

Application Number	18/00572/AS
Location	Delcroft, Woodchurch Road, Shadoxhurst, Ashford, Kent TN26 1LE
Grid Reference	97588 38124
Parish Council	Shadoxhurst
Ward	Weald South
Application Description	Outline planning application with all matters reserved for the construction of up to 12 residential dwellings alongside associated parking, access and landscaping works. Includes demolition of existing bungalow called Delcroft
Applicant	Mrs Thackray, FDC Group, Dovecot Barn, Stowting Court Road, Stowting
Agent	Taylor Hare Architects, The Cowshed, Overland Lane CT3 2LE
Site Area	1.71 hectares

(a) 1st Consultation: 84/79 R	(b) Parish Council R	(c) 1st Consultation: KH&T X, HA R, KCC(Drainage) X, , PO (Drainage) X, KCC (Bio) R, SW X, KWT X
2 nd Consultation: 58R		2 nd Consultation: KH&T X; EP X

Introduction

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

Site and Surroundings

2. The application site adjoins the boundaries of existing residential properties located on the northern side of Woodchurch Road in the village of Shadoxhurst.
3. The site extends to approximately 1.71 hectares and comprises the entire plot occupied by a residential property called Delcroft, an adjoining triangular shaped plot of scrubland to the east and undeveloped grassland to the north. The Delcroft plot and adjoining field to the east are broadly level with a depression at the northern end with mature trees. The grassland falls gently from south west to north east. An existing drainage ditch is present along the eastern boundary.
4. Delcroft, a bungalow, is accessed off Woodchurch Road. The greater part of the site lies to the rear of Delcroft, adjacent to but outside the built-up confines of Shadoxhurst and so is located in the countryside in planning terms. The site is however bordered by existing residential development on three sides, including two residential cul-de-sacs: Park Farm Close to the west and Lonefield to the east. Beyond Park Farm Close is a recent planning permission (Ref no 16/01841/AS) for the erection of 12 dwellings. This development is currently under construction.
5. The site lies within the Bethersden Farmlands Landscape Character Area (LCA), defined as highly sensitive with strong field boundaries and a sense of place. The landscape objectives within this LCA is to conserve and restore.
6. A plan showing the application site in relation to its surroundings is found below at **Figure 1** and is also attached as **Annex 1** of this report.

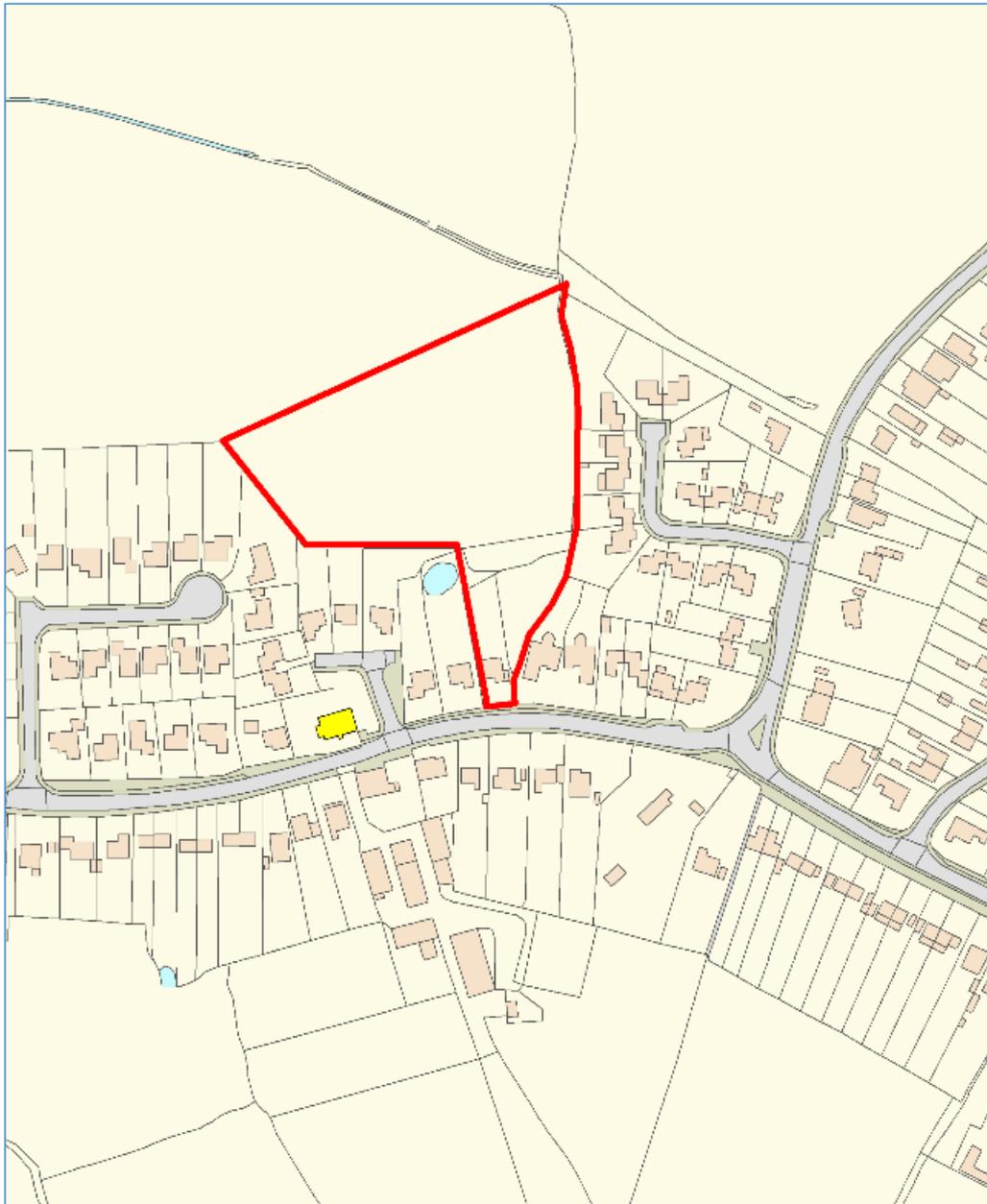


Figure 1: Site Location Plan

7. An indicative block plan is shown at Figure 2.



Figure 2: Indicative block plan

Proposal

8. The proposal is an outline application with all matters reserved for the construction of up to 12 dwellings (previously 14 units at the time of first submission) of which 40% would be affordable dwellings.
9. The proposal includes the demolition of the existing bungalow on the Woodchurch Road frontage in order to construct a new access road to serve the proposed development.
10. An indicative block plan is included which shows 12 units arranged around a cul-de-sac. The proposals equate to a low density of approximately 7 dwellings per hectare and includes the potential for ponds; open SuDs and public open space.
11. The proposal would result in the loss of a number of low grade trees from the southern part of the site (garden of Delcroft) to create an access into the site.

12. Whilst only an outline planning application with all matters reserved, the indicative plans show dwellings of two storey with a traditional form and contemporary design.

