

Application Number	18/00759/AS	
Location	Land to the South of Sicklefield House, Ashford Road, St Michaels, Tenterden, Kent	
Grid Reference	88597/35776	
Parish Council	High Halden	
Ward	Weald Central	
Application Description	Outline planning permission with all matters reserved except for access from the A28 for up to 30 residential properties, open space and associated access into the site.	
Applicant	Mr C Hawkins, DHA Planning, Eclipse House, Sittingbourne Road, Maidstone, Kent, ME14 3EN	
Agent	As applicant	
Site Area	3.02ha	
(a) 26/1X, 2S, 6R	(b) R, TTC (Adj)X	(c) KCC BIO/X, KHS/X, TDRA/R, WKPS/R, HSE/X, SGN/X, Housing/+, KCC PROW/X, Ramblers/X, SWS/X, BTOD/X, KCC LLFA/X, Kent Police/X, KCC Ed/X, Refuse/+, NHS/-

Introduction

1. This application is reported to the Planning Committee because it is a major application on site allocation S60 in the Local Plan to 2030.

Site and Surroundings

2. The application site relates primarily to an undeveloped parcel of land to the east of the A28 Ashford Road, within the parish of High Halden. The site is adjacent to the boundary between High Halden and Tenterden which runs along the A28.

- The site forms the site allocation under policy S60 which has an indicative capacity of 50 dwellings. The site is divided to the north by a high pressure gas pipeline (HPGP). The division of the site by this pipeline is reflected in the site allocation policy S60 which shows an indicative developable area (see figure 1).

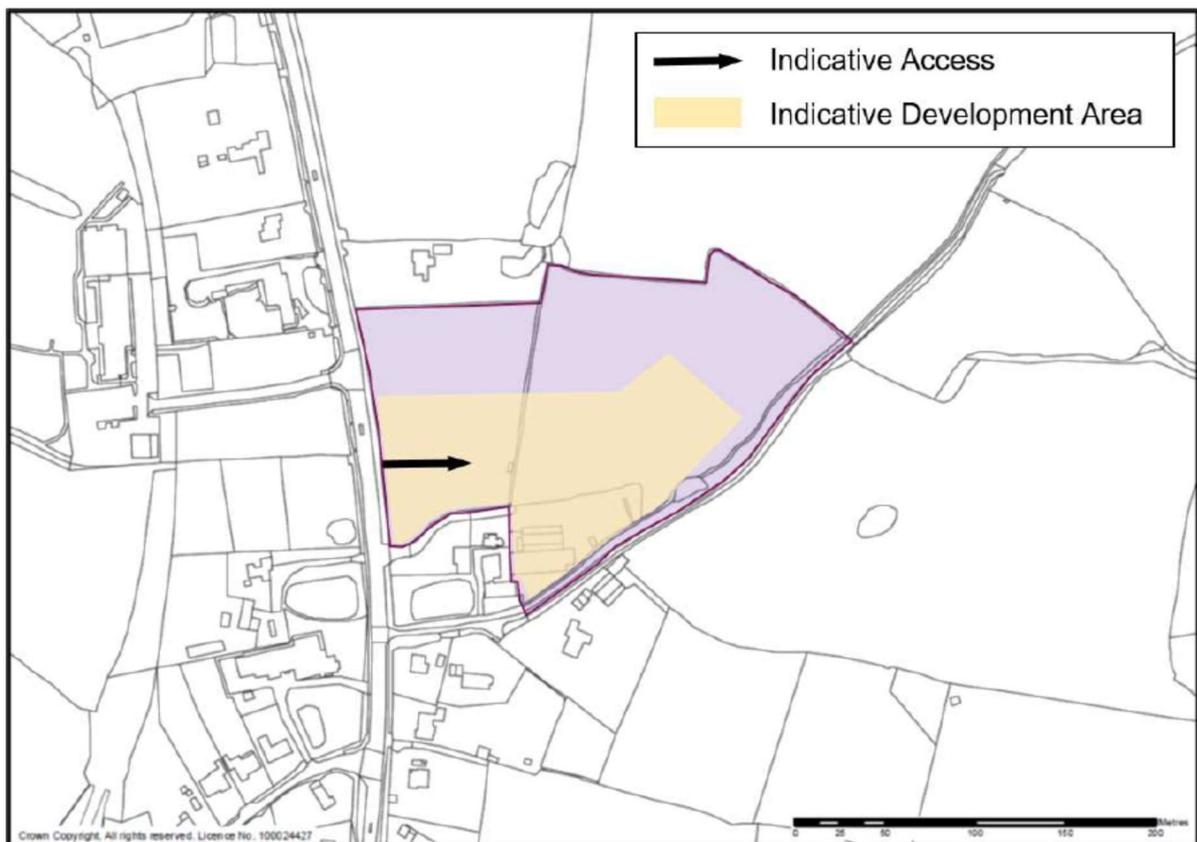


Figure 1 - Site allocation plan (S60)

- The built up confines of St Michaels settlement sit to the south of the site wherein there are a range of services including schools, shops and public transport connections. The settlement also forms part of Tenterden, which is a main service centre in the Borough with a large number of services available.

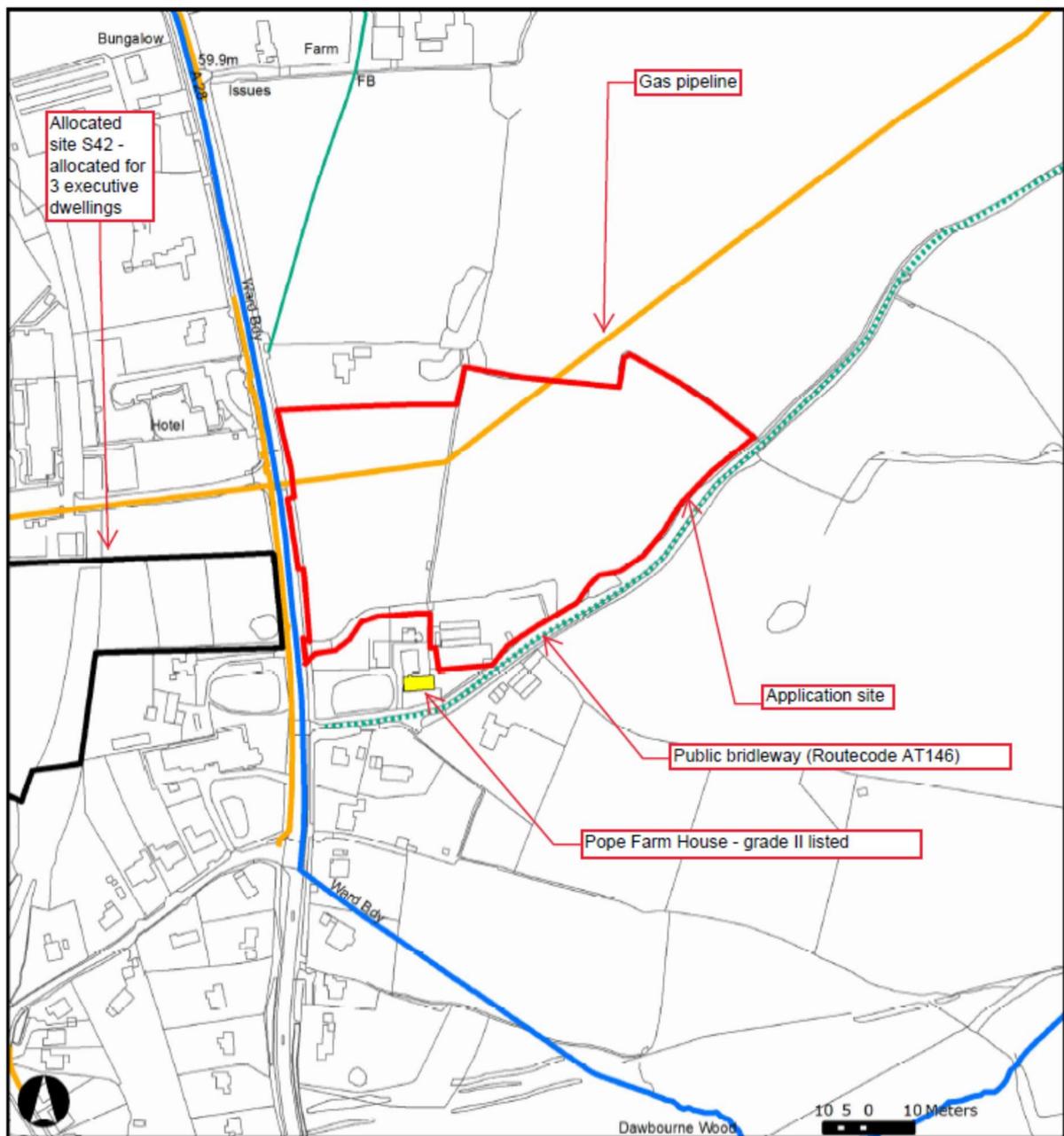


Figure 2 Site Location Plan

5. The site is predominately flat with mature trees and hedgerow boundaries. A drainage ditch runs through the site and parallel to the bridleway (PROW) (route code AT146) along the southern boundary of the site. The site generally falls from the west to east. To the south of the site is a grade II listed farmhouse, Pope House Farmhouse and several related buildings non-designated heritage assets of group value, these are occupied as residential dwellings. Adjacent to Pope House Farmhouse, to the east are several redundant former agricultural buildings, which when last in use were utilised for the repair of agricultural machinery, these are in a poor state of repair and

