

<b>Application Number</b>	19/00189/AS	
<b>Location</b>	Land west of Stonebridge House, Stonebridge, Brook	
<b>Grid Reference</b>	606237/144240	
<b>Parish Council</b>	Brook	
<b>Ward</b>	Bircholt	
<b>Application Description</b>	Outline planning application for the erection of three dwellings with all matters reserved.	
<b>Applicant</b>	Skylark Kent LLP	
<b>Agent</b>	Mr Steven Davies, Hobbs Parker Property Consultants, Romney House, Monument Way, Orbital Park, Ashford, Kent TN24 0HB	
<b>Site Area</b>	0.36 hectares	
(a) 14/5R 1X	(b) Brook - R	(c) KH&T - X; PRoW - X; KCC ECO - X; Ramblers - X

## Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member, Councillor Howard.

## Site and Surroundings

2. The application site is located within the village of Brook, north of the junction of Nat's Lane, Spelders Hill and The Street. It sits on the western side of The Street and forms part of a wider agricultural field, with frontage along the road. The site abuts the open countryside to the north. To the east, south and west of the site are linear rows of detached dwellings set within generous gardens, which are typical of the built form and settlement pattern in Brook.
3. A strip of land adjacent to the eastern boundary contains a pumping station to the nearby brook and associated gated access track. The land immediately around this watercourse is within flood zones 2 & 3. The application site falls within Flood Zone 1. The Wye and Crundale Downs Site of Special Scientific Interest (SSSI) is located to the north of the site, at around 100m from the boundary.



**Figure 2 – Aerial Photo of the site**



## Proposal

5. The proposal seeks outline planning permission for a residential development for the erection of 3 detached dwellings, with all matters reserved for future consideration. Indicative layout and elevation drawings have been provided, but detailed layout and design of the site and the properties would be determined at the reserved matters stage and are not for consideration or approval under this application.
6. **Amendments:** The scheme has been amended during the course of the application following negotiations between the Council and applicant. These changes comprise the following:
  - The indicative proposed site layout plan and elevations were amended in order to provide clarity on the potential scale of the proposals
  - The masterplan/site layout was amended to reflect the Great Crested Newt Receptor site (Areas A&B on Figure 3 below)

**Figure 3 - Indicative Proposed Site Layout**



**Figure 4 - Indicative Proposed Elevations**



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

#### Planning Statement

- Includes the planning history with regards to the Local Plan 2030 site allocation and subsequent removal at Examination.
- Sets out the national planning guidance and development plan policy relevant for the site. Ashford Local Plan 2030 policies identified include SP2, HOU3a, HOU12, HOU15, TRA3a, TRA6, ENV1, ENV3b.
- References the Kent Downs AONB Planning guidance and landscape design handbook
- Discusses the key issues such as the location, character and appearance, landscape impacts, traffic and access, drainage and flood risk

#### Ecological Reports

- Preliminary ecological appraisal
- Great Crested Newts Survey Reports
- Construction Management Plan
- Reptile Survey Report

## **Planning History**

The site has no planning application history.

## **Consultations**

**Ward Member:** Is a member of the planning committee and has requested that the application be determined by the Planning Committee.

**Brook Parish Council:** Object to this application raising the following issues (summarised):

- The development would not be in keeping with the linear nature of Brook and would appear as an urban housing estate. Proposals are higher density and as 2-storey are not in keeping with the other dwellings in the vicinity.
- The site is located on a blind bend where vehicles park and turn along the site frontage and drive excessive speeds in this location.

- The site is outside of the village envelope as per the recently undertaken envelope and therefore does not meet the requirements of infill windfall policy HOU3a which states 'usually capable of taking one or two dwellings only'.
- Brook is not included within the edge of settlement windfall policy HOU5. The site would be a departure from the development plan.
- The development constitutes 'major' development. Development would cause great harm to AONB and will be visually intrusive in the historic landscape, not being justifiable in the context of its national level of protection. The village is visible from the Devils Kneadingtrough in Wye and North Downs Way. Development is not in accordance with AONB Management Plan and Setting Position Statement.
- Close to property boundaries in Nat's Lane and would lead to a loss of privacy
- Site was removed from the Local Plan based on Inspector's comments – the proposals do not resolve the Inspectors conclusions.
- Proposals will create harm to the nearby Listed buildings.
- Proposals will create harm to biodiversity and surrounding SSSI.
- The village struggles with poor infrastructure and the proposals would not be required to make contributions due to the scale.
- Proposals will include hard surfacing and create surface water run-off. contributing to local flooding issues at times of heavy and prolonged rain.
- Recreational activities associated with AONB will be hindered by new development which will have an economic impact on the local businesses who rely on visitors

**KCC Highways and Transportation** - Raise no objection and make the following comments:

The traffic generated by the proposed development does not cause concern in relation to highway capacity or safety. Considering all matters are reserved with this application, the site has sufficient space to deliver parking to Ashford Borough Council's Parking SPG and I am content that safe visibility splays for the new driveways can be delivered within land under the control of the applicant and within the highway verge.

