – A3 uses and B1(a) office use which do not generate any significant noise. The acoustic report, as set out earlier in the report, concludes that the site is suitable for residential development subject to the glazing used in the dwellings ensuring an acceptable level for internal noise along with alternative ventilation. It concludes that the use of the site overall would result in a low noise impact and that 1.8m fencing around the perimeter of rear gardens will result in acceptable external noise levels. Even if the PFS is not redeveloped this is not a noisy use that would impact adversely on the amenity of future residents.

85. The Council's Environmental Protection Team has raised no objection to the development subject to the imposition of conditions which ensure internal and external noise levels remain within an acceptable range to ensure that the future residents to not experience unacceptable levels of amenity through noise. I therefore consider that there would be no unacceptable conflict between the development an existing and potential noise sources that cannot be adequately addressed by conditions to ensure an acceptable internal and external living environment for the future residents of this development.

Contamination

86. As part of this application a Phase 1 Environmental Assessment (Desktop study) Report was submitted. This states that sources of contamination are likely to be present on the site given the past activities, particularly those to the north (PFS / Workshop). The risk to human health following the development would however be low to moderate as would the risks to buildings and underground services. The report acknowledges clearly that the site overlies a major aquifer and is within a Ground Protection Zone.
87. Foul water is proposed to be discharged via the existing mains system as is currently the case and Southern Water has stated there is capacity and raise no objection. In respect of surface water, a final drainage strategy is yet to be formulated but would be controlled by condition requiring the details to be provided at the time of or prior to the submission of the reserved matters as this may impact upon the number of units provided on the site as well as the layout. Surface water would be discharged at a controlled rate to the surrounding drainage ditches/network utilising soakaways where possible. A detailed Phase II intrusive investigation is required and both the EA and EH are happy with this approach and raise no objection subject to conditions. As such the proposal is acceptable in terms of its impact upon ground waters.

(m) Whether planning obligations are necessary

88. 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
89. The planning obligations in Table 1 are required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.
90. At a proposal for 17 dwellings the development would trigger a requirement to provide 40% affordable housing.
91. KCC have requested a contribution towards projects at a primary school and additional book stock for Charing library. Due to pooling restrictions under Reg123 of the CIL Regs they are not seeking secondary school contributions.
92. The Council have identified projects for offsite contributions in accordance with the Public Green Spaces and Water Environment SPD although some projects are still yet to be confirmed.
93. The NHS Canterbury and Coastal and NHS Ashford Clinical Commissioning Groups have not formally responded in respect of this application however for other schemes in Charing they have sought contributions to the extension of the Charing Surgery to increase capacity.
94. None of the projects identified have pooled more than 5 developments. Should projects not be identified for some of these potential contributions or indeed some projects get amended then delegated authority is requested to amend the S106 agreement accordingly.

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.	<p>Affordable Housing</p> <p>Provide not less than 40% of the units as affordable housing, comprising 10% affordable / social rent units and 30% Affordable Home Ownership Products (including a minimum of 20% shared ownership) 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.</p> <p>Shared ownership units to be leased in the terms specified.</p> <p>Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement.</p>	7 units	<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 and emerging policy HOU1</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>

Ashford Borough Council - Report of Head of Development Management and Strategic Sites
 Planning Committee 19 September 2018

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
2.	Children's and Young People's Play Contribution towards outdoor gym equipment for children and young people within Charing	£649 per dwelling for capital costs £663 per dwelling for maintenance	Before completion of 75% of the dwellings	<p>Necessary as children's and young people's play equipment is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use children's and young people's play equipment and the play equipment to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and</p>

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	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				maintained and the maintenance period is limited to 10 years.
3.	<u>Informal/Natural Space</u> Contribution towards – project to be confirmed	£434 per dwelling for capital costs £325 per dwelling for maintenance	Before completion of 75% of the dwellings	Necessary as improvements to the informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF. Directly related as occupiers will use informal/natural green space and the space to be provided would be available to them. Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and

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	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				maintained and the maintenance period is limited to 10 years.
4.	<u>Outdoor Sports</u> Contribution towards outdoor gym equipment within Charing	£1,589 per dwelling for capital costs £326 per dwelling for maintenance	Before completion of 75% of the dwellings	Necessary as outdoor sports facilities are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces & Water Environment SPD and guidance in the NPPF. Directly related as occupiers will use sports facilities and the facilities to be provided would be available to them. Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.

