

<b>Application Number</b>	17/01868/AS
<b>Location</b>	Land rear of St Marys Church between Duxbury and Hill Side, Church Hill, High Halden
<b>Grid Reference</b>	0276/7222
<b>Parish Council</b>	High Halden
<b>Ward</b>	Weald Central
<b>Application Description</b>	Outline application for the residential development of up to 26 dwellings. All matters reserved except for access into the site from Church Hill.
<b>Applicant</b>	Nicholas Parkin, Hamlin Estates
<b>Agent</b>	Catherine Rickett, Rickett Architects Ltd, 168 Parade, Leamington Spa
<b>Site Area</b>	1.56ha

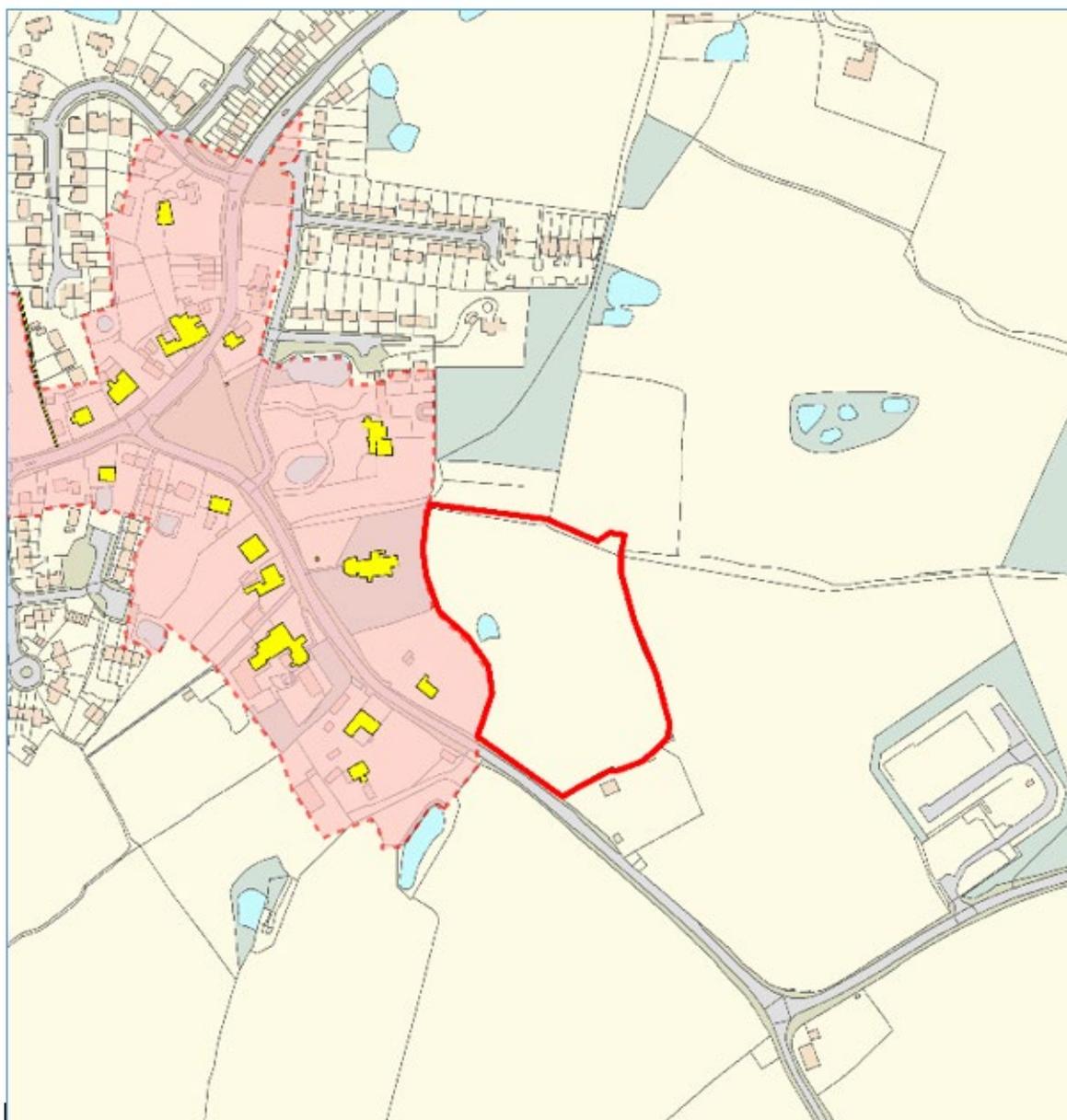
(a) <u>1<sup>st</sup> Consultation</u> 17/200R/6C/4S HH Parochial Church R	(b) <u>1<sup>st</sup> Consultation</u> R  <u>2<sup>nd</sup> Consultation</u> R	(c) <u>1<sup>st</sup> Consultation</u> EA - SW X HE X KWT R KCC Bio R KCC H&T R KCC (Econ) X KCC PROW R KCC Her X EP X PO R RA X  <u>2<sup>nd</sup> Consultation</u> HE X WKPS R KCC Bio X KCC H&T X CS R
<u>2<sup>nd</sup> Consultation</u> 215/105R/1C/3S HH Parochial Church R		

## **Introduction**

1. This application is reported to the Planning Committee because it is a major planning application. The applicants have appealed against non-determination and this is now the subject of a written representation appeal. The purpose of this report is to seek member approval for the grounds for fighting the appeal. As the application is now at appeal the Council is not in a position to determine the application.

## **Site and Surroundings**

2. This 1.56 ha site is situated immediately to the south east of the village of High Halden in the Biddenden and High Halden Farmlands Landscape Character Area which forms part of the Low Weald. Bordering the site to the west is the High Halden Conservation Area with its large number of listed buildings, including the Grade I listed St Mary's Church and Grade II listed Duxbury, which both immediately adjoin the site. To the north, east and south of the site is open countryside. A property, known as Hillside, occupies a large plot immediately to the southeast of the site.
3. The site forms an irregularly shaped field with frontage onto Church Hill, the main route into the village from the south. The land drops away to the south of the site which as a result means the site is elevated in views from the south. Church Hill is a historic route which slopes down steeply from St Mary's Church to the land to the south. With a single carriageway in each direction it has no footways. To either side are historic properties (mostly listed) on large, mature plots with hedgerows/ green margins adjoining Church Hill.
4. The site generally slopes from west to southeast and is laid to pasture. It has a historic pond on its western boundary with the church and Duxbury. The northeast corner of the site falls within an archaeological area centred on the church. A public right of way (PROW) extends across the northern boundary of the site connecting the village through the northern edge of the churchyard to the open countryside to the east.