As such, 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 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 should also be provided of contingency working protocol for action taken should the wheel washing be ineffective and spoil is dragged onto the highway.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.

- Gates to open away from the highway and to be set back a minimum of 5 metres from the edge of the carriageway.
- 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 and permanent retention of vehicle parking spaces to be provided in accordance with Ashford Borough Council's parking SPG, with details to be submitted to and approved by the Local Planning Authority.
- Provision and maintenance of visibility splays at each new access with no obstructions over 1.05 metres above carriageway level within the splays, with details to be submitted to and approved by the Local Planning Authority prior to use of the site commencing.

Second consultation on Construction Management Plan:

The highway elements of the submitted construction management plan are acceptable. The revised layout does not alter previous views as such requested conditions should remain unaltered.

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

Advise that additional information is required prior to determination of the planning application. In summary they required additional information for the following:

- Details of the proposed mitigation measures for the protection of the designated sites are submitted to the local planning authority prior to determination of the planning application.
- An updated GCN survey is undertaken at the pond to confirm their presence/absence. If GCN are present, there will likely be a need for mitigation measures to be implemented. Survey results, along with any recommended further surveys and/or mitigation measures, must be submitted to local planning authority prior to determination of the application.
- A full reptile survey is undertaken (between March and October), with the results, along with any necessary mitigation measures if reptiles are present, submitted to the local planning authority prior to determination of the application.

Second/Third consultations following updated GCN Strategy and Reptile Survey Reports:

Advise that additional information is required prior to determination of the planning application.

In summary they requested/stated the following:

- Confirmation that the mitigation for the EPS licence can be implemented and the receptor site retained and managed in perpetuity and not part of any residential garden OR An Impact Assessment and Conservation Payment Certificate from NE confirming that they have been accepted on to the District Level Licensing scheme.
- Masterplan updated to show the area to be used as a receptor site, and that it would be retained and managed appropriately in the future not used as residential garden land.
- A reptile survey has been undertaken and no reptiles were found on site. However, in order to minimise any residual risk of harm or impact to reptiles, precautionary measures will have to be undertaken.

#### Final consultation following updated GCN survey and revised masterplan

Raise No Objection and state:

- Advise that sufficient ecological information has been provided for the determination of the planning application. Detailed ecological mitigation/enhancement requirements must be submitted and implemented as a condition of planning permission if granted.

**KCC Public Rights of Way:** No Comments

**Ramblers Association:** No Comments

**Neighbours:** 14 neighbours were consulted, site notice posted and the development advertised in the local paper. 6 comments received; 5 representations to object and 1 general comment which stated that a legal matter prevented them from commenting, but that their inability to comment should not be construed as passive support for the proposed development. Objection comments are summarised below:

- The site is located on a blind bend in the road which is dangerous, particularly at school times and in poor weather. Vehicles park and turn along the site frontage and drive excessive speeds in this location. Access does not meet e) of HOU3a
- Area already has issues with surface water run off and drainage in periods of heavy rain. Water run off from increased hardstanding will put additional pressure on the stream and drainage.
- Planning Inspectors report removed site from the Local Plan 2030 due to the impact of the proposals on local character and residential amenity.

- Local Village confines exercise removed the site from the red line boundary – it is therefore not Policy HOU3a compliant.
- Layout, design and appearance is not compatible with surrounding character and density. Village is made up of bungalows and chalets. The proposed houses would ‘loom’ over the existing houses opposite and destroy the rural setting. The proposed dwellings are 2 –storey and will be too close to the road, not in keeping with surrounding grain and building lines. The proposal will remove the countryside edge to the adjoining properties in Nats Lane which is part of the character.
- Streetlighting would change the character and nature of the village and increase light pollution, creating negative effects on local wildlife.
- Local ecology and biodiversity will be adversely affected. Land is uncultivated land under EIA regs.
- There is no public transport and no shop – the proposed development is unsustainable. There is too much development already in the country, south east and particularly in Brook and the local schools and other services and infrastructure are strained.
- No evidence of housing need in Brook
- The development displaces the current land use for sheep grazing on the site and the area of land to be retained adjacent to the junction which is to be left free from development. Therefore not in accordance with h) of HOU3a with regards to displacing active uses.