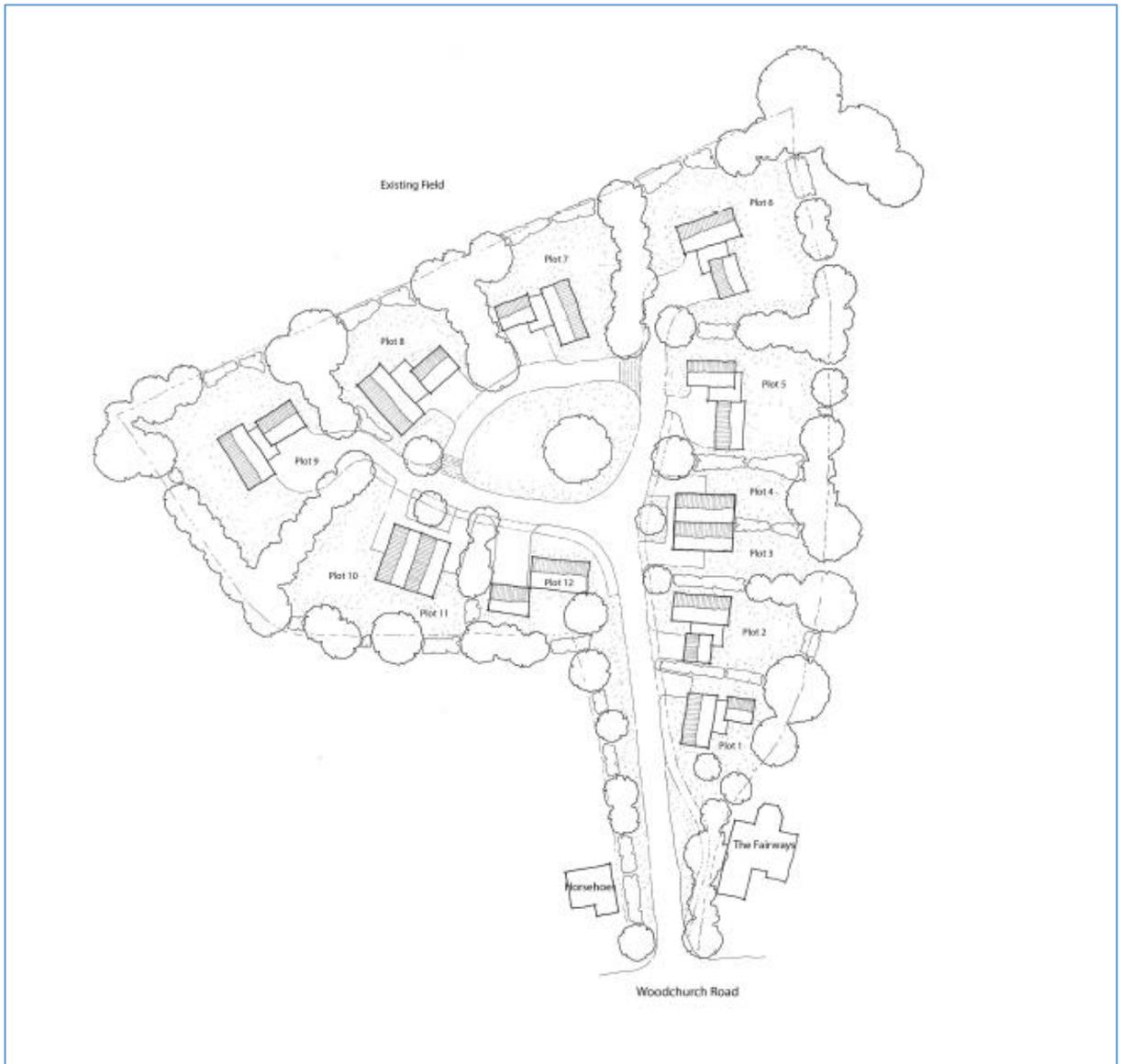


Figure 3: Indicative Site Layout

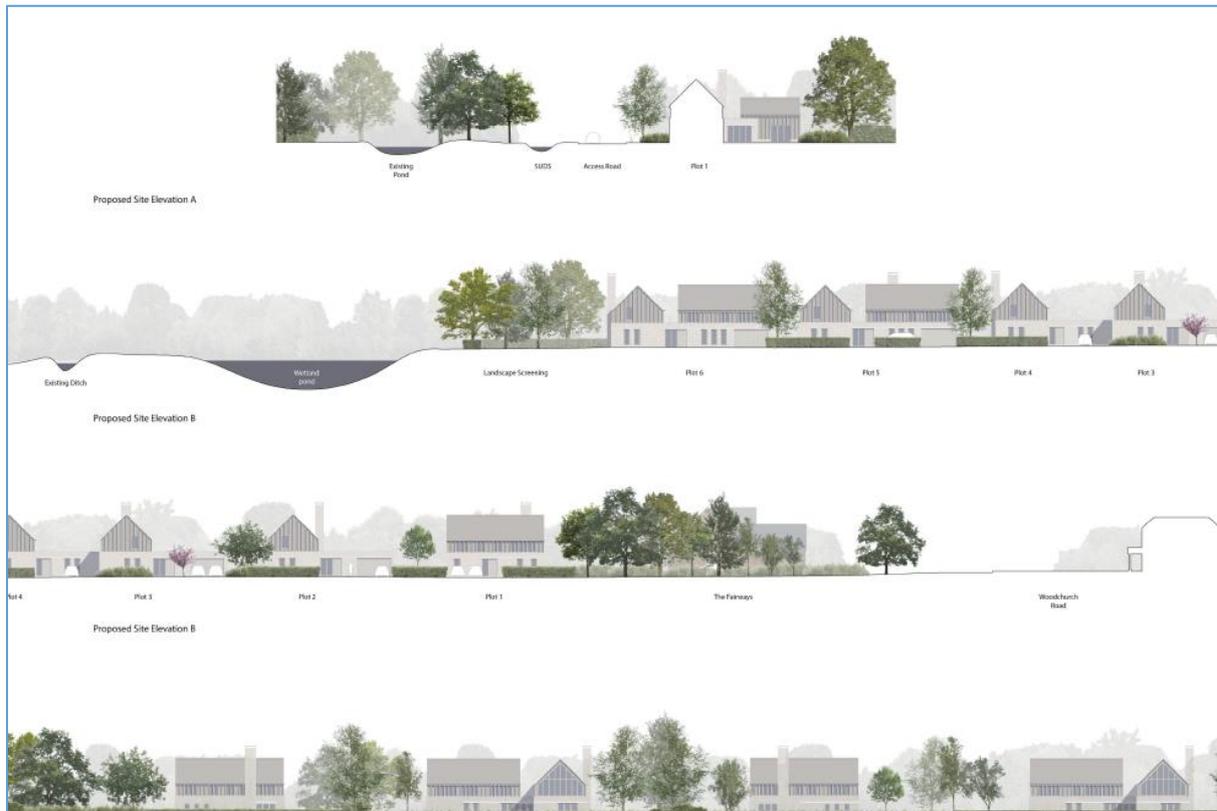


Figure 4: Indicative Street Elevations

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

Design and Access Statement

14. The summary to this document states that the scheme has been designed to a high quality, taking reference from the layout and design of the adjacent properties and the character and appearance of the area. It observes that it is of a scale and massing which would not dominate the approach to the surrounding rural area and ensure a maximum height of only 2-storey development. The development would be screened by existing soft landscaping around the site with any views from open countryside seen against the existing development of Shadoxhurst. It points to how the Council has recently given planning permission for a number of edge of settlement developments. It concludes that this proposal would provide high quality homes and contribute to affordable housing while respecting the edge of village location.

Flood Risk Assessment – April 2018

15. This document incorporates an Indicative Drainage Layout which has emerged from an investigation of sewer records and surface water management calculations and modelling.

16. The FRA concludes that the risk of flooding to the proposed development is low and will not increase the risk of flooding elsewhere. The Surface Water Drainage Strategy that has been identified at this early stage achieves the aspirational objective of reducing peak discharge rates to under the design rainfall event. A range of sustainable drainage systems are proposed, including permeable paving, swales, water butts and a large pond/wetland area. In addition to controlling discharge rate, these will also benefit water quality, creating new habitats.
17. The most suitable option for draining effluent from the site is to connect the site to one of the existing foul sewers within the surrounding area.
18. The report recommends that finished floor level is raised to at least 150mm above the proposed ground levels; that the strategy is developed into a detailed drainage design and that prior to construction consent will need to be gained from the Inland Drainage Board for any new drainage connection to the existing watercourse north of the site.

Report on Inspection of Trees – 29th March 2018

19. This document sets out how a total of 37 individual trees and small groups were inspected. It concludes that overall tree health is variable (there are no category A trees – mostly category B and C trees) with most trees in the residential gardens having been pruned or pollarded. A Tree Constraints Plan is included.

Transport Statement – April 2018

20. This statement includes an assessment of visibility at the proposed new access into the site, concluding that that the splays provided are deemed to be adequate given the location of the site. A Stage 1 Road Safety Audit (RSA) has been completed on the proposed site access which shows that it complies with the relevant standards. A review of personal Injury Accident data for the local highway network demonstrates that the proposed development is unlikely to exacerbate the existing highway safety record. The proposed development is considered to meet all levels of transport planning policy. It has the potential to generate in the region of 62 vehicle trips across a 12 hour weekday of which seven would take place during the morning peak hour and six in the evening peak hour. This equates to an average of five trips per hour across the 12-hour day. The statement confirms that the surrounding highway network is suitable to accommodate this uplift.
21. In response to comments raised by KCC Highways, a further visibility splay plan was provided.

Planning Statement – April 2018

22. This statement references other recently permitted schemes in a number of edge of settlement locations within walking distance of the application site noting that officers concluded that these were not isolated and had access to a moderate range of facilities. It maintains that the application site will provide a logical and natural extension to the settlement boundary and would be acceptable under the presumption in favour of sustainable development in the absence of a five year housing land supply, or given the direction of travel within the borough in respect of appropriate developments on edge of village sites as set out in the emerging development plan.