unattractive functional Atcost buildings. The site is within the Biddenden and High Halden Farmlands landscape character area where the objective is to conserve and improve. The agricultural land classification is grade 3, which is good to moderate.

Proposal

6. Outline planning permission is sought for the erection of up to 30 residential dwellings, 40% of which would be affordable. All matters are reserved at this stage other than vehicular access from the A28. The density of development proposed for the site as a whole is 10dph but a large proportion of the site is not proposed to be developed, in accordance with the site allocation policy S60 and will remain as public open space. As a result of this, the developable part of the site would have a density of 19 dph.
7. In support of the application the applicant has provided an indicative layout, although this is not currently being considered as a layout is a reserved matter.



Figure 3 Indicative Layout



Figure 4 Indicative illustrative sketch perspective of front of site

8. During the course of the application confirmation was sought with regards the number of units which could be accommodated on the site given the key constraint of the gas pipeline through part of the site. The Health and Safety Executive (HSE) are a statutory consultee given the presence of the HPGP which is operated by Southern Gas Network (SGN). They advise on density and location of development within pre-defined buffers around HPGPs. The applicant has advised that the following consultation with SGN, the relocation of the HPGP would cost in the region of £1.9 million.
9. The following supporting documents have been provided with a brief summary of each following below:
 - Planning Statement
 - Design, Access and Heritage Statement
 - Built Heritage Impact Assessment
 - Arboricultural Survey
 - Transport Statement

- Landscape and Visual Appraisal
- Habitat Surveys
- Flood Risk Assessment

Planning Statement and Design, Access and Heritage Statement

10. The site is in the Local Plan as a site allocation S60. Outlines the context of the site, the adopted and emerging policy context at the time of submission. It details the proximity of the site to local services in St Michaels and High Halden and as well as constraints on the site including heritage assets, the PROW to the south, and neighbouring residential dwellings. It confirms that consultation with local residents and stakeholders has been undertaken which is outlined in more detail in the DAS. There is a description of the indicative layout approach including open space acting as a landscape buffer to both the north and east of the site and the highway improvements required to facilitate access.
11. Identifies the listed building (Pope House Farmhouse) to the south of the site and the associated heritage grouping of non-designated heritage assets which surround it. The public right of way to the south of the site and the existing sheds to be demolished are outlined.
12. Key opportunities which are considered are:
 - Improved outlook for heritage group through removal of the existing derelict agricultural sheds
 - New access off of A28 and provision of pedestrian crossing
 - New planting and water attenuation
 - Natural surveillance of PROW
 - Quality traditional housing comprising a mix of accommodation
13. Key constraints identified include:
 - Easement around HPGP restricting development to the north
 - Buffer required to setting of listed (Pope House Farmhouse) and non-designated heritage assets associated with it

- Access to be retained to Silver Oaks and The Oast with new access points
 - Arboricultural constraint of category A and B trees separating the two parts of the site
 - Arboricultural and Ecological constraint regarding perimeter planting and retention of existing.
14. Planning policy is supportive at both local and national level. The design has evolved to consider the constraint of the HPGP and retention of existing vegetation which limit developable site area. Development of a lower density would be more akin to the neighbouring pattern and grain of development. Public consultation was carried out which received a broadly positive response.
15. Application site is 3ha, with a developable area of 1.6ha, 1.2ha of open space, 0.2ha of structural perimeter planting. All dwellings would be 2-2.5 storeys in height with varied design approaches. All dwellings would have a garden depth of 10 metres.
16. A detail Landscape and Visual Impact Assessment has concluded that the proposed development would not materially change the key landscape characteristics and elements or features (see Landscape and Visual Appraisal section below). The removal of the agricultural sheds, which are derelict with a low density, high quality, and traditional residential scheme is considered to bring betterment in visual terms. Materials proposed have been prepared to provide traditional domestic features such as bay windows, large feature gable ends, projecting entrance porches, substantial brick chimney stacks and exposed rafter feet are proposed. White timber weatherboarding, clay roof tiles, slate roof tiles, hanging tiles, oak framed doors and windows and red stock brick would form the palette of materials used. Dwellings within the setting of the listed building and designated heritage assets would be subordinate to ensure its unique identity and dominance remain.
17. Significant landscaping will be provided on site and existing landscaping retained and gapped up. Access to the site will be provided at an offset distance from the London Beach Hotel opposite the site. Sufficient visibility is provided and the existing access off of Ashford Road will be retained. A new footway will be provided.

Built Heritage Impact Assessment

18. The form and layout of the development responds positively to the existing historic buildings to the south of the site. Two dwellings would be erected on

the site of the modern agricultural buildings to the east which contribute nothing to the setting of the listed buildings at present and their removal would be seen as beneficial. Views to the north are already precluded by Badgers Oast and this relationship will remain. Badgers Oast would benefit from views to the south of the existing Pope House Farmhouse and the open space proposed to the north and east. A single dwelling will be located to the east of Pope House Farmhouse which closely reflects the pattern of historic development which led to Silver Oaks and Badgers Oast forming the western and northern boundaries of the listed building. The relationship between the listed building and its associated historic buildings is undisturbed. This will not cause noticeable erosion to the currently appreciable setting of the listed building.

Arboricultural Survey

19. An arboricultural implications assessment and arboricultural method statement have been provided to demonstrate how the demolition of the existing agricultural buildings and construction with the Root Protection Areas (RPAs) of retained trees would be carried out. There are three key character groups of trees on the site, the first being large, mature trees found growing predominately at field boundaries, which are in good condition and contribute significantly to the amenity of the local area. The second are medium sized, middle aged trees found growing in various locations across the site, some of which, especially on or close to the boundary of the site provide an important screening of the site from neighbouring dwellings and the open countryside. The third group include smaller sized young trees, also found growing across the site. These are generally in good condition but contribute little to the amenity of the location and could be easily replaced.
20. There are very few trees on the site which would be directly affected by the proposed development but those which are of better quality should be retained and those which are being retained could be suitably protected to minimise impact of the proposed development upon these retained trees. Consideration of the impacts during the course of demolition and construction more specifically would be addressed at reserved matters stage.

Transport Statement

21. A footway is proposed at the site access to link with the proposed pedestrian island on Ashford Road to meet with the existing footway to the west of Ashford Road. Visibility splays and the design of the junction have been subject to pre-application discussions with KCC Highways and Transportation. There would not be a significant detrimental impact in transport terms based on the proposed access arrangements and the TRICs trip rate based on similar sites given the local highway capacity. The AM peak and PM peak

movements would be 15 and 17 respectively. Subsequently it was agreed by the applicant to provide a footway to the south of the site on the eastern side of the road to address the comments of the Highway Authority.

Landscape and Visual Appraisal

22. A desk top study and field surveys, using the Screened Zone of Theoretical Visibility, which is produced digitally indicates locations from where the proposed development may in theory be visible. This has identified 11 viewpoints regarded as representative of the range of views and receptors e.g. users of the public highway, PRow network etc from various distances and directions around the site. All viewpoints are from areas accessible to the public. The development from within the wider landscape would typically be restricted through a combination of topography, built form and/or existing vegetation in the intervening landscape between the visual receptor (person/people) and the site boundary. A selection of representative viewpoints indicate that higher level of visual effects would be experienced from close proximity to the site boundary but even at a distance of 500 metres or less many potential views of the proposed development would still be restricted. There would be a minor visual effect as a result of the proposed development.