## **Planning Policy**

8. 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), the Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016).
9. 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).
10. The relevant policies from the Development Plan relating to this application are as follows:-

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery  
SP6 - Promoting High Quality Design  
HOU3a – Residential Development in the rural settlements  
HOU12 - Residential space standards internal  
HOU15 - Private external open space  
TRA3a - Parking Standards for Residential Development  
TRA6 – Provision for Cycling  
TRA7 - The Road Network and Development  
ENV1 - Biodiversity  
ENV3b - Landscape Character and Design in the AONBs  
ENV4 - Light pollution and promoting dark skies  
ENV5 - Protecting important rural features  
ENV6 – Flood Risk  
ENV9 - Sustainable Drainage

11. The following are also material considerations 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

### **Informal Design Guidance**

- Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins
- Informal Design Guidance Note 2 (2014): Screening containers at home
- Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2019

12. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF effectively provides that less weight should be given to the policies above if they are inconsistent with the NPPF. The following sections of the NPPF in particular are relevant to this application:
- 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 11 – Making effective use of land
  - Chapter 12 – Achieving well-designed places
  - Chapter 15 - Conserving and enhancing the natural environment
13. Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available ... and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
14. Paragraph 59 relates to the need for the delivery of a sufficient supply of homes. It states that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.
15. Paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

## **Assessment**

### **Introduction – Local Plan context**

16. The entire larger field (outlined blue in the site location plan) was a proposed site allocation in the submission version (2018) of the Local Plan 2030 for up to 10 dwellings. It was later removed as an allocation as recommended by the Local Plan Inspectors following Examination. This was due to the proposed 10 dwellings and backland nature of the site being at odds with the linear character of development in the settlement, and there being no evidence at the time that a smaller, frontage only linear development (as proposed in this application) could be satisfactorily achieved. The full Inspectors comment can be found below:
17. *'Brook is a village with a distinct linear form within the Kent Downs AONB. The site at Nats Lane (S53) would introduce depth to the settlement pattern that would be significantly at odds with this local character. The Council's suggestion of a 'farmstead' design and layout for buildings to the rear of the frontage would not alter the likely harmful impact of any such development. This would conflict with the principles of good design set out in national policy and development is unlikely to be able to respond positively to local character. Limiting development to the frontage only would reduce the potential capacity to a very small number of dwellings and there is no guarantee an acceptable*

*form of development could be achieved in terms of the living conditions of nearby residents. Owing to these uncertainties, the site should be removed from the Plan and consequential changes made to housing numbers.'*

18. In summary, the Local Plan Inspectors removed the site due to concerns with the site footprint and scale of proposals at 10 units not being in keeping with the linear form and local character. They raised the potential of a smaller number of dwellings along the frontage being considered, subject to being acceptable in terms of living conditions of nearby residents. Frontage only development would not be of a scale / amount that would warrant a site allocation.

### **Main issues**

19. The main issues for consideration for this application are:
- The principle of the development
  - Landscape character, Visual Amenity and Local Character
  - Residential Amenity
  - Ecology / impact on designated sites
  - Highway Safety / Parking
  - Other material considerations

### **The Principle of the development**

20. 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.
21. The Council can currently demonstrate a 5 year housing land supply and therefore the policies in the adopted Local Plan 2030 are afforded full weight.

### **Built-up confines**

22. As set out in the supporting text to HOU3a, the 'built-up confines' of the settlement is defined as *'the limits of continuous and contiguous development forming the existing built up area of the settlement, excluding any curtilage beyond the built footprint of the buildings on the site (e.g garden areas)'*. As stated in paragraph 6.52 of the Local Plan, this definition may, however, *'include sites suitable for 'infilling' which is the completion of an otherwise*

*substantially built up frontage by the filling of a narrow gap, usually capable of taking one or two dwellings only'.*

