

Application Number	18/01592/AS	
Location	Ashford Golf Complex, Bears Lane, Bethersden, Ashford, Kent, TN23 3BZ	
Grid Reference	96069/42863	
Parish Council	Bethersden/Hothfield	
Ward	Weald Central Ward/Upper Weald Ward	
Application Description	Outline application for the erection of 10 no. dwellings to consider access, layout and landscaping (scale and appearance reserved)	
Applicant	Great Chart Golf & Leisure Limited, Great Chart Golf & Leisure, Bear's Lane, Bethersden, TN23 3BZ	
Agent	Mr Nathan Anthony, Lee Evans Planning, St Johns Lane, Canterbury, Kent, CT1 2QQ	
Site Area	10.16 ha	
(a) 10/-	(b) Hothfield/- Bethersden/- Great Chart with Singleton/R	(c) KHS/ , EHM/X, NE/-, KCC BIO/X, KWT/+.KCC Heritage, KCC LLFA/X, KF&R/+, KCC Ed/+, Housing/X, SWS/X, EA/-, NE-X

Introduction

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

Site and Surroundings

2. The application site is a triangular shaped 9-hole course and gravel car park comprising the Great Chart Golf Course (operated under the business Great Chart Golf & Leisure Limited owned by the applicant and his family). This operates alongside the Ashford Golf Complex to the other southern side of the railway line (and includes a clubhouse, café, bar area and merchandise shop and has diversified into archery, paintballing, family pitch and putt and a floodlit volleyball/5-a-side football pitch and is operated under the business

Great Chart Leisure owned by the applicant and his family). The previous officer report for this site did not consider the site constituted previously developed land/brownfield site, however, Members resolved that the site did represent previously developed land in that it had been re-contoured and partly surfaced as a golf course and as such is not undeveloped farmland.

3. The site fronts onto, and is accessed from, Bears Lane and lies over 2.5km from the nearest villages of Hothfield and Pluckley and 4km from Great Chart. The land rises gradually from south to north, but its topography is fairly level across the site (except for the artificial bunds) and comprises a network of natural and man-made drainage ditches and ponds. The site is bound to the south by the railway line, its embankment and a belt of trees, with native hedgerow lining the roadside boundary. To the west is Newlands Wood, designated as ancient woodland and a Local Wildlife Site and part of which is covered by a TPO (No. 7 1992). Bears Lane Wood on the opposite side of the road is also designated as ancient woodland. The surrounding land is predominantly agricultural in nature, with a few scattered farms and dwellings.
4. The site is located within the Dering Woodland Farmlands Low Weald Landscape Character Area, in which the key characteristics are gently undulating landform, strong tree cover with large blocks of woodland and the railway line cutting through the landscape. The condition of the landscape is good with moderate sensitivity and the guidelines for the area are to conserve and reinforce the landscape.

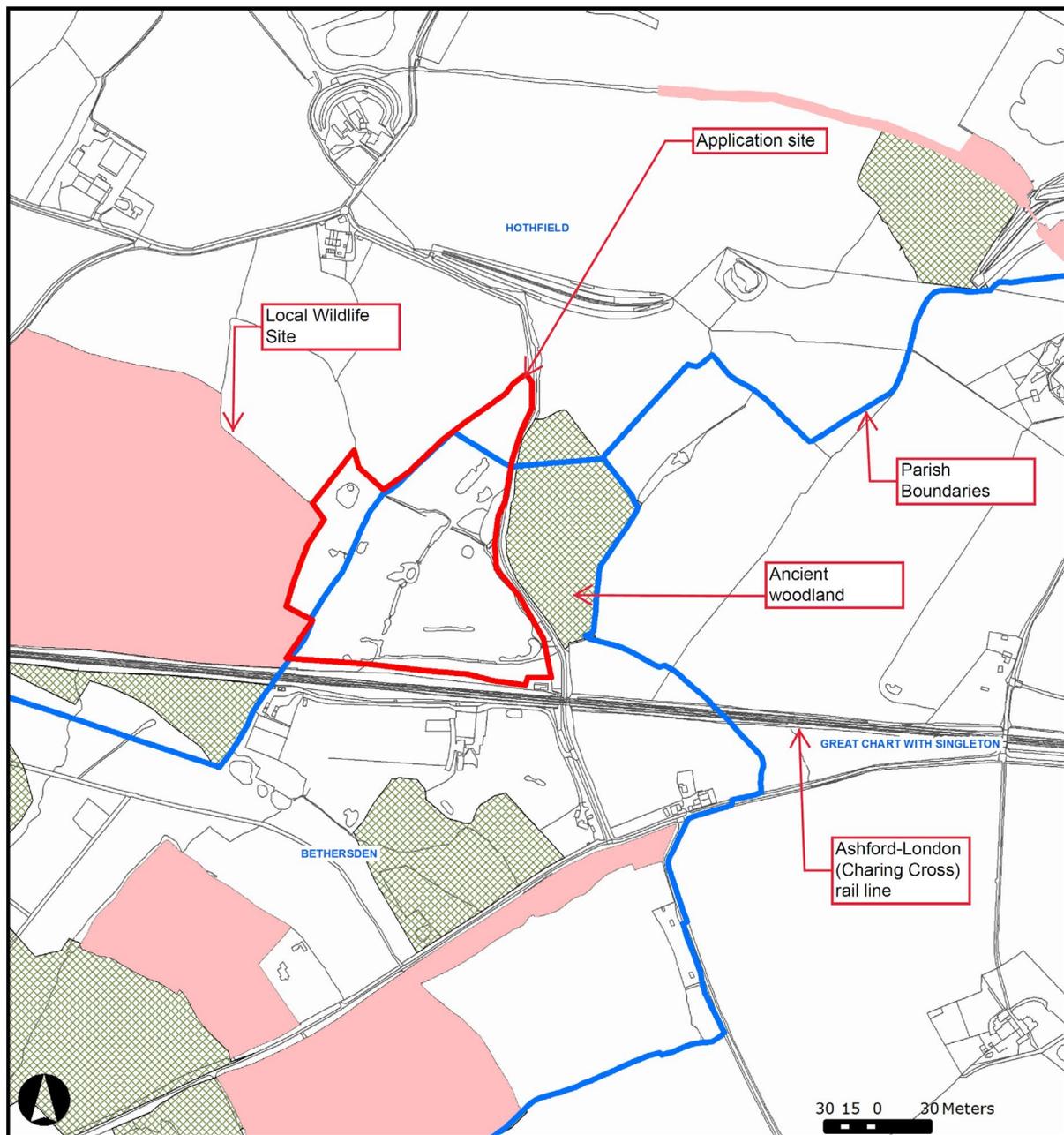


Figure 1 - Site Location Plan

Proposal

- Outline planning permission is sought for the erection of 10 detached dwellings with access, layout and landscaping being considered in detail at this stage. Scale and appearance are reserved for future consideration.