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	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
5.	Strategic Parks Contribution towards a new BBQ area at Victoria Park, Ashford	£146 per dwelling for capital costs £47 per dwelling for maintenance	Before completion of 75% of the dwellings	<p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2, CS18 and CS18a, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

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	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
6.	Allotments Contribution towards – project to be confirmed	£258 per dwelling for capital costs £66 per dwelling for future maintenance	Before completion of 75% of the dwellings	<p>Necessary as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

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	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
7.	Primary Schools Contribution towards the expansion of Charing Primary School	£3324 per applicable house £831 per applicable flat		Necessary as no spare capacity at Charing school and pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, saved Local Plan policy CF21, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF. Directly related as children of occupiers will attend primary school and the facilities to be funded would be available to them. Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings and

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	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.
8.	Secondary Schools None	£0 KCC do not wish to seek contributions from this scheme due to the CIL Reg 123 restrictions	N/A	N/A
9.	Libraries Contribution for additional bookstock for Charing library	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	Necessary as 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. Directly related as occupiers will use library books and the books to be funded will be available to them.

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	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 because the amount calculated, is based on the number of dwellings.
10.	Health Care Project to be confirmed	£504 for each 1-bed dwelling £720 for each 2-bed dwelling £1,008 for each 3-bed dwelling £1,260 for each 4-bed dwelling £1,728 for each 5-bed dwelling or larger	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	Necessary as additional healthcare facilities required to meet the demand from additional occupants that would be generated pursuant to Core Strategy policy CS18, Tenterden and Rural Sites DPD policy TRS19, saved Local Plan policy CF19 and guidance in the NPPF. Directly related as occupiers will use healthcare facilities and the facilities to be funded will be available to them. Fairly and reasonably related in scale and kind considering the extent of the development and

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	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				because the amount has been calculated based on the estimated number of occupiers.
11.	<u>Monitoring Fee</u> Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.	£1,000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)	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.
Regulation 123(3) compliance: Fewer than five planning obligations which provide for the funding or provision of the projects above or the types of infrastructure above have been entered into. Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value, unless otherwise agreed in writing. The Council's legal costs in connection with the deed must be paid. If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.				

Human Rights Issues

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

Working with the applicant

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

Conclusion

97. The site is not allocated for development in the adopted development plan.
98. Although adopted development plan policy TRS1 of the Tenterden and Rural Site DPD states that “minor development or infilling will be acceptable within the built-up confines of Charing”, the application site would fall outside the built-up confines and does not represent minor infilling. Neither does the development fall to be considered against the exception criteria set out in policy TRS2. The application therefore represents a departure from the development plan.
99. Notwithstanding the conflict identified in the paragraph above, the site is allocated for development in the emerging Local Plan 2030 under policy S28. The emerging plan has been through its examination and the Inspectors report received which does not propose changes to / deletion of this policy. As such policy S28 is a significant material consideration, and the fact the proposed development complies with the relevant criteria contained in the site specific policy, and other relevant policies in the current plan weighs in favour of granting planning permission
100. The Council now considers it can demonstrate a deliverable five year housing land supply. Whilst this site is not allocated for development in the adopted Development Plan it is proposed for development in the emerging Ashford Local Plan 2030. Whilst this is not yet adopted, it has been through its Examination in Public and the Inspectors report on proposed changes is currently being considered by the Council. The Inspectors have not proposed

that this site be deleted or housing numbers/site area amended. As such the policy can be afforded greater weight than when the document was at the submission stage. The proposal complies with the criteria contained within policy S28 and the site will help to ensure that the Council maintains its 5 year housing land supply and is therefore in a better place to resist inappropriate speculative developments on sites not allocated in the plan/emerging plan.