23. During 2019, the Borough Council commenced a process whereby Parish Councils were able to work with the borough council to undertake a 'village envelope' exercise where a drawn boundary was agreed for each settlement, to reflect this written definition visually.
24. Brook Parish have commenced this exercise. However, the Borough Council's proposed boundary line included the application site within the built-up confines, and the draft proposed by the Parish excluded the application site. Due to the receipt of this application, and in order not to prejudice the decision, the Brook village envelope exercise has not been finalised or endorsed by the Borough Council at Cabinet, and therefore cannot be given weight in the determination of this application. Therefore, the written definition assessment of the built-confines (above) is to be used to assess the application.
25. The application site is currently a gap in the otherwise built up frontage of The Street, and adjoins linear development in Nats Lane to the west of the site. As the site adjoins linear development on both sides, it is considered that it is a narrow gap in the otherwise substantially built up frontage of the settlement and is suitable for infilling. In light of this and the fact that Brook is an HOU3a settlement it is officers view that this application falls to be determined under HOU3a and not HOU5.
26. Policy HOU3a is set out below:
  - a) It is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area;
  - b) It would not create a significant adverse impact on the amenity of existing residents;
  - c) It would not result in significant harm to or the loss of, public or private land that contributes positively to the local character of the area (including residential gardens);
  - d) It would not result in significant harm to the landscape, heritage assets or biodiversity interests;
  - e) It is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network;
  - f) It does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure;
  - g) It is capable of having safe lighting and pedestrian access provided without a significant impact on neighbours or on the integrity of the street scene; and,

- h) It would not displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan.
27. Policy HOU3a requires an assessment of the local services and infrastructure. The site is located within Brook and is within easy walking distance of the centre of the village where there are local services and facilities including public house, village hall, recreation ground and open space with a children's play area. The Primary school is located outside of the built settlement, but is around 500m from the site. There are also bus stops located within walking distance of the site.
28. The rural service centre of Wye, which provides a larger number of local services and the urban area of Ashford are both located within 3 miles. Therefore, the site is not regarded as being physically isolated from services and is sustainably located. Brook has been identified in the Settlements Matrix supporting document to Examination (ABC/PS/23 AUGUST 2018) as a settlement which was suitable for development within the built-up confines based on access to these local services and the settlement pattern.
29. On this basis, it is considered that the location of the proposed development is sustainable and acceptable in principle subject to the below.

### **Landscape Character, Visual Amenity and Local Character**

#### AONB and Landscape Character

30. Policies HOU3a, and specifically ENV3b, of the Local Plan require the Council to 'have regard to the purpose of conserving and enhancing the natural beauty of the Kent Downs AONB'. Policy SP6 promotes high quality design requiring consideration of a number of criteria including "character, distinctiveness and sense of place". Policy ENV5 also seeks to protect important rural features including hedgerows.
31. Paragraph 116 of the NPPF states that permission for 'major' developments within AONBs should be refused unless there are exceptional circumstances and where it is in the public interest. As outlined in PPG, whether development is considered 'major' in these circumstances is a "matter for the relevant decision taker, taking into account the proposal in question and the local context".
32. The Kent Downs AONB management plan sets out the importance of the North Kent Downs and seeks to protect its recognised landscape quality and distinctive features. It states that there is a balance to be struck between the enhancement and protection of the AONB, and the need for sustainable

development. New development proposals must respect the settlement form and conserve the sensitive areas of the settlement setting and views in and out of the AONB landscape.

33. Taking into account the small-scale nature of the development of 3 dwellings, and the characteristics of the site and the settlement form and pattern, development here would not represent 'major' development for the purposes of paragraph 116 of the NPPF. In any event, given the location within the built-up area of Brook village, with housing on 3 boundaries, it is considered that the proposed development would conserve the rural character and openness of the AONB. The site does not constitute an important undeveloped gap within the AONB. It is therefore considered that the proposals are acceptable in accordance with HOU3a and ENV3b with regards to landscape, visual amenity and AONB.
34. In addition, in order to ensure that the wider AONB landscape and views in and out of the settlement are protected, conditions will also require specific details with regards to native tree landscaping on the northern boundary where the site adjoins the countryside, and details of all boundary treatments such as walls and fences, and materials and lighting which is in accordance with the AONB management plan.

#### Layout design and appearance

35. Policy HOU3a requires infill development to meet a number of design requirements. This includes that it is of a layout, design and appearance that is appropriate to, and compatible with the character and density of the surrounding area.
36. This area of the village is characterised by mid-century detached properties, in a linear form, set back from the road and which benefit from generous curtilage. The houses immediately to the east of the site comprise detached bungalows, mostly in chalet style, on plots approximately the same size proposed in the indicative layout of this scheme.
37. The proposed development would be adjacent to linear form of development on either side, infilling a current gap in the built form. The opposite side of the road is also a built-up linear built form of chalet style properties. The indicative block plan indicates that three detached dwellings could be successfully accommodated on the site without appearing as a cramped form of development. The linear plot pattern proposed would be sympathetic to the existing plot patterns, layout and density of the properties located immediately around the application site and the settlement as a whole.

