

Application Number	17/01913/AS
Location	Land between 82-120 Front Road, Woodchurch
Grid Reference	4340 / 4324
Parish Council	Woodchurch
Ward	Weald South
Application Description	Erection of 10 no. 2 storey dwellings together with access, parking, landscaping and ancillary works
Applicant	Tiffany Ryan, Southern Space Ltd, Fleet House, 59 – 61 Clerkenwell Road, London EC1M 5LA
Agent	Mr P Mills, Clague, 62 Burgate Canterbury CT1 2BH
Site Area	0.6 ha

(a) 49/27R/1S	(b) Woodchurch PC R	(c) SW X; KCC H&T X; KCC Bio X; WKPS R; Streetscene X
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Introduction

1. This application is reported to the Planning Committee because it is a major planning development of 10 houses.

Site and Surroundings

2. The land is currently agricultural land lying on the west side of Front Road, Woodchurch, to the south of the designated Woodchurch Conservation Area (CA). The site lies within the Woodchurch Undulating Farmlands Landscape Character Assessment Area (LCA) where the guidelines are to conserve. It is noted that the landscape is undulating. Public footpath AT238 (PROW) runs to the north west boundary of the field to the rear of the application site leading from further up Front Road to the north. There would be views of the application site from this PROW.

3. To the north and south of the application site are detached two storey dwellings within comfortably sized plots. It is only when you progress further into the more built up area of the village that densities increase and the level of outlook to countryside beyond diminishes. On the opposite side of the road to the east are semi-detached two storey dwellings set well back from the road with parking to the front.
4. There is an existing agricultural access positioned centrally to the site which will be retained and integrated into the scheme as one of the site access. The site sits approximately 1m above the road increasing to 1.2m further to the north and is bounded by a 2m high native hedge.
5. The site, as shown in Figure 1 below, includes an area to the south east for ecological mitigation.

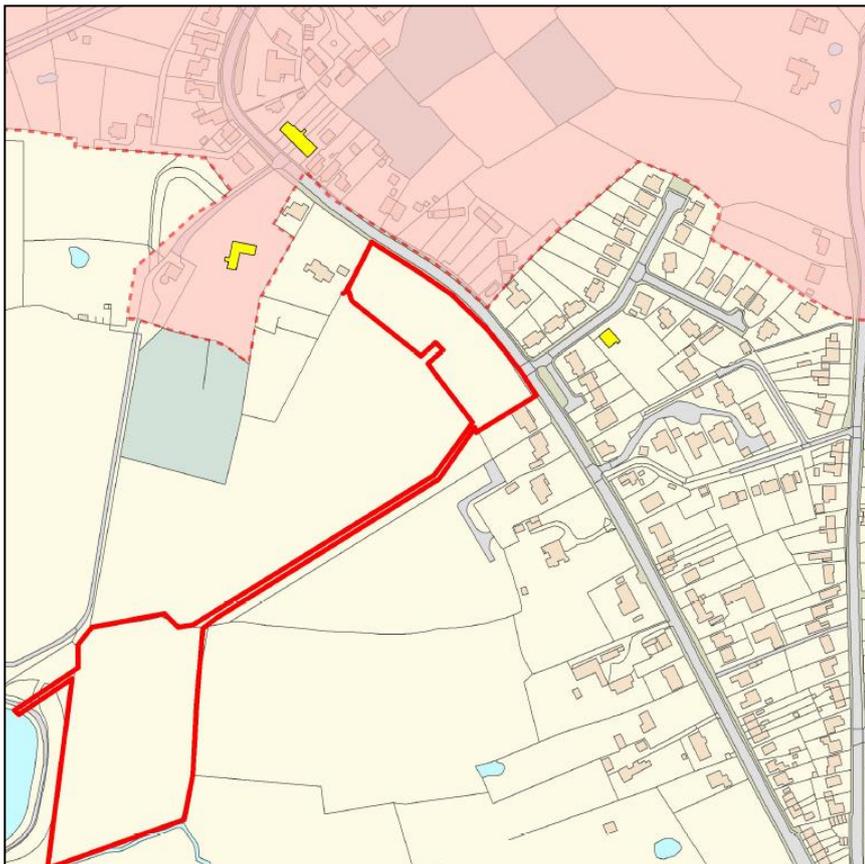


Figure 1: Site Plan

Proposal

6. The application is for full planning permission for 10 dwellings comprising 4 x 2 bed semidetached dwellings; 4 x 3-bed semidetached dwellings and 2 x 4 bed detached dwellings. The units would be accessed via three access drives the middle one utilising the existing gate in the field. The new access drives to north and south of the existing gated access each serve two lots of semidetached dwellings. The middle access would serve the two detached dwellings as well as the land beyond (the field.) Two parking spaces would be provided for each of the properties. Parking would be provided to the front of properties either as tandem and side-by-side parking between properties or in the case of the detached units, as side by side parking, to the front of the units. Visitor parking is also provided to the front of the proposed units. There are 8 visitor parking spaces in total.
7. All plots are of a traditional design with chimneys (real functioning chimneys in the case of 6 of the units); pitched roofs with tiles or slate to the roof and white timber weatherboard or tile hanging with simple elevations. Features such as brick plinths and exposed eaves have been introduced.
8. It is intended to maintain most of the frontage hedgerow, and provide supplementary planting behind the hedgerow of native species to compensate for the thinning out that is required at the accesses to achieve sight lines. Additional hedgerow planting would also be provided between properties. To the rear of the site on the south west boundary will be a 2m planted buffer adjoining the open countryside.
9. Since the submission of the application further information has been received to overcome technical concerns which are listed below in the consultation section. This has resulted in details of a receptor site for GCNs being submitted. It has also resulted in the resolution of technical highway issues relating to parking arrangements and cycle storage. There has also been a number of changes to the design of some of the units.
10. During the course of the application, issues have been raised in relation to the disposal of foul sewage. The applicant is aware that the existing foul drainage system is at full capacity and that an upgrade will be required to accommodate the proposal. The applicant is aware that this upgrade will need to be carried out in close association with Southern Water (SW). In order to address the capacity issues, SW have recommended the imposition of appropriately worded conditions should planning permission be granted. The applicants have indicated that they are happy to accept the condition(s) recommended by SW.