101. Other material considerations include the benefits associated with the scheme which include its ability to help to boost the supply of housing in accordance with paragraphs 59 and 67 of the NPPF and its sustainable location. Other recognised social and economic benefits include enhancing the vitality of an existing rural community by virtue of its relatively sustainable location close to the built up confines of Charing, delivery of affordable housing, economic benefits from construction and occupation.
102. I conclude that the proposed development subject to the approval of the reserved matters and subject to the imposition of conditions would not result in material harm to landscape character and neighbor amenity. The proposals would represent an appropriate form of development that would sit comfortably within its contextual setting.
103. The development, subject to conditions, would not harm matters of ecological interest, highway safety, heritage assets or result in unacceptable flood risk.
104. Foul and surface water drainage can be adequately dealt with in accordance with the requirements of the NPPF, adopted development plans, SPDs and emerging local plan 2030.
105. In terms of noise, and contamination, again this would be addressed subject to conditions, so that the site can be developed in an acceptable way.
106. My assessment of the various issues above indicate that minimal harm would arise as a consequence of residential development here, any incremental harm can be easily mitigated through the imposition of conditions. When balanced alongside the potentially positive social and economic impacts arising from the proposal, in my view the proposal would represent sustainable development. Sustainable development is at the heart of the NPPF and should be seen as the golden thread running through decision taking.
107. Whilst the proposal fails to accord with the development plan as a whole, the areas where it is in conflict with it do not result in any demonstrable harm. The fact the proposed development complies with the relevant criteria contained in emerging site-specific policy S28, and other relevant policies in

the current plan, is a significant material consideration. As such, I recommend that planning permission should be granted.

Recommendation

- (A) Subject to the applicant first entering into a Section 106 agreement/undertaking in respect of planning obligations as detailed in table 1, in terms agreeable the Head of Development Management and Strategic Sites or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional planning conditions or deleting conditions, and deleting planning obligations in the event that no relevant project is identified) as she sees fit.**
- (B) Grant Outline Planning Permission**

Subject to the following conditions and notes:

Implementation

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

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

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

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

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

Approved Plans

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

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

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

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

Architecture

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

Reason: In the interest of visual amenity.

Highways

6. No dwelling shall be occupied until the vehicular access and associated visibility splays identified on drawing number 08347-(00)210 – 1st and hereby approved have been provided in accordance with that plan. The access and visibility splays shall thereafter be retained in accordance with those plans and the area within the visibility splays shall be permanently maintained with no obstructions over 0.9 metres above carriageway level within these splays.

Reason: In the interest of highway safety.

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

retained for the use of the occupiers of, and visitors to, the premises.

Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown as to preclude vehicular access to this reserved parking area

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

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

Reason: To protect the amenity of local residents.

9. No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction and Transport Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Construction and Transport Management Plan shall include, but not be limited to the following:
 - a) Routing of construction and delivery vehicles to / from site;
 - b) Details of areas for the parking, loading and unloading of plant and materials, and provision on-site for turning for personnel, delivery and construction vehicles;
 - c) Details of areas for the storage of plant and materials;
 - d) Details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances; and
 - e) Provision of measures to prevent the discharge of surface water onto the highway.

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

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

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

Reason: In the interests of Highway and pedestrian Safety.

11. No dwelling shall be occupied until space has been laid out and equipped within the site for covered bicycle storage on each dwelling plot (or communal space in the case of apartment buildings) in accordance with approved details that shall be submitted to the Local Planning Authority for approval at the same time as the details required pursuant to Condition 1. Such approved covered bicycle parking shall be retained in perpetuity.

Reason: To ensure the provision and retention of adequate off-street parking and storage facilities for bicycles in the interests of highway safety and to promote cycle use in the interests of facilitating more sustainable patterns of movement related to local trips.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, any car barns provided in accordance with the details required to be submitted in accordance with Condition 1 shall not be further altered through the addition of further doors or any other structure that would preclude their use for the parking of vehicles without the prior permission of the Local Planning Authority in writing.