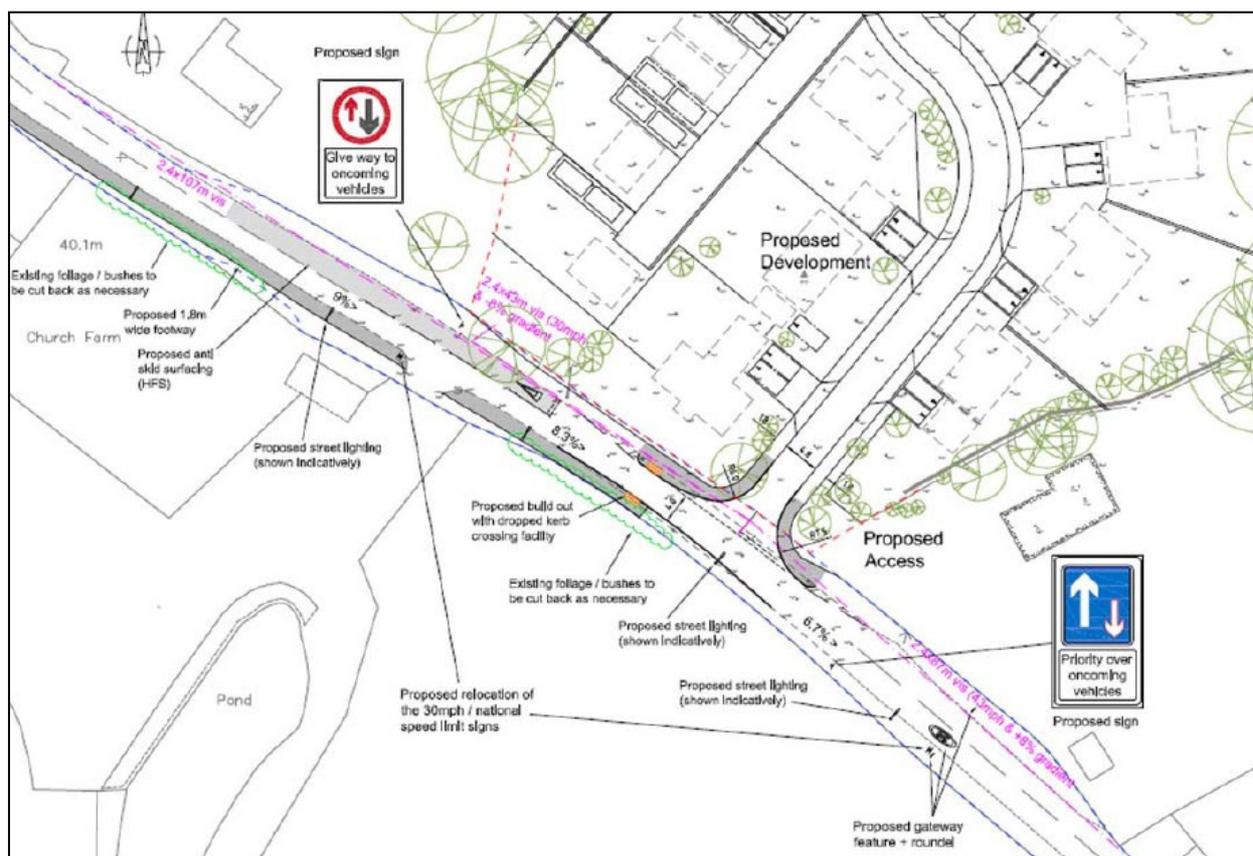
**Figure1:** Site Location Plan

## Proposal

5. This outline planning application is for residential development of up to 26 units with all matters reserved except for access into the site from Church Hill.
6. As first submitted, the application was for 'up to 31 residential units' and included an indicative layout plan showing this scale of development. In response to



9. The revised proposal includes traffic calming measures in Church Hill in order to achieve an acceptable access. This involves the cutting back of the foliage on the western side of the lane to provide a 1.8m wide footway and the introduction of a build out with drop kerb to provide a crossing facility and street lighting. The proposed traffic calming scheme is shown in figure 3 below.



**Figure 3: Proposed site access arrangements**

The following documents have been submitted in support of the application:

Archaeological and Heritage Statement

This document concludes that the proposed development would have no direct impact on the character and appearance of the conservation area. It judges that there would be a low level of harm to the conservation area through changes to its setting, owing to the relationship between the southern part of Church Hill and the open landscape beyond. The tests set out in the NPPF therefore applies and it is concluded that the harm would be less than substantial, and should be balanced against the public benefits of the scheme. The assessment further concludes that the proposed development would cause some harm to the heritage significance of St Mary's Church through changes to

its setting. This level of harm is judged to be less than substantial as there are no current views between the site and church that contribute to its heritage interest. With appropriate measures, such as increased levels of screening and increasing the distance between built development and church, the impact could be reduced further. The assessment concludes also a low level of harm to Duxbury and Church Farmhouse (both Grade II listed).

#### Addendum Statement on Heritage Matters

Prepared in response to the comments made by Historic England (HE) on the application in their letter of 2<sup>nd</sup> February 2018. The Addendum notes that the HE letter does not identify an objection to the positive determination of the planning application. Rather it raises concerns regarding the application on heritage grounds stating that the issues and safeguards that have been raised by them need to be addressed to meet the requirements of paragraphs 131, 132 and 134 of the NPPF.

This Addendum supports the findings of the original report concluding that less than substantial harm would accrue from the development in respect of both the St. Mary Church and the surrounding Conservation Area. It concludes that the revised masterplan has reduced the harm to heritage assets by retaining a larger area of open space on the highest point of the site and on land closest to the church. The revision will serve to maintain a greater sense of openness from within the churchyard, as well as affording enhanced opportunities to provide tree planting which would serve to screen views of the completed development.

#### Flood Risk Assessment and Drainage Strategy

This report concludes that the site is not in an area prone to flooding. It recommends that due to the clay strata restricting infiltration techniques, surface water runoff should be discharged to an unnamed watercourse located 465m east of the site. The provision of attenuation features, such as a tank, pond or basin, at the lower south east extent of the site would help to attenuate on site.

#### Revised Flood Risk Assessment and Drainage Strategy

Prepared in response to objections raised by the Council's Project Office on the drainage strategy. It proposes that surface water run-off up to the 1 in 100 year plus 40% climate change allowance event will be attenuated on site and that provision has been made within the site layout for an attenuation feature at the lower southeastern extent of the site.

#### Landscape and Visual Appraisal and Viewpoints

This report identifies the landscape receptors that have the highest potential to be impacted by this development and their relative sensitivities. Those of high sensitivity

are the relationship with surrounding Low Weald Countryside and the vernacular architecture within the setting of the site. The visual receptor with the highest potential to be impacted by the development is the PROW.

#### Addendum Landscape and Visual Appraisal

This report has been submitted in support of the revised layout of 26 units which it describes as a positive evolution in the development design that substantially increases the retained buffer around the church and provides open space at the uppermost part of the site, which is most visible from the surrounding landscape. The area of open space also encompasses the existing pond, setting it in a more naturalistic context and facilitating its ongoing positive management. The revised layout also reinforces the eastern boundary hedgerow which provides a natural separation between the proposed development and surrounding countryside.

The revised layout addresses recommendations in the LVA concerning the PROW by setting the footpath within the open space for almost half of its length. This, it states, would retain views from the PROW for the benefit of users. Furthermore, the footpath corridor is significantly widened in the new layout. It is therefore concluded that the effects on this route would be entirely acceptable in visual terms.

#### Preliminary Ecological Assessment

This study concludes that the site has medium – high value with regards to biodiversity noting the presence of the pond and the need for an appropriate mitigation strategy. It identifies the need for further survey work in respect of nesting birds, bats, reptiles and great crested newts. It also sets out some recommendations in respect of enhancements.