Preliminary Ecological Appraisal – April 2018

23. KB Ecology have produced a baseline ecological survey and a preliminary ecological appraisal. The report summarises the populations that could be present. There is the potential for Great Crested Newts GCN and a high score for the likelihood of lizard and grass snake, with the possibility for slowworm. The site has high potential to support breeding birds within the trees, hedges and scrub and there is some restricted potential for hazel dormouse. There are foraging opportunities for badger within the grassland habitat and the potential for water vole within the drain present to the north of the site. No bats or signs of bats were found but there is low potential for roosting bats within the tight-fitted concrete interlocking tiles to Delcroft. One oak tree present in the unmanaged patch of land and one willow tree present adjacent to the pond offer high suitability for roosting bats due to the presence of cavities. The site is also likely to be used by foraging and commuting bats.
24. The report concludes with some recommendations for mitigation, compensation and further survey work.

Dormouse Report – October 2018

25. This report concludes that dormice are not present on site and no mitigation is expected necessary for dormice.

Bat Surveys – August 2018

26. This involved night-time surveys of the bungalow and two trees which were considered to offer high suitability for roosting bats due to the presence of cavities. No bats were seen emerging, nor entering the bungalow, nor the trees with only activity by common pipistrelle and brown long-eared bats. It

advises that as the trees offer potential for roosting bats and nesting birds, they should only be cut down following a precautionary approach.

Planning History

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

- 15/01496/AS Land adjoining the Kings Head Woodchurch Road Residential development comprising 19 dwellings including 15 x 2 storey dwellings and 4 x 1 bedroom flats with associated infrastructure and services including garaging/provision for parking, open space, landscaping and a sustainable urban drainage system. Granted.
- 16/01841/AS Erection of 12 dwellings, the creation of a new access from Woodchurch Road, new landscaping and ancillary works at Land between The Hollies and Park Farm Close, Shadoxhurst. Granted.
- 17/01888/AS Erection of 21 dwellings on land north of Farley Close, Woodchurch Road, Shadoxhurst. Refused.

Consultations

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

First Consultation (14 unit scheme):

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

1. Unallocated site
2. Premature
3. Cumulative effect of all these planning applications in the village
4. Impacts on health and well-being of the village
5. It will provide another access road onto Woodchurch Road which is too close to Tally Ho Corner to be safe

6. Demolition of bungalow which is part of current street scene

7. Proposed access road runs alongside the bedroom of the existing neighbouring property

8. The proposal pushes the current building line further north towards Chilmington Green and encroaches into a buffer zone which is needed to keep Shadoxhurst as a distinct village

9. Loss of a further green area

KCC Highways and Transportation: Originally objected due to the lack of a Transport Statement which was subsequently provided.

KCC is satisfied that the proposed quantum of development at the site is considered acceptable. It is not deemed to have a notable impact of highway safety in the area and is unlikely to have any discernible effect on traffic flows.

It is satisfied with the access dimensions and tracking: The submitted tracked drawings demonstrate that an 11.3 metre long refuse collection vehicle can safely enter and exit the site in a forward gear.

It points out that the Highways Agency has objected raising safety concerns regarding the visibility at the access: Woodchurch Road is served by a 40mph speed limit so access visibility splays of 120 metres in each direction need to be provided from a 2.4 metre set back. Currently the required visibility looking east towards the bend is not achievable. Reduced visibility splays may be acceptable if the applicants can demonstrate that actual measured speeds on Woodchurch Road are less through a week long automated traffic count (ATC) survey. If actual speeds are proven to be less than the visibility splays can be reduced accordingly.

KCC Public Rights of Way: No comments

KCC Ecological Advice Service: Requested additional information prior to determination of the planning application in respect of further survey work and any necessary mitigation measures for GCNs, reptiles, dormice and bats.

Additional information was submitted but KCC continued to raise concerns relating to the need for bat emergence surveys on the dwelling and trees and the need to complete the bat and dormice surveys. These surveys were subsequently submitted and KCC are satisfied that these issues have been addressed.

KCC have requested a revised site plan to demonstrate how the proposed mitigation can be achieved. (HDSS Comment: This issue is addressed in the assessment below).

KCC identified the need for a detailed ecological mitigation plan to be submitted as part of the reserved matters application.

KCC Development Contributions: Requested funds towards primary education - Woodchurch Primary School Expansion – and libraires - additional book-stock for the mobile library services that attend Shadoxhurst. An informative is recommended relating to broadband.

KCC Flood and Water Management: KCC have submitted 4 letters of representation in total. The content of these is summarised below:

KCC refer to an error in their previous correspondence which stated that consent for watercourse connections should be sought from the River Stour Internal Drainage Board. In fact, the site is a short distance outside the River Stour IDB Drainage District and therefore KCC is Land Drainage Authority for ordinary watercourse consenting. Any works that have the potential to affect the watercourse or ditch's ability to convey water would require formal flood defence consent (including culvert removal; access culverts and outfall structures).

The application is supported by a Flood Risk Assessment prepared by Herrington Consultants (April 2018). The FRA demonstrates that surface water from the proposed development can be accommodated within permeable surfacing, swales and wetland/pond areas with controlled flows to meet the requirements of the drainage policy set by the LPA (4l/s/ha). Accordingly, we have no objections to this development, but have the following comments:

The FRA does not have sight of appendix A 1-4 which should provide drawings and drainage calculations. We request that the applicant submits a full copy of the appendices in order to determine the operation of the drainage system.

(HDSS Comment: Appendix A 1-4 was subsequently submitted and acknowledged by KCC).

At the detailed design stage, KCC will require that the design accommodates the 1 in 100 year storm with a 20% allowance for climate change and an additional analysis undertaken to understand the flooding implication for a greater climate change allowance of 40%.

This analysis must determine if the impacts of the greater allowance are significant and exacerbate any flood risk. The design may need to be minimally modified but may also need additional mitigation allowances, for example attenuation features or provision of exceedance routes. This will tie into existing designing for exceedance principles. Due to the proposed new connection to the existing watercourse, we recommend the applicant obtains consent for the new connection from the River Stour Internal Drainage Board.

KCC recommend a number of conditions to be imposed if planning permission is granted.

ABC Drainage: The outline principles of the management of surface water volumes and runoff rates (based on the information provided) are considered acceptable so no objections are raised subject to the conditions mentioned by KCC.

Southern Water: Requires a formal application for a connection to the public foul sewer.

SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities.

Kent Wildlife Trust: Has no objection to the proposal subject to appropriate conditions.

The detailed scheme should demonstrate how features of ecological interest (including habitat enhancements for Great Crested Newt; Bats, Breeding Bird reptile and hedgehog) are to be integrated across the whole site, including the undeveloped land.

I am particularly interested in how the remaining undeveloped part of the site is to be treated. The applicant's decision to deal with surface water run-off from the development area by way of a large pond/wetland area represents an opportunity for compensating for the lost farmland but also enriching local biodiversity.

I would, therefore, have no objection to the grant of outline planning permission, subject to conditions that secure implementation of avoidance, mitigation and enhancement proposals (as recommended in the Preliminary Ecological Appraisal) and an Ecological Enhancement scheme for the land containing the proposed balancing pond/wetland.

Second Consultation (up to 11 units)

KCC Highways: No objections following submission of a speed survey which demonstrates that the proposed visibility splays are adequate.

KCC Development Contributions: Requested funds towards primary education – John Wesley Primary School – and libraires - additional book-stock for the mobile library services that attend Shadoxhurst. An informative is recommended relating to broadband.

Environmental Services (Refuse): The development for the collection of waste would be better served via the use of a ring road instead of a wishbone layout which

will require refuse collection vehicles to carry out two reverse manouevres to complete collections.

(HDSS comment: The layout is only indicative at this stage but could be amended to provide a circuitious route around the internal open space which can be considered as part of the reserved matters application).

Environmental Services (Noise/Contamination): No further comments.

Neighbours

First Consultation (14 unit scheme):

A total of 134 neighbours were consulted and 75 responses have been received, all but two objecting to the proposal.