11. The proposed site layout is shown in figure 2 below followed by plans and elevations of the proposed units.



Figure 2: Site Layout

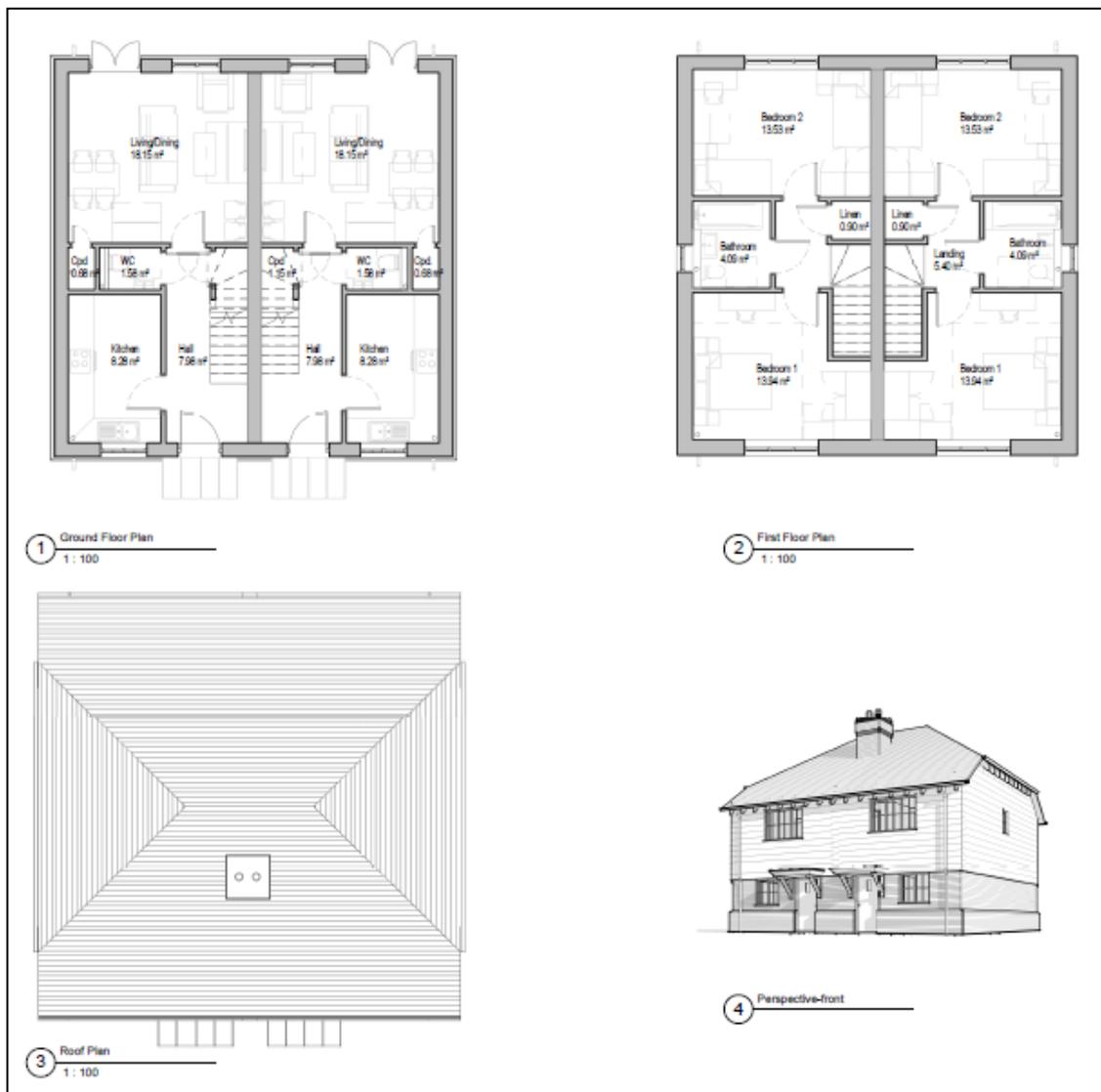


Figure 3: Plots 3, 4, 9 and 10 showing 2 bed (4 person) semi-detached units

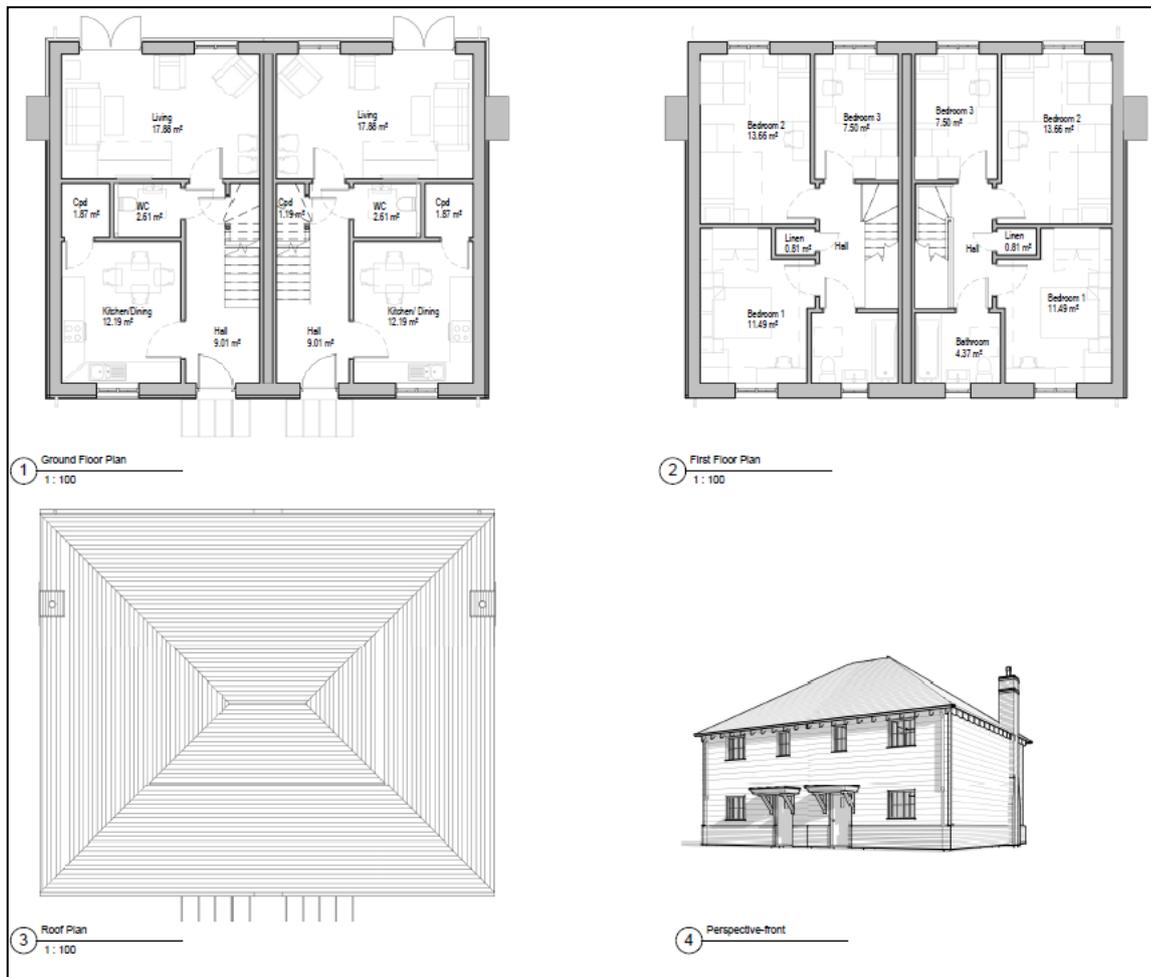