Ashford Borough Council - Report of the Head of Planning and Development
 Planning Committee 5 June 2019



Figure 2 Proposed Site Layout

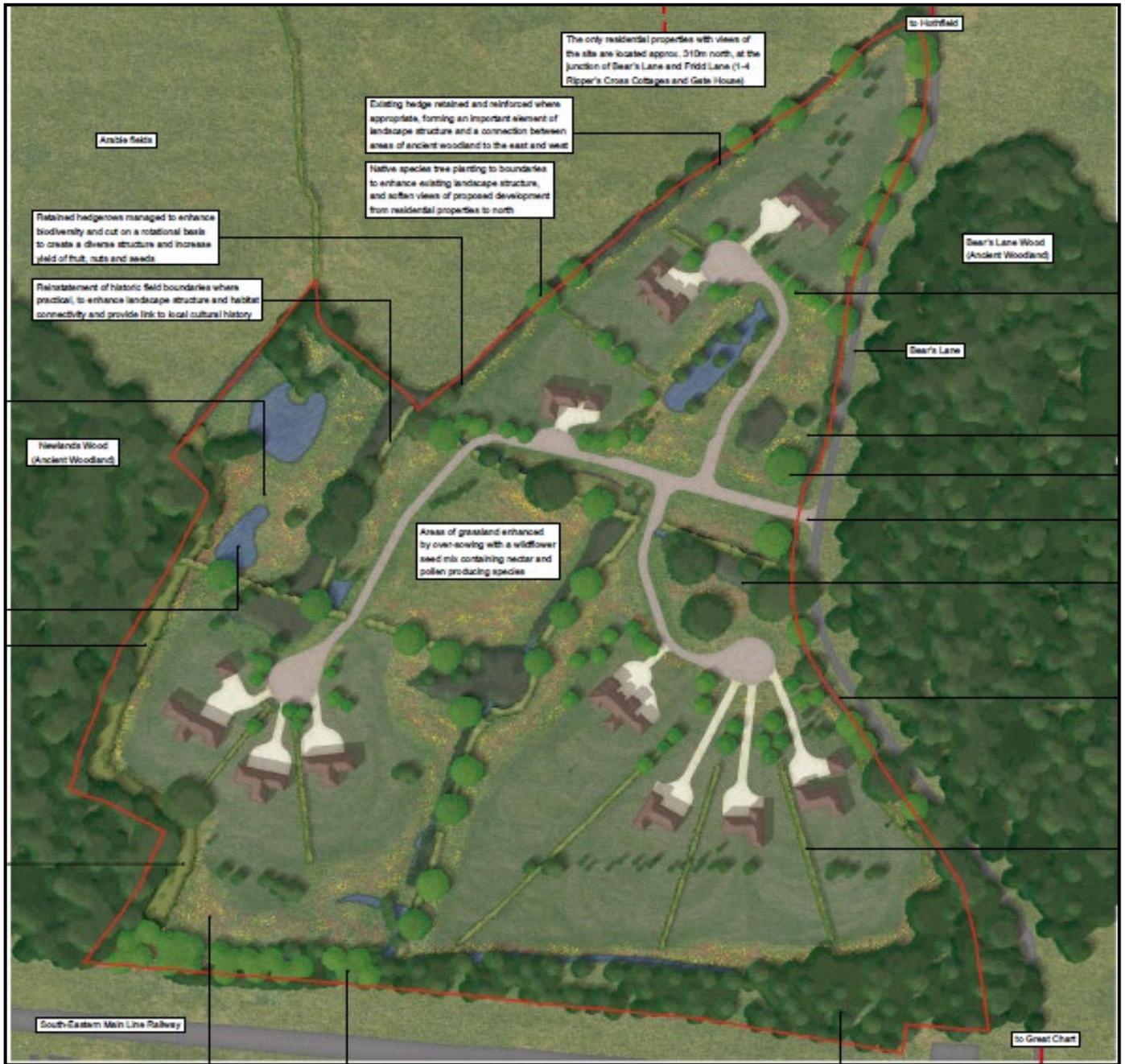


Figure 3 - Layout Plan including landscaping

6. Access to the proposed development would be via Bears Lane. The vehicular access arrangements would be identical to those approved under the extant permission (see the planning history section) reference 17/00469/AS. A private road will provide access to each of the 10 dwellings. This is not being adopted by the Highway Authority.
7. Layout of the dwellings will be as shown in figure 3. This differs slightly from the approved layout of the extant permission referred to above (see figure 4).