#### Interim Bat Activity Surveys

This study concludes that there are at least 7 species of bat using the site for foraging and commuting with a level of bat activity and bat species diversity identified as moderate to low. The vegetated northern, eastern and western boundaries form an important feature for the bat species present and as such these features should be retained or where this is not possible the landscape design should incorporate alternative flight lines associated with retained trees. To ensure the site stays suitable for bats a lighting strategy is advised. It is noted that without such a lighting strategy, the development could result in a severance of bat commuting routes and disruption of bat foraging areas. To ensure the sites integrity for bats is maintained, it is proposed that the lighting design should be considerate to the requirements set out in the Bat Conservation Trust's 2009 document 'Bats and Lighting in the UK'.

### Great Crested Newt and Reptile Survey

This survey identifies a small population of GCN within the waterbody within the site together with suitable GCN terrestrial habitat. On this basis, a European Protected Species Mitigation (EPSM) license will need to be sought and approved by Natural England prior to works commencing on the site. The report identifies areas to be covered by such a license application.

### Transport Statement

This statement concludes that the impact of the development is not severe and there is no reason why the proposals should be resisted on highway grounds. It lists the following key findings:

- The proposed site is in a sustainable location with good access to public transport services
- There are no outstanding highway safety issues which the proposed development would exacerbate
- The site can be accessed safely by refuse vehicles
- The vehicle access is deemed safe and appropriate
- The anticipated trips from the site demonstrate that the increase will not be significant to lead to the detriment of the safe operation of the existing local highway network
- Pedestrian access to the site will be improved by upgrading PROW AT 155 between the site and Church Hill
- The developer is proposing to construct, if feasible, a car drop off area on Church Hill to try and improve the parking issues associated with the school on Church Hill.

### Letter from agent, dated 9<sup>th</sup> January 2018

In this letter the agent makes a case for the proposal in terms of general housing delivery, the lack of leeway and the need to ensure windfall sites are brought forward. He highlights the need to refer to the proper context for the consideration of windfall sites (Policy HOU5) highlighting another case in the borough (Ref No 16/01271/AS) and the need to ensure the delivery of affordable housing and the wider role of parish councils.

(HP&D comment: The Council has a five year housing land supply. Each application is different and is determined on its own merits. The delivery of affordable housing is a material consideration that is given weight in the planning balance.)

## Planning History

There is no relevant planning history.

## Consultations

### Scheme as submitted for up to 31 units

**Ward Members** – One of the Ward Members is a member of the planning committee. No comments have been received from the other ward member.

**High Halden Parish Council** - strongly objects to this application on a large number of grounds:

- The scale is inappropriate to the surrounding area.
- The village has three housing sites already - 135 dwellings in total – which in contrast to the developer's assertion cannot be described as 'limited housing growth'.
- Detrimental to the setting of the conservation area and Grade I listed church. The harmful effect on setting and significance of these important heritage assets would not be outweighed by public benefit.
- Loss of an important open space which is integral to the character and appearance of the CA.
- Unacceptable increase in traffic in the vicinity of the school.
- Urbanising effect of the proposed highway works in Church Hill.
- Exacerbate parking difficulties in Church Hill, especially at school drop off. The proposed three car drop off bay at the school is inadequate.
- This site remains the only site which could help alleviate the congestion and major local concerns surrounding the school and associated traffic safety issues where the proposed transfer of the top part of the site would also address other parking issues, the church, and potentially play a wider community benefit.
- The TA is misleading/ inaccurate in a number of respects: youth bus is not a bus service; traffic readings taken on just one day of the year and therefore not representative (although even these record speeding); Church Hill is described as a 'slight incline' (which is not the case) that supports cycling. It is the view of the PC that the steepness of Church Hill precludes cycling as an alternative means of gaining access to the village for the average cyclist.
- Removing kissing gate and laying tarmac or compacted stone on existing footpath through church yard are not appropriate for ancient setting.
- Adverse impact on ecology. The survey fails to mention the SNCI (Pond Wood) which is 550 m from the site.
- Numerous inaccuracies in Planning Statement and the PC disputes assertions that the development can be easily integrated into the existing settlement such that there is no need for substantial improvement to infrastructure.

**Environment Agency** No comment as it falls outside their remit as a statutory consultee.

**Southern Water** No objection subject to a condition requesting details of the proposed means of foul and surface water sewerage prior to construction. An informative is also advised in respect of the need to make a formal application for connection to the public sewerage system.

**Historic England** Historic England has concerns regarding the application on heritage grounds. It considers that the issues and safeguards outlined in their advice need to be addressed in order for the application to meet the requirements of paragraphs 131, 132 and 134 of the NPPF. In determining this application it advises the LPA to bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

**Kent Wildlife Trust** objects. Whilst the site is not within or adjacent to any statutory or non-statutory sites of nature conservation importance there is considerable species and habitat interest on site, including the potential for protected species. It comments that a protected species survey has not been provided and supports the comments made by KCC Biodiversity. It also remarks that the application demonstrates no aspiration for on-site enhancement which is particularly disappointing considering its position adjacent to the church yard and surrounded by rural land on a village fringe.

**KCC Biodiversity** advises that additional surveys are required prior to determination. In respect of the proposed enhancements it comments that the details of this could only be agreed once it is understood what ecological mitigation is required.

**KCC Highways and Transportation** raises a number objections setting out how they could potentially be overcome.

**KCC Economic Development** requests contributions in respect of primary (Woodchurch Primary school) and secondary education (Homewood Phase 2 expansion) and libraries. An informative is also advised in respect of securing broadband.

**KCC PROW** objects to the scheme on the grounds that the plans appear to reflect the walked line of the path as opposed to the legal definitive alignment. It indicates that the applicant will need to provide amended plans reflecting the correct legal alignment or they will need to seek a legal diversion of the path to proceed with this layout. It advises an informative with respect to any future planning permission.

**KCC Heritage (Archaeology)** No objection subject to a condition.

**Environmental Protection** No objection subject to conditions with respect to sustainable transport and sewage disposal.

**Project Office (Drainage)** Objects on the grounds of concerns about compliance with ABC Sustainable Drainage SPD, in particular that insufficient space has been made available within the layout to accommodate SUDS. Furthermore, the proposed masterplan does not correspond with the plans provided within the FRA / Surface Water Drainage Strategy and as such the area identified for attenuation cannot be sited in the location shown due to space constraints/siting of dwellings. Notwithstanding, the discrepancies in the plans provided, the attenuation tanks shown within the drainage strategy are located in rear gardens providing potential problematic access for routine maintenance. It also raises inconsistencies with calculations.

**Rambler's Association** No objection as whilst the PROW is not enhanced, it would be protected

**Neighbours** - 17 neighbours were consulted. 200 objections were received and 4 responses in support of the proposals. 6 general comments were received which didn't raise any additional material considerations.

A neighbour objection has been received from High Halden Parochial Church which comments on the speculative nature of this proposal. They disagree that the benefits of this scheme (cited as community car parking; affordable housing; highway alterations) would outweigh the dis-benefits. The PCC also disagrees with the agent's position a failure to support this development could give rise to the risk that owners of allocated sites would seek to maximise development of their land.