Figure 4: Plots 1, 2, 7 and 8 showing 3 bed (5 person) units.

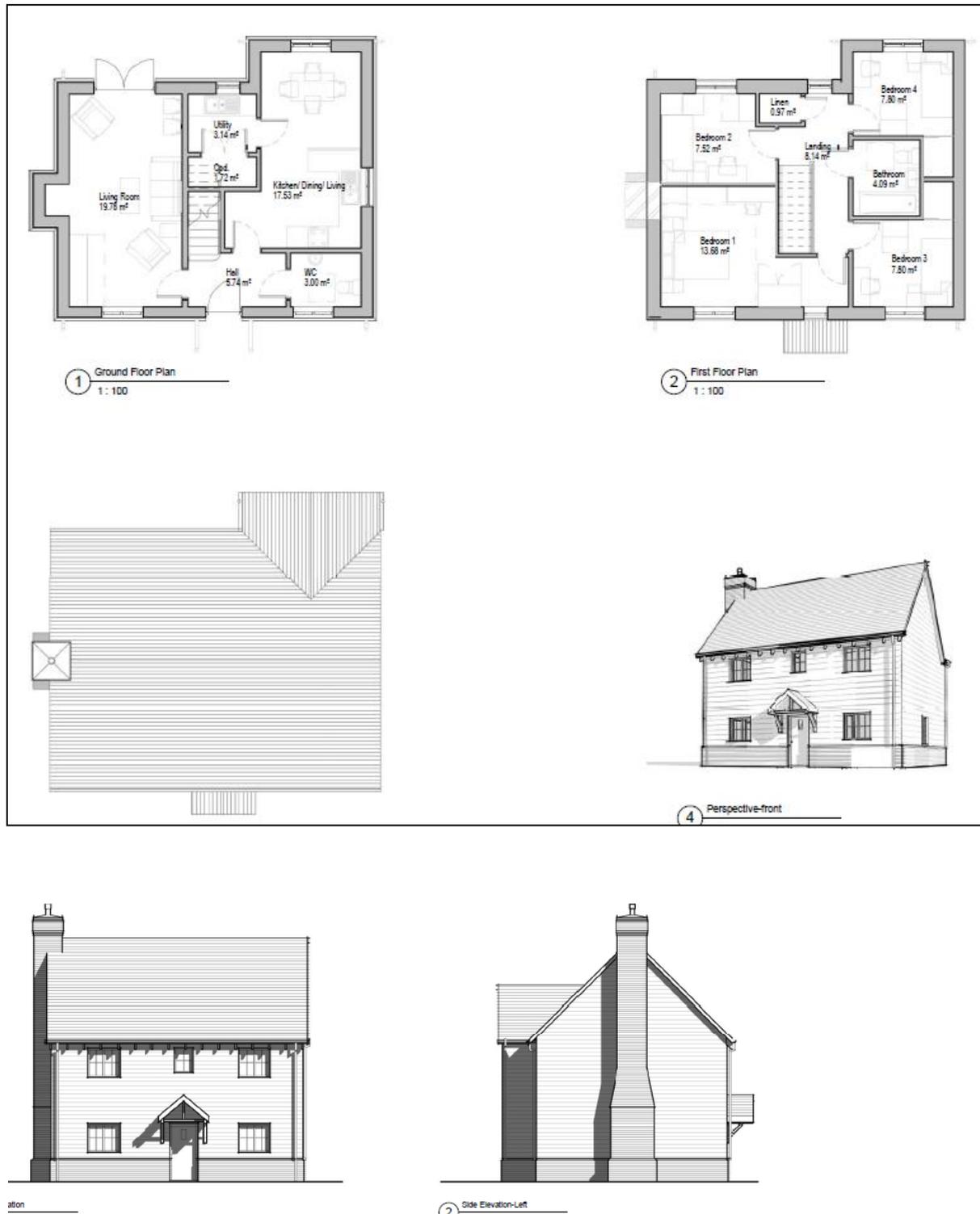


Figure 5: Plot 5 – 4-bed unit



Figure 6: Plot 6 – 4 bed unit

Planning History

11/01430/AS Erection of 10 no dwellings together with access, garages, parking, landscaping and ancillary works. Refused. Dismissed on appeal.