Habitat Survey

23. The initial reports submitted indicated that further survey work was required and that there was the potential impacts on bats, dormice, great crested newts, reptiles but was unlikely to have an impact on designated sites, ancient woodland or BAP priority habitat.
24. On-site structures have negligible potential to support roosting bats. Bat activity surveys are recommended to account for the site's potential importance for foraging and commuting bats.
25. Seven water bodies within 250m of the site have scored an average or above for their suitability and historical data confirms the presence of GCN in close proximity to the site. If the proposed development results in the loss of terrestrial habitat, further surveys for GCN will be required.
26. The site contains habitat suitable for reptiles and dormice, therefore, presence/likely absence surveys may be required.
27. Breeding birds have been confirmed to be present within the site and it is recommended that works to areas with potential for breeding birds be conducted outside of the breeding period. If this is not possible, a thorough

search for the presence of breeding birds should be conducted prior to the start of works.

28. Ecological enhancements are recommended including bird boxes and wildlife friendly planting. Further enhancements to badgers, reptiles, GCNs and bats will become apparent once surveys recommended are undertaken.
29. Additional information was subsequently submitted to address KCC Biodiversity concerns. This included a GCN and reptile survey which concludes medium population within 250m of the site and some of this habitat would be lost but through mitigation measures and enhancement of existing habitat being retained, this can be mitigated by conditions.
30. A bat survey was submitted which concludes that there are five species of bat identified for the purposes of foraging and commuting and that one species may be roosting in close proximity to the site. It concluded that through mitigation, including detail lighting design for Bat Conservation and a large area of retained land which is managed in a sympathetic manner for foraging and commuting bats, this would be acceptable.
31. Reptile and slow worm surveys confirmed good and low populations respectively. Through mitigation measures outlined, there would be good welfare of reptiles is maintained through the development and the protection of reptiles, GCN and their habitats would be comply with current legislation.
32. Confirmation regarding dormice was also submitted in the form of a supporting letter, which clarified that whilst the initial survey and conclusion reached regarding the impact of developing the site and the resultant impact on suitable habitat for dormice, this was on the basis that the majority of suitable habitats were to be removed to facilitate the development. Open space requirements and the pressure of the HPGP result in scrub and the majority of the boundary hedgerows being retained and the impacts to area of dormouse habitat are, therefore restricted to the removal of only 20m of hedge to facilitate access to the site and the removal of 455m² of bramble scrub on the central southern boundary. The original conclusion was based on incorrect assumptions regarding the extent of development across the site, this has now been rectified.

Flood Risk Assessment

33. The site is not located in floodzones 2 or 3 and therefore at low risk of flooding from rivers and sea. The site is considered to be at low risk of flooding due to sources other than rivers and sea. It is considered that a SUDs scheme could be used to accommodate surface water from the site. The underlying geology

of the site is Weald Clay. It is considered due to the poor infiltration rates, swales and porous paving features will be required.

34. The developer will seek agreement from the relevant bodies, including Southern Water through a S104 agreement for the surface water sewer system. A management company will be appointed to carry out maintenance of landscaping and drainage.
35. Additional information was submitted following concerns by KCC as Lead Local Flood Authority (LLFA) this included:
 - A indicative site layout
 - A drainage proposal schematic or sketch
 - A description of key drainage features within the drainage scheme (e.g. attenuation volumes, flow control devices etc.)
 - Information to support any key assumptions (e.g. impermeable areas etc.)
 - Aim to control surface water discharge to 4l/sec/ha (or no higher than greenfield rates) in accordance with Ashford Borough Council's Sustainable Drainage SPD.

Additional information received following the submission of the application

36. Following concerns raised in relation to the number of units proposed (i.e. considerably less than the indicative of 50 dwellings as set out in policy S60), the agent provided additional information regarding the HPGP which is a constraint recognised under policy S60 and within the submission. This outlines the HSE's Land Use and Planning Methodology and includes an extract from it which states that new residential uses fall into Sensitivity Level 2 for developments of up to 30 units, whereas developments for over 30 dwellings or at a density of 40 dph fall into Sensitivity Level 3.
37. The HSE will not advise against Sensitivity Level 2 development within either the Middle or Outer Zone buffers which exist around such HPGP but will advise against Sensitivity Level 3 developments within the Middle Zone.
38. As a result of this, given that the Middle Zone extends to 50m either side of the HPGP, this rules out the vast majority of the site for any development of over 30 dwellings or at over 40dph.
39. It was also confirmed that the applicant was willing to provide affordable housing on site in line with the requirements of policy HOU1.

Planning History

DC	OA	96/00729/AS	Demolition of existing industrial buildings and stables and erection of five dwellings (outline application)	RR	31/07/1996
DC	OA	00/00243//AS	Demolition of existing industrial buildings and stables and erection of five dwellings	RR	05/06/2000
DC	OA	01/01149/AS	Demolition of existing industrial buildings and stables and erection of 12 new dwellings.	RR	20/09/2001
DC	OA	03/00776/AS	Redevelopment of light industrial rural buildings to provide ten small business units.	RR	04/07/2003
DC	FA	06/00018/AS	Proposed redevelopment comprising of five dwellings, landscaping and upgrading of existing access road	RR	02/03/2006
DC	FA	10/01732/AS	Erection of two detached dwellings	RR	16/03/2011

Consultations

Ward Members: The ward members are Cllr Mrs Bell and Cllr Pickering. No comments have been received from either.

High Halden Parish Council: object for the following reasons:

- Site address does not reflect location in High Halden Parish [**HoDMSS comment:** the site location plan clearly indicates the location of the site]
- Site allocation is agreed, the LP has not yet been adopted [**HoDMSS comment:** the LP is now adopted]
- Bungalows and affordable housing should be provided on site [**HoDMSS comment:** affordable housing provision is being provided on site]
- Over 50% of dwellings are 4 beds or more
- No footpath on this side of the road
- Parking concerns and lack of visitor parking

- Bus service information is out of date
- Ecological concerns

Tenterden Town Council (adj.): general comment received raising the following points:

- Note emerging site allocation
- Sustainability of site concerns
- Greater impact on services in St Michaels requiring S106 contributions
- Speed limit needs to be reduced to 30mph [**HoDMSS comment:** this would be a matter for the Highways Authority]
- Only one entrance to the site and existing Pope Farm should be considered by the Highway Authority [**HoDMSS comment:** this has been taken into account by the Highway Authority in their comments]

KCC Biodiversity: raise no objection subject to conditions with the following comments made:

- Initially requested additional information in respect of great crested newts (GCN), reptiles, dormice and bats.
- Additional information was submitted but further additional information was also requested.
- On receipt of further information in respect of Dormice which concludes that the habitat on site is sub optimal and suitable habitat can be retained with connectivity through the wider site.
- The Council will have to consider whether an European Protected Species licence can be issued.
- SUDs could provide opportunities to improve provision on site for GCN.
- Sufficient habitat connectivity within the south of the site which is surrounded by housing and this connectivity is not within the residential curtilage [**HoDMSS comment:** this is a matter to consider at RM stage when layout is considered]
- Grass snakes and slow worm are present but we are satisfied with proposed mitigation.
- The development will retain suitable habitat for foraging/commuting badgers and any setts in proximity to the site.
- Subject to conditions regarding lighting, ecological management, mitigation and informative advice, no objection.

HSE: raise no objection on safety grounds to the granting of permission but suggest contacting the pipeline line operator [SGN].

Southern Gas Networks (SGN): general comment requiring prior to any works commencing that the SGN asset is located and these works are supervised by a SGN representative. Additional informatives and restrictions in place for building works within particular zones of proximity to the pipeline.

ABC Private Sector Housing: general comment received stating that the site lies in the rural area where policy HOU1 requires 40% affordable housing to be delivered on site. Note there is discussion regarding overall housing numbers but firmly of the opinion there should be compliance with emerging plan policy. Ideally two and three bedroom homes should come forward as anything larger than this would present affordability issues in Tenterden. 2 bed dwellings should have 4 bed spaces to be provided. 3 bed properties should have five bed spaces provided and any 4 bed dwellings should have 8 bed spaces provided. The affordable housing provision should be integrated into the development to ensure a balanced tenure neutral mix.

KCC PROW: raise no objection subject to contributions being sought towards the upgrade of the existing PROW to improve the surface of the public bridleway.