The letters of objection raise the following issues:

- There is no need for further development in the village – points to site allocations in local plan and other smaller developments that are taking place within the village at the old council yard and precinct 13;
- The developer lead community engagement has shown a lack of understanding about the concerns of local people and the supporting information contains inaccuracies and assumes that the development is acceptable;
- Impact on rural setting;
- Loss of amenity – Church Fields is an irreplaceable resource for people living in the area – with spectacular views – some of the best in the village – from the PROW;
- Loss of biodiversity – the church and its surrounding are rich in wildlife;
- The Ecological survey makes a convincing case for not developing the site;
- Impact on historic heart of the village, the setting of St Mary's Church and the conservation area. Impact on archaeological remains;
- More development will put pressure on local school places;

- Ground movements in the vicinity during construction could damage the church which has undergone repair work recently;
- Church Hill cannot cope with the increased traffic flows that would arise from this development. Detrimental to highway safety.

The letters of support raise the following issues:

- The site is well related to the village centre;
- The provision of extra community parking is a major benefit of this application;
- The proposed highway works are a solution to existing problems in the street.

#### Re-consultation following amended details to reduce the scheme to up to 26 dwellings

**High Halden Parish Council** - The Parish Council continues to strongly object to this application. It further comments as follows:

- The buffer zone between the church and proposed development is insufficient.
- The proposed street lighting and yellow lining would urbanise this part of the village and are unacceptable.
- The proposals would have an adverse visual impact on Church Hill.

**Historic England** continues to have concerns about this proposal on heritage grounds. While there are not intended views out, or as stated by EDP 'an experience of views', from the churchyard eastwards towards the site, the fact that the church historically stood on the edge of the village towards its southern end is nevertheless appreciable through the trees bordering the churchyard, and the rural nature of the proposed site contributes to this. This notwithstanding, HE accepts that the reduction in the number of houses and the inclusion of a buffer zone between the church and the proposal in the north western part of the site would somewhat reduce the level of harm caused to the church's significance through change to its setting, although it continues to think that it would cause some harm.

It does not think that the reduction in the number of houses and positioning in the north of the site addresses its concerns regarding the proposal's effect on the conservation area. The rural origins of the village is appreciable in views out from the southernmost end of the conservation area towards surrounding fields to the south and east and in views as it is approached from the south. The site can be glimpsed within these views and constructing houses within this would reduce our appreciation of the relationship between the village (and consequently the conservation area) and the wider countryside when entering or leaving the village.

Paragraph 190 of the National Planning Policy Framework states that any harm to a designated heritage asset, including conservation areas, should be minimised, and that

any remaining harm, should require a clear and convincing justification as per paragraph 194. While it is accepted that some harm has been minimised by the reduction in the number of houses and the creation of a buffer zone between the church and the site, HE continues to think the harm could be further minimised, particularly in the southern area of the site.

HE also reiterates its previous comments stating that the site is not allocated, highlighting the strong policies embedded within the Local Plan to protect and enhance the historic environment still stand. It notes that the applicant has agreed to prepare a Design Code, and it emphasises that paragraph 192 of the National Planning Policy Framework requires local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness and that this is further embedded within the Local Plan.

**KCC Biodiversity** Following the submission of additional information KCC is now satisfied that the proposal is acceptable subject to conditions.

**KCC Highways and Transportation** No objections in respect of the reviewed and updated Transport Statement. It is satisfied with the details provided in respect of personal injury crashes and that these do not raise any issues of a recurring crash pattern that would be exacerbated by the proposal. It is also satisfied that the traffic generation figures do not cause concern in relation to highway capacity. It comments that the new vehicular access into the site together with new village gateway and extended speed limit offer a workable solution which significantly improves visibility from the site and that the traffic calming measures would slow vehicle speeds. The proposed footway in Church Hill would provide all weather direct access to the primary school and village centre. The demonstrated refuse vehicle swept path analysis is acceptable. No objections are made subject to a number of conditions which includes the delivery of the proposed highway improvement schemes as detailed in appendix D and F prior to occupation of the first dwelling.

**Weald of Kent Protection Society** objects, commenting that the numerical revision makes no difference to the concerns of residents or the problems the development will cause. It objects to the proposal of the grounds of:

- The site is not allocated in the adopted plan;
- The development would destroy the heavenly views and peace and quiet of the church and particularly the graveyard where so many of the residents' relatives are buried and would irreparably damage the spiritual heart of the village; 3) It would cause major traffic problems on Church Hill and on turning onto the A28; 4) It would urbanise this beautiful end of the village with building, noise and light pollution. It adds that it has supported a number of recent developments in the village but strongly opposes this one which has to be one of the most inappropriate sites within the borough.

**Cultural Services** has requested further details on the proposals for open space. It comments that the Landscape and Visual Impact assessment does not allow for winter views. An appraisal taken after leaf fall would have more value. The appraisal photographs show vegetation in full leaf, which is misleading when assessing impact on

views and landscape receptors. It comments that this has particular reference to the church, which can be seen from the site and is only partially screened with vegetation.

The LVA has not considered the impact of the development on PROW AT154, north of the site where it crosses through the church yard, or considered views from the churchyard north of the site which is publically accessible and in use. The indicative layout is showing poor residential boundary treatment with fencing onto the public footpath.

Neighbours - 215 residents; consulted. 105 objections were received and 3 in support. A further letter raised a general comment.

These responses raise similar issues to those raised as part of the first consultation. A number of the letters of objection point out that the reduction in unit numbers does not make the development any more acceptable or address previous concerns regarding impact on the CA / setting of listed buildings or cramming.

## **Planning Policy**

10. 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).
11. 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).
12. The relevant policies from the Development Plan relating to this application are as follows:-

### **Ashford Local Plan 2030**

SP1 – Strategic objectives

SP2 – The strategic approach to housing delivery

SP6 - Promoting high design quality

HOU1 – Affordable housing

HOU3a – Residential windfall development within settlements

HOU5 – Residential windfall development in the countryside

- HOU12 – Residential space standards internal
- HOU15 – Private external amenity 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
- TRA8 – Travel plans, assessments and statements
- ENV1 – Biodiversity
- ENV3a – Landscape character and design
- ENV4 – Light pollution and promoting dark skies
- ENV5 – Protecting important rural features
- ENV9 – Sustainable drainage
- ENV12 – Air quality
- ENV13 – Conservation and enhancement of heritage assets
- ENV14 - Conservation areas
- ENV15 – Archaeology
- COM1 – Meeting the community’s needs

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

**Supplementary Planning Guidance/Documents**

Affordable Housing SPD, 2009

Sustainable Drainage, October 2010

Residential Parking and Design Guidance, October 2010

Landscape Character, April 2011

Residential Space and Layout, October 2011

Public Green Spaces and Water Environment, July 2012

Dark Skies, July 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

National Planning Policy Framework 2018

Planning Policy Guidance

Technical housing standards – nationally described space standard

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

Relevant sections:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 10 - Supporting High Quality Communications
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places

- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment  
Chapter 16, Para 184 – These (heritage) assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

## **Assessment**

15. The main issues for consideration are:

- Principle of development
- Landscape Impact/ Visual amenity
- Impact on designated heritage assets
- Impact on residential amenity
- Highway Safety
- Flood Risk / Drainage (surface and foul)
- Biodiversity
- Contamination
- Housing mix / affordable housing
- Other matters
- Whether planning obligations are necessary

### **The principle of the development**

16. The Council can currently demonstrate a 5 year housing land supply and therefore the policies in the adopted Local Plan relating to the supply of housing are afforded full weight. 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.