- The application is premature and undermines the democratic process. It is not an allocated site. The development should be refused as a matter of principle
- The development is in countryside, outside the built up confines of the village.
- It would result in the loss of green space, development of a green field site, agricultural land which contributes to the rural setting.
- It would move the built up confines towards Chilmington Green and Ashford, intruding into open countryside;
- Detrimental effect on village by changing its rural character – no discernible benefits for the village. Only disruption, particularly to neighbours on either side;
- Yet another development in the village coming on the back of three others that have recently been approved (approx. 60 units in total). The cumulative effect of so much development in the village is causing the population to rise too quickly resulting in a significant increase in traffic. It is not accompanied by infrastructure improvements;
- The development would be affected by the limited visibility at the Eastwell Close/Hornash Lane junction which is a blind bend;
- The existing speed limit in Woodchurch Road of 40mph is already ignored with this development making driving in the village less safe and there is a lack of pavements within the village. There have been a noticeable increase of collisions on village roads;

- Harmful to the character, form, heritage and attractiveness of the village and surrounding area;
- The Planning Statement is selective in its policy references referring also to policies with little relevance, such as EN10. It fails to meet the criteria identified in Policy HOU5. It is pointed out that in the original DLP SHELAA this location was deemed “unsuitable for future development”;
- At 35% insufficient affordable housing is proposed;

(HDSS comment: This is no longer the case. The scheme makes provision for 40% affordable housing in line with emerging planning Policy HOU1);

- This is a village without amenities; there is no school, GP surgery or village shop;
- The loss of the bungalow would change the street scene;
- Impact of access on the residential amenity of adjoining residents;
- Foul Water Capacity is already a concern to Southern Water who have indicated that the system needs an upgrade;
- Negative impacts on wildlife;
- Unsustainable due to reduced bus service – one bus every two hours;
- Limited mobile phone coverage and broadband is not coping well;
- Loss of agricultural land.

Second consultation (up to 12 unit scheme):

At the time of writing the report a total of 21 letters had been received objecting to the scheme raising objections to the proposal on similar grounds to the first consultation.

Planning Policy

27. 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.

28. The new Ashford Local Plan to 2030 has now been submitted for examination. Following this, the Local Plan Inspectors issued a post-hearings advice note on 29th June 2018 which sets out the elements of the Submission Local Plan that they consider require amendment in order to be found sound. In the context of paragraph 48 of the NPPF, this note provides a material step towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, it is reasonable to assume that these policies are, in principle, sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' advice, significant weight should be attached to the Inspectors' advice in the application of those policies.
29. On 13 September the Council commenced consultation on the main modifications to the draft plan.
30. The relevant policies from the Development Plan relating to this application are as follows:-

Local Development Framework Core Strategy 2008

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

CS20 Sustainable Drainage

Ashford Borough Local Plan 2000

GP12 Protecting the Countryside and Managing Change

EN10 Development on the edge of existing settlements

EN31 Important Habitats

EN32 Important trees and woodland

HG3 Design in Villages

HG16 Protection of existing housing

LE5 Equipped Public Open Space

LE6 Off-site provision of Public Open Space

LE7 Play Facilities

LE8 Leisure Facilities

LE9 Maintenance of Open Spaces

CF6 Standard of Construction

CF7 Main Drainage in Villages

CF21 School requirements for new housing development

Tenterden & Rural Sites DPD 2010

TRS1 Minor Residential Development or Infilling

TRS2 New Residential Development Elsewhere

TRS17 Landscape Character and Design

TRS18 Important Rural Features

TRS19 Infrastructure provision to serve the needs of new developments

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

Local Plan to 2030 (Submission Version December 2017)

SP1	Strategic Objectives
SP2	The Strategic Approach to Housing Delivery
SP6	Promoting High Quality Design
SP7	Separation of Settlements
HOU3a	Residential windfall development within settlements
HOU5	Residential windfall development in the countryside
HOU12	Residential space standards internal
HOU14	Accessibility Standards
HOU15	Private external open space
HOU18	Providing a Range and Mix of Dwelling Types and Sizes
EMP6	Promotion of Fibre to the Premises (FTTP)
TRA3a	Parking Standards for Residential Development
TRA5	Pedestrians
TRA6	Cycling
TRA8	Travel Plans, Assessments and Statements
ENV1	Biodiversity
ENV3a	Landscape Character and Design
ENV4	Light Pollution and Promoting Dark Skies
ENV5	Protecting important rural features
ENV7	Water Efficiency
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage

ENV13 Conservation and Enhancement of Heritage Assets

COM1 Meeting the Communities Needs

COM2 Recreation, Sport, Play and Open Spaces

IMP1 Infrastructure Provision

Supplementary Planning Guidance/Documents

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011 – External Space Standards Only

Public Green Spaces & Water Environment SPD 2012

Dark Skies SPD 2014

Village Design Statements

N/A

Informal Design Guidance

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

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

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

Government Advice

National Planning Policy Framework 2018

32. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF) which has recently been amended. The NPPF says that weight

should be given to relevant existing Development Plan policies according to their degree of consistency with the NPPF.

33. Paragraph 48 (updated from para 216) states in relation to the stages of preparing a Local Plan that:

“Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

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

- Paragraph 11 (previously 14) sets out the mechanism for determining applications in accordance with the presumption in favour of sustainable development.
- Section 5 sets out about delivering a sufficient supply of high quality homes, including planning for the needs of different groups in the community including older people.
- Section 8 seeks to promote healthy communities including ensuring the adequate provision of social, recreational, and cultural facilities and services the community needs.
- Section 11 sets out making effective use of land.
- Section 12 sets out about achieving well designed places.
- Section 15 sets out conserving and enhancing the natural environment. Paragraph 175 contained within this section states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

National Planning Policy Guidance (NPPG)

35. **Other Government Policy**

Technical Housing Standards – Nationally described space standards

Assessment

36. The main issues for consideration are:

- 5 Year Housing Land Supply and status of the emerging development plan
- Principle of the development
- Location and scale of development
- Impact on countryside / landscape character
- Design and Layout
- Impact on residential amenity
- Impact on the highway network
- Ecology
- Drainage and Flooding
- Housing Mix and Affordable Housing
- Whether Planning Obligations are Necessary

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

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

Principle of Development

38. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the adopted Development Plan unless material considerations suggest otherwise. Section 70 of the Town and Country Planning Act 1990 is concerned with the determination of planning applications with regard to the provisions of the development plan, so far as they are material and any other material considerations.
39. The National Planning Policy Framework is one such material consideration. As set out above, the Framework indicates that the weight to be attached to existing policies in the development plan will depend upon their degree of consistency with the Framework.
40. The application proposes a development of up to 12 units (formerly 14 units) on a site that, with the exception of the existing residential plot on the frontage, is green field. 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'*
41. 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'.
42. Policy CS6 sets out a rural settlement hierarchy in which Shadoxhurst was not deemed a tier 3 settlement. These were villages in which a limited amount of new development was seen as acceptable through small site allocations within the Tenterden & Rural Sites DPD 2010. Although policy TRS1 of the Tenterden & Rural Sites DPD identifies Shadoxhurst as being capable of accommodating minor residential development or infilling, Shadoxhurst was not afforded any housing allocations in this document.
43. Until such time that the draft local plan is adopted, in the context of this current application the relevant policies for housing supply, would include policies TRS1 and TRS2 of the Tenterden and Rural sites Development Plan Document. Policy TRS1 states that minor development or infilling will be acceptable within the built-up confines of villages including Shadoxhurst subject to meeting certain criteria. The preamble to policy TRS1 defines the built-up confines as being:

“the limits of continuous and contiguous development forming the existing built-up area of the settlement, excluding any curtilage beyond the built footprint of the buildings on the site.”

44. According to this definition most of the site (excluding Delcroft) is outside the built confines of Shadoxhurst.
45. 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).
46. The emerging Local Plan 2030 continues to pursue a broadly hierarchical approach towards the distribution of housing development across the borough in a plan led and sustainable way, which the Council considers is consistent with the National Planning Policy Framework. Shadoxhurst continues to be settlement in which infilling is acceptable.
47. Paragraph 78 (formerly 55) of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It adds that where there are groups of similar settlements, development in one village may support services in a village nearby. Paragraph 79 goes onto to say how isolated homes in the countryside should be avoided.
48. With this in mind, the emerging Local Plan to 2030 recognises that new housing outside settlement boundaries may be sustainable and make a positive contribution to meeting housing needs across the borough (page 232 paragraph 5.56). However, it also recognises that for proposals that adjoin or are close to existing settlements, it is necessary to consider the relative social, economic and environmental advantages and disadvantages of a scheme in accordance with the three dimensions of ‘sustainable development’. This is reflected within emerging policy HOU5 of the Local Plan to 2030, which relates to residential windfall development in the countryside. Part 1 of emerging policy HOU5 states that proposals for residential development adjoining or close to the existing built up confines of a number of settlements including Shadoxhurst will be permitted providing that each of the following criteria is met:

a) the scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development in liaison with service providers;

b) the site is within easy walking distance of basic day to day services in the nearest settlement and / or has access to sustainable methods of transport to access a range of services;

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

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

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

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

- i) it sits sympathetically within the wider landscape,*
- ii) it preserves or enhances the setting of the nearest settlement,*
- iii) it includes an appropriately sized and designed landscape buffer to the open countryside,*
- iv) it is consistent with local character and built form, including scale, bulk and the materials used,*
- v) it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,*
- vi) it would conserve biodiversity interests on the site and / or adjoining area and not adversely effect the integrity of international and national protected sites in line with Policy ENV1.*

49. 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 been through examination and as such is a material consideration and its policies should be afforded weight.