Ramblers Association: no objection as no adverse effect on Public Bridleway

KCC Highways and Transportation:

Additional information was submitted by the applicant which included a road safety audit. No objection raised subject to conditions with the following points made:

- Sufficient visibility splays for 40mph speed limit
- Give way junction would operate well within capacity for 30 units with right hand lane, no concerns in relation to vehicle movements
- Highway design acceptable when considered against vehicle track drawings
- Bus stops within walking distance and proposed pedestrian refuge points provided improve access to west side of A28 for residents and access to north bound bus services
- Access to bus services to the south requires pedestrians crossing the A28 twice, this could be remedied by providing 35 metres of new footpath within the highway verge, this can be secured by condition

Southern Water Services (SWS): raise no objection subject to an informative for an application for connection to the existing public sewerage system.

ABC Drainage: holding objection as further information has been requested by KCC LLFA, information is shown for surface water attenuation on the illustrative plan, no evidence is provided to demonstrate this is sufficient to attenuate at the required discharge rate. Whilst at outline stage, information requested by KCC LLFA are still expected to be provided [**HoDMSS comment:** this information has since been provided and the holding objection addressed]

KCC LLFA: additional information is required prior to the determination of the application. Following the submission of further information by the applicant, a holding objection was made on the submission due to the existence of an existing ordinary watercourse which runs through the site. Further additional information was submitted and final comments were submitted which confirmed no objection subject to condition. This is based on the broad principle of run-off from the site being restricted to 8.8 litres a second to match greenfield rates.

KCC Developer Contributions: no objection subject to financial contributions as a result of the development including expansion of Tenterden Infants School which is considered capable of expansion. Secondary school places would result in the local capacity of secondary schools being exceeded, contributions would be sought towards works to facilitate the expansion of the Norton Knatchbull in Ashford. Contributions also sought to library provision in St Michaels.

ABC Refuse: seek to clarify points regarding the layout with regards to adoption, pulling distances and existing properties to the south of the site, where the current collection arrangements would remain unchanged. [**HoDMSS comment:** this would be considered when layout is submitted under any future reserved matters application]

NHS Canterbury and Coastal and NHS Ashford Clinical Commissioning Groups: no representations received

Kent Police Crime Prevention Officer: consideration needs to be paid to the seven attributes of Crime Prevention Through Environmental Design which are outlined in the DAS but these need to be addressed in detail including layout which include: fencing and gates, optimising surveillance, the potential pedestrian link, parking areas and materials (use of gravel for example), enhancement of retained and protected trees and hedgerows with defensive plant species [**HoDMSS comment:** these matters would need to be addressed at reserved matters stage]

Neighbours: 26 neighbours consulted;

1 general comments received raising the following points:

- The site name and the policy in the draft local plan are different, this is misleading

2 support comments received raising the following points:

- Requirement for the LPA to provide housing through the Local Plan to 2030
- Allocated site in emerging Local Plan
- Opportunities to comment through the Local Plan adoption process
- Less dwellings than that indicatively outlined by the policy
- Greater impact on St Michaels area of Tenterden
- Site assessment by the LPA gave a positive score of 5, this should have been higher
- Reduces pressure on Tenterden to accept more development
- Boost to local businesses in St Michaels
- Visual impact can be mitigated through good design
- Commuting traffic will likely be in the direction of Headcorn and Ashford
- Disappointed by the comments from TDRA of which I am a member as there has been no consultation with members regarding this site.
- Range of facilities in St Michaels, including post office, retail stores, hairdressers, petrol station, hardware/builders merchants, pub and several takeaways which would benefit from more dwellings nearby.
- Smaller scale development such as this can be absorbed gradually rather than larger scale development of several hundred houses.
- Currently Tenterden is experiencing overbearing growth

6 objections received raising the following concerns:

- Additional traffic at junction opposite two hotels, golf club and a primary school
- Too much development in area resulting overdevelopment
- Loss of green fields
- Disruption during construction phase

- Existing drainage system struggles to cope with existing dwellings
- Overdevelopment of the site
- Extensive history on the site not included in the application
- Previous applications refused on grounds of harm to the character of the landscape [**HoDMSS comment:** this application will be considered against the current and adopted Local Plan policies and National Planning Policy Framework and Guidance]
- Considering the application prior to the adoption of the Local Plan is premature [**HoDMSS comment:** The Local Plan 2030 is now adopted]
- Poor bus service, now running a two hourly service on weekdays
- Agree with the points raised by TDRA and High Halden Parish Council
- Ecology concerns
- Local residents in adjacent properties to the site were not invited to the consultation with the developer [**HoDMSS comment:** the immediate residents were subject to a consultation from the LPA in respect of the development, an advertisement was posted in the local press and a site notice posted at the site which is in accordance with the Council's Statutory Duty and the Council's Statement of Community Involvement]

Weald of Kent Protection Society: objects for the following reasons:

- Outside of the confines of High Halden and its facilities (2.5 km away)
- Close proximity to St Michaels and its services
- Adjacent to grade II listed building
- Within Low Weald Landscape Character Area
- Sets a precedent
- Premature application
- Wrong mix of housing to meet local needs [**HoDMSS comment:** Housing mix is not being considered at this stage but can be secured by condition]
- Support comments of High Halden Parish Council

Tenterden & District Residents Association: objection on the following grounds:

- Site is misnamed and within High Halden parish [**HoDMSS comment:** the site location plan clearly indicates the location of the site, it is acknowledged the site is within High Halden]
- The site is in open countryside and is not a sustainable location [**HoDMSS comment:** the site was considered to be sustainably located by the Planning Inspectorate following the examination in public (EiP) of the Local Plan and the policy now forms part of the development plan following adoption The site conflicts with policy HOU5 [**HoDMSS:** this policy is not applicable to this proposal as it is not a windfall site but an allocated housing site in the development plan]
- The proposal would extend the built confines of High Halden and sets a precedent for future development, infilling the road frontage between High Halden and St Michaels [**HoDMSS comment:** these would be considered against the relevant policies of the development plan, each application is determined on its own merits]
- The development would result in all of the adverse impacts of policy SP7 [**HoDMSS comment:** this policy is not relevant to this proposal]
- The development would impact on services in Tenterden and St Michaels but not raise tax receipts towards such infrastructure
- Future residents would be unable to vote in local elections for St Michaels

Planning Policy

40. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
41. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).

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

Ashford Local Plan to 2030 (Adopted February 2019)

SP1 – Strategic Objectives

SP2 – The Strategic Approach to Housing Delivery

SP6 – Promoting High Quality Design

HOU1 – Affordable Housing

HOU6 – Self and Custom Built Development

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 – Planning for Pedestrians

TRA6 - Provision for Cycling

TRA7 – The Road Network and Development

ENV1 – Biodiversity

ENV3a – Landscape Character and Design

ENV4 – Light Pollution and Dark Skies

ENV5 – Protecting important rural features

ENV6 – Flood Risk

ENV7 – Water Efficiency

ENV9 – Sustainable Drainage

ENV13 – Conservation an enhancement of heritage assets

COM1 – Meeting the Community's Needs

COM2 – Recreation, Sport, Play and Open Space

IMP1 – Infrastructure Provision

S60 – St. Michaels, Land at Pope House Farm

Supplementary Planning Guidance/Documents

Affordable Housing SPD

Landscape Character Area SPD

Sustainable drainage SPD

Residential Parking SPD

Residential Space and Layout SPD 2011 – External Space Standards Only

Dark Skies SPD 2014

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 (NPPF) 2018

43. 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:-

44. Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
45. Paragraph 59 relates to the need for the delivery of a sufficient supply of homes. It states that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.
46. Paragraph 122 states that planning policies and decisions should support development that makes efficient use of land, taking into account:
 - a. the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
 - b. local market conditions and viability;
 - c. the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
 - d. the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
 - e. the importance of securing well-designed, attractive and healthy places.
47. Paragraph 123 outlines that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities.
48. Section 12 of the NPPF refers to achieving well-designed places. As such the creation of high quality buildings and places is fundamental to what the planning process should achieve. Good design is a key aspect of sustainable development, creates better places to live and helps to make development acceptable to communities. It is therefore clear that design expectations is essential for achieving this. Paragraph 127 states the following in relation to good design. It specifies that decision should ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
 - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
 - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
 - Establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive welcoming and distinctive places to live work and visit.
 - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks, and
 - Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...
49. Paragraph 163 states that development should ensure that flood risk is not increased elsewhere.
50. Paragraph 170 states that minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure. Paragraph 175 goes on to state that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts)... or be adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It goes on to also state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity
51. Paragraph 180 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
52. Paragraph 189 outlines the requirement for applicants to submit a desk-based assessment and where necessary a field evaluation for sites where the proposal includes or has the potential to include, heritage assets with archaeological interest. Paragraphs 192-194 outlines the requirement to assess the impact of a proposed development on the significance of a designated heritage assets. It goes on to state:

“great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is

irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”

National Planning Policy Guidance (NPPG)

Assessment

The following issues are considered to be raised by the application:

- The principle of the development
- Visual Amenity and impact on heritage assets
- Residential Amenity
- Highway Safety & Parking
- Ecology
- Flooding and Surface Water Drainage
- Affordable Housing and Housing Mix
- Other issues
- Planning Obligations

Principle of the development

53. The application site has been through examination and has now been adopted and therefore forms a policy in the development plan. 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.
54. The indicative capacity of the site outlined under policy S60 is for up to 50 dwellings. Whilst the proposal is for up to 30 units, this is considered to be consistent with the requirement under paragraph 122 of the NPPF for consideration to be paid to health and well-being of the community in so far as the potential impacts of the HPGP running along the northern boundary of the

developable part of the site. In this instance, in light of the supporting information provided by the applicant, the HPGP which runs through part of the site is a major constraint which limits the potential to deliver 50 units on the site. Development within close proximity to the pipeline are limited as outlined in the guidance provided from the HSE who are the regulatory body for development within close proximity or directly affecting or affected by HPGPs. The relocation of the HPGP, at a cost of £1.9 million, may enable a greater number of units to be accommodated on the site but it is not a viable option.

55. The NPPF (paragraph 123) outlines that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities. However, in this instance, it is considered that the under-delivery, given this very specific site constraint, would be acceptable. The recent examination into the local plan states that the Council in terms of having a 5 year housing land supply can demonstrate 5.3 years. Under-delivery in terms of indicative amounts in policies is rare and justified in this instance. It is likely that the short fall of 20 would be made up on other allocated sites and through windfall development and therefore would not compromise the Council's position.
56. Policy S60 states the site is proposed for residential development with an indicative capacity of 50 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 adjoining listed building and associated properties. Particular attention also needs to be given to the eastern area of the site, where it adjoins the open countryside and is visible in the wider landscape. Densities should reflect the surrounding character of these locations and overall the site density should be around 30dph;*

See visual amenity section.

- b) *Provide primary access from Ashford Road, including the provision of a right-turn lane with pedestrian refuge island, as shown on the policies map.*

See highway safety section.

- c) *Provide new pedestrian routes throughout the development and connections to existing urban and rural routes and local services, with the potential of a pedestrian crossing explored with the Highway Authority;*

See highway safety section, internal routes through the site can be considered at reserved matters stage when layout of the site is considered.

- d) *Retain the existing mature trees and hedgerows boundaries where possible and enhance the planting in the north eastern areas, to screen the development of the site from the wider countryside and create additional soft landscaping throughout the site to lessen the visual impact of the development;*

It is considered these can be addressed at reserved matters stage, this is addressed in the other issues section.

- e) *Ensure appropriate species and habitat surveys are carried out. Results will inform ecological mitigation and enhancement measures to be provided on the site and proposals for implementation, maintenance and monitoring in accordance with ENV1. Provide appropriate ecological mitigation and Particular regard should be given to the provision of ecological corridors through the site and an area of open recreation space in the northern areas of the site which are not identified for residential development; and,*

See ecology section.

- f) *Provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider.*

See other issues section

Subject therefore to compliance with policy S60 and other adopted development plan policies the proposal can be considered acceptable as a matter of principle.

Visual Amenity and impact on heritage assets

57. This application is only considering the maximum quantum of development and the vehicular access serving the site from the A28 Ashford Road. Matters relating to appearance, layout, landscaping and scale of the proposed dwellings as well as access routes through the site will be considered under any future reserved matters application. The site is in close proximity to Pope House Farmhouse which is grade II listed building. Criterion a) of policy S60 and policy ENV13 require consideration as to the impact of development upon this heritage asset and its setting as well as the neighbouring non-designated heritage assets which form a cluster of buildings of historic interest.
58. Further to the requirement under criterion a), more specifically, policy ENV13 states:

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. Proposals that make sensitive use of heritage assets through regeneration, particularly where these bring redundant or under-used buildings and areas into appropriate and viable use consistent with their conservation, will be encouraged.

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.

59. The above is supported by the guidance contained in the NPPF under paragraph 193 which seeks to ensure that the impact of development on heritage assets is considered against the significance of the heritage assets. Great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 194 states that any harm to the significance of a designated heritage asset including development within its setting, should require clear and convincing justification. Paragraph 196 goes on to outline where the harm caused by the development is less than substantial, this harm should be weighed against the public benefits of the proposal.
60. As the proposal seeks outline planning permission it is not possible to consider the appearance, layout and scale of the development, as these are reserved matters. The proposed development at a lower density than originally envisaged would enable sufficient buffer, landscaping and spacing to ensure there is only less than substantial harm to the setting of the heritage assets, which would be balanced against the public benefit of providing housing towards the Council's housing need on a sustainably located and allocated site. It has also been confirmed that the dwellings proposed would be no greater than 2-2.5 storeys in height, which would be acceptable. The layout shown on the indicative plans in general is not considered to be acceptable. The layout would fail to respond positively to the setting of the listed building and non-designated heritage assets at Pope Farm, would fail to provide natural surveillance of the open space or have a road layout which would be approved if layout were currently under consideration but it is considered this could be satisfactorily addressed at reserved matters stage.
61. The northern and eastern parts of the site are more visible and border onto open countryside. The retention of this land for open space would form part of a natural buffer with the open countryside enabling the transition of the development into the countryside beyond the developable part of the site. Whilst landscaping is not being considered at this stage, safeguards in respect of retention of existing trees and hedgerow can be secured by condition to ensure, as required by criteria a) and d) of policy S60 and policy ENV3a, that the character of the wider landscape is preserved. Additional landscaping can be secured at reserved matters stage for which there is

sufficient scope to provide significant additional landscaping to mitigate the harm to the open countryside adjacent to the site.

62. Criterion a) of the policy S60 outlines that the density of development should be around 30 dwellings per hectare (dph). However, the developable area and the proposal for up to 30 units would be below this at around 19dph. This is due to the reasons previously outlined but would respect the density of development and character of the surrounding location, which is also outlined under policy S60 (criterion a).
63. In light of the above, it is considered that the proposed development, whilst naturally changing the landscape, would only have a localised impact as the development would be well screened from medium and long range views.
64. In light of the above (and subject to the approval of reserved matters) the proposal would not unacceptably harm the setting of Pope Farm House and associated non designated heritage assets and can be assimilated into the natural environment to ensure that the proposal would not result in unacceptable harm to the visual amenity of the area.

Residential Amenity

65. Paragraph 123 states that development should seek to *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...*
66. The indicative layout plan suggests that the gardens can be provided to a size which would comply with the Council's planning policy HOU15 (minimum of 10m deep x the width of the dwelling to which it relates). The reserved matters application will ensure that the internal accommodation proposed complies with the National Space Standards and policy HOU12 and this can be secured by condition.
67. Whilst the application is currently at outline stage, with all matters reserved other than access off of the A28, it is considered given the indicative layout and careful consideration of first floor windows and the layout of the dwellings more generally, that the proposed dwellings would not appear overbearing or result in unacceptable levels of overlooking of existing dwellings that would warrant the refusal of the application. This is even easier to achieve with the development being for up to 30 dwellings rather than up to 50.
68. During the course of works on site, conditions can secure safeguards for the amenity of the existing neighbouring residents to ensure they are not subjected to significant harm through noise and disturbance during the construction phase.

69. In light of the above, subject to conditions and further consideration at reserved matters stage, it is considered there would not be any significant adverse impact on the residential amenity of existing or future residents.