17. The Local Plan has validated the essential land use planning strategy adopted by the Council, as being the right strategy to apply, namely focusing growth in and near the built-up area of Ashford, as well as in the main rural settlements in the hierarchy, based on sustainability considerations and seeking to recognise the character and important qualities of the villages and the countryside. The land use planning strategy is sound and justified. High Halden is considered to be one of the higher tier settlements.
18. In the rural area, larger scale development – in a rural context – is focused at the more sustainable and established rural settlements, those which have more services and facilities and a greater ability to absorb higher levels of new housing (i.e. High Halden).
19. The Plan also proposes to allocate a significant number of housing allocations at medium sized rural settlements which will spread the responsibility for accommodating new housing growth in a sustainable way across the borough and focus new housing in a way that is proportionate and close to the services and facilities in the locality. This site is not an allocation.
20. The relevant policies for residential windfall development are Policy HOU3a (within settlements) and Policy HOU5 (in the countryside). As the site falls outside the built up confines of High Halden, it is Policy HOU5 applies.
21. Policy HOU5 is permissive of residential development ‘adjoining’ or ‘close to’ the existing built-up confines of a number of settlements listed in the policy providing it meets a number of strict criteria. High Halden, as a larger more sustainable settlement, is included as a HOU5 village and the adjacency of this site to its built-up confines requires the proposal to be assessed against the criteria in the policy. Only proposals that meet the criteria will potentially be considered appropriate for development.
22. These criteria are set out and considered below:
  - a) *The scale of development proposed is appropriate to the size of the settlement and the level, type and quality of day-to-day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in the Local Plan and committed development in liaison with service providers*

I am satisfied that this is the case. High Halden is one of the more sustainable village settlements. It has a number of facilities, including a shop, pub and primary school.

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

I am satisfied that this is the case.

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

The proposal includes traffic calming measures in Church Hill to address highway safety concerns which were raised by KCC H&T. Whilst KCC no longer raise objections to the proposal, I consider that these measures would adversely affect the character and appearance of the conservation area by urbanising Church Hill which, in contrast to the A28 in the northern part of the village, is a rural lane (see section on 'Visual Impact'). I do not therefore consider that the proposed development satisfies this criterion.

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

This could only be achieved with the implementation of the traffic calming measures in Church Hill (which include the provision of a footway). As stated above these measures would adversely affect the character and appearance of the CA.

- e) *The development must conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality*

I am not satisfied that development here would conserve and enhance the natural environment or preserve or enhance heritage assets - see relevant sections below.

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

- i) *It sits sympathetically within the wider landscape*

I do not consider this to be the case - see section below on Landscape Impact.

- ii) *It preserves and enhances the setting of the nearest settlement*

I do not consider this to be the case - see section below on Landscape Impact.

- iii) *It includes an appropriately sized and designed landscape buffer to the open countryside*

This is not the case - see sections below on 'Landscape Impact' and 'Landscaping'.

- iv) *It is consistent with the local character and built form, including scale, bulk and the materials used.*

This is an outline application where scale and appearance are reserved matters.

- v) *It does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents.*

See section on Residential Amenity

- vi) *It would conserve biodiversity interest on the site and / or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1.*

See section on Biodiversity

I therefore conclude that whilst the site is locationally sustainable it does not meet all of the criteria for residential development in the countryside identified in Policy HOU5. The proposal is therefore contrary to the development plan for the reasons set out in the remainder of this report.

### **Landscape impact/ Visual Amenity**

23. Policy ENV3a requires all proposals for development in the borough to demonstrate a particular regard to a number of landscape characteristics, proportionately, according to the landscape significance of the site. These include in particular: landform, topography and natural patterns of drainage.
24. Policy ENV5 seeks to protect important rural features including rural lanes which have a landscape, nature conservation or historic importance and public rights of way.
25. Policy HOU5 sets out a list of criteria which must be met if the development is to be deemed acceptable on this site. These include that the development (and any associated infrastructure) is of high quality design and sits sympathetically within the wider landscape. It also requires that development preserves or enhances the setting of the nearest settlement and includes an appropriately sized and designed landscape buffer to the open countryside.

26. Policy SP6 promotes high quality design requiring consideration of a number of criteria including “character, distinctiveness and sense of place” and “Quality of public spaces and their future management”.
27. Policy HOU5 sets out a list of criteria which must be met if the development is to be deemed acceptable on this site. These include that the development is “consistent with local character and built form”.
28. The site falls within the Biddenden and High Halden Farmlands Landscape Character Area which forms part of the Low Weald. One of the key characteristics is the “Historic settlements of Biddenden and High Halden situated around distinctive churches.” The overall guidelines for the area are to conserve and improve the landscape, including “conserving long views out across the Weald”.
29. The development would be accessed from Church Hill to the west which forms a rural lane of landscape and historic importance. The proposed traffic calming measures would have an urbanising effect on the lane contrary to Policy ENV5. There are a number of public rights of way on the site and within the vicinity of the site that would be affected by this proposal. One PROW extends across the northern boundary of the site from west to east linking the churchyard and historic village core to the surrounding countryside. There are long views from this PROW of the Low Weald to the south. The proposed development would obstruct these views and change the rural character of the PROW. (It should be noted also that the proposed layout shows properties hard up against the PROW, providing a bleak side-on relationship to it). In this respect, also, the proposed development would be contrary to Policy ENV5.



**Figure 4:** Showing rural character of Church Hill

30. The site is adjoined to the west by the village conservation area and a number of listed buildings, including the Grade I St Mary's Church, and to the north, east and west by open countryside. The site forms a ridge which slopes down to the south providing long views of open countryside from the church yard as well as the PROW. Due to its elevated position, the rural village edge in the vicinity of the site is prominent in views from the south. This is especially the case in the winter months when the planting to these site boundaries is denuded. The site is therefore sensitive in terms of its relationship to the village; the village conservation area and the wider landscape. The applicant's own Landscape Assessment supports this view describing the strong relationship between the site and surrounding Low Weald countryside as one of 'high sensitivity'. The impact of any development on the public footpaths extending across the site is also described as of 'high sensitivity'.
31. The indicative layout plan submitted with this application (see figure 2 of this report) shows a landscape buffer along the western side of the site with the conservation area/church, which is intended to reduce the impact of the proposed development on designated heritage assets. It also shows some limited additional planting to the southern and eastern boundaries with open countryside. Whilst these interventions are intended to help to reduce the impact of development on the village and its setting, the development would obstruct views, out of the conservation area and from the PROW, of the countryside beyond thereby harming the visual connection between village and its rural setting. It would also impact on wider views of the village from open countryside, especially as it has already been noted, in the winter months when the boundary planting is denuded.
32. Whilst this proposal is an outline application, with all matters reserved except for access from Church Hill, the indicative layout does not demonstrate that an acceptable proposal can be achieved for this quantum of development. The indicative layout shows units backing onto the sensitive southern boundary of the site with open countryside and indeed one of these units is exceedingly close to this boundary. Furthermore, the indicative layout relates poorly to the open spaces and key movement routes (such as the PROW) within the development with properties backing / siding onto these public spaces. This brings into question both the quality of those public spaces and the ability of any development to contribute positively to sense of place. I do not consider that the proposed development would sit sympathetically within the wider landscape or preserve the setting of the village.
33. As the village is approached from the south, it has a distinctly rural feel. Church Hill, as it has already been noted, is a rural lane. The properties to either side are detached historic dwellings on large plots that are one plot deep. (This contrasts with the character of the village abutting the A28 which is generally more intensive, often with development behind the main building line). The proposed

development would introduce an intensive back-land development into this southern part of the village which is inconsistent with the local character and form of Church Hill.