14/00902/AS Erection of 10 detached dwellings including access road, garaging, parking and landscaping. Refused. Dismissed on Appeal

Consultations

Ward Members: No comments have been received.

Woodchurch Parish Council: does not object to the principle of development on the site but is concerned about the size of the development for the following reasons:

- At 10 units, this is over-development and contrary to emerging site policy which stipulates up to 8 units.
- The application is inconsistent with the developer's earlier commitment to provide 100% shared ownership affordable housing, which is what local people want.
- Foul water drainage – there is a discrepancy between what Southern Water are saying – the Front Road sewer does not have the capacity to take the additional flow from this development – and what the developer is saying – there is no capacity issue preventing the development from connecting to the foul water sewer in Front Road.

(HDMSS comment: This is discussed under the relevant section of this report)

- Height of roofs on plots 3-4 and 9 – 10 is inconsistent with surrounding properties.

(HDMSS comment: the roof heights of these units have been lowered)

- Parking arrangements – the tandem parking does not work and is likely to lead to on-street parking.
- Recent testing has shown that significant numbers of drivers exceed the 30mph speed limit in Front Road.

Southern Water: There is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such reinforcement would be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme. Southern Water and the developer will need to work together in order to review if the delivery of the network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver the reinforcement. An appropriate condition is recommended.

KCC Highways and Transportation: initially raised some concerns which were subsequently addressed by the applicant. Raises no objections subject to a number of conditions.

KCC Biodiversity: raises no objections subject to conditions.

Weald of Kent Protection Society: supports the proposal subject to the provision of 8 units in accordance with the emerging site policy. It considers that the two-storey development would blend in with existing buildings in Front Road and supports the range of accommodation (2 to 4 bed units) proposed. It acknowledges there is sufficient parking for both residents and visitors and likes the vernacular design / tree planting proposals. It considers that careful thought has been given to drainage but

highlights that Ashford Borough Council should satisfy itself that the development would not impose unacceptable strain on the existing drainage system for the immediate area.

Street Scene and Open Spaces: Points out that refuse collection would be from Front Road and that bin points would need to be within a contractual 25m pull out distance.

Neighbours: 49/27 R and 1 S.

A total of 49 neighbours were notified; 27 objections have been received including a representation from the Woodchurch Village Association raising the following concerns:

- Over development and contrary to emerging policy, which stipulates up to 8 units.
- Capacity issue in Front Road sewer. Whilst the applicant states that this is not the case, Southern Water has indicated that the sewer is at capacity. It has no improvements scheduled.
- The proposal lacks imagination in terms of energy and water saving technology.
- The tandem parking would result in an increase in off road parking to the detriment of road safety.
- Height and elevation issues.
- Speeding in Front Road.

One letter of support has been received from a resident who supported the previous scheme (which was refused on appeal) and sees no reason to object to this one either. He notes the main objection appears to be the drainage.

Planning Policy

12. 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.
13. 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. On 13 September the Council commenced consultation on the main modifications to the draft plan, this consultation has now closed.

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

Ashford Borough Local Plan 2000

GP12 - Protecting the countryside and managing change

HG3 - Design in villages

EN10 – Development on the edge of existing settlements

EN16 - Development in Conservation Areas

EN31 - Important habitats

CF6 Standard of Construction

CF7 Main Drainage in Villages

Local Development Framework Core Strategy 2008

CS1 - Guiding Principles

CS2 - The Borough Wide Strategy

CS6 - The Rural Settlement Hierarchy

CS8 - Infrastructure contributions

CS9 - Design Quality

CS10 - Sustainable Design and Construction

CS11 - Biodiversity and Geological Conservation

CS12 - Affordable housing

CS13 - Range of Dwelling Types and Sizes

CS15 - Transport

CS18 - Meeting the Community's Needs

CS20 - Sustainable Drainage

Tenterden and Rural Sites Development Plan Document 2010

WOOD1 – Land between 82-120 Front Road (This is copied in full below)
“Policy WOOD 1 - Land between 82 – 120 Front Road Land at Front Road, Woodchurch is proposed for residential development (indicative capacity up to 10 dwellings). Development proposals for this site shall:-

- a) encompass a linear frontage layout with properties facing Front Road;*
- b) ensure that the amenities of adjacent residential occupiers are protected;*
- c) provide a mix of dwelling types and sizes, as required by policy CS13 of the Core Strategy; and,*
- d) provide suitable landscaping on the south western boundary of the site to minimise the visual impact on the landscape.”*

TRS17 – Landscape Character and Design

TRS18 Important Rural Features

TRS19 – Infrastructure provision to serve the needs of new developments

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

Ashford Local Plan to 2030 (Submission Version December 2018)

S40 – Woodchurch – Front Road

The site in Front Road, Woodchurch is proposed for residential development for a maximum of 8 dwellings. Development proposals for this site shall:

- a) *Be designed and laid out in such a way as to preserve or enhance the character and setting of the Woodchurch Conservation Area. The updated Conservation Area Appraisal and Woodchurch Village Design Statement guidelines must be taken into account when considering the design of the site;*
- b) *Be of a scale or massing which would not dominate this approach to the Conservation Area, be a maximum height of 2-storey properties and provide significant gaps between dwellings which retain the key historic views through the site to the countryside;*
- c) *Be set well back from Front Road with the principal elevations facing the road frontage;*
- d) *Subject to providing safe access to the site, retain and enhance a hedge boundary to Front Road and provide substantial soft landscaping around the site to screen the development from the open countryside and protect the amenity of neighbouring properties, whilst retaining key historic views through the site to the countryside within the gaps between the built development.*

SP1 – Strategic Objectives

SP2 – The Strategic Approach to Housing Delivery

SP6 – Promoting High Quality Design

ENV1 – Biodiversity

ENV13 – Conservation and enhancement of heritage assets

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

ENV14 - Conservation Areas

HOU1 - Affordable Housing

HOU12 – Residential Space Standards – internal

HOU14 – Accessibility standards

HOU15 – Private external open space

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

TRA3a – Parking standards for residential development

TRA5 - Pedestrians

TRA6 – Provision for cycling

Supplementary Planning Guidance/Documents

Affordable Housing SPD 2009

Residential Parking SPD 2010

Residential Space & Layout SPD (External space only) 2010

Sustainable Drainage SPD September 2010

Landscape Character SPD 2011

Public Green Spaces & Water Environment SPD July 2012

Woodchurch Village Design Statement

Informal Design Guidance

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

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

Government Advice

National Planning Policy Framework (NPPF) 2018

16. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

17. Paragraph 47 states:

“Planning Law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

It goes on to say (at Paragraph 48) that local planning authorities may give weight to relevant policies in emerging plans according to a number of criteria including *“the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given.”*

Paragraph 63 states:

“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

Paragraph 117 states that *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding the environment and ensuring safe and healthy living conditions.”*

Paragraph 124 states *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve.”*

18. National Planning Policy Guidance (NPPG)

Assessment

19. The main issues for consideration are:

- Principle of development
- Visual Amenity and Impact on the Setting of the Conservation Area

- Residential Amenity
- Highway Safety
- Affordable Housing
- Drainage
- Biodiversity
- Whether planning obligations are necessary

Principle

20. The site is allocated in the Tenterden & Rural Sites Development Plan Document (DPD) 2010 for development of up to 10 dwellings. The preamble text to the policy says the following:

“An appropriate layout should be linear in form and include dwellings that present their principal elevations to Front Road with vehicular access being to the rear. A mix of terraced and semi-detached properties here would create an interesting contrast with the frontage development to the south of the site but would mark the change of prevailing housing type seen further along both sides of Front Road, within the Conservation Area. A cul-de-sac form of development is not in keeping with the character of the Conservation Area and would not be acceptable here. Proposals should reflect the ‘guidelines’ set out in the Woodchurch Village Design Statement (2002).”

The south-western boundary of the site is open to long views from the south (Brook Street) and therefore it will be important for appropriate landscaping of the development along this boundary to be included to ameliorate any long range visual impact. Such planting should not entirely screen the site but ensure that views of it are ‘broken up’ and integrated into the wider landscape.”

21. A material consideration in the consideration of this application is emerging Policy S40 of the Ashford Local Plan 2030 which now has significant weight. The preamble text to this policy states:

“This 0.6 ha site was allocated for residential development within the Tenterden and Rural Sites DPD (as policy WOOD1) with an indicative capacity of 10 dwellings. However a number of planning applications for the site have shown that this scale does not achieve an appropriate design in this prominent location, which is situated at the entrance to the village and forms part of the setting of the Conservation Area.”

In order to respect the rural setting of this part of the Conservation Area and the Townland Green Character Area within it, proposals for development in this area must have a sufficient degree of openness and visual connection with the countryside and allow for significant spaces between buildings to retain long historic views through the site to the countryside beyond. This could be achieved with carrying plot sizes. Development should be set well back from Front Road and not be of a scale or massing which would dominate this approach to the Conservation Area or the public views from it and the layout and design of the development must be consistent with the current linear building line. Principle elevations should be located facing the road frontage, with parking located on the front and side of properties.”

It goes on to say:

“The site is now therefore considered suitable for up to 8 units depending on the size and layout of the dwellings.”

22. The development of this particular site in principle is set out in policy. Whilst the emerging policy is more restrictive in terms of unit numbers the reason for this change is clear: the previous planning applications for 10 units did not work due to the size of those units/layout issues. The 2011 proposal comprised 4 large 4 bed detached units (including family room and study at ground floor) together with 6 3-bed semi-detached units. This intensity of development failed to achieve the looser rural feel that officers were looking for with significant gaps between units thereby preserving the historic views through the development to open countryside. The 2014 proposal was for 10 detached units stacked closely together raising similar concerns to the previous application. In this proposal the properties were also set close to the street (contrary to policy) with rear parking including garage structures along the sensitive southern boundary of the site with open countryside. This intensity and layout of development was considered unacceptable. The Council’s decisions to refuse both these applications was subsequently backed up by the Inspectors at the relevant appeals.
23. This proposal, however, is for a different kind of development: smaller dwellings, which are largely a mix of small 2 and 3 bed semi-detached units, with significant gaps between dwellings and a much more rural feel. The plans below help demonstrate these points. They show street-scenes and layout plans of the schemes that were dismissed on appeal and current planning application.



Figure 7: Proposal submitted under 11/01430/AS and dismissed on appeal.

The above plans and streetscene show the large floorplans of the units and the limited gaps between properties in the 2011 proposal. Not only do the limited gaps between units restrict historic views through the development to open countryside, they also rule out parking to the side of dwellings resulting in large areas of unsightly hardstanding to the front of properties.