Highway Safety & Parking

70. The site would be served by a new vehicular access from the A28. Suitable visibility splays can be provided (2.4m x 120 m in either direction) at this point of access and Highways Authority are satisfied that the access is safe and acceptable. The proposal would also involve the provision of a right hand turn into the site to avoid traffic queueing on the A28 when seeking to gain access. In terms of additional vehicle movements associated with 30 dwellings this would amount to 15 and 17 vehicle movements in the AM and PM peaks respectively. The A28 has capacity to absorb these additional movements without compromising the local highway network.
71. Whilst this is only an outline application, the indicative layout proposed shows parking to serve each of the dwellings. This can be secured by way of condition to ensure when layout is considered at reserved matters stage, sufficient parking is provided on site in accordance with policy TRA3a.
72. Pedestrian safety has been raised as a concern by local residents. The proposed development will provide access to the northern bound bus services in the Ashford direction through the provision of a footway and a pedestrian refuge allowing residents to safely cross the A28. At present there is no pedestrian link to the existing footway to the south of the development beyond Pope House Farm. This can be remedied by the provision of an additional length of footway within the existing highway verge which is highway land and can be secured through condition.
73. In light of the above, it is considered that the development would comply with the relevant policy requirements and would not result in unacceptable harm to highway and pedestrian safety.

Ecology

74. Policy ENV1 states that proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. Proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats... and networks of ecological interest... including... water features, ditches, dykes and hedgerows, as corridors and stepping stones for wildlife. Where harm to biodiversity assets cannot be avoided, appropriate mitigation will be required in line with a timetable to be agreed with the Local Authority. Normally any

mitigation measures will be required to be delivered on-site, unless special circumstances dictate that an off-site model is more appropriate.

75. The Conservation of Habitats and Species Regulations 2017 requires Ashford Borough Council, the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, Ashford Borough Council must consider whether it is likely that an EPSM Licence from Natural England will be granted, and in so doing must address the three derogation tests when deciding whether to grant planning permission for the proposed development. The three tests are that:

- i. Regulation 55(2)(e) states: a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
- ii. Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.
- iii. Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

76. In respect of the first test, the proposed development would not constitute a form of development which would be considered to be of overriding public interest. However, the proposal is an allocated site in the recently adopted Local Plan, therefore, in considering it against the second test outlined above, there is no satisfactory alternative to the development in this location.

77. In respect of maintaining the population at a favourable conservation status (test iii), KCC Biodiversity consider that the impact upon the great crested newt habitat can be quantified as follows:

- The loss of approximately 0.5ha of suitable great crested newt habitat,
- The retention of 0.32ha of suitable habitat; and,
- The enhancement of 0.59ha of sub-optimal sheep grazed habitat.

78. It is considered that due to the retained, and improved habitats on site, the GCN population can be maintained at a favourable conservation status.

Furthermore, the creation of the SUDS scheme provides opportunities to enhance the site, and provide additional breeding opportunities. Given this, I am satisfied that the relevant derogation tests have been satisfied and that an EPS licence is likely to be granted for the development.

79. KCC advise that the proposed habitat creation includes an area to the south of the site (the ecology zone) which is surrounded by housing. It is advised by KCC that the detailed landscape plans must clearly demonstrate that there is habitat connectivity to this area which is not within the residential curtilage. This is required by criterion e) of S60.
80. Policy S60 requires the provision of appropriate ecological mitigation under criterion e) with particular regard given to the provision of ecological corridors through the site and an area of open recreation space in the northern areas of the site which are not identified for residential development. The indicative plans do not clearly indicate this is provided but details relating to landscaping and layout are not for consideration at this stage and would be considered under a future reserved matters application. It is considered, given the density of the development, there would not be any reason that this could not be provided to satisfy the policy criteria and to address the comments of KCC Biodiversity.
81. It is considered that following the submission of additional ecological information following comments from KCC Biodiversity that any harm caused to protected species can be mitigated and subject to condition, the biodiversity of the site and land adjoining it would not be harmed. Retention of existing natural features such as ponds and ditches, alongside SUDs features which are proposed for surface water and land drainage, and provision of new landscaping would mitigate and provide biodiversity enhancement. These can be secured by condition.
82. It is considered therefore that the proposal would not be contrary to the guidance contained within the NPPF under paragraphs 170 and 175, criterion e) of policy S60 or the requirements of policy ENV1.

Flooding and Surface Water Drainage

83. The application site does not fall within Flood Zones 2 or 3 and as such it is classified as Flood Zone 1 meaning that it has a low probability (<0.1%) of fluvial or tidal flooding. Additional information was sought following the initial comments from KCC as LLFA. Surface water drainage has been designed and is proposed to be constructed in line with the drainage strategy which has been agreed with KCC LLFA.

84. The site generally falls from west to east. The existing drainage regime is one which drains overland from the west to the east before discharging into the existing watercourse which drains away to the north east. The geology of the site is Weald Clay, made up of mudstone. The proposed drainage strategy would take account of the geology and high water table and therefore the use of infiltration SUDs would not be appropriate in this location. Surface water will therefore be discharged via a Hydrobrake flow control into a new ditch linking to the existing watercourse on the eastern boundary which drains away to the north. An attenuation pond, to the east of the site on the open space will be unlined to encouraged infiltration into the ground.
85. As part of the proposed system, which would control discharge rates to 8.8l/s, which is the greenfield rate required, there will be treatment of water to ensure the quality of that discharged is acceptable. This complies with the requirements of the Council's SUDs SPD. This can be secured by way of condition and would comply with the requirements of policy ENV9.

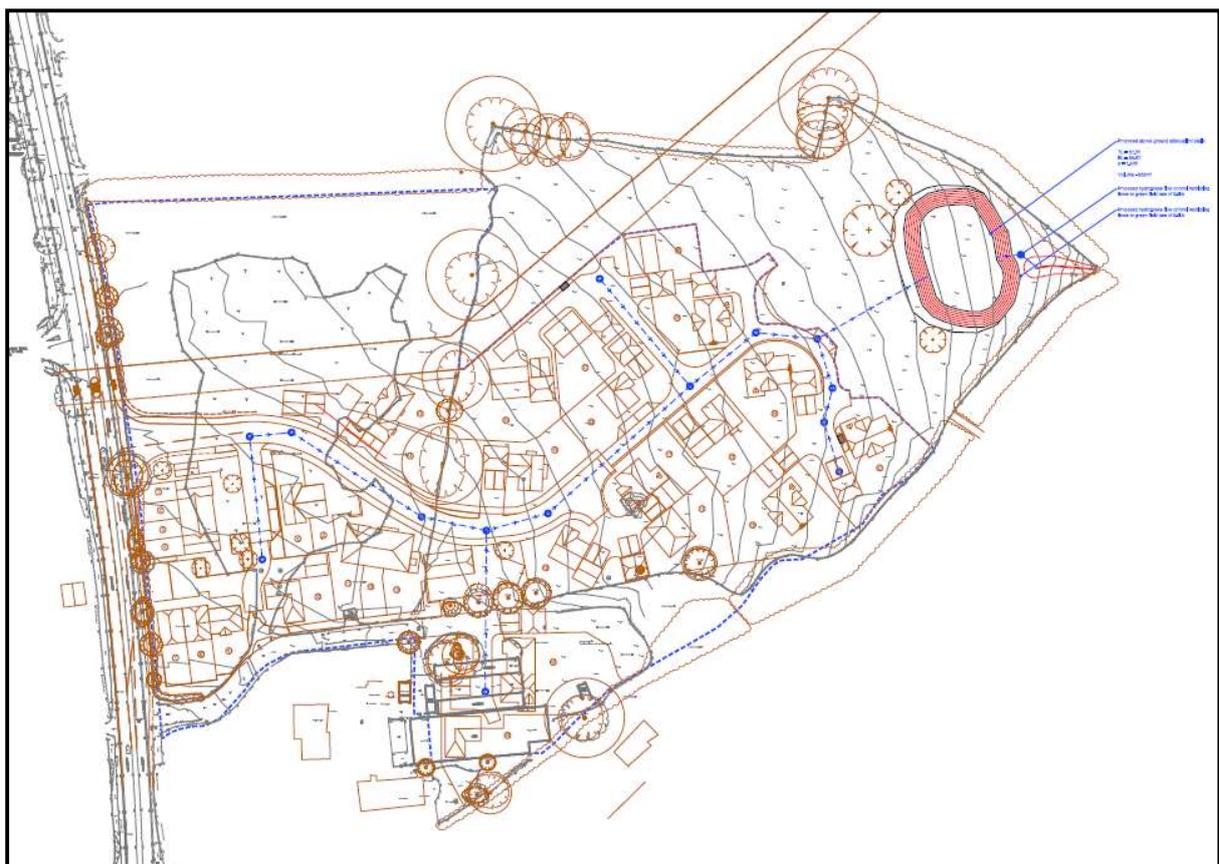


Figure 5 - Indicative Drainage Layout

Other issues

86. There are a number of existing trees along the road frontage of the site, along the site boundary to the south of the site adjacent to the bridleway and a small number within the site. Criterion d) requires existing landscaping including mature trees and hedgerow to be retained and additional planting along the northern part of the site. This is not currently under consideration at outline stage, but it is considered that this can be satisfactorily addressed at Reserved Matters stage having considered the supporting information submitted.
87. The site has been used for agricultural uses and also for the repair of agricultural machinery. It is considered that any contamination issues on the site can be mitigated if found and a condition can be imposed to secure such mitigation should the need for it arise.
88. The policy also requires a *connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider* (criteria f). Southern Water has a 150mm foul water sewer running from the south to the north along Ashford Road. This discharges into a pumping station approximately 200m to the north of the site. From the pumping station, a foul rising main runs north to south before connection to a gravity sewer which drains away to the south. Southern Water Services consider such a connection can be made.