34. I therefore conclude that the proposed development would conflict with a number of policies in the local plan which seek to protect the landscape and rural features. It would have an adverse landscape impact and be harmful to the visual amenity of the area.

### **Impact on designated heritage assets**

35. Policy ENV13 seeks to preserve or enhance the heritage assets of the borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness. It goes on to say:

“Development will not be permitted where it will cause loss or substantial harm to the significance of a heritage assets or their settings unless it can be demonstrated that substantial public benefits will be delivered that outweigh the harm.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, or where a non-designated heritage asset is likely to be impacted, harm will be weighed against the public benefits of the proposal, including securing the optimum viable use of the heritage asset.”

The above reflects the guidance set out in the NPPF.

36. Policy ENV14 relates to development within conservation areas, allowing such proposals providing they enhance the character and appearance of the area and its setting. It sets out criteria which need to be fulfilled, including
- d) The development should not generate levels of traffic, parking or other environmental problems which would result in substantial harm to the character, appearance or significance of the area.
  - f) The development would not prejudice important views into or out of the conservation area;
37. There are a number of designated heritage assets in the vicinity of the site that would be affected by these proposals. These include the High Halden Conservation Area, which immediately adjoins the western boundary of the site and the large number of listed buildings within it, including those listed buildings immediately adjoining the site: the Grade I listed St Mary’s Church and the Grade II listed property known as Duxbury – and other listed buildings on Church Hill whose setting would be affected by the development. Church Hill itself is a non-designated heritage asset: a historic rural lane, the importance of which has already been noted in an earlier section of this report. It forms the artery within this part of the conservation area, with historic, largely listed, buildings to either side.
38. Historic England has emphasised the importance of these designated heritage assets stating:

*“The Grade I listed church is an exceptionally fine example of a medieval rural parish church. It is within the conservation area which itself is significant as a good example of a small Kentish hamlet formed around a triangular village green whose origins are probably closely linked to farming.”*

*“The conservation area, is centred on the junction between the A28 and Church Hill, with the church at its historic core. Modern development has stretched out along the A28 to either side, but Church Hill has retained its rural character, with sparsely set out, historic properties, in large plots. This rural character makes a significant contribution to the setting of these Listed building, in particular the Grade I Listed church, which with its churchyard, is enhanced by the tranquillity of its current setting. The approach to the conservation area, from the south, along Church Hill is of a contrast to that along the A28 and provides a typical soft transition between an historic rural lane and a small settlement.”*

39. The proposal would impact upon these heritage assets in a number of ways. It would prejudice views into and out of the conservation area; the long view out of the conservation area from the graveyard, in particular, across the site to the Low Weald is such an important view that would be prejudiced by the development. Views into the conservation area from the site are also affected. This is conflicts with Policy ENV14 (f). Indeed, the openness of the site itself forms part of the rural approach to the conservation area as the village is approached via the PROW that extends across the site. The proposed traffic calming measures in Church Hill, which are necessary to facilitate the development, would have an urbanising affect to the detriment of its character and appearance. This would be in conflict with Policy ENV14 (d).

40. These spatial and visual connections between the conservation area and site are appreciated by Historic England as follows:

“Buildings within the conservation area have always had a direct relationship to surrounding fields, which help illustrate its modest origins. This is appreciable in views out from the conservation area towards surrounding fields to the south and east (ie towards the application site) and in views as it is approached from the south. It adds that the church historically stood on the edge of the village towards its southern end and this can be appreciated in views out from the church yard looking east. Historic England concludes that the rural setting of the conservation area contributes to its significance and to the significance of the grade I listed Church of St Mary;”

41. Historic England notes the assertion in the heritage assessment that views of the site from ‘the church and surrounding churchyard are heavily filtered, if not entirely screened’ and that due to the lack of historical connection and views the development of the site would not cause harm to the significance of the church. However, the photos provided to substantiate this are taken in the summer, when screening is at its best. In winter this is not the case, and the trees do not provide a heavy filter between the site and church/churchyard. Furthermore, whilst there is not a direct historical connection between the site and the church, it nevertheless forms part of the wider setting of the heritage asset and construction on it would cause a loss of significance, as its rural quality would be severely compromised. Overall the

proposed development would cause harm to the setting of both the church and the conservation area.

42. The applicants sought to address the concerns raised by Historic England by reducing unit numbers and providing an area of buffer planting within the site with the boundary to the churchyard. Whilst Historic England has indicated that these changes would somewhat reduce the level of harm caused to the church's significance through change to its setting, the fact remains that the proposed development would cause harm and it would not address concerns regarding the proposal's effect on the conservation area. The rural origins of the village is appreciable in views out from the southernmost end of the conservation area towards surrounding fields to the south and east and in views as it is approached from the south. The site can be glimpsed within these views and constructing houses within this would reduce appreciation of the relationship between the village (and consequently the conservation area) and the wider countryside when entering or leaving the village.
43. In conclusion, I consider that development on such an exposed, visually prominent site, would encroach on the setting of both the conservation area and the listed buildings, in a significantly harmful way. It would also prejudice views from the graveyard/conservation area and alter the character of Church Hill. Whilst the harm is less than substantial it is at the higher end of less than substantial in this case. When using the NPPF test and that of policy ENV13, it is nonetheless unacceptable. The public benefits to having this development – increase in housing; temporary economic benefits during construction - are significantly outweighed by this harm. I therefore consider that the proposal is contrary to local and national planning policies which seek to protect the historic environment.

#### **Impact of residential amenity**

44. The NPPF and adopted development plan both require that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
45. The closest property is Hillside immediately to the south of the site. The indicative layout shows a unit in close proximity to this property which would be unacceptable. It should however be possible to devise a layout on this site that would not be harmful to the residential amenity of existing residents.
46. Whilst some of the gardens shown on the indicative layout plan appear to be substandard, it is accepted that a scheme could be achieved that accords with the standard. This is a matter that can be controlled by condition.
47. I consider that a layout could be achieved that would not be harmful to residential amenity.