50. In terms of the weight to be attached to relevant policy HOU5, this has been amended to take account of the comments made in the Inspectors post hearing note. In its amended form (as set out in the 'Schedule of Main Modifications') policy HOU5 is afforded significant weight. For reasons set out in detail in the remainder of the report, the proposed development is considered to comply with the relevant criteria contained in this policy.

51. This is largely a greenfield site and in this respect the development would have a slightly negative environmental impact.
52. However, benefits associated with the scheme include, its ability to help boost the supply of housing in accordance with paragraph 59 of the NPPF, and other recognised social and economic benefits including enhancing the vitality of an existing rural community by virtue of its relatively sustainable location immediately adjoining the built up confines of Shadoxhurst (see below), its ability to promote personal wellbeing and social cohesion as a consequence; its potential to increase demand for existing services thus maintaining and/or enhancing their vitality, generation of job opportunities, for example, during the construction process, and other economic benefits arising from purchasing goods and utilising services and facilities in the immediate and wider locality.

Location and Scale of the Development

53. As set out above, the NPPF seeks to locate development where it will enhance or maintain the vitality of rural communities, and resist isolated new homes in the countryside. This is consistent with the thrust of policies TRS1, TRS2 and emerging policy HOU5 part (1).
54. Criteria (b) of HOU5 requires *the site to be within easy walking distance of basic day to day services in the nearest settlement and /or has access to sustainable methods of transport to access a range of services. Criteria d) requires the development to be located where it is possible to maximise the use of public transport, cycling and walking to access services.*
55. The site is not in an isolated location. The site is located immediately adjacent to an established settlement and has access to a moderate range of facilities. The village has a public house, a village hall, a church, a play area and park and is served by a rural bus service. A small shop / post office is located 1.3 kilometres away at Stubbs Cross. Therefore, the site is not regarded as being physically isolated from services.
56. In terms of public transport/connectivity the site is within easy walking distance of a regular rural bus service to both Ashford and Tenterden which runs for between 7-12 hours a day depending on whether it falls within school term time.
57. In light of the above, I am satisfied that the proposals would comply with criteria (b) and (d) of emerging policy HOU5.
58. Criteria (a) of emerging policy HOU5 requires the scale of development proposed to be proportionate to the size of the settlement and the level, type

and quality of day to day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any **planned allocations** in the emerging Local Plan and **committed development** (i.e. extant planning permissions) **[HDMSS emphasis]** in liaison with service providers.

59. *Planned allocations and extant permissions of a notable size and scale, include, development comprising 19 dwellings at Land adjacent to the Kings Head PH permitted in accordance with emerging site allocation policy S36 under application reference 15/01496/AS, and development comprising 12 dwellings at Land between The Hollies and Park Farm Close permitted under application reference 16/01841/AS.*
60. The increase in housing numbers arising from these proposals in the context of the settlement as a whole, is not considered to be disproportionate, and the cumulative impact of these developments upon the service provision within the settlement would not compromise the ability of these services to meet the day to day needs of the local community. Conversely, this plan led approach to growth could in turn maintain and/or even enhance the viability of these facilities. As such, I am satisfied that the proposals would not conflict with criteria (a) of emerging policy HOU5 of the Local Plan to 2030.
61. In conclusion, the site is not isolated, is located where it will maintain or even enhance the vitality of the existing rural community, and the development proposed is considered to be proportionate for the purpose of an assessment against policy HOU5. These are considered to be material factors that weigh in favour of the proposal.

Loss of a Dwelling

62. Saved policy HG16 of the Ashford Borough Plan seeks to protect existing dwellings. Whilst this proposal would result in the loss of the small bungalow on the site, known as Delcroft, it would provide for up to 12 new dwellings. No objection is therefore raised in this respect.

Impact on countryside/landscape character

63. Policy GP12 of the adopted Local Plan seeks to protect the countryside for its landscape and scenic value (it is no longer consistent with national policy to protect the countryside for its own sake).
64. Policy EN32 of the Local Plan states that permission will not be granted for development which would damage or result in the loss of important trees or woodland. Policy TRS18 of the Tenterden and Rural Sites DPD seeks to protect important rural features including semi-natural woodland.

65. 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.
66. 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.
67. With regard to landscape impacts, amongst other things, criteria f of emerging policy HOU5 requires development to *sit sympathetically within the wider landscape, and include appropriately sized and designed landscape buffers to the open countryside.*
68. The site is located in the Low Weald within the Landscape Character Area of Bethersden Farmlands, where characteristic features include small fields, bounded by a strong pattern of high hedgerows with mature trees interspersed with woodland blocks and streams and ditches. The landscape objectives for this LCA seek to conserve and restore woodlands, hedges and habitats of high ecological value.
69. The rear garden of Delcroft is broadly level. It has a number of trees and a boundary hedge with the open countryside to the north. An area of heavily planted scrub forms the south eastern part of the site adjacent to the garden of Delcroft. A Tree Survey and Constraints Plan have been prepared to show the potential impact of the development on site trees. A number of low grade trees would need to be removed from within the garden of Delcroft and adjacent scrubland area to make way for the new access into the development and one of the proposed units. Elsewhere within the site, trees are confined to field boundaries and would be largely unaffected by the proposals.
70. The indicative landscape proposals include the creation of a new boundary hedge and tree planting along the northern boundary of the site (which is currently open to the rest of the field) to provide screening along the northern boundary of the proposed development. This planted boundary would replicate other field boundaries in the area. Supplementary planting is also shown to other site boundaries.

71. The survey identifies methods for protection during construction. Officers are satisfied that the works to be undertaken are the minimum necessary, and that where possible, the proposal seeks to retain and protect existing boundary planting in the interest of conserving the landscape character.
72. Whilst it will be possible to see into the site from within the wider landscape, the proposed development would be quite discrete. The site is substantially developed to three sides by existing residential development with only the northern part of the site adjoining open countryside. This 'containment' limits views in and out of the site from open countryside.
73. The creation of a landscape buffer in the form of a new field boundary together with the retention and reinforcement of boundary planting (which can be secured at reserved matters stage), will seek to soften the impacts of the development by assisting to prevent prominent and/or exposed views into the site from within the wider landscape.
74. The indicative layout takes into consideration the landscape character, by sensitively positioning lower density development along the boundaries with the open countryside. Their large rear gardens would back onto the planted site boundaries. This is considered to be an appropriate response to addressing the impact of the scheme on landscape character, and should be carried forward, and considered in detail, at reserved matters stage.
75. The positioning and design of boundary treatments will be an important consideration. The use of close boarded fencing on the rural fringes of the site will be carefully controlled to ensure alternative softer garden enclosures more sympathetic to the rural setting and to ecology are provided.
76. The proposals would result in a significant visual change from a site that is largely open field to a developed housing scheme, however, the visual impacts associated with this would be localised and softened by the proposed buffer planting and existing and enhanced landscaping to the boundaries. For these reasons and the reasons set out above, I therefore conclude that the redevelopment of the site to accommodate up to 12 units would sit sympathetically within the wider landscape, and would not cause significant and demonstrable harm to the wider landscape character or visual amenity.
77. On this basis it is considered that the proposals would comply with development plan policies which I have referred to which seek to protect landscape character. In addition, the proposals are considered to broadly reflect the landscape objectives set out in part 1 (f) of emerging policy HOU5 of the Local Plan and would accord with the LCA landscape objectives.