Figure 9: The current planning application of 10 units

24. The above layout plan and streetscene is of the current application. The smaller footprint of the units is immediately clear as are the significantly larger gaps between properties that allow the historic views through the development to the open countryside beyond. The larger gaps between units also allow for more discrete tandem parking to the side of units. This helps reduce the amount of hardstanding directly to the front of the dwellings

thereby providing more opportunities for frontage landscaping and a softer building interface with the street.

25. The emerging site allocation policy, based on the current adopted policy, seeks to preserve or enhance the setting of the Woodchurch Conservation Area. This conservation area lies immediately to the north of the site on the opposite side of Front Road. In providing a 'loose' development of two storey dwellings set back from Front Road with significant gaps between units to preserve historic views I consider that the proposed development would preserve the character of the adjacent conservation area and this is addressed in a subsequent section.
26. The site policy also seeks to retain and enhance a hedge boundary to Front Road, subject to providing safe access, and provide substantial soft landscaping around the site to screen the development from open countryside. The proposed development does this. With the exception of the additional accesses, it preserves the hedge and provides supplementary native planting behind it to help compensate for the loss. Further hedgerow planting is provided between plots facilitated by the more generous gaps between dwellings and a 2m landscape buffer is provided with the open countryside.
27. In conclusion, I consider this proposal to be acceptable in terms of adopted planning policy. Whilst it provides more than the 8 units specified in the emerging policy, it is successful in achieving a development which meets the criteria underpinning this policy including the provision of significant gaps between dwellings which preserve historic views and the preservation of the setting of the conservation area. I therefore consider that the proposal is acceptable in principle.

Visual Amenity and Impact on the Setting of the Conservation Area

28. Policy ENV13 requires proposals to preserve or enhance the heritage assets of the borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness. It goes on to say that development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their settings unless it can be demonstrated that substantial public benefits will be delivered that outweigh the harm or loss.
29. Policy SP6, taking forward Policy CS9, seeks to promote high quality design and demonstrate a careful consideration of and positive response to a number of design criteria. The most pertinent in this case relate to *character distinctiveness and sense of place; diversity; liveability and richness in detail.*

30. This proposal would affect the setting of the Woodchurch Conservation Area immediately to the north west of the site. The views afforded across the site together with the native hedgerow boundary with the street currently provide a rural approach to the conservation area. This proposal would largely retain the hedge and provide additional native planting along this boundary with the street. The built form is two storey and set well back from the street. The significant gaps between units as has already been stated maintain historic views through the site of open countryside. I therefore consider that the proposed development would maintain the rural approach to the conservation area and in so doing would preserve its setting.
31. As can be seen from the drawings set out above, the proposals have a traditional form and scale. The applicant has amended the scheme since first submitted to decrease the roof height of plots 3, 4, 9 and 10. This provides better proportioned units and addresses concerns raised by the parish council on this issue. Other amendments since first submission include the introduction of features to 'lift' the design and add richness to the elevations, such as the introduction of a plinth and exposed eaves. The position of chimneys has also been amended – indeed six of the units have real chimneys. The materials treatment now follows through to side elevations so that the dwellings appear more 'complete' in the streetscape.
32. Given the amendments that have been made to the design since first submission I am satisfied that the proposal provides a high quality of design that draws on sense of place and provides visual richness. Furthermore, as the streetscape drawing demonstrates the proposal would provide a diversity of form and design, as required by the policy.
33. I consider that the proposed development is acceptable in terms of its visual amenity and would preserve the setting of the conservation area.

Residential Amenity

34. Given the configuration of development, its scale and the separation distances involved, I do not consider that the proposed development would impact adversely on adjoining residents through overlooking or appearing overbearing.
35. The proposed development meets Nationally Described Space Standards for internal space. It also meets the Council's Residential Space Standards, which apply to external space only, in that all the gardens have a minimum depth of 10 m. The gardens are, in all cases, wider than the unit itself reflecting the gaps between properties. I therefore consider that the proposed development provides an acceptable level of amenity for future residents.

36. I therefore do not consider that there would be harm to residential amenity.

Highway Safety

37. Policy CS15 of the Core Strategy states that development that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development. It states that new accesses onto the road network will not be permitted if a materially increased risk in accidents or traffic delays would be likely to result. The NPPF also states that development should ensure that a safe and suitable access can be achieved for all people.
38. Local people have expressed concern about the introduction of additional accesses onto Front Road and the potential accidents together with parking provision that is likely to lead to on street parking to the detriment of highway safety. Kent Highways is satisfied that the proposed accesses meet the visibility splay requirements based on a road with a 30mph speed limit. Visibility splays can be secured by conditions.
39. There is sufficient parking to meet the Residential Parking Standards. Residential access to the site and increased traffic on to Front Road were matters considered during the consultation process for the site allocation in the DPD.

Affordable Housing

40. The NPPG states that contributions should not be sought from development of 10 units or less. However, in respect of affordable housing, this has been superseded by the NPPF (as amended) which states that:

“Provision of affordable housing should not be sought for residential developments that are not major development other than in designated areas (where policies may set out a lower threshold of 5 units or fewer).” (para 63)

This proposal for a 10 unit scheme is ‘major’ development and as such national policy indicates that affordable housing can be sought (but not for other contributions).

41. Emerging policy HOU1 requires 40% affordable housing on rural sites which meet the threshold for the provision of affordable housing (10 units or 0.5 ha). This proposal meets / exceeds the threshold. The proposal is to provide 60% shared tenure affordable housing, however the Council can only require the provision of 40% in line with its emerging policy. In this case that would equate to 4 units. The Council’s Housing Department has indicated that it is

happy with this proposal, acknowledging also that the intention is to provide a greater number of affordable housing units on this site.

42. I am satisfied that subject to the applicant entering into a legal agreement with the Council to secure 4 affordable housing units on the site, the proposal is acceptable in terms of the provision of affordable housing.

