

Application Number	18/01801/AS	
Location	Land between Peelers and Oakleigh, Church Road, Smeeth	
Grid Reference	07526 / 39948	
Parish Council	Smeeth	
Ward	Saxon Shore	
Application Description	Outline application for residential development for the erection of up to 35 units, to include access from Church Road only, with all other matters reserved.	
Applicant	Messrs Barden and Mansfield	
Agent	Mrs Welch, Hobbs Parker, Romney House, Monument Way, Orbital Park, Ashford, TN24 0HB	
Site Area	1.4 hectares	
(a) 33/15 (4S, 10R, 1+)	(b) Smeeth S; Brabourne S	(c) KH&T – X; KCC ECO – X; SW – +; KCC Heritage - X; NHS - -; Kent Police – X; ABC Housing – X; NE – +; EA – +; ES – X; UK PN – X; Southern Gas – X; KF&R – X; KCC PROW – X; Culture (OS) – X; SW - +; KCC Eco Dev – X; Env. Services (Refuse) - X

Introduction

1. This application is reported to the Planning Committee because it involves the erection of more than 9 dwellings and therefore is classified as a major development that requires determination by the Planning Committee under the scheme of delegation.

Site and Surroundings

2. The application site covers an area of approximately 1.4 hectares, to the south of and

accessed from Church Road. The site is a gap in the built development along this section of Church Road. The application site lies within the parish of Smeeth (although the parish boundary with Brabourne is a short distance to the north of the site). The site comprises two, largely flat undeveloped fields, one at the front of the site, currently rough grassland, the other a paddock enclosed by a post and rail fence. To the rear of the site is a further paddock which rises slightly up to an elevated wooded area, which links to an area of Ancient Woodland beyond this. The site is largely enclosed by mature vegetation along the frontage with Church Road. A public right of way (PROW) runs along north eastern perimeter of the site with sporadic hedging, separating the site from the two storey semi-detached dwelling Peelers. The perimeter of the site to the south and south west is relatively open to the paddock to the rear and the large agricultural buildings of Walnut Tree Farm respectively. To the north west the site borders the curtilage of the residential property Oakleigh, with a well-established row of conifers defining the site boundary.

3. To site lies approximately 450m north along Church Road from St Marys Church within the Smeeth conservation area, and is adjacent to the south western edge of the main built area of the village of Brabourne Lees. There is an area of public open space opposite the site (Smeeth and Brabourne recreation ground). The junction of Church Road and The Ridgeway is a short distance to the north of the site. The junction with the A20 is approximately 650m to the south.
4. The site is covered by the Smeeth Village Design Statement. There are no designated wildlife sites / nature reserves within the application site or immediately adjoining it. Approximately 180m to the south east of the site is an area of Ancient Woodland (Scott's Hall Plantation). The land is not in an area of known contamination (although there could be contamination as a result of its agricultural use). The site is classified as Grade 3 agricultural land and lies within flood zone 1. The site falls within an area of ground water vulnerability.
5. The site falls within the countryside defined under the Greensand Ridge Brabourne Lees Hilly Farmlands Landscape Character Area Assessment. The key characteristics of this are:
 - Hilly topography
 - Strong sense of enclosure provided by woodland blocks, hedgerows, landform and settlement.
 - Pasture for horses and livestock.
 - Chestnut coppice and evergreen woodland blocks.
 - Recent development within Brabourne Lees.
 - Large, historic farm houses to the south amid a parkland landscape of pasture and isolated trees.



Figure 2: Aerial photo of the site

Proposal

6. The proposal seeks outline planning permission for a residential development for the erection of up to 35 units, to include access from Church Road only, with all other matters reserved. The exact number of dwellings accommodated on the site will be determined at the reserved matters stage through a design led process.
7. The site is identified for development in policy S38 of the adopted Ashford Local Plan

2030. The only matters for consideration under this application are the principle of residential development on the site and the means of vehicular / pedestrian access from Church Road. There would be one vehicular access point and pedestrian pavement into the site from Church Road. There is also a pedestrian access to the public footpath. Matters such as the final number of dwellings, appearance, landscaping, layout, scale and access ways through the site are all reserved matters for consideration at a later date should outline planning permission be granted.

8. The indicative layout which was submitted with the application shows a development of 35 units, the upper capacity referred to in local plan policy S38. While for illustration only, it shows a curved cul-de-sac with a mix of dwellings, detached, semi-detached, small terraces of three, together with a small block of 1 bedroom apartments, all served by private drives and parking courts. The indicative built development encompasses most of the application site, with the majority of soft landscaping formed from the private gardens and boundary treatments. Additional planting of native hedges and trees is proposed to bolster the perimeters of the site as well as throughout the site to soften its appearance. There is one small communal garden area in the centre of the site, and an open green space in the southern corner of the site around a pumping station serving the site. The indicative plans also show, allocated parking and covered parking for the units, as well as a number of visitor parking spaces along the access road.

9. The indicative layout submitted with the application is shown below (not for consideration or approval under this application):



Figure 3 – Indicative layout (35 dwellings shown)

10. In support of the application, a number of documents have been submitted which set out the applicant's position and have been summarised below:

Design & Access Statement

- Sets out the context of the site and surroundings, the proposal, as well as the national and local policy framework.
- Assesses the physical nature and character of the area; and, the accessibility to local facilities.
- Sets out the design / layout concepts and states that the proposal would provide 35 dwellings on the 1.4ha site at 25 dwellings per hectare. 14 of the units (40%) will be affordable homes. There will be a mix of rental and shared ownership including 1-bed apartments and 2, 3 & 4 bedroom houses.
- All development will be two storey in height and traditional design is envisaged although this is a reserved matter.
- The access from Church Road and the visibility splays are to be determined at the outline stage. Car parking will be provided in accordance with the adopted standards.

Planning Statement

- Includes a description of the site.
- Discusses the illustrated layout, indicating that the site can be readily developed.
- The application includes details of the access, as the site access is not reserved for future approval.
- A contribution will be provided for the playing field opposite the site where there is a children's equipped play area, in accordance with policy S38.
- Sets out the national planning guidance and development plan policy relevant for the site. [Officer note: references to the 2008 Local Plan, the Core Strategy, and the Tenterden and Rural Sites DPD where applicable at the time the application was submitted, but have now been superseded by the Ashford Local Plan 2030].

- Ashford Local Plan policies identified include S38, HOU1, HOU3a, HOU5, HOU12, HOU14, HOU15, TRA3a, TRA5, TR6, TRA7, TRA8, ENV1, ENV6, ENV7, ENV8, ENV9, ENV13, ENV15, COM1, COM2.
- Social benefits - the development will provide a balanced mix of up to 35 dwellings to meet local and Ashford Borough demands for new dwellings, 40% of which would be affordable. The development would provide a contribution to public open space and play equipment.
- Economic benefits - the development will provide local employment opportunities during the construction phase, and once occupied would add revenue spend to the local economy and council tax income.
- Environmental benefits - the proposal will lead to a net biodiversity gain.
- The site has been identified as being suitable for residential development in the Ashford Local Plan, and as such is considered to be a sustainable development.
- The Planning Statement sets out the key planning considerations in relation to the proposed development, and the proposed heads of terms.

Preliminary Ecological Appraisal and (Herpetological Surveys)

- An ecological appraisal has been submitted based on a baseline ecological survey and a preliminary ecological appraisal, and a number of protected species surveys.
- There are no statutory or non-statutory nature conservation designations present within the site. Hatch Park SSSI is located 600m to the North West of the site.
- The site is surrounded by pasture and arable land, with a few houses and small woods further away (an area of ancient woodland lies to the south east of the site (not where development is proposed)).
- The site is dominated by habitats of low ecological value. Areas of habitat of higher ecological value are located outside the site such as ponds and woodland.
- The site provides habitat opportunities for reptiles (slowworms, lizards, grass snakes), for foraging bats, small mammals and breeding birds. Great Crested Newts (GCN) have been recorded nearby meaning they could be present on

site from the nearby ponds. The site has negligible potential to support hazel dormouse and no badgers were identified.

- The relevant surveys and mitigation measures are proposed to ensure protected species are not adversely affected and ecological enhancements are secured.
- Herpetological Surveys set out the background, objectives, methodology and results of the Reptile survey; an, Great crested newt eDNA survey, along with setting out the relevant legislation.