Design and Layout

78. Policy HG3 of the Local Plan 2000 requires development to reflect, the historic pattern of the village; important open spaces within the village and important areas of planting; important views in and out of the village; the relationship between the built form of the village and the surrounding countryside; and the variety of building types, local materials, building proportions, architectural features and styles.
79. Policies CS1 and CS9 of the Core Strategy require good design.
80. Amongst other things policy TRS17 of the Tenterden and Rural Sites DPD states that proposals shall have particular regard to the setting, scale, layout, design and detailing of vernacular buildings and other traditional man made features. Policy SP6 of the emerging Local Plan is not materially different in its approach to promoting high quality design.
81. The above policies are broadly consistent with the NPPF which seeks to safeguard heritage assets, attaches great importance to the design of the built environment and states that developments should respond to local character and history and reflect the identity of local surroundings and materials. Section 12 of the NPPF seeks to achieve well designed places. Amongst other things, para 127 seeks to ensure that development is visually attractive as a result of good architecture, layout and appropriate and effective landscaping and seeks to ensure development is sympathetic to local character and history. Amongst other things, emerging policy HOU5 requires development (and any associated infrastructure) to be of a high quality design, sit sympathetically within the wider landscape, preserves or enhance the setting of the nearest settlement, and be consistent with local character and built form, including scale, bulk and the materials.
82. In terms of the surrounding pattern of development, this comprises properties fronting Woodchurch Road, and cul-de-sacs, some of which wrap around the rear of this frontage development. Examples of this include Park Farm Close and Lonefield. Consequently, the proposed development, which extends off Woodchurch Road and wraps around the rear of properties fronting Woodchurch Road, would not appear at odds with the established spatial layout.
83. The revised indicative proposal shows 12 dwellings arranged around a 'Y' shaped route layout with a central open green space where the site widens out. All units are positioned so that they front onto the new access road / internal green space and back onto existing gardens / open countryside. This enables the scheme to be sensitively integrated into the site.

84. At up to 7 dwellings per hectare, the density of development is low and appropriate for an edge of village site. As stated above, positioning the lower density development along the boundaries with the open countryside and the higher density of development towards the south is considered to be the correct response for this site, and will allow for the provision of robustly landscaped buffers to be secured at reserved matters stage. At least two of the plots are too small (demonstrated by the substandard gardens) but there is clearly space within the site, given the large size of some of the other plots and internal open space, to provide a development for up to 12 units. Whilst 'Appearance' is a reserved matter, indicative street-scenes have been provided which show how a two-storey development with a traditional building form that would sit comfortably in this setting.
85. Overall, based on the indicative plans submitted, I consider that a scheme for 'up to' 12 dwellings can be accommodated on the site and provide a high quality layout that sits sympathetically within the landscape and preserves the village setting. In accordance with Core Strategy policy CS9 of the Core Strategy, TRS17 of the Tenterden and Rural Sites Development Plan Document, and policies SP6 and HOU5 of the emerging Local Plan 2030. Concerns have been raised in relation to the impact of the demolition of Delcroft on the street scene. Whilst Delcroft 'completes' the frontage, it is not of any special quality. In fact, the widening of the site just beyond the frontage (to take in the area of scrub to the east) and the angling of the adjoining property known as Fairways, assists in setting a context for a more successful 'break' in the streetscene in my view. I do not consider therefore that the demolition of Delcroft would not have an adverse effect on the street scene.

Impact on the setting of Heritage Assets

86. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), it is the Council's statutory duty and obligation to have special regard to the desirability of preservation and/or enhancement of heritage assets such as conservation areas and Listed buildings and their setting.
87. Emerging policy ENV13 states that proposals which protect, conserve and enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported.
88. The site is in excess of 50 metres away from the nearest listed building which is the Grade II Listed Park Farmhouse. Given the separation distance, the proposed development is not considered to adversely affect the setting as it will not be viewed in immediate context with the Listed Building or obstruct any important views of it.

Impact on residential amenity

89. Paragraph 127 of the NPPF indicates that planning decisions should create a high standard of amenity for existing and future users.
90. Whilst layout is reserved for future consideration, the indicative layout plan suggests that up to 12 units could be provided whilst achieving satisfactory distances between proposed and existing adjacent dwellings. I am satisfied that the development of the site can be achieved without causing demonstrable harm to neighbours amenity or to each other through loss of privacy, loss of light, immediate outlook or by having an overbearing presence. Conditions can be used to maintain privacy at reserved matters stage, should it be considered necessary. Robust landscaping can also be secured at reserved matters stage to help mitigate the impacts of the proposal.
91. The vehicular activity associated with the proposed development is not considered to result in any demonstrable harm through undue noise and disturbance. The new access would have sufficient space to either side to achieve robust planting between the access and existing properties. Furthermore, having regard to the guidance contained in the PPG, I have not been presented with any evidence which suggests that the increase in traffic associated with this proposal would increase noise traffic impacts in such a way that would cause changes to behaviour and attitude. I am therefore satisfied that there would be no observed adverse effects resulting from the increased traffic movements associated with the proposed development.
92. Given the size of the site, a development of up to 12 units on this site could provide gardens which comply with the external space standards set out in the Council's Residential Space and Layout SPD. The reserved matters application should ensure that the internal accommodation proposed complies with the National Space Standards. This can be secured by condition.
93. Given the above, I am satisfied that the development would not result in harm to the residential amenity of neighbouring or future occupiers and the development is therefore in accordance with the NPPF.

Highway Impact

94. Policy CS15 of the Core Strategy relates to transport impacts, and amongst other things states, that developments that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development.

95. Criteria c of emerging policy HOU5 seeks to ensure that the development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area.
96. The transport impacts arising from the proposal are detailed in Section 5 of the Transport Statement by DHA. .
97. Vehicle trips associated with a 14 unit proposal will amount to 7 during the AM peak hour and 6 during the PM peak hour with the potential for the development to generate in the region of 62 vehicle trips across the 12 hour day. This equates to an average of 5 vehicle trips per hour across the 12-hour period. It is considered that this relatively modest increase in vehicle trips can be accommodated on the local highway network without any demonstrable adverse impacts.
98. Material to the consideration of highway impacts is the fact that the scheme has been amended, and the number of dwellings proposed has been reduced. This will result in a reduction in vehicle trips as a consequence.
99. Access to the site will be from a new access off Woodchurch Road. The visibility splays are shown in Appendix E of the Transport Statement. They show that visibility splays of 2.4m by 128m and 2.4m by 90m are achievable to the west and east of the junction respectively. During the consideration of this application, Kent Highways and Transportation observing the reduced visibility splay to the east, requested that the applicant carry out speed surveys on Woodchurch Road to determine actual driven speeds. This would provide the evidence to establish whether reduced visibility splays would be acceptable at the access. The applicant undertook these surveys. KCC H&T is now satisfied that the applicants have demonstrated that the required level of visibility at the access is achievable
100. With regard to parking, it is clear from the indicative plans submitted that a development of up to 12 units could provide sufficient parking to meet its own needs in accordance with the Council's Residential Parking SPD. This can be secured by condition.
101. In addition to parking, a useable layout sufficient for turning, to allow standard vehicles to enter and exit the site in a forward gear could be provided which is able to accommodate a refuse collection vehicle with adequate on site turning available so that this can also exit the site in forward gear.
102. For the reasons set out above, the proposed development is not considered to be harmful to highway safety, and would accord with criteria c of emerging policy HOU5.

Ecology

103. Policy EN31 of the adopted Local Plan states that development which significantly affects semi natural habitats will not be permitted unless measures have been taken to limit impact and long term habitat protection is provided where appropriate.
104. Guiding Principles Policies CS1 (A) (D) and (K) of the Core Strategy identify objectives of ensuring protection of the natural environment and integration of green elements enhancing biodiversity as part of high quality design. Against these overarching objectives, Policy CS11 of the Core Strategy specifically requires development proposals to avoid harm to biodiversity and geological conservation interests, and seek to maintain and, where practicable, enhance and expand biodiversity. This is reflected also in policies HOU5 and ENV1 of the emerging Local Plan.
105. Policy TRS17 of the Tenterden and Rural Sites DPD requires development to have regard to the type and composition of wildlife habitats. These policies are consistent with the NPPF which indicates that the planning system should contribute to and enhance the natural and local environment.
106. The results of the Ecological appraisal are summarised in detail at paragraphs 23 to 26 of this report.
107. The preliminary ecological appraisal details that the site mainly consists of a sheep grazing field at the back of a garden with an area of unmanaged scrub. There is a dry ditch line to the east site boundary. It identifies the potential for suitable habitats for protected/notable species.

The application has been subject to consultation with KCC Biodiversity. KCC identified the need for additional surveys prior to determination with respect to bats and dormice. It also requested that a revised site plan was provided to demonstrate that the proposed mitigation can be achieved. At the time of writing this report, KCC Biodiversity were satisfied with the results of the ecological surveys but raised concerns as to whether or not the mitigation proposed within the submitted documents could be implemented. The ecology reports submitted in support of the application identify that there is a need for the creation of a wild flower meadow to the north of the site and a 5 metre corridor along the site boundary. KCC note that the submitted site plans do not confirm that the wildflower meadow will be created in the north of the site and the landscape buffer areas will be located outside residential gardens. The mitigation identified can be secured by condition, and the 'up-to' number of dwellings proposed offers flexibility in terms of the number of dwellings that would ultimately be permitted at reserved matters stage. The number of

dwellings permitted can therefore be adjusted to ensure that the ecological requirements are met.