### **Highway safety**

48. KCC Highways is satisfied that a satisfactory access into the site can be achieved providing the proposed traffic calming measures are implemented. On this basis, they raise no objection on highway safety grounds subject to a condition requiring the implementation of the traffic calming scheme.
49. The applicant maintains that the traffic calming measures / safety and community gains offered by this proposal are specific to this site and provide a substantial additional planning gain. For the reasons already discussed in the previous two sections of this report, I consider that the proposed traffic calming measures would have a significantly harmful effect on the character and appearance of the rural lane. The measures are only needed in the first place to facilitate the development. I do not agree with the applicant that these measures represent a substantial planning gain.

### **Flood Risk / Drainage (surface and foul)**

50. The site falls within flood zone 1 where risk from tidal or fluvial flooding is low. The potential risk of flooding comes from surface water runoff as a result of development on a green field site.
51. The drainage strategy relies on flow control and on site attenuation to accommodate storm events up to and including the 1 in 100 year plus 40% climate change event. Due to the clay strata, which restricts the use of filtration techniques, the applicant has indicated that surface water would be attenuated on site by provision within the site layout of features such as a tanks, swales, ponds etc. within the topographically lower south eastern extent to the site. The Council's policy on sustainable drainage and Sustainable Drainage SPD set out the features of an acceptable SuDS scheme. The reduction in unit numbers and increased amount of on-site open space will help achieve an acceptable SuDs scheme on this site. Whilst there is an outstanding drainage objection to the scheme, as this is a greenfield site a suitable and sustainable SUDs system will be achievable and this can be controlled by condition in the event of the appeal being allowed.
52. Foul water will drain into the existing sewer in Church Hill. A new connection should be agreed with Southern Water and this can be controlled by condition.
53. In light of the above, I consider that subject to conditions the proposal will not result in any adverse flood risk and that drainage can be adequately accommodated on site.

### **Biodiversity**

54. 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.

55. 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 a European Protected Species (EPS) 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. Regulation 55(9)(b) states that 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.*"
56. In respect of maintaining the population at a favourable conservation status the results of the Ecological Appraisal / surveys are summarised in the proposals section of this report. The site is of medium / high ecological value. KCC Biodiversity is satisfied that the submitted documents provide details of mitigation to ensure the ecological interest of the site is maintained. The submitted mitigation in conjunction with the site plans are satisfactory to demonstrate that the proposed mitigation is implementable. The mitigation has detailed that habitat creation/enhancements carried out within the areas of open space within the north and east of the site and the existing site boundaries would be retained within the site. It advises that a detailed mitigation strategy is submitted as a condition of planning permission. Conditions are also requested to mitigate for the ecological impacts in respect of lighting and the need for an ecological management and enhancement plan.
57. Based on the information submitted and the responses received from KCC, I am satisfied that the LPA had fulfilled its duty to appropriately assess the development under Regulation 9(5) of the conservation of Habitats and Species Regulation 2010. Subject to conditions, the proposed development is not considered to result in any adverse impacts to matters of ecological importance in accordance with the relevant policies set out in European and UK law as well as in the adopted development plan and NPPF.

### **Contamination**

58. This is an undeveloped site and as such the only likely source of contamination would be from pesticides etc. used in conjunction with its agricultural. The likelihood therefore of contamination being present is low and could be controlled / remediated through use of conditions.

### **Housing mix / affordable housing**

59. The exact housing mix is not for consideration at this stage, and will be dealt with at the reserved matters stage. The mix would need to accord with Policy HOU18 of the adopted Local plan and can be conditioned to meet local housing need.

60. In respect of affordable housing, under policy HOU1 of the adopted Local Plan, this would require the development to provide 40%. The 40% would need to consist of 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.
61. The affordable housing element would be secured as such in perpetuity through the S106 Agreement.
62. 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.
63. In light of the above I consider the proposed housing mix and the affordable housing element to be acceptable in principle.

#### **Other matters**

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

#### **Whether planning obligations are necessary**

66. 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
67. The planning obligations in Table 1 have been assessed 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. As the applicant has not entered into a S106 Agreement with the

Council then this constitutes a reason for refusal in this case. Clearly, should an acceptable S106 Agreement be provided as part of the appeal then the Council would not contest this reason for refusal.

68. As a proposal for 10 or more dwellings the development would trigger a requirement to provide 40% affordable housing split into the mix as set out in the report. 20% of the dwellings shall be built to higher accessibility standards (Part M4 (2) of the Building Regulations). KCC have requested a contribution towards projects at a primary school and secondary school and additional book stock for libraries.
69. The Council have identified projects for offsite contributions in accordance with the Public Green Spaces and Water Environment SPD although some projects are still yet to be confirmed.
70. The NHS Canterbury and Coastal and NHS Ashford Clinical Commissioning Groups has not, as yet, requested S106 contributions. Confirmation is being sought as to whether they would like to see a contribution towards the extension / improvement of Ivy Court Surgery and this will be reported at planning committee if a response has been received.
71. None of the projects identified have pooled more than 5 developments. Should projects not be identified for some of these potential contributions or indeed some projects get amended then delegated authority is requested to amend the S106 agreement accordingly.

Table 1

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
<p>1. <b>Affordable Housing</b>                      Provide not less than 40% of the units as affordable housing, comprising 10% affordable / social rent and 30% Affordable Home Ownership Products (including a minimum of 20% shared ownership in the locations and with the floorspace, wheelchair access (if any), number of bedrooms and size of bedrooms as specified.</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance</p>	40%	Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.	<p><b>Necessary</b> as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1 &amp; HOU1 of the Local Plan 2030, the Affordable Housing SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>

	with the registered provider's nominations agreement.			
2.	<p><b><u>Accessible Housing</u></b></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>	Provide on-site 20% of all units.	Prior to first occupation of any dwelling to be built in accordance with the standard.	<p><b>Necessary</b> as would provide accessible housing pursuant to SP1, HOU14 of Local Plan 2030 and guidance in the NPPF.</p> <p><b>Directly related</b> as accessible homes for those with reduced mobility would be provided on-site.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>
3.	<p><b><u>Children's and Young People's Play</u></b></p> <p>Contribution towards the modular play system for the children's play area at Hopes Grove. TBC</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	Before completion of 75% of the dwellings	<p><b>Necessary</b> 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 Ashford Local Plan policies COM1, COM2, IMP1 &amp; IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p>

				<p><b>Directly related</b> as occupiers will use children's and young people's play space and the play space to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> 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>
4.	<p><b><u>Informal/Natural Space</u></b></p> <p>Contribution towards 6 x picnic benches and purchase of 1.8 acres of land off Church Hill near to St Mary's Church and Churchfield House for retention and maintenance as a wildflower meadow. TBC</p>	<p>£434 per dwelling for capital costs £325 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p><b>Necessary</b> as improvements to the informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Ashford Local Plan policies COM1, COM2, IMP1 &amp; IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use informal/natural green space and the space to be provided would be available to them.</p>