Surface Water Management Strategy

- The implementation of the proposed surface water management strategy will manage any potential surface water flood risk, therefore, the risk of surface water flooding is low.
- Based on the site investigation impermeable surfaces within the northern part of the site would drain to shallow infiltration devices. The impermeable surfaces over the rest of the site would drain to attenuation storage crates which would limit the rate of runoff with the discharge disposed of via deep lined soakaways to retain water from rainfall events. There would be sufficient capacity to accommodate surface water generated from the development for all storm events up to 1 in 100 year events allowing for climate change. The proposed strategy therefore meets the interception standard for water quality.
- Risk of infrastructure flooding at the site is low.

Transport Statement

- The site has direct vehicular and pedestrian access to the village services.
- The site has access to a regular bus service 250m from the site.
- The assessment suggests a 7% increase on peak hour and average total average movements. It concludes that this level of development traffic would not have an adverse effect on the local highway network.
- A S106 contribution could assist with construction costs to upgrade the nearby junction with the A20, an identified crash remedial site.

- Parking shown is indicative only, and would be finalised at the reserved matters stage.
- The proposed site entrance would require a s278 Highways Act agreement.
- The sight lines indicated are achievable and do not require any third party land owner consent.

Archaeological Desk Based Assessment

- In the light of previous findings in the area, there is potential that archaeological remains of regional significance are within the proposed development area.
- The assessment indicates a likelihood of finding remains from prehistoric periods or Roman times, as well as Anglo-Saxon archaeology related to settlement around the church and nearby cemetery. There is also potential to find medieval archaeology.
- An archaeological watching brief on all groundworks is recommended.
- If intact significant remains are encountered, groundworks should cease to allow more extensive excavation.

Preliminary Site Assessment Report

- The site has a history of agricultural use as an arable field and grazing land.
- There is no evidence of contamination within the subsoil that underlies the site.

Utilities Statement

- Underground gas and water infrastructure running along Church Road may need to be lowered/diverted to accommodate construction of the proposed access.
- KCC, BT and UK Power Networks have overhead cables running along Church

Road.

- The site is served by water, electricity, gas, telecom and water disposal. Fibre broadband is available to the site. Upgrade works to the water supply would be required to serve the development.

Planning History

DC OA 94/00076/AS Erection of three dwellings RR 02/03/1994

Consultations

Ward Member: The ward member is a member of the planning committee..

Smeeth Parish Council: Support the proposal -

- Smeeth Parish Council support these plans in principle, subject to highway improvements.
- Concern about the large number of properties to be built on this plot.
- First approved in the draft local plan, it has been superseded by the Village Protection Policy (VPP).
- The development would cause an inappropriate amount of traffic on narrow lanes and alter the character of the village as stated in the VPP.
- The houses, when built, would be outside the village confines.
- Insist on traffic lights at Smeeth Crossroads (dangerous junction) and also traffic calming measures in Church Road and the Ridgeway to be paid for from 106 payments and KCC highways to advise on their construction.

Brabourne Parish Council: Support the proposal -

- The Parish Council supports the application, with the conditions that the road is widened at the pinch-point near Oakleigh;

- The 30 mph limit should be extended to Smeeth crossroads (A20 junction);
- Traffic calming measures should be installed to reduce the speed of traffic between the junction of Church Road with The Ridgeway and the Rectory in Church Road.

Kent Highways and Transportation: Raise no objection but make the following comments:

- Sufficient visibility is available from the proposed site access onto Church Road as justified by the provided speed surveys. The proposed vision splays will need to be secured by condition.
- The proposed access arrangement includes footway links to existing footways into the village, providing access to local facilities and bus stops. Surfacing improvements are also proposed to the Public Right of Way adjacent to the northern site boundary.
- As detailed in section 3.1.2 of the Transport Statement, localised widening of Church Road to improve 2 way traffic flow is proposed and shown on drawing EMC-2017-53-03. Although not improving the narrowest section of Church Road, the proposed scheme is all that is deliverable within land under the control of the applicant and still represents an improvement over the existing situation.
- The Smeeth crossroad junction has had an ongoing crash problem for a number of years. KCC Highways and Transportation implemented several small changes in relation to the junction to try and reduce this problem. Previous measures have not had a significant impact in reducing the number of personal injury crashes in this location and this site has once again come up in the yearly crash site investigation list. We are now in a situation where only a significant change to the highway will make a tangible difference. We have in recent months been working towards seeking financial contributions from planning proposal sites that would have a direct impact in increasing vehicle movements through this junction. Having said this, the proposal for a junction improvement in this location has to date not progressed to sufficient detail that would allow us to be certain of either the form of scheme or the cost. In advance of these details becoming available I do not feel that making a request for a financial contribution towards improvements at Smeeth crossroads would be Section 106 compliant in terms of being either fairly and reasonably related in scale and kind to the proposed development. Taking account of the above, the number of movements added by this proposal to the background operation of this junction are not of such a scale where I would recommend refusal of the application prior to the junction improvement being implemented. Furthermore an alternative route to the A20 is available via the Ridgeway which gives drivers another choice when travelling to / from the site towards Ashford.
- The Ridgeway junction with Church Road is a historic 'Y' style junction. This can lead to potential conflict with drivers turning left into the junction without being able to see

drivers approaching to turn right out of The Ridgeway onto Church Road. Taking account of the above issues and the current difficulty traffic experiences in exiting Church Road onto the A20, it is logical to expect some of the proposal site traffic to use The Ridgeway to travel towards Ashford. As such, in the absence of a financial contribution towards the solution to Smeeth Crossroads it would seem reasonable to require this site proposal to implement a small-scale junction improvement to The Ridgeway / Church Road junction to allow for improved operation. This can be secured by condition.

- Although this application is only for outline permission, the indicative site layout as provided demonstrates that, with a few tweaks, a suitable layout with sufficient levels of parking can be achieved.

Taking account of the above issues, I can confirm that provided the following requirements are secured by condition then I would raise no objection on behalf of the local highway authority:-

- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.9 metres above carriageway level within the splays, prior to the use of the site commencing.
- Prior to first occupation, highway improvements on Church Road as shown on drawing EMC- 2017-053-03 to be constructed to the satisfaction of the local highway authority.
- Highway improvement scheme to implement a more conventional T junction arrangement allowing for the movement of all vehicles for The Ridgeway junction with Church Road to be submitted for the approval of the Local Highway Authority via the Local Planning Authority. Scheme to be constructed prior to first occupation.
- Provision and permanent retention of vehicular parking facilities prior to first occupation to be in accordance with Ashford Borough Council's parking guidance SPD. Details to be submitted to and approved by the Local Planning Authority.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction. Details to include working contingency method for action taken in the event spoil is tracked onto the highway despite the presence of wheel washing facility.

- Provision of measures to prevent the discharge of surface water onto the highway.
- The proposed roads, footways, footpaths, verges, junction, street lighting, service routes, surface water outfall, visibility splays, accesses, carriageway gradients, driveway gradients, and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

Environment Agency: - Have no comments to make on this application.

KCC's Ecological Advice Service: - Initially objected raising the following:

The potential for ecological impacts to arise as a result of the proposed development is identified in the submitted ecological reports. We advise that further information must be sought to ensure that Ashford BC is able to address all potential ecological impacts in the determination of the application. The following must be sought:

- Further details regarding the great crested newt assessment;
- Further details regarding reptile mitigation;
- Further details regarding the foraging/commuting bats assessment.

Re-consultation following receipt of further surveys / information: - No objection subject to conditions.

- A letter from KB Ecology (24th May 2019) has been submitted to address concerns raised.
- Adequate justification has been provided for the survey and the conclusion of no likely impacts to great crested newts as a result of the proposed development.
- Ashford BC will need to determine if planning matters justify off-site reptile translocation. The proposed receptor site appears adequate and will need to be secured by a s106 agreement. Detailed reptile mitigation strategy must be secured by condition.
- Adequate justification has been provided to conclude no further bat surveys are necessary. Lighting scheme to minimise impact to bats should be secured by condition.

Natural England: Has no comments to make on this application.

ABC Housing: Raise no objection with the following comments:

- The site lies in the rural area as identified and defined in Policy HOU1 in the borough council's emerging local plan. Therefore, there will be an expectation of 40% affordable

housing being delivered within this scheme. Consistent with the policy, 10% of the total dwellings should be made available for affordable or social rent, and 30% of the total dwellings made available for affordable home ownership (of which 20% of the total dwellings should be shared ownership). The application states up to 35 homes are coming forward on the site. Therefore, the expectation is that 14 units will come forward for affordable housing.