Affordable Housing and Housing Mix

89. The proposed development generates the need for affordable housing as the proposal relates to up to 30 residential units. Policy HOU1 and the guidance contained within the NPPF and PPG require the securing of affordable housing on site for developments of 10 or more units or on sites of more than 0.5 hectares. The composition required in this location, in accordance with policy HOU1 is to provide on-site 40% affordable units comprising: 10% of total number of units as Affordable/Social Rented and 30% of the total number of units as Affordable Home Ownership Products of which 20% of the total number of Affordable Home Ownership Product units shall be shared ownership.
90. Initially, the applicant confirmed they would be willing to provide a proportion of affordable on site (30%) and a commuted sum for off-site provision for the remainder of the provision required by HOU1. Subsequently, it has been agreed to provide all units on site and this meets with the approval of the Council's private sector housing officer and would comply with the policy requirement under HOU1. The affordable housing provision can be secured

through the S106 agreement, the composition of which can be specified to ensure compliance with the policy.

91. Policy HOU6 requires a proportion (5%) of the dwellings to be delivered as self-build units on sites of more than 20 units. This can be secured through S106 agreement and is outlined in Table 1 as required by the policy.
92. Policy HOU14 (criterion a) applies in this instance and this can be secured through S106 agreement and is outlined in Table 1 as required by the policy.
93. Tenure and housing mix is not currently being considered as this matter is reserved for future consideration. The indicative plans show a mixture of units, details of which would be considered at reserved matters stage. There will be requirement, as outlined under HOU1 for the affordable housing to be tenure blind. It is considered this can be achieved to ensure compliance with the policy at reserved matters stage.

Planning Obligations

94. 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
95. The site allocation policy S60 recognises in its pre-amble (paragraph 4.184) the need to secure financial obligations for facilities within both High Halden and the St Michaels area of Tenterden. This is reflected in the recommended planning obligations in Table 1, should the Committee resolve to grant permission.
96. Whilst NHS contributions could be sought on this proposal, no identified projects have been forthcoming following consultation with Clinical Commission Group who have not made any representations.
97. 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	Amounts (s)	Trigger Points (s)	
	<p><u>Informal/Natural Green Space (on site)</u></p> <p>Project: Scheme for ongoing management of informal/natural space to include details of management entity. Scheme to include details of constitutional documents of management entity which must ensure owners of dwellings are members of the entity, that they can fully participate in strategic decisions regarding the maintenance of the open space and that the entity is accountable to the owners for the management thereof. Scheme must also include details of ongoing funding/endowment of management entity to ensure it is financially sustainable and details of any mechanism for securing such ongoing endowment.</p>	<p>On the basis of 30 dwellings, a minimum 0.25 ha of space to be provided on site</p>	<p>Scheme to be approved by the Council prior to commencement to be fully implemented prior to the first occupation of 75% of the dwellings</p>	<p>Necessary as informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, IMP1 and IMP2, 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 facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	<p><u>Children’s and Young People’s Play Space</u></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Project: Contribution towards new children’s play equipment at St Michael’s Recreation Ground, Ashford Road, St Michaels, Tenterden.</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	<p>Upon occupation 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 Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, 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 facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
	<p><u>Affordable Housing</u></p> <p><i>Applies to:</i></p> <p>(i) <i>developments of 10 dwellings or more</i></p> <p>(ii) <i>residential sites of 0.5 ha or more</i></p>	<p>Provide on-site 40% affordable units comprising: 10% of total number of units as Affordable/Social Rented</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 SP1, HOU1 of Local Plan 2030 the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p>

	<p>In accordance with table within Policy HOU1</p>	<p>30% of the total number of units as Affordable Home Ownership Products of which 20% of the total number of Affordable Home Ownership Product units shall be shared ownership.</p>		<p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>
	<p><u>Accessible Housing</u></p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p> <p>In accordance with policy HOU14 part a).</p>	<p>Provide on-site 20% of all units.</p>	<p>Prior to first occupation of any dwelling to be built in accordance with the standard.</p>	<p>Necessary as would provide accessible housing pursuant to SP1, HOU14 of Local Plan 2030 and guidance in the NPPF.</p> <p>Directly related as accessible homes for those with reduced mobility would be provided on-site.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>

	<p><u>Allotments</u></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Specific Project: Contribution towards a project to identify and acquire land within the Parish of High Halden for allotments</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, COM3, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
	<p><u>Libraries</u></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Contribution for additional bookstock at libraries in the borough</p>	<p>£48.02 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and</p>	<p>Necessary as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p>

			balance on occupation of 50% of the dwellings	<p>Directly related as occupiers will use library books and the books 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>
	<p><u>Outdoor Sports Pitches</u></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Specific Project: provision of a tennis court/outdoor gym/cricket facilities at the recreation ground at Hopes Grove/Shawlands Lane, High Halden</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings	<p>Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, 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 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>

	<p><u>Primary Schools</u></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Specific Project: Towards Tenterden Infant School expansion</p>	<p>£3324 per house</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as no spare capacity at any primary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' 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 and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
	<p><u>Secondary Schools</u></p> <p><i>Applies to developments of 11 dwellings or more</i></p>	<p>£4115 per house</p>	<p>Half the contribution upon occupation of 25% of the</p>	<p>Necessary as no spare capacity at any secondary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC's 'Development</p>

	<p>Specific Project: Towards Norton Knatchbull expansion works to Playground and parking</p>		<p> dwellings and balance on occupation of 50% of the dwellings</p>	<p>and Infrastructure – Creating Quality Places’ and guidance in the NPPF. .</p> <p>Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
	<p><u>Strategic Parks</u></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Specific Project: Contribution towards the seating and shelter provision around the lake at Conningbrook</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for 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 and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p>

	<p>Country Park, as part of the public art project.</p>			<p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
	<p><u>Public Right of Way</u></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Specific Project:</p> <ul style="list-style-type: none"> Improvements to the surfacing of the existing Public right of Way (routecode AT146) adjacent to the site. 	<p>£10,000</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as enhancements to the local movement and transport network are essential to achieve sustainable travel and accessibility requirements in accordance with Local Plan 2030 policies SP1, SP2, TRA4, TRA5 and TRA6.</p> <p>Directly related as occupiers and visitors will increase the use of the existing bridleway through connections to it to be provided.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has been calculated based on local and site specific evidence.</p>
	<p><u>Custom/Self Build</u></p>			

	<p><i>(i) Applies to sites of more than 40 dwellings within and on the edge of Ashford and Tenterden</i></p> <p><i>(ii) Applies to sites of more than 20 dwellings in villages and rural areas</i></p>	<p>5% as serviced dwelling plots</p>	<p>TBA</p>	<p>Necessary as would provide housing for those who are on the Right to Build register (Ashford Self and custom build register) pursuant to HOU6 of Local Plan 2030 and guidance in the NPPF and Community Infrastructure Levy Regulations.</p> <p>Directly related as the plots would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided and the area of the borough.</p>
Applies to all				
	<p><u>Monitoring Fee</u></p> <p><i>Applies in all cases</i></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£1000 per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years</p>	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>

			(if not one-off payment)	
<p>Regulation 123(3) compliance: Fewer than five planning obligations which provide for the funding or provision of the projects above or the type of infrastructure above have been entered into.</p> <p>Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p>				