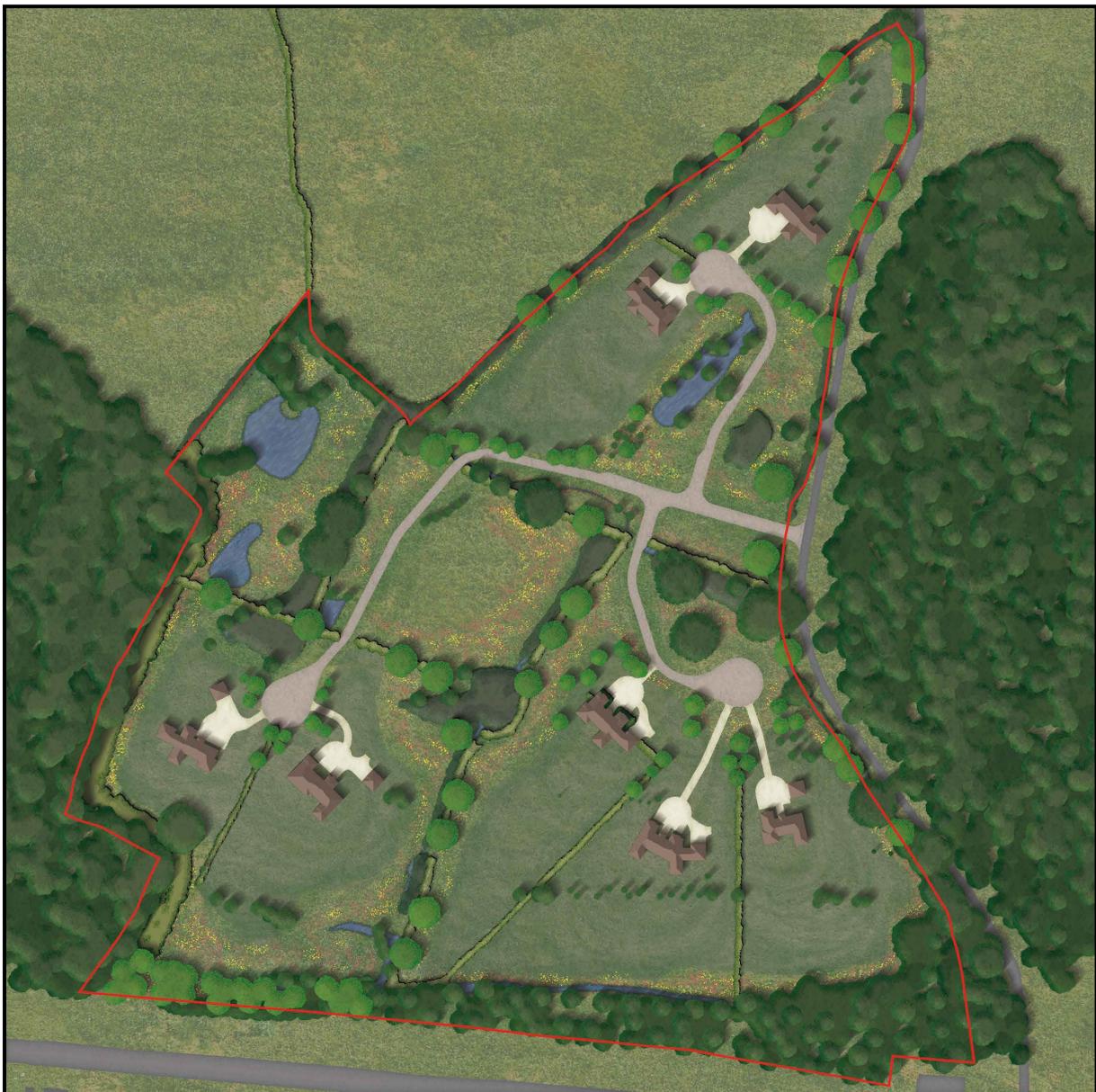


Figure 4 - Approved layout under extant permission 17/00469/AS

8. In support of the application the following documents have been submitted:

Arboricultural Impact Assessment

9. High quality trees are to be retained and the RPAs of them would be respected. Several trees to be removed would be of a low BS category and tree works to several trees are recommended by the arboriculturalist.

Design Code

10. In summary, this has been produced to ensure that the proposed dwellings would all be of exceptional build quality (meeting the criteria required for a Passivhaus) and use exceptional quality materials used locally set within in a high quality hard and soft landscaped setting, which encourages biodiversity.

Planning & Design and Access Statement

11. The scheme results in the loss of the golf course and proposes 10no. exclusive homes set in generous grounds of approximately between 0.55 and 1.4 acres. This follows a previous scheme for 7no. dwellings (17/00469/AS). This is an application for outline planning permission following 10 months marketing for the approved scheme for the site. This highlighted issues with the saleability of the site.
12. The statement outlines the history of the site, the current business position and introduction to the reason for the application. It also describes the context of the site and its surroundings, the recent planning history on the site and the planning policy for the site together with an appraisal of the merits of the scheme against policy.

13. A summary of the above is included below:

History of the site & current business position

- The Kay family have run the site since purchasing the wider site in 1989
- Whilst the golf business was generally buoyant in the 2000s, they purchased the applicant site, which was redundant agricultural grade 3 land with a view to create a 9-hole golf course.

- Membership exceeded 200 but by the mid 2000s the traditional gold industry was in decline and revenue suddenly reduced.
- Financial implications resulted in diversification of the business and the decision to sell the gold course.
- The wider leisure complex, to the south of the application site, now includes Football golf, Frisbee golf and zorbing.
- The long term viability of this part of the business is dependent upon long term investment.

Application site

- The site benefits from a gated access from Bear's Lane and covers 10ha
- There is an existing car park, artificial landscape bunds and the site covers 10ha.
- There is a range of drainage ditches and ponds
- The land rises from the south to the north with the northern corner 5 metres higher than the rest of the site
- The site is enclosed by surrounding features including the railway line to the south, Newlands Wood and Bear's Lane Wood.
- The surroundings are agricultural in nature
- Surrounding dwellings are in large plots
- There are relatively few PROWs in the area
- There are a range of services and community facilities within a short drive of the site including schools, doctors surgery, dentists, supermarkets, bank, post office and train station.
- The site is not known to have archaeological potential

Proposed development and planning policy context

- A small number of properties of exceptional design quality set within generous grounds

- The dwellings would be within a park land setting with substantial dwellings of 5 or more bedrooms.
- Landscaping, layout and access are currently being considered with scale and appearance reserved for later consideration.
- Layout
 - The layout has been determined by the surrounding context and prevailing site conditions.
 - Drainage, water courses, trees, ecology, topography and also surrounding context have all taken precedent and informed the amount of development that can be achieved.
- Access
 - This would be provided be via the existing vehicular access with a spur off to three main parcels of the site (plots 1-4, plots 5-7 and plots 8-10) with these narrowing in width to reduce visual impact.
 - The access will not be adopted and would be transferred to a management company.
- Landscaping
 - A landscape masterplan has been provided which keeps defined borders and boundaries to a minimum
 - Reinstatement of historic field boundaries which are appropriate to the character of the area and wild flower meadows and grassland.
 - The proposed landscaping would contribute to enhancing the natural landscape.
 - Substantial native tree and hedge planting is proposed along the southern and northern boundaries of the site.
 - Buffer of semi-natural grassland to the ancient woodland on the western boundary would be provided together with tree planting clusters around the proposed dwellings
 - Hard landscaping would be minimal and low key in approach
 - Only ground sunken lighting is proposed

- Management company for remaining land to be managed in trust by residents to maintain public land.
- Drainage
 - Covered in the Flood Risk Assessment and Drainage Strategy provided by Herrington Consulted Limited.
- SUDs would be incorporated into the development
- A package treatment plant for foul sewage is proposed
- Plot design
 - The proposed development would still be of a density which delivers exclusive homes.
 - The design code sets out design parameters which would be adopted at reserved matters stage.
 - The dwellings would be grand in scale and structure.
 - Two storey format with none exceeding 10 metres in height
 - Varied roof form and timber framed design elements with large glazed sections
 - Parking would be accommodated on the private driveways
 - Double or triple garages are envisaged which provide domestic storage including for bikes and garden furniture
 - The dwellings would be energy efficient to Passivhaus standard
- Planning policy
 - Outlines the former policies of the now superseded Development Plan and that of the emerging development (at the time of submission).
 - Outlines the Council's consideration in the emerging Local Plan (at time of submission) for sites for exclusive homes.
 - NPPF requires wide choice of quality housing should be provided.