- We would ask that 4 units will be made available for affordable rent and 10 for affordable home ownership (of which 7 must be for shared ownership with the remainder a low cost home-ownership product agreed by the Development Partnership Manager within the authority.
- We would expect the properties to meet the Nationally Prescribed Space Standards..
- We would also request that the affordable housing composition be integrated into the development to ensure a balanced tenure neutral mix on the development rather than being positioned as a cluster of properties on the development.
- Additionally, under policy HOU14 of the emerging local plan, 20% of the units should be M4(2) standard.

Southern Water: No objection. Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. Informatives are recommended in this regard and the relevant legislation.

KCC Developer Contributions: No objection but request S106 contributions as set out in Table 1 later in the report.

KCC Heritage: No objection subject to a condition requiring the implementation of a programme of archaeological work in accordance with a written specification and timetable. They comment as follows:

“The site of the application lies in an area of archaeological potential associated with early prehistoric activity and Iron Age activity. River Terrace Gravels lie in a band cutting across the northerly corner and Mesolithic flints have been located to the south. Iron Age remains are known from the general area and an Iron Age coin has been found in the fields to the south”.

Environmental Protection: no objection, subject to conditions in relation to working practices, sewage disposal, investigation of contamination, electric charging points, and noise control regarding the pumping station.

Culture and the Environment (Open Space): - comment as follows:

- Off-site contributions are required in respect of outdoor sports, play, allotments, strategic parks, informal open space & cemeteries.

NHS Clinical (Care) Commissioning Group - Have not commented to date.

Kent Police: - Welcome the opportunity to design out crime.

Ramblers' Association: No comments received.

UK Power Networks: Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used.

Southern Gas: Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used.

Kent Fire and Rescue: The means of access is considered satisfactory.

KCC Public Right of Way (PROW): No objection subject to specified improvements to the footpath, secured through conditions and contributions provided through a s106 agreement.

Environmental Services (Refuse): No concerns for refuse collection on this development.

Neighbours: 33 neighbours were consulted, site notices posted and the development advertised in the local paper. 10 representations objecting to the proposal were received. 3 representations in support were received. 1 General Comment was received.

The objections are summarised below:

- Traffic conditions are already hazardous on Church Road due to traffic volume.
- Increased risk of serious congestion and traffic accidents.
- Pinch point on Church Road means vehicles have to give way.
- Footpath not adequate resulting in risk for pedestrians.
- Site entrance is opposite playing field entrance.
- Junction safety issues at Smeeth crossroads (A20) and Church Road / Ridgeway.
- Additional traffic would cause traffic to back up at junctions.
- 30mph speed limit on Church Road should be extended.
- Number of dwellings should be significantly reduced given the highways issues.
- Disruption during construction.

- Harm to Kent Downs AONB.
- Noise and light pollution.
- Concerns about risk from flooding.
- Number of dwellings would overwhelm the village.
- Overdevelopment of a small site.
- Cumulative harm with the proposed development at the Caldecott site. [Officer note: the Caldecott site was deleted as an allocation, and did not make it to the adopted local plan].
- Development should be directed to 'brownfield' sites in the urban area.
- Plans inaccurately reflect neighbouring property, which abuts footpath.
- Mains sewer ends at Peelers.

The support representations are summarised below:

- The village urgently needs more homes, especially affordable.
- Good site that would not require access through village.
- Walking distance from local schools.
- Contributions to road improvements.

Planning Policy

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

Ashford Local Plan 2030 (Adopted February 2019)

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

SP7 - Separation of Settlements

S38 – Smeeth – Land south of Church Road (site specific
policy)

HOU1 – Affordable Housing

HOU3a – Residential Development in the rural settlements

HOU6 – Self & Custom Built Development

HOU12 - Residential space standards internal

HOU14 - Accessibility standards

HOU15 - Private external open space

HOU18 - Providing a range and mix of dwelling types and sizes

EMP6 – Promotion of Fibre to the Premises (FTTP)

TRA3a - Parking Standards for Residential Development

TRA5 - Planning for Pedestrians

TRA6 - Provision for Cycling

TRA7 - The Road Network and Development

ENV1 - Biodiversity

ENV3a - Landscape Character and Design

ENV4 - Light pollution and promoting dark skies

ENV5 - Protecting important rural features

ENV6 – Flood Risk

ENV7 – Water Efficiency

ENV8 - Water Quality, Supply and Treatment

ENV9 - Sustainable Drainage

ENV15 – Archaeology

COM1 - Meeting the Community's Needs

COM2 – Recreation, Sport, Play and Open Spaces

IMP1 – Infrastructure Provision

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

Supplementary Planning Guidance/Documents

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011

Dark Skies SPD 2014

Affordable Housing SPD 2009

Public Green Spaces & Water Environment SPD 2012

Other Guidance

Informal Design Guidance Notes 1- 4 2015

Government Advice

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

Assessment

15. The main issues for consideration are:

- a) The principle of the development
- b) Sustainability and location of the development
- c) Landscape character and visual amenity
- d) Design, layout impact on Heritage assets
- e) Impact on residential amenity
- f) Ecology / impact on designated sites
- g) Flood risk / drainage
- h) Contamination

- i) Transport / highway safety
- j) Housing mix / affordable housing
- k) Other matters
- l) Whether planning obligations are necessary

The principle of the development

16. 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.
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 new housing. Brabourne Lees/Smeeth is an existing defined settlement, the site lying between the historic core of Smeeth to the south and the main built area of Brabourne Lees to the north. It is a recognised service centre (included in both policies HOU3a and HOU5) that can provide a range of services to meet daily needs and commuter options that makes it suitable for infilling and edge of settlement growth (paragraph 6.41 ALP).
19. The Plan allocates 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 one such proposed allocation.
20. The adopted Ashford Local Plan 2030 proposes the site for residential development with an indicative capacity of 35 dwellings. The approximate density of development

would be 25 units per hectare based on a site area of 1.4 hectares shown in the plan.