Drainage

43. The Project Office (Drainage) is happy with the surface water drainage arrangements and the finer detail can be controlled by condition.
44. Southern Water raise no objection whilst acknowledging that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. An appropriate condition has been suggested by Southern Water to address this matter and the applicant has agreed to this.
45. Southern Water has indicated that it may be possible for some initial dwellings to connect pending network reinforcement and that they will review and advise on this following consideration of the development program and the extent of network reinforcement required. It is their intention to carry out detailed network modelling as part of a review which may require existing flows to be monitored. This would then enable them to establish the extent of works required (if any) and to design such works in the most economic manner to satisfy the needs of existing and future customers. This can be controlled by condition.
46. The Parish Council is unhappy with this approach. It has indicated that the temporary measures to deal with foul water drainage are not acceptable and it will not support any application on this site until the issue of foul drainage is resolved and Southern Water has presented its future improvement plan for this part of the village.
47. In response, the applicants have set out why there is no capacity issue preventing the development from connecting to the foul water sewer in Front Road. The rules of new developments connecting to the public sewers changed in April this year: the drainage authority cannot object to new development on the basis of lack of capacity – they now simply approve the means and mode of connection. To provide further comfort to the parish council and local residents the applicants have confirmed that in detailed design Southern Water will be consulted and their approval obtained to the new connection. If at that time they still have concern about sewer capacity, then Southern Water would advise of their programme of improvement works and assist in providing temporary measures to ensure foul water flooding

events do not occur if their improvements are not carried before occupation of the development.

Biodiversity

41. KCC Biodiversity is satisfied that sufficient ecological information has been provided to determine the application subject to a number of conditions. The site offers suitable reptile habitat and KCC requested a mitigation strategy to translocate the reptiles to an off-site reception site. A receptor site has been provided on land to the rear of the site but within the control of the applicant. KCC Biodiversity is satisfied with this approach and has advised an appropriate condition to secure the reptile translocation and mitigation.
42. KCC Biodiversity is satisfied with the conclusions of the bat report which confirms that none of the trees present on site offers potential for roosting bats. As records show that bats are present in the surrounding area and existing hedgerow it recommends that a lighting scheme for biodiversity is required as a condition of planning permission. It also advises compensatory hedge row planting to compensate for the loss of hedgerow.
43. KCC Biodiversity is satisfied with the recommendations in *Extended Phase 1 Habitat Survey, PJC Consultancy* to compensate for loss of nesting bird habitat. It also supports the precautionary approach to the presence of Great Crested Newts and badgers set out in the ecological reports and advises that this is secured through condition. Similarly, an appropriate condition is advised to secure the ecological enhancements set out in the *Extended Phase 1 Habitat Survey, PJC Consultancy, paragraph 5.16*.
44. In addition to the above, it is noted that some of the hedgerow along the boundary with Front Road will be removed to allow for the provision of the two new vehicular accesses. It is advised that generous additional hedgerow planting is provided as compensation for this loss and a suitable condition is advised.
45. I am satisfied that subject to the conditions recommended by KCC Biodiversity the proposed development is acceptable in this respect.

Planning Obligations

48. 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

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

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.	<p>Affordable Housing Provide 4 units as affordable housing, and to such standards, timings and other particulars as the Council specifies in an affordable housing scheme. The affordable housing shall be managed by a registered provider of social housing approved by the Council.</p>	<p>The units being shared tenure affordable housing approved by the Council.</p>	<p>To be agreed in the affordable housing scheme to be approved prior to commencement</p>	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to Core Strategy policy CS12, the Affordable Housing SPD and guidance in the NPPF. Directly related as the affordable housing would be provided onsite in conjunction with open market housing. Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>
2.	<p>Monitoring Fee Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>		<p>Upon commencement of development</p>	
<p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked (normally from the date of calculation) 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

50. 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

51. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

52. This 10 unit development is acceptable in principle according to the adopted local plan site policy. Whilst the emerging site policy reduces the number of units that would be acceptable to ‘up to 8’, the preamble to this policy makes it clear that this reduction in unit numbers is down to a failure of previous planning applications to make a 10 unit scheme work on the site. This proposal, in contrast, is for a significantly less intensive 10-unit scheme to the one that was dismissed on appeal comprising largely 2 and 3 bed units (4 x 2-bed ; 4 x 3-bed units). It achieves the policy requirement of establishing gaps between the units to preserve historic views. It would also preserve the character of the conservation area and maintain the boundary hedge in line with the policy. I am satisfied that it achieves a high quality of design and layout and is acceptable in terms of its residential amenity. KCC Highways and Transportation has raised no objections to the scheme subject to conditions and KCC Biodiversity is satisfied with the mitigation and enhancements proposed, again subject to conditions. A major concern of residents relates to the inadequacy of the sewers in Front Road and whilst this will need works as part of this application, Southern Water has suggested a condition to secure this which the applicant has agreed to. I am satisfied that suitable conditions can be attached to mitigate for the impact of this development. The proposal at 10 also enables the provision of 4 units of affordable housing on the site which a significant material consideration on this application. A scheme of 8 would provide none being under the threshold.