Reason: To ensure that the covered space is retained available for the storage of a vehicle when not in use in order to prevent the displacement of car parking and subsequent inappropriate car parking.

13. Prior to the first occupation of any of the units hereby permitted the following shall be carried out and opened for public use in accordance with details previously submitted to and approved in writing by the Local Planning Authority:

- A 2m wide footpath/cycleway along the southern frontage of the A20 linking the junction of the proposed development to the roundabout as shown on approved drawing 08347-(00) 209 Rev A

Reason: In the interest of highway & pedestrian safety and to ensure the development is integrated with the village and accessible by sustainable modes of transport

Drainage

14. A detailed sustainable surface water drainage scheme for the site shall be submitted to (and approved in writing by) the local planning authority either at the same time as the submission of the reserved matters or prior their submission. The detailed drainage scheme shall demonstrate that due consideration has first been given to the possibility of utilising infiltration techniques and that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. Should the use of infiltration prove to be beyond being reasonably practical then any surface water leaving site shall not exceed the discharge rates specified within Ashford Borough Council's Sustainable drainage SPD. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The development shall then be carried out in accordance with the approved details.

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.

15. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

16. No building hereby permitted shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. 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

The development shall then be carried out in strict accordance with the drainage scheme as approved and shall subsequently be maintained in accordance with these details.

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

17. 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.

18. 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. The development shall then be carried out in strict accordance with the details approved and shall subsequently be maintained in accordance with these details.

Reason: To protect controlled waters, including groundwater and to comply with the National Planning Policy Framework.

19. The details submitted pursuant to Condition 1 shall show the provision of a water-butts to all dwelling houses and any single flats provided with a private amenity space.

Reason: To allow for the storage of rainwater on site for watering of soft landscaping and thereby reduce the demand for mains water on site.

Environmental protection

20. If unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken prior to the commencement of development, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 21.

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

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors (LDF Core Strategy Policy CS1 and CS4).

21. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- a). A preliminary risk assessment which has identified:

- all previous uses;

- potential contaminants associated with those uses;
 - conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
- b). A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 109 of the National Planning Policy Framework.

(Note: The submitted Phase I Environmental Assessment (ref. 07544/23), dated 25 May 2017, prepared by Soiltec Laboratories Ltd. Is sufficient to discharge part (a) of the above condition. The report recommends that intrusive site investigations to be carried out. We concur with these recommendations; however, groundwater sampling and analysis should also be undertaken in order to assess the risk to groundwater.)

22. Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reasons: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the

approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework.

23. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework. Foul drainage should be discharged to mains sewers where possible. Only clean uncontaminated surface water may be discharged to ground. We would require details of all proposed foul and surface water drainage to be submitted with any application made for a specific site

24. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason. To protect controlled waters, including groundwater and to comply with the National Planning Policy Framework.

25. Prior to the commencement of development, a final glazing/ventilation scheme for protecting the dwellings from noise from the PFS, workshop and traffic noise (in accordance with the Able Acoustics Report P1269/01) shall be submitted to and approved in the Local Planning Authority. The approved protection measures shall thereafter be completed before the approved dwellings / development are occupied, and thereafter shall be retained as effective protection.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise.

- 25A. In accordance with the Able Acoustics Report P1269/01 1.8 metre garden barrier/fences are to be installed around the perimeter of any external amenity areas. These barriers/fences shall be completed before the approved dwellings are occupied, and thereafter shall be retained as effective protection.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise.

Hard and Soft Landscaping/Trees

26. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the buildings for their permitted use.
- a. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned, thinned or reduced other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority.
 - b. If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
 - c. All retained trees shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations). Such tree protection measures shall remain throughout the period of demolition and construction.
 - d. No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
 - e. No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
 - f. No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
 - g. Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
 - h. No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

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

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

Reason: In the interest of visual amenity.