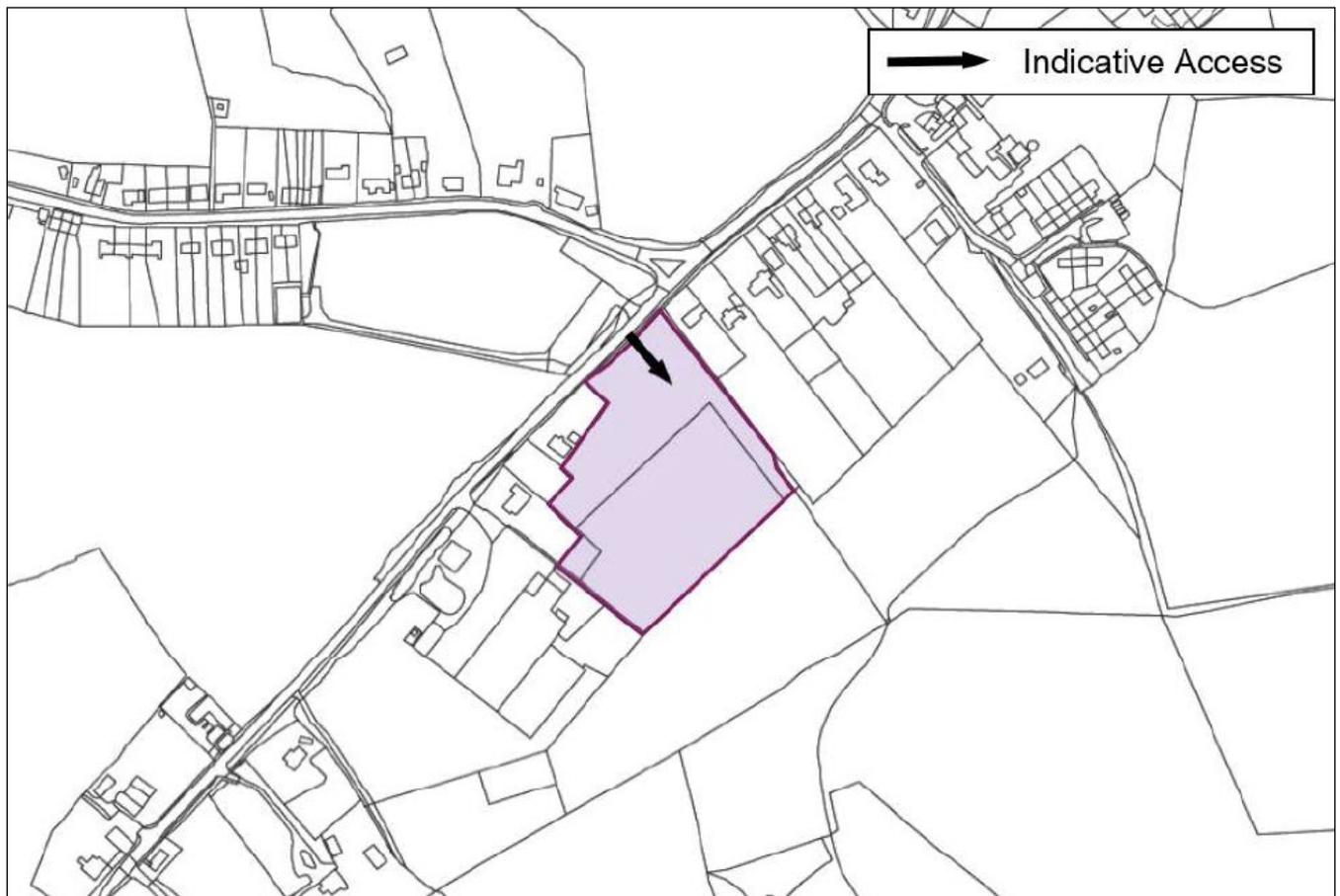


Figure 4 – Adopted Policy S38 of the Local Plan 2030

21. Within the plan the application site is identified (under policy S38) as being suitable for residential development. Policy S38 states that the indicative capacity for the site is 35 units. The allocation evidences the fact that the Council considers the principle of residential development on this site to be acceptable and also sustainable in accordance with the principles identified above. Adopted policy S38 states that:

“The land south of Church Road is proposed for residential development with an indicative capacity of 35 dwellings. Development proposals for this site shall:

- a) *Be designed and laid out to take account of the residential amenity of neighbouring occupiers. The development should be no more than two storeys in height;*

- b) *Provide a pedestrian link to the public footpath that runs alongside the eastern boundary of the site;*
- c) *Create soft landscaping along the south-eastern edge to lessen the visual impact of development on the countryside beyond;*
- d) *Provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider; and,*
- e) *Provide contributions towards the enhancement or maintenance of public open spaces and equipped play at the village recreation ground in accordance with Policy COM2.*

22. The policy states the indicative capacity for the allocation as being 35 units. This is an upper limit, and this outline application is for up to 35 units. The exact amount that would be appropriate will depend on an acceptable layout being adequately demonstrated and would be determined during the final design stage when the reserved matters are submitted for consideration.
23. The site, being an allocated site, will make an important contribution to the Council maintaining a 5 year housing land supply and thereby being in a stronger position to resist speculative inappropriate developments on unallocated sites outside of the town and village confines within the Borough. The delivery of this site will also help to boost the supply of housing which is a requirement of the NPPF. The criteria of the policy is tested in subsequent sections of this report but subject to compliance with these the development proposed can be considered acceptable in principle.
24. The application site varies slightly from the allocated site to allow for visibility splays and footpath improvements. Nevertheless, the developable area remains the same, except for a very small parcel of land to the rear of Walnut Tree farmhouse. All surveys and supporting information is based on 35 dwellings being accommodated on the site, which would also make best use of land as required by the NPPF.
25. Benefits associated with the scheme include its ability to help boost significantly the supply of housing, the provision of 40% affordable housing, its sustainable location (see below), and other recognised social and economic benefits including generating job opportunities, for example, during the construction process, and economic benefits arising from purchasing goods and utilising services and facilities in the immediate and wider locality. Overall, the proposal is acceptable in principle and would comply with development plan policy S38.

Sustainability and location of the development

26. The NPPF seeks to resist isolated new homes in the countryside (para 79).
27. The site is adjacent to the built confines of both Brabourne Lees and is just to the north of the historic core of Smeeth. It is not therefore in an isolated location, and could be described as being within the continuous and contiguous development between the respective built up areas. As such, the application site is located adjacent to an established sustainable rural settlement and is within easy walking distance of the local facilities. There are a wide range of accessible local services and facilities including a village shop, primary school, public house, village hall, recreation ground and open space (including children's play area). There are bus stops located within walking distance of the site. Therefore, the site is not regarded as being physically isolated from services and is sustainably located hence the Inspectors acceptance of this site allocation without modification to the site area or indicative capacity and the adoption of the policy in the local plan accordingly.

Landscape character & visual amenity

28. Policy SP1 of the adopted Ashford Local Plan 2030 sets out core principles for development within the borough. This includes focusing development at accessible and sustainable locations which utilise infrastructure, facilities and services wherever possible. It also seeks to conserve the borough's natural environment / biodiversity; create high quality designed places; is sustainably sited; meet the housing needs / mix for the Borough and ensures development is resilient to and mitigates climate change amongst other things.
29. Policy ENV3a of the Local Plan covers landscape character and design and sets out criteria that developments should seek to conform to in order to protect the landscape setting and minimise the impact of development.
30. The site comprises part of a field in use for agriculture, as pasture land. With the exception of trees and hedgerow, which predominately align the road frontage of the site, there are few landscape features except for the post and rail fencing which demarcates the grazing enclosure from the rough land at the front of the site, and from the grazing land which lies between the south east perimeter of the site and the woodland.
31. The site lies within the Greensand Ridge Brabourne Lees Hilly Farmlands Landscape Character Area. The key characteristics are:-
 - Hilly topography
 - Strong sense of enclosure provided by woodland blocks, hedgerows,

landform and settlement.

- Pasture for horses and livestock.
- Chestnut coppice and evergreen woodland blocks.
- Recent development within Brabourne Lees.
- Large, historic farm houses to the south amid a parkland landscape of pasture and isolated trees.

32. The site directly fronts Church Road and is separated from it by a well-established hedgerow. This will be substantially retained in accordance with paragraph 4.113 of the Ashford Local Plan (policy S38 preamble). There is currently a recessed gated access into the field from Church Road, albeit not in regular use, and as such it has become obscured by vegetation. Views of the site from Church Road would be prominent where the access opens up a gap in the roadside vegetation and the proposed houses either side of the site entrance would have a visual impact, albeit not an incongruous one, as they merely fill a gap in the built development either side. This would be softened by a more managed retained roadside hedge. Nevertheless, the visual impact would be very localised, and being backland development with only a relatively small road frontage, most of the development would be screened from the road by the mature roadside vegetation fronting Oakleigh and Walnut Tree Farm, which the site wraps around the back off.
33. The site is very open from a south-easterly direction with only a low level post and rail fence defining the boundary, however, long range views are restricted by a large wooded area approximately 200m from the site. Nonetheless, the public footpath which runs along the north east of the site, connects to a public right of way which runs along the edge of the woodland from where the site would be highly visible due to the elevated status of the land here in relation to the application site, with uninterrupted views across the pasture land. Consequently, Policy S38 requires development proposals for the site to incorporate “soft landscaping along the south-eastern edge to lessen the visual impact of development on the countryside beyond.” This allows for a comprehensive landscaping scheme to be submitted to mitigate views from the public rights of way. The indicative layout plan illustrates this being achieved by native hedge planting to the garden boundaries which form the site perimeters. This is unlikely to be sufficient to satisfy the requirements of policy S38 (c). However, landscaping and layout are reserved matters the details of which will be considered at the final design stage, nevertheless, it is considered an appropriate landscaping scheme would be achievable to lessen the visual impact from the countryside to the rear and from the highway, where the existing roadside hedge will need modifying to provide the site access, access to individual properties fronting the road, and visibility splays. As stated above, it is likely the landscaping depicted to the rear of the site will need to be significantly bolstered at the reserved matters stage to fulfil the expectation of criteria c) of Policy S38 and this will affect the layout and

potentially the number of units that can be accommodated on the site.