Human Rights Issues

98. 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

99. 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

100. It is considered that the development of the site for up to 30 residential units as outlined under policy S60 of the Local Plan to 2030 would comply with the relevant criteria at this stage where only access from the A28 is being considered in detail along with the quantum of development. Subject to consideration under Reserved Matters stage where Layout, Scale, Appearance and Landscaping would be considered, for the reasons set out in the assessment above, it is considered that the development of up to 30 units would be acceptable and comply with the relevant policy criteria.
101. The under provision of units on the site against the indicative capacity of up to 50 units would be justified in this instance given the High Pressure Gas pipeline and the buffer zone which limits development in terms of proximity and density, which is specific site constraint for which development of a greater quantum and density would be considered unacceptable by the HSE. Further it would result in an unacceptably dense form of development on the edge of settlement location in a manner that could be harmful to the visual amenity of the area and setting of the listed building and the associated non-designated heritage assets. The slight undersupply would not have a material impact on the Council's 5 year housing land supply.
102. The proposed vehicular movements associated with up to 30 units could be safely accommodated by the existing road network subject to the provision of the visibility splays and right hand lane turning facility for vehicles approaching the site from the south. The proposed vehicular access to the site, together with connections to the south of the site through the provision of a new

footway and pedestrian refuge to enable crossing to the western side of Ashford Road would provide pedestrian links to existing bus stop in the Ashford direction and in the St Michaels and Tenterden direction to the south. Sufficient on-site parking and tracking can be provided on site in accordance with the relevant policies and to the satisfaction of the Highway Authority, who raise no objection subject to conditions.

103. In terms of the relationship with the settings of heritage assets adjacent to the site, when considering layout at the reserved matters stage it can be ensured that the setting is not compromised to ensure compliance with the LP policies S60 and ENV13 at reserved matters stage.
104. There would be sufficient on-site provision for landscaping to mitigate the visual change resulting from the development. There is an acceptable level of mitigation provided on site for protected species and enhancements through a significant provision of natural habitat being retained and enhanced which would mitigate the loss of the existing habitat.
105. Surface water drainage can be dealt with in a manner which would control the rate of discharge from the site in line with the greenfield discharge rate of 8.8l/s. Existing topography and land drainage would aid the delivery of SUDs which would be controlled via a Hydrobrake which would discharge to an attenuation pond which the topography of the site naturally falls towards. This is to the satisfaction of KCC as the LLFA and would ensure compliance, subject to condition with policy ENV9.
106. In light of the above the development would comply with the relevant policies of the development plan and the guidance set out in the NPPF and subject to conditions and a S106 legal agreement to secure affordable housing provision and on / off-site infrastructure provision, would be acceptable. Consequently I recommend that outline planning permission is granted.

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) Grant Outline Consent

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

Standard

1. Standard condition for submission of reserved matters
2. Standard time condition for outline application

Highways and Parking

3. Parking and cycle parking
4. Details of the provision cycle parking facilities
5. Provision of site access
6. Provision of footway to be constructed on the eastern highway verge between the application site and existing footway at Popes House Lane
7. Car barns PD restriction
8. Provision of final wearing course
9. Construction Management Plan
10. Visibility splays

Landscaping & Ecology

11. Landscape management plan
12. Arboricultural Impact Assessment and Tree Protection Plan
13. Boundary treatments
14. GCN and Reptile mitigation strategy
15. Bat sensitive lighting plan
16. Updated badger survey
17. Ecological management plan
18. Scrub and hedgerow clearance
19. Ecological enhancements
20. Adoption management plan
21. Retention of trees & hedgerows

Drainage & Disposal of Foul

22. SUDs layout
23. SUDs operation and maintenance manual
24. SUDs post completion Verification Report
25. Means of foul water disposal

Residential

26. Space Standards – internal and external pursuant to policies HOU12 and HOU15.
27. Refuse storage details
28. Electric car charging points
29. Water efficiency condition pursuant to policy ENV7
30. Provision of water butt to each dwelling
31. Dwellings used for C3 purposes only
32. Removal of PD rights

Other

33. Architectural details
34. Housing Mix
35. Broadband
36. Contamination
37. Standard Plans condition
38. Standard enforcement condition

Notes to Applicant

1. S106
2. In respect of the Public right of Way:
 - a. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:
 - b. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development:
 - c. No hedging or shrubs should be planted within 1.5 metres of the edge of the Public Path.

Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

3. All holes must be covered at night or a plank placed in the holes to enable and badgers to escape.
4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Trees, scrub and buildings are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
5. 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. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>
6. 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.

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 application was acceptable as submitted and no further assistance was required.
- the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

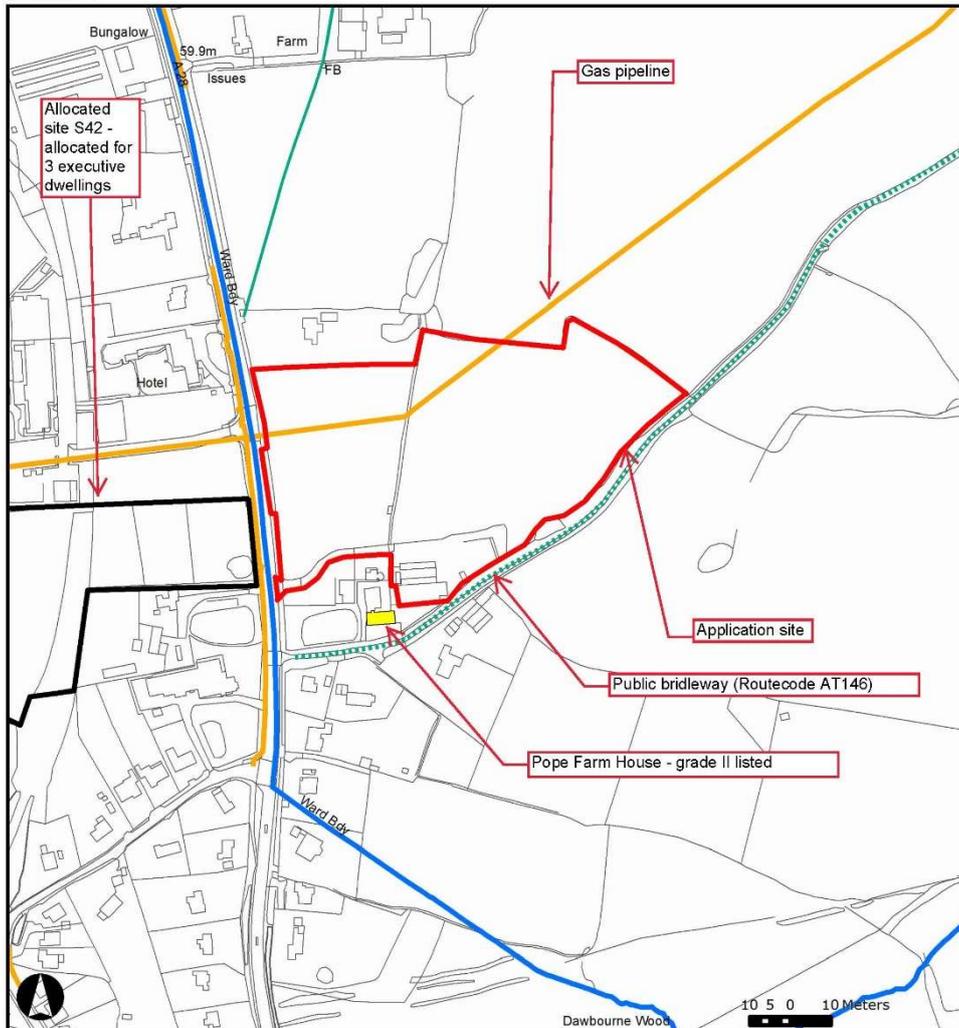
All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/00759/AS)

Contact Officer: Rob Bewick
Email: rob.bewick@ashford.gov.uk
Telephone: (01233) 330683

Annex 1



Ashford Borough Council



- | | | |
|------------------------------|------------------------|-----------------------|
| PROW (not definitive) | Listed Building | Gas Pipes |
| ■ Byway Open to All Traffic | ■ LISTED | — Gas Pipes |
| --- Public Bridleway | ■ DELISTED | — High Pressure Pipes |
| — Public Footpath | ■ REMOVED | |
| — Restricted Byway | ■ UNKNOWN | |

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