108. The preliminary ecological appraisal (section 4) lists a number of recommendations for enhancements. These, and the additional mitigation proposals required by KCC Biodiversity, can be secured by condition. Subject to this, I am satisfied that the LPA has fulfilled its duty to appropriately assess the development under Regulation 9(5) of the Conservation of Habitats & Species Regulation 2010. Subject to conditions, the proposed development is not considered to result in any adverse impacts to matters of ecological importance in accordance with the relevant policies set out in European and UK law as well as in the adopted development plan, emerging plan and NPPF. In addition, and on this basis I am satisfied that the proposals can comply with the ecological criteria set out in emerging policies HOU5 and ENV1.

Drainage and flooding

109. The application is supported by a Flood Risk Assessment.

The submitted assessment indicates that the application site is sequentially appropriate as it is located within Flood Zone 1 where there is little to no risk of fluvial or tidal flooding. It also demonstrates that surface water from the proposed development (14 units) can be accommodated within permeable surfacing, swales and wetland/pond areas with controlled flows to meet the requirements of the drainage policy set out in the LPA (4l/s/ha).

110. Kent County Council Flood and Water Management were consulted on this application and raised no objections subject to a number of conditions detailing what would be required at the detailed design stage. There would be a need for the development to accommodate the 1 in 100 year storm with a 20% allowance for climate change and an additional analysis undertaken to understand the flooding implication for a greater climate change allowance of 40%. Due to the proposed new connection to the existing watercourse, it also recommends that the applicant obtain consent for the new connection from the relevant Drainage Board.
111. In terms of foul sewage the intention would be to connect to the public sewer which runs along Woodchurch Road. Southern Water has raised no objections.
112. Based on the information submitted, I therefore consider that the proposal would accord with the provisions of Policy CS20 of the Core Strategy.

Housing Mix and Affordable Housing

113. It is proposed to provide up to 12 residential units. This application was submitted in April 2018 following publication of the Submission Version of the Plan (January 2018). Since this time the Inspector's response to the plan has been received and its policies are afforded weight.
114. Emerging Policy HOU1 seeks 40% provision for affordable housing and this proposal makes provision for this. Based on this 40% calculation the requirement for this development would be 5 affordable dwellings if 12 units are provided. The housing will be secured as affordable housing through a S106 Agreement. The Inspector has not suggested any changes to the wording of policy HOU1 and so the policy is afforded significant weight.
115. The mix of affordable housing on this site needs to be provided in accordance with Policy HOU1 which requires a 75:25 tenure ratio split between home ownership products and housing for social rent. This would result in 4 of the units being home ownership products and 1 unit being for social rent. This can also be secured through a S106 Agreement.
116. In light of the above I consider that the proposed housing mix and the affordable housing element provided is acceptable so as to warrant the support of this application in this respect.

Planning Obligations

117. 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
118. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case

Table 1

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

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1	<p><u>Affordable Housing</u></p> <p>Provide as close as possible to 40% of the units as affordable housing.</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement.</p>	<p>Of which up to 10% affordable rent and up to 30% shared ownership units</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</p>	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to Core Strategy policy CS12, the Affordable Housing SPD, Ashford Local Plan 2030 Submission Version policy HOU1, and guidance in the NPPF.</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				a proportion of the total number of housing units to be provided.
2	<p><u>Strategic Parks</u></p> <p>Contributions towards the provision of seating at Conningbrook Lakes Country Park.</p>	<p>£146 per C3 dwelling for capital costs.</p> <p>£47 per C3 dwelling for future maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as strategic parks are required to meet the demand that would be generated by the development and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2, CS18 and CS18a, Tenterden and Rural Sites DPD policy TRS19, Ashford Local Plan 2030 Submission Version policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>facilities to be provided would be available to them</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of dwellings and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
3	<p><u>Outdoor Sports Pitches</u></p> <p>Contribution towards the provision of a single mast exercise/activity net for the recreation ground at Hornash Lane and maintenance thereof.</p> <p>Contribution towards the acquisition of land adjacent to the existing</p>	<p>£1,589 per C3 dwelling for capital costs</p> <p>£326 per C3 dwelling for future maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as outdoor sports pitches are required to meet the additional demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Ashford Local Plan 2030</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	recreation ground at Hornash Lane to extend the amount of land available for sports provision to meet increasing demands.			<p>Submission Version policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
4	<p><u>Informal/Natural Green Space</u></p> <p>Contribution towards provision of, or improvements to, the park furniture, pathways and parking facilities at the recreation ground at Hornash Lane and maintenance thereof.</p>	<p>£434 per C3 dwelling for capital costs</p> <p>£325 per C3 dwelling for future maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Ashford Local Plan 2030 Submission Version policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF</p> <p>Directly related as occupiers will use informal/natural green space and the space to be</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>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>
5	<p><u>Children's and Young People's Play Space</u></p> <p>Contribution towards provision of, and/or improvements to, the play equipment (for all ages) at the recreation ground at Hornash Lane.</p>	<p>£649 per C3 dwelling for capital costs</p> <p>£663 per C3 dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as children's and young people's play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18,</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>Tenterden and Rural Sites DPD policy TRS19, Ashford Local Plan 2030 Submission Version policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use children's and young people's play space and the play space to be provided would be available to them.</p> <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>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
6	<p><u>Cemeteries</u></p> <p>Contribution towards fencing, signage and maintenance of Shadoxhurst Church Cemetery.</p>	<p>£284 per C3 dwelling for capital costs</p> <p>£176 per C3 dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as cemeteries are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Ashford Local Plan 2030 Submission Version policies COM1 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will require cemeteries and the cemetery provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
7	<p><u>Library Bookstock</u></p> <p>Contribution towards the additional bookstock supplied to the mobile library service that attends Shadoxhurst.</p>	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	Necessary as additional bookstock is required to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, Ashford Local Plan 2030 submission version policies COM1 and IMP1, Ashford KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.

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

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
<p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked (normally from the date of the Committee’s resolution) in order to ensure the value is not reduced over time. The costs, expenses and disbursements of the Council’s Legal and Planning Departments incurred in connection with the negotiation, preparation and completion of the deed are also payable. The Kent County Council will also require payment of their legal costs.</p>				

Human Rights Issues

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

Working with the applicant

120. In accordance with paragraph 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals.. 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

121. The Council now considers it can demonstrate a deliverable five year housing land supply in accordance with paragraph 47 of the NPPF.
122. The site is not allocated for development in the adopted development plan.
123. Although adopted development plan policy TRS1 of the Tenterden and Rural Sites DPD states that minor development or infilling will be acceptable within the built-up confines of villages including Shadoxhurst, the application site would largely fall outside the built-up confines (Delcroft itself and the adjoining scrub is within the built-up confines). The development does not meet the exception criteria set out in policy TRS2. The application therefore represents a departure from the adopted development plan.
124. Notwithstanding the conflict identified in the paragraph above, the site is considered to comply with the criteria set out in emerging policy HOU5 of the Local Plan to 2030. The Inspector has now reported on the emerging plan and policy HOU5 has been amended to take account of the comments made in the Inspectors post hearing note. Policy HOU5 in its amended form is a significant material consideration, and the fact the proposed development complies with the relevant criteria contained in this policy, and other relevant policies in the current plan weighs substantially in favour of granting planning permission.
125. Other material considerations include the benefits associated with the scheme which include its ability to help to boost the supply of housing in accordance with paragraph 59 of the NPPF (as amended) and its relatively sustainable

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

126. Matters relating to access, layout, scale appearance and landscaping are reserved for future consideration. However, based on the information available and indicative drawings submitted I am confident that a scheme can be designed that would represent an appropriate form of development that sits comfortably within its contextual setting in accordance with policy GP12 of the Local Plan, CS1 and CS9 of the Core Strategy, TRS17 and TRS18 of the Tenterden and Rural Sites DPD and policy HOU5 of the emerging Local Plan 2030.
127. In terms of the impact of the development on the setting of the nearest Listed Building, I am satisfied that any development on this site would be sufficiently distanced from this building to prevent any harm to its setting. I am therefore satisfied that the proposed development accords with policies CS1 of the Core Strategy and policy ENV13 of the emerging Local Plan to 2030.
128. I am satisfied that a scheme can be delivered that does not materially harm neighbouring or future occupier's amenity, or highway safety. Any loss of habitat resulting from the development shall be compensated for through ecological mitigation and enhancements that can be secured by conditions. In terms of flooding and drainage, I am satisfied that subject to conditions, the site can be developed in an acceptable way. I am therefore satisfied that the proposal accords with policies EN31 and EN32 of the Local Plan, CS11, CS15 and CS20 of the Core Strategy and TRS17 of the Tenterden and Rural Sites DPD.
129. The scheme would secure up to 5 affordable housing units required by Policy HOU1 of the emerging plan.
130. 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 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.