34. The submitted Planning Statement sets out in the section on 'Landscape Impact' that the development would have a low effect on the character and appearance of the surrounding countryside given the retention of the roadside verge and new planting where the site abuts the open countryside where it gently inclines beyond the site to the woodland above. This is a fair assessment, if as referred to above considerable amounts of landscaping, tree and hedge planting is provided, as the majority of the development would be on level land, with only a gentle incline towards the rear of the site, which would avoid the proposed development impinging on the skyline in views from below. Once the landscaping has been established, the overall visual impact would be minimal, in the context of the dwellings either side of the application site and the visual dominance of the nearby large cluster of agricultural buildings.
35. Layout and appearance are also reserved for future consideration. What is currently indicatively shown is not acceptable as it is very suburban with an over reliance on hardstanding parking and turning areas, and more open spaces should be provided. The range of vernacular styles shown in the indicative plans and the two storey form is considered to be appropriate for the semi-rural location. Subject to a more sensitive layout that reflects this edge of village location, and ensuring a substantial and robust landscape buffer to the south eastern boundary of the developable area; then, the overall impact of the development on the wider landscape would be of an acceptable level. Therefore, it is not considered that the development would cause significant or demonstrable harm to the visual amenity of the area.
36. It is considered that the proposals would comply with development plan policies referred to which seek to protect the countryside and landscape character. In addition, the proposals are considered to broadly reflect the landscape objectives set out in part c) of policy S38 of the Local Plan, subject to a more robust landscaping buffer to the south eastern edge of the site with the adjoining countryside, over and above garden boundary planting.

Design, Layout and Impact on Heritage assets

37. In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town & Country Planning Act 1990 (as amended), it is the Council's statutory duty and obligation to have regard to the preservation and/or enhancement of heritage assets such as conservation areas and listed buildings and their setting.
38. Policy ENV13 states:

“Proposals which protect, conserve and enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported. Proposals that make sensitive use of heritage assets through regeneration, particularly where these bring redundant or under-used buildings and areas into appropriate and viable use consistent with their conservation, will be encouraged.

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

39. Policy ENV14 deals with development in conservation areas and also their setting. It states that inappropriate development will be resisted where such proposals would be detrimental to their character and setting.
40. The above is supported by the guidance contained in the NPPF under paragraph 193 which seeks to ensure that the impact of development on heritage assets is considered against the significance of the heritage assets. Great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 194 states that any harm to the significance of a designated heritage asset including development within its setting, should require clear and convincing justification. Paragraph 196 goes on to outline where the harm caused by the development is less than substantial, this harm should be weighed against the public benefits of the proposal.
41. In respect of the impact on the Smeeth conservation area, the north eastern edge of the designation lies approximately 320m along Church Road to the south west; and, the site is approximately 400m from the listed church roughly in the centre of the designated area. The conservation area contains 4 Grade II listed buildings and Grade I listed St Marys Church. There would be no significant views of the development from the conservation area or the listed buildings therein due to the topography of the land and existing agricultural buildings associated with Walnut Tree Farm. The character of the landscape on the approach to the conservation area from the north would change slightly, however a well-designed scheme of an appropriate density for this edge of village location would cause less than substantial harm / no harm and the public benefits that the scheme would deliver in boosting the supply of housing and bringing forward a site proposed for residential development in a timely manner to help sustain the Council's 5 year housing land supply (as well as the economic benefits through the construction phases and occupation) would outweigh any harm that may occur.
42. The site lies within an area of archaeological potential, where remains are known to be present from the early prehistoric and Iron Age periods. As such, a programme

of archaeological works would need to be secured by condition. Overall, it is considered the proposal would comply with development plan policies referred to which seek to preserve heritage assets.

Impact on residential amenity

43. 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.
44. Whilst the exact quantum of development is not being applied for and layout is reserved for future consideration, the only potentially affected properties would be the properties fronting Church Road either side of the site, namely Peelers on the northern side which abuts the public footpath and Oakleigh and Walnut Tree Farm further along Church Road in a southerly direction. The separation distances between these properties and any new development would ensure that the development does not cause any unacceptable overlooking or appear overbearing. A full assessment would need to be made at the reserved matters stage as to the impact on these properties that have a shared boundary with the proposed development site. However, given the proposed dwelling mix is indicated to be two storey (in accordance with policy S38 (a)), designing out overlooking and overbearing impact should be easily achievable when the final designs, orientations, and layouts are submitted as reserved matters.
45. There will be impact from vehicles utilising the access onto Church Road and the extra traffic generated along Church Road. At present the access is for agricultural purposes only and therefore would generate infrequent vehicle movements, and does not appear to be in regular use. Taken from the submitted Transport Statement submitted it is anticipated the development would generate 20 two-way peak AM and PM movements with a total of 179 daily movements (based upon 35 units being accommodated on the site). This represents a 7% increase on existing vehicle movements. In the light of this, whilst the proposed development will have some adverse impact upon the residential amenity of existing residents fronting Church Road, this would not be so significant to warrant the refusal of the application. The access has been provided in the location as indicated in the proposals map for policy S38.
46. Concerns have also been raised by residents regarding the footway on Church Road. This would be widened in front of the site, where the applicant has control over the land.
47. In terms of future residents the development will need to meet the Nationally Described Space Standards (as set out in Policy HOU12) for internal space and the

requirements set out in the Council's Residential Space SPD and policy HOU15 for external amenity areas. This would be controlled by condition if permission is granted and again may ultimately impact upon the number of units that can be provided on the site in a satisfactory manner, however, the illustrative layout and Planning Statement indicate the proposed development would be able to meet these standards.

48. In terms of traffic noise, the A20 is in excess of 625m from the site, which is sufficient to not cause demonstrable noise disturbance to future occupiers.
49. Overall, it is considered the proposal would not cause unacceptable levels of harm to residential amenity and that the proposal complies with criterion a) of policy S38.

Ecology / Impact on designated sites

50. 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.
51. 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:
 - 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”.
 - Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.
 - 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.”

52. In respect of the first test, the proposed development would not constitute a form of development which would be considered to be of overriding public interest. However, the proposal is an allocated site in the recently adopted Local Plan, therefore, in considering it against the second test outlined above, there is no satisfactory alternative to the development in this location.
53. In respect of maintaining the population at a favourable conservation status (test iii) the results of the Ecological Appraisal / surveys are summarised in the proposals section of this report and are comprehensive. The site itself is managed grazing land of low ecological value. The surrounding areas however are rich in terms of ecology and biodiversity, including Hatch Park SSSI 600m to the north west, ancient woodland to the south, and nearby ponds within the Walnut Tree Farm site, which could impact on the potential ecological significance of the site.
54. The application has been subject to consultation with KCC Biodiversity. Subsequent to the initial submission KCC requested further information to ensure that Ashford BC is able to address all potential ecological impacts in the determination of the application. This included further details regarding the great crested newt assessment; further details regarding reptile mitigation; and further details regarding the foraging/commuting bats.
55. Following the submission of an Enhancement Strategy and Management Plan and letter from KB Ecology, KCC Ecology are satisfied that no likely impacts to great crested newts would result from the proposed development. Furthermore, the proposed off-site reptile receptor at Hampton Lane (Brook) appears appropriate, and in planning terms not retaining the reptile population on site is justified as it would result in the development falling a long way short of the proposed number of dwellings in the local plan allocation. KCC also are satisfied that no further bat activity surveys are necessary.
56. Policy ENV1 of the local plan states that developments that adversely affect the integrity of nationally or locally designated sites will not be permitted unless the benefits in terms of other objectives, including overriding public interest, outweighs the adverse impacts and there is no alternative acceptable solution.
57. The site in itself and land immediately adjoining is not a designated site for nature conservation. Furthermore, the very sensitive sites including the Hatch Park Site of Special Scientific Interest (SSSI) is sufficiently far away to not be affected. KCC Ecology and Natural England have not raised any concern that the proposed

development would have an adverse impact on this designated site. The open grazing area to the south would also mitigate the impact on the adjacent ancient woodland and act as a buffer well in excess of the advocated 15-30m as a buffer. Overall, it is considered the proposal would comply with development plan policies referred to which seek to protect and preserve ecology and biodiversity.