53. In conclusion, I consider that the proposed development accords with the development plan as a whole.

Recommendation

(A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), 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 changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,

(B) Permit

Subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Occupation of the development shall be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.
4. SUDS
5. The reptile translocation and ecological mitigation measures outlined in the submitted Reptile Mitigation Strategy, PJC Consultancy, 14th June 2018; must be implemented prior to any works commencing on site. On completion of the works, a letter from the ecologist shall be submitted confirming that the reptile translocation and full mitigation has been implemented as detailed within the submitted plan.
6. No development shall take place until a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:

a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;

b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

7. The GCN and badger precautionary measures outlined in the submitted Extended Phase 1 Habitat Survey, paragraph 5.15 and 5.11 must be implemented and checked by a suitable licensed ecologist prior to any works commencing on site.
8. Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be included within the site landscape plan and submitted to and approved in writing by the Local Planning Authority. The approved details will be implemented and thereafter retained.
9. Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Parking and turning areas for construction and delivery vehicles and site personnel
 - (b) Provision of wheel washing facilities
 - (c) Temporary traffic management / signage
10. Provision of measures to prevent the discharge of surface water from the private drives onto the public highway.
11. Provision and permanent retention of the vehicle parking spaces shown on the submitted plan (23214B_003 Revision H) prior to the occupation of each of the dwellings hereby permitted.
12. Provision and permanent retention of the vehicle turning facilities shown on the submitted plan (23214B_003 Revision H) prior to the occupation of any of the dwellings hereby permitted.

13. Provision and permanent retention of the cycle parking facilities shown on the submitted plan (23214B_003 Revision H) prior to the occupation of each of the dwellings hereby permitted.
14. Completion and maintenance of the access details shown on the submitted plan (23214B_003 Revision H) prior to the occupation of any of the dwellings hereby permitted.
15. Provision and maintenance of the visibility splays shown on the submitted plan (1936_SK009Revision C) with no obstructions over 0.6 metres above carriageway level within the splays, prior to each of the accesses hereby permitted being brought into use.
16. Design details
17. Hedgerow protection
18. Hard and soft landscaping details in accordance with approved plans
19. Landscaping details (soft works)
20. Boundary treatment details
21. Removal of PD rights
22. Development available for inspection
23. Electric vehicle charging points
24. Refuse
25. Consumption of wholesome water.

Note to Applicant

1. S106
2. Working with the Applicant
3. Standard Highway Informative
4. Nesting birds

Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner by;

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- the applicant/agent responded by submitting amended plans, which were found to be acceptable and permission was granted
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

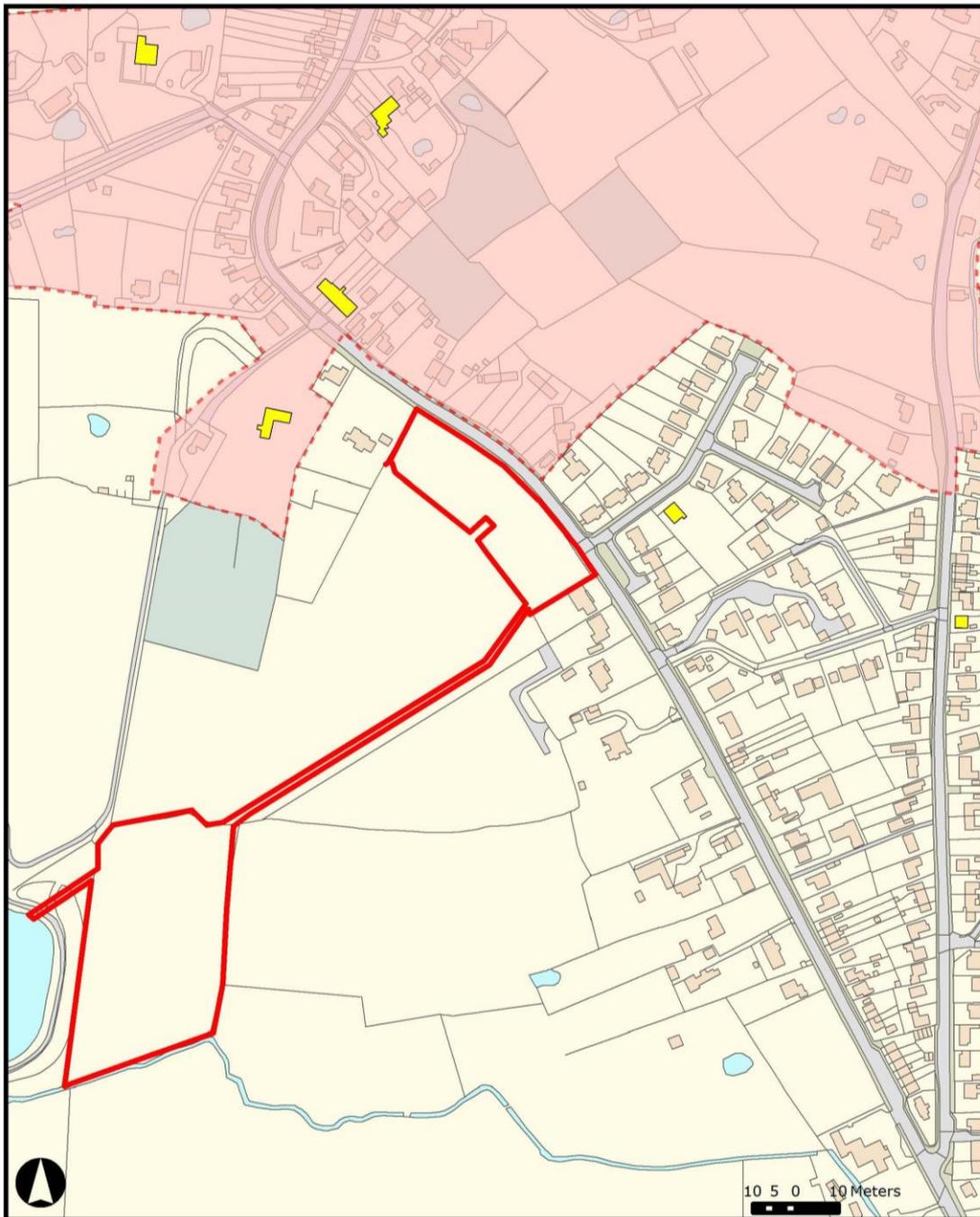
All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 17/01913/AS.

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Annex 1



Ashford Borough Council



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