- Planning merits
 - Extant permission
 - Viability of current extant scheme
 - Inability of Council to demonstrate a 5 year housing land supply
 - Reduction in size of dwellings proposed
 - Support for rural businesses
 - Enhance the vitality of rural settlements
 - Outstanding and innovative design
 - Sustainability credentials
 - **Economic** objective through supporting the local economy; new investment into the Borough through housing for Captain's of Industry; and, support the existing business operating from the southern part of the wider leisure complex site
 - **Social** objective through provision of housing and inward investment from business people benefitting wider community
 - **Environmental** objective through enhancements to the site in terms of biodiversity and landscape improvements; no harm to heritage assets or flooding.
- Affordable housing provision is not required on the site given the exception circumstances.

Background Financial Analysis

- The family has two businesses: Ashford Golf Complex and Great Chart Leisure, and the golf course is being financially propped up by Great Chart Leisure.
- Both businesses are facing severe financial difficulty, with the possible closure of the golf course unless their debt burden (personal and bank loans and arrears) can be lifted and further capital investment made;

- The upkeep of the golf course became impossible to fund and as a result, its quality and standard has deteriorated, which has affected membership as since 2006, there has been a decline starting in golf course activity;
- The poor trading and current debt levels and arrears are not sustainable and restricts the ability of either business to raise any further capital;
- The golf course needs further investment to enable the addition of new activities to maintain and improve the leisure aspect of the site (including the provision of a crazy golf course and an adventure golf facility);
- Sale of the golf course would prove difficult and even if it did sell, it would not generate sufficient capital to make a huge difference to the overall debt position of the businesses; and,
- Further investment is needed on staff, the driving range, pitch/putt, footy golf and frisbee golf areas, the cafeteria, archery, corporate activity days, machinery and advertising.
- List of golf courses in the area: this shows there to be 7 golf courses in the borough and 4 outside, with the site's main competitor Kingsnorth Golf Course being 4.6 miles away.

Archaeological Desk-Based Assessment

14. This concludes that the site is within an area of low archaeological potential.

Flood Risk Assessment

15. Whilst the development should not be at significant risk of flooding, the site falls within Flood zone 1 and the primary risk of flooding is from surface water runoff. The underlying geology of the site is impermeable Wealden Clay formation and so the potential for rainfall to be infiltrated into the ground would be limited. Any rainfall in the surrounding catchment is likely to follow the natural contours of the land, where it would be intercepted by a number of drainage ditches across the site, which discharge towards the railway embankment to a large arched culvert underneath. The development should not increase flood risk elsewhere but flood resistance and resilience measures are proposed, including raising the threshold of the proposed dwellings by 150mm. The development would increase the percentage of impermeable area within the site and consequently increase the volume of surface water runoff discharged from the site - the most sustainable solution for managing runoff from the development is through the use of SUDS and mitigation measures to ensure that the rate of runoff discharged from the site is not increased.

Extended Phase 1 Habitat Survey

16. This outlines the proximity of the site to a Local Wildlife Site with ancient woodland which abuts the western boundary and recommends a buffer be provided between this and the development. The hedgerows bounding the site have the potential to be of value to protected species and should be retained, buffered and enhanced, with any loss compensated for through additional planting. Biodiversity gains could be achieved through enhancement, hedgerow restoration and/or improved management. No field signs of badgers on the site but the adjacent woodland may be utilised by foraging and dispersing badgers and as such, general precautionary techniques should be employed during construction.
17. Some trees on site were found to have 'low' or 'moderate' potential to support roosting bats and trees with roost potential should be retained and buffered from construction. The development would not result in any significant habitat loss and is unlikely to affect bats by disrupting their flight paths. Lighting associated with development may negatively impact on bats utilising the site or surrounding area without suitable mitigation and to minimise disturbance during construction, lighting should be kept to a minimum. Enhancements for bats can be made through the planting of species known to benefit bats, along with the erection of bat boxes to provide additional roosting opportunities.
18. The scattered tree and scrub habitat on the site provide some foraging and nesting opportunities for bird species with any loss of nesting bird habitat should be cleared outside of the nesting season and there is scope to provide habitat enhancements through the erection of bird boxes and the planting of native species.
19. Potential hazel dormouse habitat is present on site and any loss of scrub should be cleared under an ecological method statement.
20. A large meta-population of great crested newts were found on site and a mitigation strategy would be required to provide an enhancement to the site for the population post-development, with the retention of ponds, ditches and suitable terrestrial habitat surrounding these. A European Protected Species Licence (EPSL) from Natural England would be required, with an update survey carried out, exclusion fencing erected, and great crested newts trapped and translocated to a nearby receptor site. The proposed access track would go over a ditch to the north west of the site, which is suitable habitat for great crested newts with works here avoiding the ditch itself.
21. The development should include the creation of additional terrestrial refugia, the planting of vegetation in ponds and the enhancement of suitable habitat corridors linking ponds in the site through the planting of native flora species. The site has little suitable habitat for rare or notable invertebrates.

22. There are no field signs of hedgehogs, brown hare or harvest mouse, nor does the site provide suitable habitat for brown hare or harvest mouse, and whilst the perimeter of the site provides some suitable habitat for hedgehogs, this species would not be significantly impacted upon.
23. The site is largely unsuitable for reptiles but there is some limited suboptimal habitat adjacent and to guide a mitigation strategy, a presence/absence survey is required. The site may be enhanced for reptiles through the creation of additional foraging, dispersal and hibernation habitat.
24. No voles or signs of voles but the site has residual potential to support this species - as the majority of the pond and ditch network is to be retained, buffered and enhanced, it is considered unlikely that this species would be impacted.
25. Otter and white-clawed crayfish are considered likely to be absent from the site.

Great Crested Newt Survey

26. The impact of construction works would be temporary and on completion, the habitats lost would be reinstated with enhanced habitat and mitigation would be required under an EPSL.