Flood Risk / Drainage (surface & foul)

58. The site is within flood zone 1. A Surface Water Management Strategy has been provided with the application, within which is a brief Flood Risk Assessment which concludes in terms of flood risk that the site is appropriate for residential development. As all built development would be in flood zone 1 it is considered that any risk from tidal or fluvial flooding would be low. The main risk of flooding would be from surface water flooding given that the development would significantly increase the amount of built development and impermeable area on the site (the indicative layout suggests 44% of the site would be covered by impermeable surfaces). However, the FRA states that the majority of the site is at very low risk from surface water flooding, with only a small area at the south of the site at high to low risk. Where the development will disrupt existing surface water flows, the implementation of the recommended surface water management strategy will manage any potential surface water flood risk, and therefore, the risk from surface water flooding would be considered to be low. The surface water management strategy based on attenuation storage and a discharge to ground is proposed. The application proposes that the northern part of the site would be suitable for shallow infiltration devices, whilst the impermeable devices over the rest of the site would drain to attenuation storage crates. It is noted this is not the most sustainable form of SUDs, and the feasibility of incorporating the use of swales and attenuation ponds can be examined at the reserved matters stage. Nevertheless, the surface water run-off will be dealt with on site rather than discharging to the public sewer, to avoid any risk of flooding elsewhere. There would be sufficient capacity to accommodate surface water generated from the development for all storm events up to 1 in 100 year events allowing for climate change.
59. Layout is not for consideration at this stage and nor is the quantum of development. The SUDs scheme can be agreed in consultation with KCC SUDs officers as a reserved matter at the same time as the layout. A condition to this effect is suggested should outline planning permission be granted.
60. There is an existing sewer to the north of the application site. Southern Water has indicated they can provide foul sewage disposal to service the proposed development. To facilitate this, due to the site levels, the development would need to accommodate a pumping station for foul drainage (which is shown on the indicative

layout with a 15m protection zone). An application to Southern Water would be required to make a connection to the public sewer, in accordance with criteria d) of policy S38 which requires the development provide a connection to the nearest point of adequate capacity through providing additional sewerage infrastructure in the sewerage network in collaboration with the service provider.

61. In the light of the above, it is considered that subject to appropriate planning conditions, the proposal would not result in any adverse flood risk, and, that drainage can be adequately accommodated on the site. The benefits of providing new housing stock outweigh the any minimal risk from flooding as a result of the proposed development.

Contamination

62. A Preliminary Site Assessment Report has been submitted in support of the application. This identifies that the land has never had any buildings on it and has historically been in agricultural use as an arable and grazing land. There is no evidence of contamination within the subsoil that underlies the site was identified. Nevertheless, the spraying of crops with fertilisers and pesticides could have resulted in some contamination. With this in mind the report recommends a watching brief and as such the Environmental Protection Team would request a planning condition requiring further investigation, and, where appropriate mitigation measures and a verification report, and also a condition covering contamination that is later found and not contained in the initial investigation.
63. In terms of ground pollution the SUDs scheme proposed would in principle (final design to be agreed via condition) prevent pollution of ground water. Southern water are satisfied disposal of foul water is feasible and as such raise no objection subject to details of this being agreed with them as the service provider.
64. In light of the above I do not consider that the application is unacceptable in respect of contamination.

Transport / Highway safety

65. Policy TRA7 of the adopted Ashford Local Plan 2030 relates to transport impacts, and amongst other things states, that developments that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development. It states that it is for the applicant to demonstrate that the road network can accommodate the proposed development taking account of the types of vehicle movements as well as

the number.

66. Access arrangements in this application relate to the vehicular access point from Church Road and associated highway improvements; and, a pedestrian link to the adjacent public footpath (a requirement of policy S38 b)). The PROW would be re-surfaced for the length within the site boundary, KCC PROW officers have no objection to this subject to approval of the new surface, and securing a contribution to improve accessibility of paths in the immediate vicinity by replacement of stiles with gates. Details relating to roads and routes through the site are for consideration at the reserved matters stage.
67. Vehicle access to serve the development will be achieved via a new access from Church Road. This is in-line with the indicative access shown in policy S38. The proposal would also see the length of Church Road fronting the site widened to 5m.
68. Currently there is a narrow footpath along the frontage of the site to link the development site to both Brabourne Lees and Smeeth. There is no footpath on the opposite (north) side of Church Road. It is proposed that the existing 1m wide footpath be extended to 1.8m width either side of the access (15m to the south, 10m to the north). It is proposed to install a road speed sign adjacent to the access (30mph northwards, 40mph southwards).

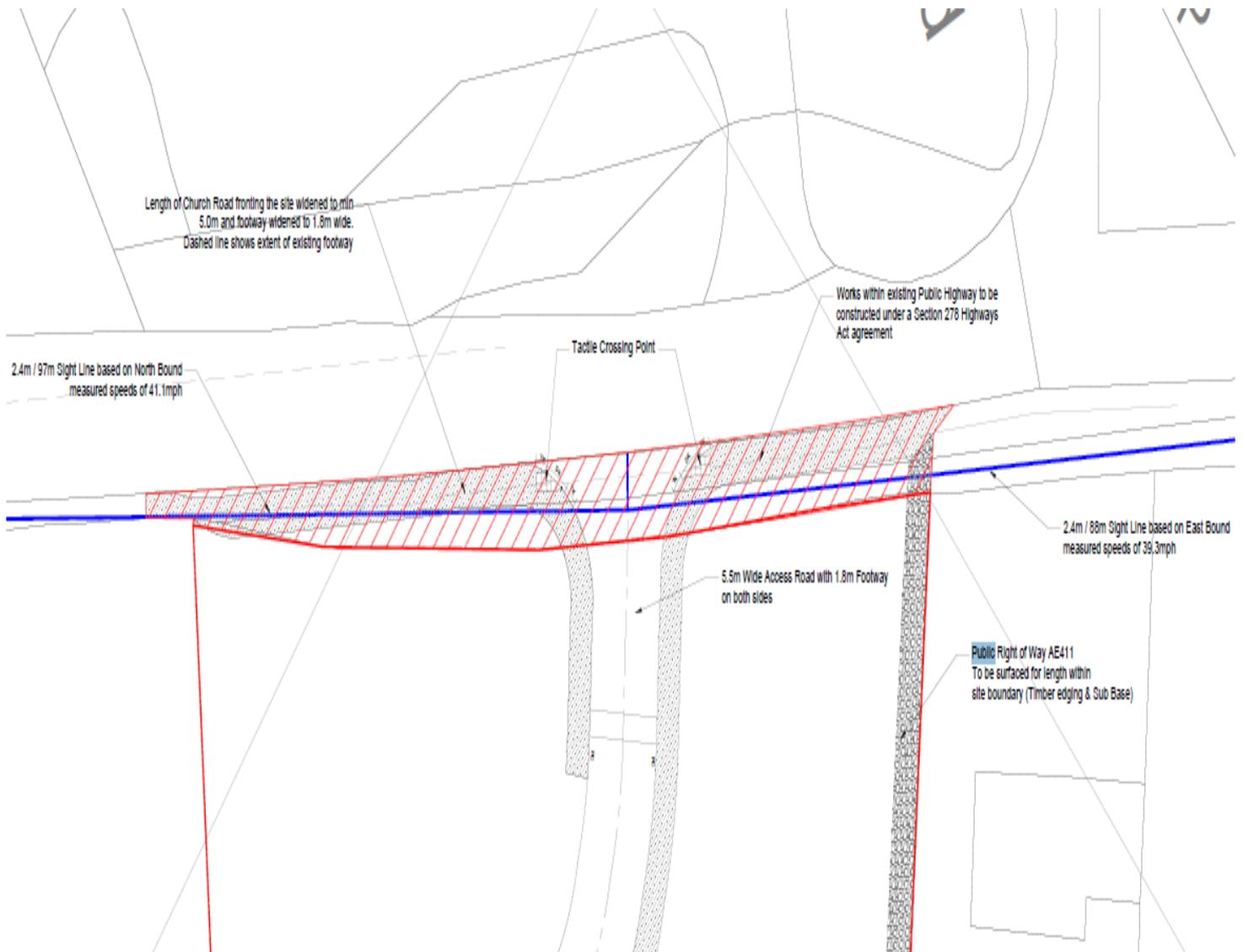


Figure 5 – Details of access and proposed highway works

69. The vehicle, cycle and pedestrian access ways through the site is not for consideration at this stage. The point of access to the public footpath, whilst a policy requirement, could be subject to change, dependent on the final layout.
70. The transport assessment submitted is based on 35 units being provided on the site which is the upper capacity for the site sought under policy S38. The development may contain a fewer number if an acceptable development is to be achieved. Details of the Transport Statement are set out in the proposals section. Indicative swept path analysis has also been provided for refuse vehicles, but this would be subject to change too, dependent on the final agreed layout, but it does demonstrate that the site would be able to accommodate them.