				<p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
5.	<p><b><u>Outdoor Sports</u></b></p> <p>Contribution towards provision of a MUGA on the sports field at Hopes Grove, outdoor gym for Hookstead Green and drainage works to the sports fields at Hopes Grove. TBC</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p><b>Necessary</b> 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 Ashford Local Plan policies COM1, COM2, IMP1 &amp; IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> 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>6.</p>	<p><b><u>Strategic Parks</u></b></p> <p>Contribution to project TBC at Conningbrook</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p><b>Necessary</b> 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 Ashford Local Plan policies COM1, COM2, IMP1 &amp; IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> 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>7.</p>	<p><b>Allotments</b></p> <p>Contribution towards a project to identify and acquire land within the Parish of High Halden for</p>	<p>£258 per dwelling for capital costs</p>	<p>Before completion of 75% of the dwellings</p>	<p><b>Necessary</b> as allotments are required to meet the demand that would be generated and must be maintained in</p>

	allotments and start up costs. TBC	£66 per dwelling for future maintenance		<p>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><b>Directly related</b> as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> 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>
8.	<p><b>Cemeteries</b></p> <p>Contribution towards the upkeep of the graveyard at St Mary's Church.</p>	<p>£288 per dwelling for capital costs</p> <p>£1766 per dwelling for future maintenance</p>	Before completion of 75% of the dwellings	<p>Necessary as cemeteries are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to 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 require cemeteries and the cemetery 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>
9.	<p><b>Primary Schools</b></p> <p>Project: Towards the expansion of Woodchurch Primary School</p>	<p>£3,324 per applicable house</p> <p>£831 per applicable flat</p>	<p>Half the contribution upon occupation of</p> <p>25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary.</b> The proposal would give rise to an additional 38 primary school pupils. There is no spare capacity at Charing school 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><b>Directly related</b> as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the</p>

				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.
10	<p><b><u>Secondary Schools</u></b></p> <p>Project:- Towards Homewood Phase 2 expansion</p>	<p>£ 4115.00 per applicable house</p> <p>£1,029.00 per applicable flat</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> <p>To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)</p>	<p><b>Necessary</b> as no spare capacity at any secondary 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><b>Directly related</b> as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> 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</p>

				accommodation specifically for the elderly.
11	<p><b>Libraries</b></p> <p>Towards additional bookstock for the mobile library service attending in High Halden</p>	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p><b>Necessary</b> 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> <p><b>Directly related</b> as occupiers will use library books and the books to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount calculated, is based on the number of dwellings.</p>
12	<p><b>Health Care</b></p> <p>Project to be confirmed.</p>	<p>£504 for each 1-bed dwelling</p> <p>£720 for each 2-bed dwelling</p> <p>£1,008 for each 3-bed dwelling</p> <p>£1,260 for each 4-bed dwelling</p>	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p><b>Necessary</b> as additional healthcare facilities required to meet the demand from additional occupants that would be generated pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1 and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use healthcare facilities and the facilities to be funded will be available to them.</p>

		£1,728 for each 5-bed dwelling or larger		<b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.
13	<b><u>Monitoring Fee</u></b>  Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)	<b>Necessary</b> in order to ensure the planning obligations are complied with. <b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered. <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.
<p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the <a href="#">council web site</a> in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs.</p> <p>If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.</p>				

## Human Rights Issues

72. 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

73. 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

74. Applications should be determined in accordance with the adopted development plan unless material considerations suggest otherwise. Whilst this development would deliver up to 26 units of housing, including 40% affordable housing and have some economic benefits during the construction phase, these benefits are far outweighed by the negative impacts of the proposal.
75. The proposed development, whilst locationally sustainable, would introduce development onto a prominent edge of village site where views of the Low Weald from the church are characteristic of its landscape character thereby harming its rural setting. It would encroach on the adjoining village conservation area and setting of listed buildings, including the Grade I listed St Mary’s church which immediately adjoins the site, impacting on the adjacency of these assets to open countryside which is important to their significance / setting. Furthermore, the required traffic calming measures in Church Hill would have an urbanising effect on this rural lane, itself a non designated heritage asset within the conservation area, which together with the adjacent historic buildings contributes to the character and appearance of this part of the conservation area. Whilst only indicative in terms of its layout, a relatively intensive backland development of this scale would be inconsistent with local character and form in this part of Church Hill.
76. The proposed development would conflict with a number of policies in the local plan that seek to protect the landscape, rural features, visual amenity

and the historic environment and that the harm caused would significantly outweigh any limited benefits of the scheme. On this basis the proposal represents an unsustainable and harmful development of the site.

**Resolved:**

**If the Local Planning Authority had been able to determine the application, the Committee would have refused to grant permission on the following grounds:**

(1) The proposal would be contrary to Policies SP1, SP2, SP6, HOU1, HOU5, HOU14, ENV3a, ENV5, ENV13, ENV14, COM1, COM2, COM3 and COM4 of the Ashford Local Plan 2030 and the National Planning Policy Framework and would therefore represent development contrary to interests of acknowledged planning importance which are not considered to be outweighed by the benefits of the development cited by the applicant, for the following reasons:-

- (a) The proposed development would have a significant adverse visual impact on land forming part of the Low Weald National Landscape Character Area and the Biddenden and High Halden Farmlands Landscape Character Area (LCA), impacting upon its rural character that forms an important component of the setting of High Halden and views out into the countryside from the conservation area. This is due both to the prominence of the site in the wider landscape, due to its elevated position, and its undeveloped state. The erection of dwellings and infrastructure on the site would unacceptably urbanise and domesticate this important undeveloped area to the detriment of the visual amenity of the area. This harm is further exacerbated by the proposed traffic calming measures that are required to Church Hill to enable access into the site. This would urbanise this historic rural lane. The proposal would also be highly visible from the public right of way to the north thereby exacerbating the visual harm. The proposal represents unsustainable development which would detract from the character and appearance of the countryside and visual amenity of the area.
- (b) The proposed development would introduce an intensive backland form of development which would be inconsistent with local character and built form in this southern approach into the village which is characterised by a low density of development with dwellings set on large plots and just one plot deep and fronting Church Hill. This would be at odds with the prevailing form and grain of this part of the village and would further exacerbate the visual harm identified in reason a) above.

- (c) The proposed development would have less than substantial harm on the significance of the heritage assets, namely the conservation area of the Grade I listed church and Grade II listed property known as Duxbury. The proposal lies on land forming an important part of the setting of both. This is due to the loss of this undeveloped rural land and its urbanisation and domestication as a result of the proposed development. It thus represents an unsustainable development. The public benefit of providing up to 26 houses does not outweigh the less than substantial harm.
- (d) The proposal would be contrary to the KCC Guide to Development Contributions 2007, SPG3 Developer Contributions / Planning Obligations 2001, Ashford Local Plan 2030 policies COM1, COM2, COM3 & COM4, Public Green Spaces and Water Environment SPD 2012, Affordable Housing SPD 2009 and the National Planning Policy Framework and Planning Policy Guidance. The necessary planning obligation has not been entered into in respect of the list below so that the proposed development is unacceptable by virtue of failing to mitigate its impact and failing to meet demand for services and facilities that would be generated and the reasonable costs of monitoring the performance of the necessary obligations:
- 40% of the units as affordable housing comprising.
  - A financial contribution towards strategic parks project, outdoor sports pitches, informal/natural green space project, play space project, cemetery project, health care infrastructure project, library bookstock, primary and secondary school infrastructure projects based on the yield of the housing mix. As set out in Table 1.

### **Working with the Applicant**

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

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

- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 17/01868/AS)

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Annex 1