Biodiversity Mitigation and Enhancement Plan

27. This outlines that the majority of hedgerow on the site is to be retained and protected with temporary protective fencing. The adjacent Local Wildlife site and ancient woodland should be buffered from the development through the instatement of a 15-20m planted buffer zone, comprising of native species and the erection of a temporary fence during construction. The pond and ditch network should be buffered from construction, with the instalment of great crested newt exclusion fencing. The pond and grassland area to the west of the site is to be used as the receptor site following the translocation of great crested newts and the terrestrial habitat surrounding the pond should be enhanced. There should be a precautionary construction techniques should be used in relation to badgers. Trees with roost potential for bats should be retained and buffered from construction. Lighting should be kept to a minimum during construction to minimise disturbance to foraging and commuting bats. Vegetation clearance should be undertaken outside of breeding bird season. Buffering of suitable habitat areas for dormouse should be undertaken. The network of ponds and ditches and surrounding grassland areas are to be retained and enhanced to maintain the favourable conservation status of great crested newts and an updated survey would be undertaken to inform an EPSL - once this has been approved, exclusion fencing would be erected and trapping take place, with great crested newts then moved to the receptor site;

28. A pond is to be created to the west of the site to compensate for one breeding pond being temporarily excluded during construction. Wildlife-friendly kerbing is to be installed. Suitable areas of reptile habitat should be subject to a presence/absence survey. Biodiversity enhancements should include appropriate landscape planting, over-sowing of grassland with wildflower seeds, the creation of three great crested newt hibernacula, the enhancement of the terrestrial habitat surrounding the network of ponds and ditches to provide increased foraging and dispersal opportunities, the fitting of bat boxes to mature trees along the edge of the site to provide additional roosting opportunities and within the development, planting of species known to benefit bats and bird boxes to be incorporated into the development to provide additional nesting opportunities.
29. Management actions should include minimum intervention management on hedgerows to ensure their biodiversity value is maintained post-development, the retention of existing grassland for great crested newts shall be enhanced through over-seeding with native wildflower species and managed to create areas of vegetation with structural diversity, annual inspections of the ponds on site, the planting of native tree and woody understorey species within the adjacent woodland, the use of any wood/brush from site maintenance to create habitat piles within the immediate proximity of ponds on the site and the annual clearing of old bird nests.

Planning History

12/00781/AS: Full planning permission granted on land adjacent to the existing access for 'New golf club house including changing facilities and groundman's store with accommodation for staff linked to the facility provided within the roofspace offering a two bedroom apartment – permitted 11/09/2012.

17/00469/AS: Hybrid Planning Application comprising:- A Full Application for the Erection of 1No. Dwelling with Associated Landscaping and Access and an Outline Application for the Erection of 6No. dwellings including detail relating to Access, Layout and Landscaping (Scale and Appearance as Reserved Matters) – permitted 30/10/2017.



Figure 5 - Consented scheme layout

Consultations

Ward Members: No comments have been received from either of the Ward Members for Weald Central Ward, Cllr Pickering and Cllr Mrs Blanford or from Cllr Mrs Bell for Upper Weald Ward.

Bethersden Parish Council: no comment

Hothfield Parish Council: no comment

Great Chart with Singleton Parish Council (adjacent to east of site): object until further comments received from Highway Authority and an update to the Flood Risk Assessment for the site to reflect the increased number of dwellings [HoP&D comment: the additional information has been submitted to the satisfaction of KH&T and KCC LLFA]

KCC Highways and Transportation: initial comments received with the following points made:

- The proposed dwellings compared to the trip generation of a 9 hole pay and display golf club does not result in cause for concern in terms of highway capacity.
- The access is located on a 60mph limit road, however, it is unlikely vehicles travel at this speed.
- Details of visibility splays will be required to be provided.
- Further information with regards the width of the vehicular access serving the site
- Details of vehicle turning within the site for a refuse vehicle

Upon the receipt of the additional information requested, the following points were made:

- The speed survey indicates a driven speed of 42mph in both directions.
- Additional visibility splays will be required to be provided
- The visibility splays required have not been demonstrated
- Amended visibility splays are required [**HoP&D comment:** no further information has been requested on the basis of the extant permission in place and the access arrangements being identical to those approved. This is outlined in more detail in the highway safety section of the report]

ABC Private Sector Housing: general comment received with respect to proposed executive housing and its location outside of the built confines of any town or village. The proposal would require the provision of 40% affordable housing to be provided on site. Given the nature and location of the development a commuted sum in this particular instance would not be unacceptable. Off-site provision of affordable housing through a commuted sum of £500,000 would go towards one affordable rented unit and three for affordable home ownership units.

KCC Flood & Water Management (LLFA): raise no objection in light of updated Flood Risk assessment submitted. Satisfied that the proposed development is away from areas of high risk of surface water flooding. The discharge rate proposed is acceptable. Additional information would be required at reserved matters stage regarding resilience for future climate change events and more detailed design details which can be subject to condition.

Southern Water: general comment received with the following points made:

- Consultation between EA and applicant will be required for disposal of sewage to sub-soil irrigation.
- SUDs will require confirmation of the responsibilities for maintenance, timeframe for implementation and provide details of management and maintenance plan for the development
- Surface water drainage is proposed via a watercourse, the Council's technical staff and other relevant authority for land drainage should comment on this aspect.

Environment Agency: no comment as falls outside of statutory remit

KCC Heritage: raise no objection subject to a condition for an archaeological field investigation and further investigation subject to the conclusion of those initial works.

KCC Biodiversity: raise no objection subject to conditions in light of the following:

- Sufficient buffer has been provided between the development and the Local Wildlife Site and Ancient Woodland provided
- Consider impact to GCN to be acceptable and likely that a licence from Natural England would be granted
- Sufficient mitigation measures outlined in respect of bats, dormice, breeding birds and reptiles.
- Updated surveys will be required to inform the final method statement which can be secured by condition.

Kent Wildlife Trust: general comment received stating that whilst no objection, additional detail and greater scope for improving habitat connectivity along the southern boundary of the site between two parcels of ancient woodland, Newlands and Bear's Lane Wood could be provided.

Natural England: general comment referring to Standing Advice

Environmental Services: no objection subject to conditions in respect of disposal of sewage and electric charging points for vehicles and several informatives regarding hours of construction and burning of waste on site.

Kent Fire and Rescue: general comment received requesting additional plans to confirm the details regarding access for fire appliances. [**HoP&D comment:** the proposed development would be subject to building regulations and sprinklers could be secured under this legislation should they be required]

KCC Developer Contributions: request contributions towards library stock for the mobile library service serving Great Chart. An informative is suggested with respect to the provision of High Speed Fibre Optic Broadband.