71. Sightlines of 2.4m x 97m are to be provided (achieved through slight modifications to the hedgerow) in a southward direction; and, 2.4m x 88m in a northward direction towards Brabourne Lees, at the point where the new access is proposed. KCC Highways & Transportation has confirmed that the visibility that would be available from the proposed site access is sufficient and would need to be secured by condition. The assessment sets out that the site is sustainably located with good access to rail and bus routes as well as being a short walk from local amenities facilitated by the aforementioned public footway extensions. Parking provision would be in line with local policy. The site is anticipated to generate 20 two way peak am and pm trips and a total of 179 total daily movements (across a 12 hour period). This represents a 7% increase in vehicle movements, which is not considered to be significant.
72. Concern has been expressed by local residents regarding highways issues, and the pinch point created at the narrowest points of Church Road are a particular contentious issue, which only allow single vehicle passing. The Transport Statement details proposed widening of Church Road along the site frontage (as shown on drawing EMC-2017-53-03) to improve localised two way traffic flow. Whilst acknowledging this would not improve the narrowest section of Church Road, the proposed widening is deliverable within the land under the applicant's control, and on the basis that it would represent an improvement on the existing situation KCC officers are supportive of this.
73. Another concern expressed in the representations relates to the impact of increased traffic on existing junction safety issues at Smeeth crossroads (where Church Road joins the A20). The submitted Transport Statement expresses a willingness to enter into a s106 legal agreement to assist with construction costs of safety improvements at the A20 junction. Previous measures to improve the junction have not significantly reduced the number of incidents in this location, and KCC officers acknowledge that only major highway alterations at the junction would make a noticeable difference to highway safety at this recognised crash remedial site. There are several new developments in both Ashford Borough Council and Folkestone & Hythe District Council that would directly increase vehicle movements through this junction. Nevertheless, works to finalise an appropriate junction improvement design remains on-going. As such, it is not currently possible to ascertain the form of the scheme, and consequently the cost. On that basis, Kent Highways and Transportation do not consider it would be reasonable at this time to request a financial contribution towards improvements at Smeeth crossroads.
74. With the above in mind, KCC do not consider that the predicted number of additional vehicle movements the proposed development would generate would be of a scale where the impact on the background operation of this junction would warrant refusal of planning permission from a highways perspective, prior to junction improvements being finalised and implemented; particularly, as an alternative route to the A20 is

available via the Ridgeway, providing options for road users. In close proximity to the site, is the 'Y' style Ridgeway junction with Church Road. This old fashioned type of junction can lead to conflict with drivers turning left into the junction without being able to see drivers approaching to turn right onto Church Road.

75. Taking all of the above into account, and the acknowledged current difficulties traffic experiences exiting Church Road onto the A20, it is a fair assumption that a proportion of traffic from the application site would travel to Ashford using the Ridgeway. As such, in the absence of the feasibility of a request for a contribution towards the Smeeth crossroads solution, KCC Highways consider it reasonable to require the site provides a small-scale junction improvement to the Ridgeway/Church Road junction to allow for more efficient operation of this junction, to be secured by condition.
76. Adequate parking within the development for residents and visitors as well as cycle parking, that complies with the Council's SPD and adopted policies TRA3(a) and TRA6, can be secured by condition should planning permission be granted, and KCC are satisfied that a suitable layout with sufficient parking can be achieved.
77. For the reasons set out above, the proposed development is not considered to be harmful to highway / pedestrian safety, and would comply with development plan policies referred to regarding highway impacts.

Housing Mix and Affordable Housing

78. Although the exact housing mix is not for consideration at this stage, and will be dealt with at the reserved matters stage, it is proposed that the development will provide a housing mix of 1 bedroom apartments, and 2, 3 & 4 bedroom houses of varying sizes. The mix would accord with policy HOU18 of the adopted Local Plan and can be conditioned to meet local housing need.
79. 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 the 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 should be shared ownership.
80. The Design & Access Statement sets out that the indicative layout would include 14 affordable units, on two parcels of land integrated within the market housing. This would represent 40% of the proposed dwellings and would include a mix of rental and shared ownership in accordance with policy HOU1. The affordable housing element will be secured as such in perpetuity through the s106 Agreement.
81. 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 the s106 agreement and is outlined in Table 1 as required by the policy.

82. Policy HOU14 criterion a) applies in this instance. This relates to accessibility standards requiring 20% of the homes to be built to a higher building regulations standard. Again this can be secured through the s106 agreement and is outlined in Table 1 as required by the policy.
83. In light of the above it is considered the proposed housing mix and the affordable housing element would be acceptable in principle, and would be achievable in the layout in accordance with policy HOU14.

Environmental Impact Assessment

84. The development falls within the development listed in Column 1, Schedule 2 of the Town & Country Planning (Environmental Impact Assessment Regulations) 2017.
85. The development falls under part 10(b) of Schedule 2 which covers urban development projects. The threshold for an EIA in this section for residential development is 150 dwellings or if 'the overall area of the development' exceeds 5 hectares. The site area of 1.4ha is considerably less than 5 hectares and as such the proposals fall below the relevant thresholds for EIA development as set out in schedule 2. The development does not fall under Schedule 3 'sensitive areas' which would include SSSI, AONB etc. As such it is not considered that the proposed development is EIA development and therefore an Environmental Impact Assessment is not required.

Other matters

86. The proposed development would create an economic benefit from construction, with employment for contractors, local trade's people, their spending in the local area and in the supply chain. Whilst only for a temporary period this would have some benefit.
87. 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.

Whether planning obligations are necessary

88. 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
89. The site allocation policy S38 e) states that the development is required to provide appropriate contributions towards the enhancement or maintenance of public open space and equipped play at the village recreation ground in accordance with policy COM2. This is set out in Table 1 below which sets out the heads of terms for the s106 Agreement.
90. It is recommended that the planning obligations in Table 1 are required should the Committee resolve to grant permission. They have been assessed against Regulation 122 and for the reasons given it is considered they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.
91. At 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 this report. 20% of the dwellings shall be built to higher accessibility standards (Part M4 (2) of the Building Regulations). 5% of the dwellings will be reserved for custom or self-build.
92. KCC have requested a contribution towards projects at a secondary school, additional book stock for libraries, and PROW improvements.
93. Due to the scale of the proposed development and its close proximity of the village recreation ground, the proposed development would not be expected to provide on-site public open space. The Council has identified off-site contributions towards the management, maintenance and enhancement of the village recreation ground open space in accordance with policy S38; as well as for cemeteries, parks, and allotments, although some projects are still to be confirmed.
94. The NHS Canterbury and Coastal and NHS Ashford Clinical Commissioning Groups has not responded to the consultation request.
95. 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.

96. 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
97. It is recommended that the planning obligations in Table 1 (below) be required should the Committee resolve to grant permission. They have been assessed against Regulation 122 and for the reasons given they are considered all necessary to make the development acceptable in planning terms, and are directly related to the development, and, are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.

Table 1

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
<p>1. Affordable Housing 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), 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 with the registered provider's nominations agreement.</p>	40%	Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1 & HOU1 HOU12 HOU15 HOU18 of the Local Plan 2030, the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>

2.	<p><u>Accessible Housing</u></p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p> <p>In accordance with policy HOU14 part a).</p>	20%	Prior to first occupation of any dwelling to be built in accordance with the standard.	<p>Necessary as would provide accessible housing pursuant to SP1, HOU14 of Local Plan 2030 and guidance in the NPPF.</p> <p>Directly related as accessible homes for those with reduced mobility would be provided on-site.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>
3.	<p><u>Self & Custom Built Development</u></p> <p>No less than 5% of serviced dwelling plots to be custom or self build.</p> <p>In accordance with policy HOU6</p>	5%	In accordance with policy HOU6	<p>Necessary as would provide housing for those who are not able to otherwise self and custom build pursuant to Ashford Local Plan 2030 policy HOU6 and guidance in the NPPF.</p> <p>Directly related as the housing would be provided on-site in conjunction with open market housing.</p>

				<p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>
4.	<p><u>Children's and Young People's Play</u></p> <p>Contribution towards improvements to play provision at Smeeth and Brabourne play area.</p>	<p>Off-site capital cost per dwelling £649</p> <p>Maintenance cost per dwelling £663</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as children's and young people's play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Ashford Local Plan policies COM1, COM2, IMP1 & IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use children's and young people's play space and the play space to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

5.	<p><u>Informal/Natural Space</u></p> <p>Contribution towards landscape improvements for Smeeth and Brabourne recreation ground.</p>	<p>Off-site capital cost per dwelling £434</p> <p>Maintenance cost per dwelling £325</p>	<p>Upon the occupation of 75% of the dwellings</p>	<p>Necessary 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 SP1 COM1, COM2, IMP1 & IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use informal/natural green space and the space to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