131. In conclusion, whilst the proposal fails to accord with the development plan as a whole, the areas where it is in conflict with it do not result in any demonstrable harm. In addition, the fact the proposed development complies with the relevant criteria contained in emerging policy HOU5, and other relevant policies in the current plan, is a significant material consideration. As such, I recommend that planning permission should be granted.

Recommendation

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

- (B) **Grant Outline Planning Permission**

Subject to the following conditions and notes:

Implementation

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

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

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

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

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

Approved Plans

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

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

Architecture

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

Reason: In the interest of visual amenity

Highways

5. The details submitted pursuant of Condition 1 shall include details of the new junction onto Woodchurch Road and visibility splays based on the Transport Statement and Speed Survey data submitted as part of this application. 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.

6. The details submitted in pursuance to 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, 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.

7. 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.

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

a) Routing of construction and delivery vehicles to / from site;

b) Details of areas for the parking, loading and unloading of plant and materials, and provision on-site for turning for personnel, delivery and construction vehicles;

c) Details of areas for the storage of plant and materials;

d) A programme of works including details of the timing of deliveries

e) Details of temporary traffic management / signage

f) Details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances; and

g) Provision of measures to prevent the discharge of surface water onto the highway.

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

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

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

Reason: In the interests of Highway and pedestrian Safety.

Drainage

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

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

11. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment (Herrington Consulting, April 2018) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented 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.

12. Information shall be submitted to (and approved in writing) by the Local Planning Authority that demonstrates that off-site surface water drainage works are appropriately secured and protected and subsequently implemented prior to the occupation of any phase of the development.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water.

13. 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 modelled 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; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework (July 2018).

Environmental Protection

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

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

Hard and Soft Landscaping /Trees

14. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars including the Report on Inspection of Trees dated 29 March 2018; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the buildings for their permitted use.
 - a. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned, thinned or reduced other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority.
 - b. If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
 - c. All retained trees shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations). Such tree protection measures shall remain throughout the period of demolition and construction.
 - d. No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
 - e. No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
 - f. No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;

- g. Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
- h. No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

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

15. 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.

16. The landscaping proposals submitted pursuant to Condition 1 shall include details of the proposed native boundary hedge and trees along the northern boundaries of the site with open countryside.

Reason: To ensure a robust and appropriate buffer with open countryside so that the development sits sympathetically in the landscape.

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

Reason: In the interests of visual amenity

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

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

Ecology

19. No development shall take place until details of the wild flower meadow and landscape buffer have been submitted to and approved in writing by the local Planning Authority. The works shall then be carried out in accordance with the approved details.

Reason: To ensure appropriate mitigation in the interests of biodiversity.

20. No development shall take place (including any ground works, site or vegetation clearance) until a detailed ecological mitigation plan and management plan has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Updated Ecological scoping survey and any recommended specific species surveys.
- b) Purpose and objectives for the proposed works.
- c) Detailed design(s) and/or working method(s) necessary to achieve stated objectives.
- d) Maps showing the location and types of ecological enhancements.
- e) Aims and objectives of the management.
- f) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.
- g) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works.

- h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- i) Details of the body or organisation responsible for implementation of the plan.
- j) Ongoing monitoring and remedial measures.

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

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

Space Standards

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

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

Lighting

- 22. No external lighting shall be installed until a detailed lighting scheme has been submitted to, and approved in writing by the Local Planning Authority.

This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). Any associated external lighting that is provided shall be fitted with a timer control system to ensure that the lighting system is switched off at times to be agreed in writing with the Local Planning Authority.

The lighting scheme must be bat sensitive and the details submitted must clearly demonstrate that the proposed lighting scheme will have minimal impact on foraging /commuting bats

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.

No additional external lighting shall be installed on the site without the prior written consent of the Local Planning Authority

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

Development restrictions

23. 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.

24. 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.

Levels

25. The finished floor levels for living accommodation shall be set no lower than 150mm above existing ground level.

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

Refuse

26. 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

27. 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.

28. 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

29. 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

Note 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. ABC works with applicants/agents in a positive and proactive manner by;

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

In this instance

- The applicant was provided the opportunity to submit amendments to the scheme to address issues raised.
 - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
3. Any feature capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' and we would urge the applicant to contact us prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require our formal flood defence consent (including culvert removal, access culverts and outfall structures). Please contact flood@kent.gov.uk for further information.

4. "A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".
5. The applicant is advised that the initial assessment by Southern Water does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that noncompliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

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

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

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

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

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at

<http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

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

8. Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/00572/AS.

Contact Officer: Katy Magnall

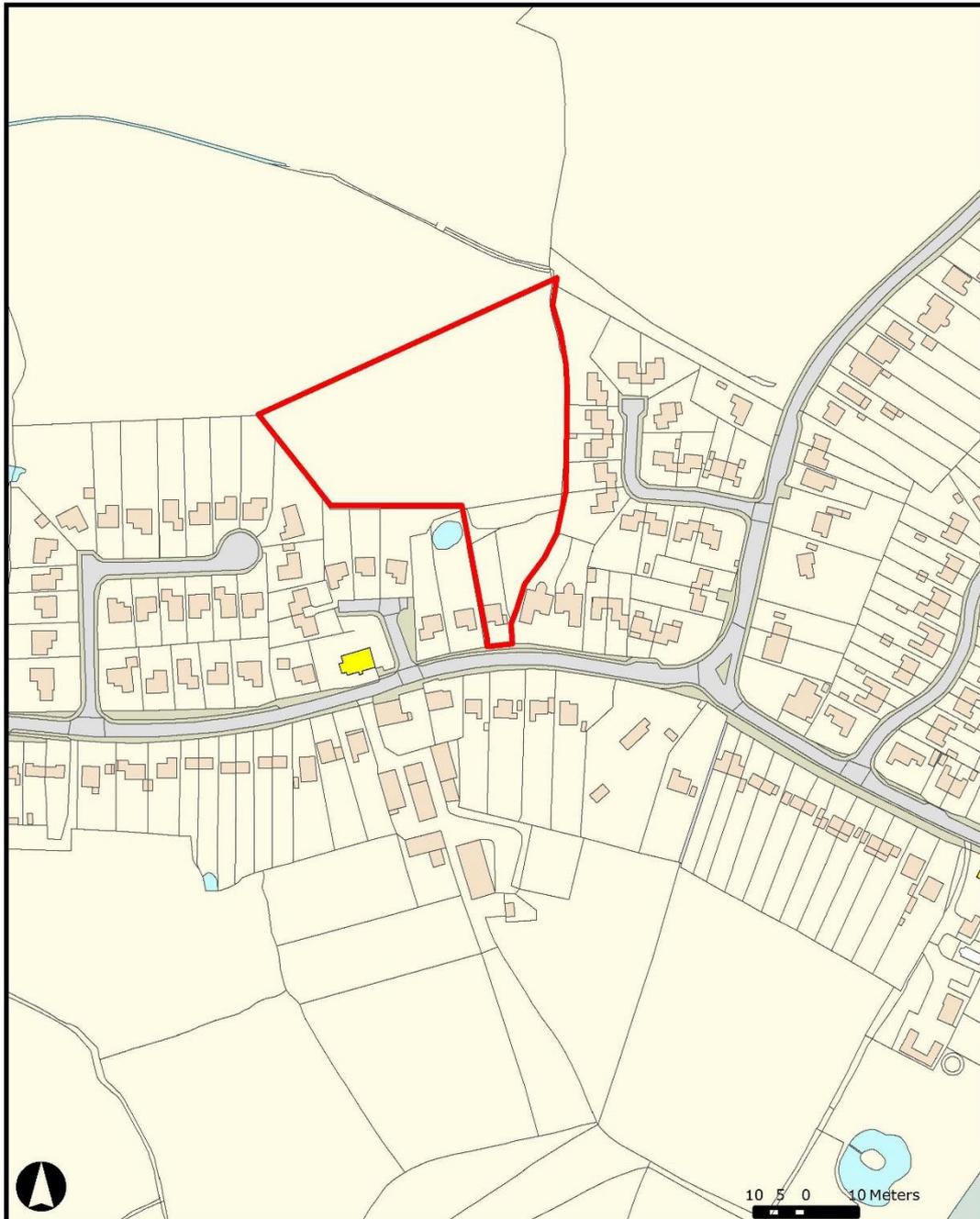
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Annex 1



Ashford Borough Council



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