10 Neighbours consulted: no representations received

Planning Policy

30. 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).
31. 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).
32. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Local Plan to 2030

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP3 - Strategic Approach to economic Development

SP4 - Delivery of Retail and Leisure Needs

SP6 - Promoting High Quality Design

HOU1 – Affordable Housing

HOU5 - Residential windfall development in the countryside

HOU12 - Residential space standards internal

HOU14 – Accessibility standards

HOU15 - Private external open space

EMP2 - Loss or redevelopment of Employment Sites and Premises

EMP6 - Promotion of Fibre to the Premises (FTTP)

TRA3a - Parking Standards for Residential Development

TRA7 - The Road Network and Development

ENV1 - Biodiversity

ENV3a - Landscape Character and Design

ENV4 - Light pollution and promoting dark skies

ENV7 - Water Efficiency

ENV9 - Sustainable Drainage

Supplementary Planning Guidance/Documents

Landscape Character Assessment SPD 2011

Residential Space and Layout SPD 2011 (now external space only)

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

Village Design Statements/Neighbourhood Plans

Bethersden Neighbourhood Plan (unadopted)

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) 2019

33. 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:-

34. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential dwelling; or
 - e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
35. Paragraph 123 of the NPPF 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.
36. Paragraph 97 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
37. Paragraph 163 states that development should ensure that flood risk is not increased elsewhere.
38. Paragraph 170 states that the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services should be included in the decision making process.

39. 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

40. The main issues for consideration in the determination of this application are:
- Principle
 - Visual amenity
 - Residential amenity
 - Parking & Highway safety
 - Ecology
 - Drainage
 - Trees
 - Archaeology
 - Affordable Housing

Principle

41. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraphs 2 and 11 of the NPPF state that planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

42. The proposal is not an allocated site in the development plan and is located outside of the built confines of a settlement identified under policy HOU5 which permits, subject to certain criteria windfall residential development close to or adjoining settlements listed under this policy. The site is located in the countryside over 2.5km from the nearest villages Hothfield and Pluckley and 4km from Great Chart, where the surrounding roads lack safe stopping places, footways/verges or lighting for pedestrian use and are poorly related to public transport links. The proposal therefore fails to comply with the first part of HOU5.
43. The second part of HOU5 outlines the exception criteria for dwellings elsewhere in the countryside (i.e. not close to or adjoining). These exception criteria mirror those set out under paragraph 79 of the NPPF as set out above. These include exceptions for a dwelling to house a rural worker, a re-use of a heritage asset, the re-use of a redundant building which results in an enhancement to the immediate setting, the subdivision of an existing dwelling or a dwelling of exceptional design quality. The proposed development would fail to comply with any of these exception criteria.
44. However, as outlined in the planning history section of this report, planning permission has been granted on the site in the form of a hybrid application for a total of 7 dwellings, 6 of which were granted outline planning permission with access, layout and landscaping being considered (scale and appearance were reserved for future consideration) and one dwelling house was subject to full planning permission. The permission remains extant and is therefore a material consideration that should be afforded considerable weight in the determination of this application. The Council permitted the application as a departure from the development plan on the basis that:
- The site represents developed land in that it has been re-contoured and partly surfaced as a golf course and as such is not undeveloped farmland.
 - There would be limited visual harm due to topography, existing and proposed planting and the 2 storey scale of the dwellings.
 - Taking into account existing traffic movements there would be little or no increase in traffic movements and thus no significant additional unsustainable journeys.
 - There would be a net benefit to bio-diversity.
45. These reasons equally apply to this application and as such the principle of residential development on the site can be considered acceptable.
46. The loss of the golf club has previously been accepted through the previous grant of planning permission. This situation remains unchanged given that this

permission could be carried out and it is noted that previously Golf England via Sport England raised no objection to the loss of the golf course on grounds that there was a good array of golf facilities within the Ashford area. The loss of the golf course is therefore considered acceptable.

Visual amenity

47. The site is located within the Dering Woodland Farmlands Low Weald Landscape Character Area. Landscape analysis set out within the Council's Landscape Character SPD states that the landscape here is moderately sensitive and in moderate condition and seeks to ensure that development conserves and reinforces the landscape character.
48. The existing golf course is manicured and has been subject to a re-grading of the land and therefore is not an agricultural/undeveloped site in the context of the surrounding landscape but it does sit comfortably within the wider rural setting/context. The site does have an undulating landform and strong tree cover with large blocks of woodland. A railway line cuts through the landscape, although this is not easily discernible within the woodland landscape along the southern boundary of the site. Built development in this location is sparse. Whilst there is an increase in density proposed, given the size of the site, the increase would not significantly alter the conclusion previously reached for the 7 dwellings approved for the site that the architectural influence from local traditional vernacular design (to be secured at the reserved matters stage in this instance) and robust and extensive landscaping would mean that the development would not appear incongruous in the landscape. Further it is proposed that the scale of development would be 2 storey and this can be secured by condition should planning permission be granted.
49. In light of the above, it is not considered that there would be no overriding harm to the landscape which would warrant refusal.

Residential amenity

50. Given the size of the dwellings proposed, it is considered that whilst the details of the scale and appearance are reserved for future consideration, the proposed dwellings would be able to comply with policy HOU12 in residential space standard requirements.
51. The density of development, as outlined in the principle section is increasing but sufficient space would remain between the dwellings on the site and prevent any potential amenity issues. It is not considered overlooking would occur given the spacious nature of the development (layout is for

consideration). The size of the plots would enable compliance with policy HOU15 to provide sufficient external amenity space for future occupiers.

52. There are no immediate neighbours to the site and as such there would be no loss of amenity to existing residents.
53. As a result, there would be no harm to residential amenity to existing occupiers of neighbouring dwellings or future occupiers of the proposed dwellings.

Parking & Highway safety

54. Sufficient visibility splays were provided for the extant planning permission (17/00469/AS) where it was considered the splays were sufficient at the existing vehicular access to serve the development of 7 dwellings. It was also considered that the rural road network had the capacity to accommodate the vehicle movements generated by the development.
55. KCC Highways have stated that greater visibility splays are now required under this application. The vehicular access is unaltered from the previously approved scheme. The increase in the number of units by 3 would not significantly alter the number of vehicle movements onto Bears Lane, which is a non-primary classified C-road. Furthermore, given the existing lawful use of the site, it is likely that this would have generated considerably more vehicle movements than the proposed use for 10 dwellings. As such I do not consider the request for greater visibility splays either reasonable or necessary.
56. There would be sufficient parking provided on site to enable compliance with policy TRA3a and laid out in accordance with the Council's Residential Parking SPD guidance to ensure sufficient on-site parking.
57. In addition, the width of the access track and internal road is sufficient to allow for access by emergency and refuse vehicles (full details of tracking and servicing have not been provided but I am satisfied that access to and turning within the site by a large refuse vehicle can be achieved and so this can be secured by condition).
58. In light of the above, I am satisfied that the proposed development would not result in unacceptable harm to highway safety.