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6.	<p><u>Outdoor Sports</u></p> <p>Contribution towards development of additional land to increase football provision at Smeeth and Brabourne Recreation Ground (TBC).</p>	<p>Off-site capital cost per dwelling £1589</p> <p>Maintenance cost per dwelling £326</p>	<p>Upon the occupation of 75% of the dwellings</p>	<p>Necessary as outdoor sports pitches are required to meet the demand that would be generated</p>
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			<p>and must be maintained in order to continue to meet that demand pursuant to Ashford Local Plan policies COM1, COM2, IMP1 & IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
7.	<p><u>Strategic Parks</u></p> <p>Contribution towards a shelter within the picnic area at Conningbrook Country Park.</p>	<p>Off-site capital cost per dwelling £146</p> <p>Maintenance cost per dwelling £47</p>	<p>Upon the occupation of 75% of the dwellings</p> <p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Ashford Local Plan policies SP1 COM1, COM2, IMP1 & IMP2, Public Green Spaces and Water</p>

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			Environment
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				<p>SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
8.	<p>Allotments</p> <p>Improvements to Brabourne allotment site (TBC)</p>	<p>Off-site capital cost per dwelling £258</p> <p>Maintenance cost per dwelling £66</p>	<p>Upon the occupation of 75% of the dwellings</p>	<p>Necessary as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, COM3, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will</p>

			<p>use allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
9.	<p>Cemeteries</p> <p>Parish Council to advise which projects require funding.</p>	<p>Off-site capital cost per dwelling £284</p> <p>Maintenance cost per dwelling £176</p>	<p>Upon the occupation of 75% of the dwellings</p> <p>Necessary as cemeteries are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to 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</p>

				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.
10	<p>Public Rights of Way</p> <p>Contribution towards improvement of accessibility of paths within the immediate vicinity by replacement of stiles with gates.</p>	£1,000	Upon the occupation of 75% of the dwellings	<p>Necessary. The proposal would give rise to significant increase in use of the footpaths in the immediate vicinity. Pursuant to Local Plan 2030 Policies S38 b) and TRA5 and guidance in the NPPF.</p> <p>Directly related as a public right of way passes along the north east boundary of the site.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the minor nature of the works proposed.</p>

11	<p><u>Secondary Schools</u></p> <p>Towards Norton Knatchbull dining hall expansion</p>	<p>£4115.00 per applicable house</p> <p>*excludes 1 bed units of less than 56 sqm</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> <p>To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)</p>	<p>Necessary 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>Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>

12	<p>Libraries</p> <p>Contribution towards additional bookstock for the new borrowers generated by this development supplied to the mobile Library service attending Smeeth</p>	<p>£48.02 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as 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>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is based on the number of dwellings.</p>
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13	<p>Health Care</p> <p>TBC (NHS has not made a request)</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> <p>£1,728 for each 5-bed dwelling or larger</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as 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>Directly related as occupiers will use healthcare facilities and the facilities to be funded will be</p>
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				<p>available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.</p>
14	<p>Reptile receptor site</p> <p>The off-site provision of a reptile receptor site at Hampton Lane (Brook)</p>	<p>As the proposed receptor site is not within the proposed development site</p>	<p>Prior to the commencement of development</p>	<p>Necessary as the reptile population will not be retained within the proposed development site and the development will entail loss of reptile habitat.</p> <p>Directly related as a suitably maintained site needs to be provided for the reptiles that exist on the application site to be translocated to.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development.</p>
15	<p><u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.</p>	<p>£1000 per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary</p>	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs</p>

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			thereof in subsequent years	<p>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>
<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 council web site 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

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

Working with the applicant

99. In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner as explained in the note to the applicant included in the recommendation below.

Conclusion

100. The site is allocated for development in the adopted development plan under policy S38. This policy sets an indicative capacity of 35 dwellings (25 units per hectare). The submitted indicative layout is not acceptable and the final number of dwellings that can be accommodated on the site would be dictated through a re-worked layout, reached by a design led approach at the reserved matters stage.
101. The rear (south east) boundary of the site abuts the open countryside where the land slopes up to an area of woodland. The site would not have an unacceptable impact on the local landscape subject to a considerable landscaping belt to be provided to help assimilate the development into the landscape when viewed from the footpaths to the south, in accordance with criteria c) of policy S38.
102. The proposal complies with the criteria contained within policy S38 at this outline stage and the site will help to ensure that the Council maintains its 5 year housing land supply and would therefore be in a better place to resist inappropriate speculative developments on sites not allocated in the plan.
103. Other material considerations include the benefits associated with the scheme which include its ability to help to boost the supply of housing in accordance with paragraphs 59 and 67 of the NPPF and its sustainable location. Other recognised social and economic benefits include enhancing the vitality of an existing rural community by

virtue of its relatively sustainable location close to the built up confines of Brabourne/Smeeth, delivery of affordable housing and economic benefits from construction and occupation.

104. In conclusion, the proposed development, subject to the approval of the reserved matters and subject to the imposition of conditions, would not result in material harm to landscape character and neighbour amenity that would warrant refusal. The proposals would represent an appropriate form of development that would sit comfortably within its contextual setting.
105. The development, subject to conditions, would not materially harm matters of ecological interest, highway safety, heritage assets or result in unacceptable flood risk.
106. Foul and surface water drainage can be adequately dealt with in accordance with the requirements of the NPPF, the adopted development plan and SPDs.
107. In terms of odour and contamination, again this would be addressed, subject to conditions, so that the site can be developed in an acceptable way.
108. It is considered that the various issues above indicate that minimal harm would arise as a consequence of residential development here and any incremental harm can be mitigated through the imposition of conditions / s106 agreement. When balanced alongside the potentially positive social and economic impacts arising from the proposal, it is considered that the proposal would represent sustainable development. Sustainable development is at the heart of the NPPF and should be seen as the golden thread running through decision taking.
109. The proposal accords with the development plan as a whole. The fact the proposed development complies with the relevant criteria contained in policy S38, and other relevant policies in the adopted Local Plan, and would not result in unacceptable harm that would justify refusal of the proposal then in accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 & the NPPF (which requires that the determination of applications must be made in accordance with the development plan unless material considerations indicate otherwise) it is recommended 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 as detailed in table 1, in terms agreeable to the Head of Planning & 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 & 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 adding additional planning conditions or deleting conditions, and deleting planning obligations (in the event that no relevant project is identified) as she sees fit.

(B) Grant Outline Planning Permission

Subject to the following conditions and notes:

Standard

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

Highways and Parking

3. Parking to be provided and retained
4. Details of the provision of covered cycle parking facilities
5. Provision of site access prior to occupation of any dwellings
6. Provision of highway and footway widening as shown on approved plans
7. Provision of other highway infrastructure / works (i.e. improvements to Ridgeway/Church Road junction) prior to occupation of any dwellings
8. Car barns / PD restrictions
9. Provision of final wearing course
10. Construction Management Plan

11. Visibility splays
12. Details of measures to prevent discharge of surface water onto highway
13. Details of final surface finish for roads, driveways, cycleways and footpaths and parking areas

Landscaping & Ecology

14. Landscape management plan
15. Landscape buffer to rear (south east) boundary
16. Landscaping scheme for the whole site
17. Boundary treatments
18. Reptile mitigation strategy
19. Bat sensitive lighting plan
20. Hedgehog protection
21. Ecological enhancements
22. Adoption management plan

23. Retention of trees & hedgerows

Drainage & Disposal of Foul water and flooding

24. SUDs layout
25. SUDs operation and maintenance manual
26. SUDs post completion Verification Report
27. Means of foul water disposal / upgrade of sewerage system

Residential

28. Space Standards – internal and external pursuant to policies HOU12 and HOU15.
29. Refuse storage details
30. Electric car charging points
31. Water efficiency condition pursuant to policy ENV7
32. Dwellings used for C3 purposes only
33. Removal of PD rights for extensions and alterations and outbuildings
34. Dwellings to be 2 storey form only with any 2nd floor accommodation contained wholly within the roof
35. Architectural details for the dwellings

Others

36. Housing Mix
37. Broadband
38. Contamination and remediation / verification report
39. Scheme to control noise from pumping station
40. Archaeology
41. Levels / sections through the site
42. Standard approved plans condition
43. Standard enforcement condition

Notes to applicant

1. Working with applicant
2. S106 Agreement

3. Protection of birds under the Wildlife Act / protected species and habitats directive
4. Formal application to SW required to carry out public sewer connection. Attention drawn to comments made by SW dated 8 February 2018
5. Broadband
6. Requirement for highway consents

Annex 1



Ashford Borough Council



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