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

Reason: In the interests of visual amenity

29. No dwelling shall be occupied until an adoption/landscape management plan, including management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens as well as details relating to the adoption of the public highway and sewerage system shall be submitted to and approved in writing by the Local Planning Authority. The approved adoption/landscape management plan shall be adhered to unless previously agreed otherwise, in writing by the Local Planning Authority.

Reason: To ensure the new landscaped areas, sewerage systems and the public highway are provided in an acceptable manner are properly maintained in the interest of the amenity of the area and to maximise the scope of their ecological value.

30. No development shall take place until full plan and cross-section details of any proposed earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed grading and mounding of land areas including the existing and proposed levels and contours to be formed, showing the relationship of proposed mounding to

existing vegetation, surrounding landforms, fences and buildings. Development shall only be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the area

Ecology

31. No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: In the interest of visual amenity, residential amenity and for matters of ecological interest.

32. Prior to any works commencing on site a reptile mitigation and management plan shall be submitted and approved by the LPA. It must include the following information:
 - Updated ecological surveys (if over 2 years old)
 - Aims and Objectives of the report
 - Methodology to carry out the precautionary mitigation
 - Timing of the works.
 - Details of enhancements (shown on a plan)
 - Management plan for green space/reptile mitigation area
 - Monitoring

The works must be implemented in accordance with the submitted details / plans

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

33. Prior to the occupation of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be

carried out in strict accordance with the approved details unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development will enhance the ecological value of the site/surroundings.

34. Prior to any works commencing (including vegetation clearance) a detailed precautionary mitigation strategy and enhancement plan must be submitted to the LPA for written approval. The submitted information must include the following:

- Details of species to be used within the enhancement planting
- Methodology to clear vegetation
- Time of year works are to be carried out.
- Details of information to be provided to residents on hedgerow management

The works must be implemented as detailed within the approved report

Reason: In the interest of ensuring the preservation of protected species and their habitat.

Heritage

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

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

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

Space Standards/Access

36. The details submitted pursuant to Condition 1 of this permission shall show buildings which are a maximum 2-storey height and form. Where second floor

accommodation is proposed this must be provided wholly within the roof space. The details shall also show how each unit accords with the National Prescribed Space Standards for internal space and the Council's adopted Residential Space & Layout SPD for external space or any other standard agreed by the Local Planning Authority.

Reason: To ensure that the scale of new residential development remains appropriate for the site and in the interest of visual amenity and the residential amenity of future residents.

37. The layout details required to be submitted pursuant to Condition 1 of this permission shall be accompanied by layout plans (together with other plans and sections as may be necessary) to demonstrate the provision of level thresholds to all dwellings (and/or) thresholds with shallow ramps where level thresholds cannot be provided).

Reason: To ensure that dwellings will be accessible

Development restrictions

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

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

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

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

40. Details submitted pursuant to condition 1 above shall show a housing mix that is consistent with the local housing needs of Charing.

Reason: In order to ensure the development provides an appropriate housing mix to reflect the housing needs of Charing in accordance with policy CS13 of the Core Strategy.

Refuse

41. Full details of facilities to accommodate the storage of refuse and material for recycling for each dwelling and its collection by refuse vehicles shall be submitted at the same time as details required to be submitted pursuant to Condition 1 and approved by the Local Planning Authority in writing. The approved details shall be implemented before the occupancy of dwellings to which they relate. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any other Order or any subsequent Order revoking or re-enacting that Order, such approved facilities shall be retained and maintained and access thereto shall not be precluded.

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

Sustainability

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

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

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

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

Broadband

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

Reason: In the interests of providing good broadband connections

Notes to Applicant

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

In accordance with paragraph 38 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 requested pre-application advice.
- The applicant responded positively to matters raised in relation to drainage, landscaping, parking and highways.

- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
3. The applicants attention is drawn to the informatics as set out in the Environment Agency's letter dated 09/01/2018 and the comments made by Kent Police dated 16/01/18

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 17/01926/AS.

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Annex 1