Ecology

Protected species

59. A number of thorough and robust ecological reports were provided with the application, together with updated information following initial comments from KCC Biodiversity. A summary of the reports is set out earlier in the report. The scoping survey found a large population of GCNs on the site and an updated survey and appropriate mitigation involving the erection of exclusion fencing, the trapping of GCNs and their translocation to a nearby receptor site would be required under an application for a European Protected Species License (EPSL) from Natural England. A very detailed Biodiversity Mitigation and Enhancement Plan has also been submitted, which proposes to retain the population of GCNs on site through the creation of a new pond and grassland area (and the enhancement of this habitat), along with the protection of the existing pond and ditch network from construction with the instalment of exclusion fencing. In terms of other reptiles, there is some limited suboptimal habitat adjacent to the site and a presence/absence survey is required to guide any required mitigation strategy.
60. In addition, some trees and hedgerow on the site were found to have potential to support roosting bats and provide foraging and nesting opportunities for bird species and it is proposed for the majority of these to be retained (with any loss compensated for through additional planting) and protected from construction, along with planting known to benefit these species, the erection of bat/bird boxes on the site and vegetation clearance being undertaken outside of the breeding bird season. A number of precautionary measures and enhancements of suitable habitat area are also proposed in relation to reptiles, badgers, hazel dormouse, hedgehogs and voles.
61. 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.”

62. 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. The proposal does benefit from an extant permission, therefore, in considering it against the second test outlined above, there is no satisfactory alternative to the development in this location and therefore it is only the uplift of 3 dwellings on the site which is being considered.
63. In respect of maintaining the population at a favourable conservation status (test iii), KCC Biodiversity has raised no objection in this respect. This is acceptable and therefore it is likely that an EPS licence would be granted by Natural England for the development proposed.

Designated areas

64. The site is adjacent to Ancient woodland (part covered by a TPO) and a Local Wildlife Site. To ensure no harm to ancient woodland a 15-20m buffer is

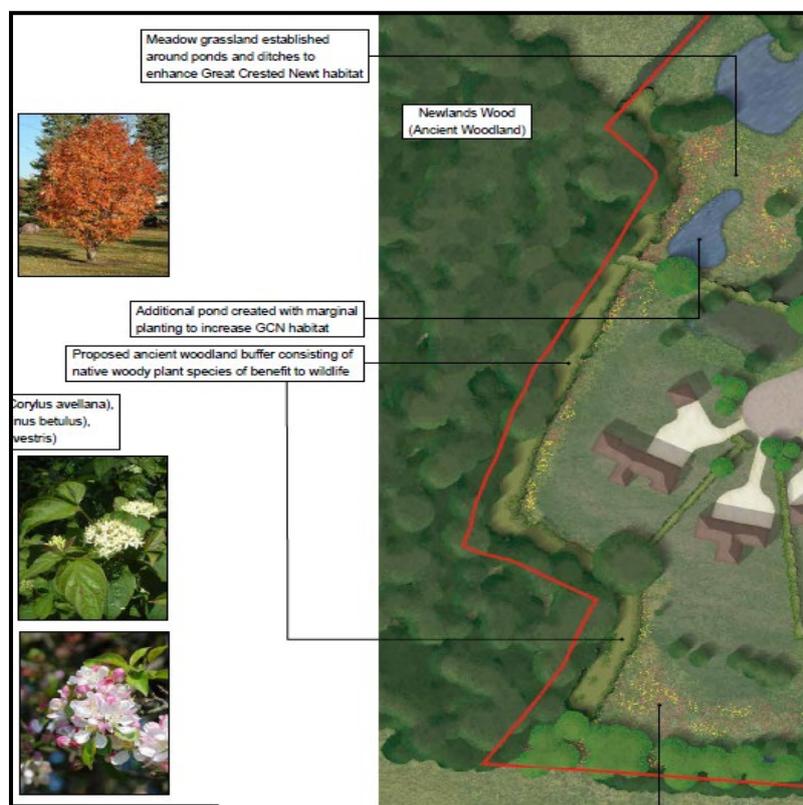


Figure 6 - Extract from Landscape Plan showing buffer zone with ancient woodland

required to safeguard this designated area and this is shown on the plans and shown in figure 6 below, which is an extract from the landscape plan provided. This buffer will protect both the ancient woodland and LWS from development and recreational pressure and ensure neither are adversely affected. It will also ensure no development takes place in the root protection area of this woodland which in part is covered by a TPO.

65. KCC Biodiversity, KWT & NE are satisfied with the information provided and consider the development to have potential to provide net gains for biodiversity and not adversely impact on protected species and their habitat or the designated LWS and ancient woodland. Consequently there are no matters of ecological interest that would warrant refusal subject to the imposition of conditions.

Drainage

66. The site lies outside Floodzones 2 and 3 but the geology is Wealden clay, characterised as slowly permeable seasonally wet sand, silt and clay soils with impeded drainage. The only flood risk relates to surface water and the development would result in a greater impermeable area than existing. Existing drainage ditches and ponds are to be retained and the risk can be managed through driveways being designed with permeable paving to provide attenuation for surface water run-off, along with SUDS elements to store and convey water runoff through the development to the surrounding drainage network at a controlled rate. The flood risk management measures recommended would also help manage this risk. The KCC as LLFA requests further details by condition, therefore I am satisfied that the surface water drainage strategy is suitable, feasible and would comply with Local Plan policy ENV9 and the Council's SUDs SPD.

Trees

67. It is clear that the trees and hedgerow bounding the site are of amenity value, as well as of value to notable/protected species as noted earlier in the Ecology section of this report. The Landscape Masterplan submitted shows majority of these to be retained and enhanced through native planting, restoration and improved management and would be protected during construction with temporary protective fencing. Some trees within the golf course would be lost to facilitate the development, however these are of limited amenity value. Furthermore, the open areas to be retained provide opportunities to enhance landscaping and would be planted with wildflower seeds. In addition, the required visibility splays from the access would be able to be accommodated without the removal of any hedgerow. Subject to conditions for tree protection and landscaping, I consider that the development would not be harmful to existing trees and hedgerow of significant amenity value.

Archaeology

68. Whilst the site does not fall within an area of archaeology or archaeological potential, an Archaeological Desk-Based Assessment was submitted and this found there to be a general low potential for archaeology on the site. KCC Heritage agree with this conclusion and recommend a condition for an archaeological field evaluation be attached to any permission granted. Subject to this, I consider that the development would not have an adverse impact on the archaeological interest of the site.

Affordable Housing

69. The extant permission for the site for 7 dwellings did not trigger the requirement for the provision of on-site affordable housing. At the time of determination, the scheme fell below the threshold for any such provision on-site. Central government guidance changes contained within the NPPF, together with the adoption of the Ashford Local Plan, now require such provision on sites of 10 dwellings or more (and on sites of 0.5 hectares or more). This is outlined under policy HOU1.
70. Affordable housing provision should be provided on-site, in accordance with this policy but as outlined under paragraph 6.12 of the Local Plan, off-site provision can be provided in the form of a commuted payment where on site provision is not possible or appropriate and subject to providing sufficient justification.
71. As outlined under the principle section of this report, the proposed development is not located within the built up confines or close to or adjoining any recognised settlement. The proposed development comprises large, detached executive homes which are not ordinarily considered to be affordable. Whilst there is scope to provide affordable housing on site, this would likely be out of context with the nature of the development proposal. Whilst this is a clear departure from the development plan and central government guidance, a payment in lieu contribution towards off-site provision would comply with HOU1 paragraph 2 in so far as there would be provision of an off-site financial contribution in lieu of affordable housing provision on site, to secure equivalent provision of affordable housing provision.
72. The Council's Housing section has commented on the application and is in agreement that given these scheme is based upon the provision of executive housing and the location is a considerable distance from the built up confines of any town or village that a commuted sum in this particular instance would be more appropriate and an acceptable way forward. The advice from the Council's independent viability consultants with regards to the provision of off-site provision of affordable housing through a commuted sum has concluded

that four units would be required, one for affordable rent and three for affordable home ownership. A figure of just over £500,000 has been calculated on the based local housing allowance rental rates for the rented unit.

73. In light of the extant permission on the site, for which no affordable housing contributions could be sought at the time of determination and given this would provide the Council with a commuted sum of just over £0.5m towards 4 units elsewhere within the Borough this is a material consideration that weighs heavily in favour of this application.

Planning Obligations

74. 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
75. 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 deliver the requirements of HOU1, para 2;
 - the methodology used by the Council's independent viability consultant to calculate the payment in lieu of on-site provision is sound;
 - the proposed payment in lieu delivers the requirements of HOU1 for the Rest of Borough (Zone C) through the proposed onward spend on 1 affordable rent unit and 3 shared ownership units off-site.

The proposed obligations may be relied upon as a reason to grant planning permission in this case.

Table 1

Applies to sites of 10 dwellings or more or 0.5ha or over				
	<p><u>Affordable Housing</u></p> <p><i>Applies to:</i> (i) <i>developments of 10 dwellings or more</i> (ii) <i>residential sites of 0.5 ha or more</i></p> <p>In accordance with table within Policy HOU1</p>	<p>Commuted sum of £504,754 Towards off-site provision of:</p> <p>1 affordable rent unit</p> <p>3 shared ownership units</p> <p>(indicative if outline)</p>	<p>Affordable housing contribution to be paid prior to occupation of 75% dwellings on site.</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 the payment in lieu relates to the value of the equivalent on-site requirements for a scheme in the rest of the Borough (Zone C) 10% Affordable Rent or 1 Affordable rent and 30% or 3 shared ownership units as affordable housing provided off-site.</p> <p>Fairly and reasonably related in scale and kind based on the IHA rent for equivalent on site provision of 1 affordable rented unit and based on the average value of a 4-bed house in an estate location for the 3 shared ownership units.</p>

Applies to all				
	<p><u>Monitoring Fee</u></p> <p><i>Applies in all cases</i></p>	<p>£1,000 one-</p>	<p>First payment</p>	<p>Necessary in order to ensure the planning obligations are complied with.</p>

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	Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	off payment	upon commencement of development.	<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>
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Human Rights Issues

76. 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

77. 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

78. The proposal fails to accord with the whole of the development plan in so far as the site is a departure from policy HOU5. However, an extant permission for the development of the site for 7 dwellings exists and the material considerations that justified this decision remain equally as relevant to this application. The extant permission and these material considerations should be given significant weight.
79. The proposal would fail to provide affordable housing on-site, as required under policy HOU1. As outlined in the affordable housing section of this report, on-site provision given the isolation of the site and the context of the development of executive homes, would not be appropriate. Given that affordable housing can be provided off-site in a more sustainable location to the satisfaction of the Council’s Housing Section.
80. The proposed development would comply with the development plan in respect of the visual impact, residential amenity for existing and future occupiers, ecology, trees and hedgerow retention, highway safety and parking, surface water drainage and flooding, archaeology subject to conditions. Consequently I consider that there are material considerations in this particular instance that again justify a departure from the development plan where there is conflict with this application and 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, in terms agreeable to the Head of Planning and Development or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Planning and Development 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 condition for submission of reserved matters
2. Standard time condition for outline application
3. Development carried out in accordance with the approved plans
4. Enforcement condition

Highways/Parking

5. Parking
6. Details of the provision cycle parking facilities
7. Road way details and provision to include refuse tracking
8. Construction Management Plan
9. Visibility splays

Landscaping and Ecology

10. Biodiversity Method Statement
11. Ecological Design Strategy
12. External lighting Design
13. Landscape management plan
14. Details of landscape buffer to LWS and Ancient woodland
15. Boundary treatments
16. Protection and Retention of trees & hedgerows shown to be retained

Drainage/Foul Water

17. SUDs scheme
18. Verification of SUDs scheme implementation
19. Means of foul water disposal

Residential

20. Dwellings to be two storey storey scale and form
21. Space Standards – internal and external pursuant to policies HOU12 and HOU15.
22. Accessibility standards for all new houses to HOU14 Part A.
23. Refuse storage details
24. Electric car charging points
25. Water efficiency condition pursuant to policy ENV7
26. Provision of water butt to each dwelling
27. Dwellings used for C3 purposes only
28. Removal of PD rights

Archaeology

29. Archaeological field evaluation

Other

30. Existing and Proposed level details

Architectural details

31. Broadband

Note to Applicant

1. S106
2. Working with the Applicant
3. Ecology
4. Highways
5. Broadband
6. Environment Agency consents
7. Construction working hours
8. Burning of waste

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 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 18/01592/AS)

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