38. The indicative elevations show two-storey dwellings, which, although are not in keeping with the character of the immediate surrounding dwellings, which are largely chalet style bungalows, they are consistent with the height of properties in other areas of the settlement, namely Brookbank, which is 100m to the east of the site. The storey height can be controlled by condition.
39. As this is an outline application, with all matters reserved, the layout and design are not being considered. The indicative drawings serve to illustrate how the site may be development in an acceptable way. The specific design of the dwellings is also not for consideration as part of this outline application and a well-designed scheme utilising high quality materials and architectural detailing could be secured under any subsequent reserved matters application. I therefore consider that the indicative proposals are of a layout and design which is compatible with the character and density of the surrounding area.

#### Local character

40. Policy HOU3a requires that infill development does not result in significant harm to land that contributes positively to the local character of the area and ENV5 requires important local landscape features to be protected.
41. The proposal will reduce a current area of open land in this part of the settlement, which does form part of the rural setting and local character. However, the proposals do not do result in the complete loss of the open gap as shown on the indicative masterplan and elevations. The area to the west of the application site will remain as undeveloped open land, used as the GCN receptor site (and retained for this purpose in perpetuity by condition).
42. The indicative elevations also show that significant gaps will be retained between the proposed dwellings, which will be set in large plots. This will enable views through the development to the open countryside which together with the retention of the access gate to the pumping station on the east and GCN receptor site on the west, will mitigate the impact of the loss of the open land. I therefore consider that the proposals to do not result in significant harm to local character through loss of land.
43. The proposal would result in the loss of small sections of the hedgerow/tree boundary to facilitate vehicle access points to the proposed development. This loss would not significantly adversely impact on the rural character of the road and replacement landscaping can be secured at the reserved matters stage.

### **Residential Amenity**

44. Policy HOU3a requires that new development would not create significant adverse impact on the amenity of existing residents. When the larger allocation was removed from the Local Plan by the Inspectors, one of the main concerns was the impact on residential amenity of surrounding neighbours.
45. The proposed dwellings would be situated around 25m (approx. based on indicative plans) from the closest residential dwellings to the North East (Stonebridge House), South West (Wyecot) and opposite the site to the South East (Spelders Beck to Hurstmead), and it is considered that this would not have an overbearing / overlooking impact or negatively affect the neighbours residential amenity.
46. Policy HOU3a requires developments to have safe lighting and pedestrian access which does not significantly impact on neighbours. A full assessment would need to be made of these issues at the reserved matters stage, when the formal designs are submitted as to the impact on neighbouring properties. However, designing out overlooking and overbearing impact should be easily achievable and can be assessed when detailed storey heights, orientations, and layouts are submitted as reserved matters. Lighting and pedestrian access for three dwellings is not expected to create material harm to existing residents and lighting will be conditioned with regards to ecological impacts in any event.
47. In terms of future residents, the development will need to meet the Nationally Described Internal Space Standards (as set out in Policy HOU12) and external amenity space standards (as set out in policy HOU15). At 0.3ha, the site size, together with the illustrative layout, indicate the proposed development would be able to meet these standards. This can again be controlled by condition.
48. In light of the above it is not considered that the proposed development would unacceptably impact upon the residential amenity of existing / future residents subject to careful consideration of the reserved matters and the imposition of conditions.

### **Ecology / impact on designated sites**

49. Policy HOU3a requires that development proposals do not result in significant harm to biodiversity interests. Policy ENV1 requires 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. 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.

50. The site is of medium / high ecological value and the Ecological assessments and surveys submitted highlighted presence of GCN. Following consultation with KCC Ecological Advice Service, the applicant has completed a number of surveys and updated the indicative site plans. KCC is satisfied that the submitted documents provide details of on-site mitigation to ensure the ecological interest of the site is maintained. This will take the form of a receptor site within the wider site ownership boundary (as shown on Figure 3 above as Area B) and will be maintained in perpetuity by a management company which will include the residents of this proposed scheme. Conditions are requested in respect of securing the mitigation set out in the revised GCN Strategy and additional enhancements, which have been applied.
51. Policy ENV1 also 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.
52. There is a Site of Special Scientific Interest (SSSI) within 200m to the north of the site. KCC has stated that although the development proposal will not directly impact the SSSI, there is a risk that construction may have a negative impact. The applicant has provided a construction management plan with the application, and KCC advise that the measures are implemented as described within the Construction Management Plan and should be secured by condition.
53. Based on the information submitted and the responses received from KCC, I am satisfied that the LPA has fulfilled its duty to appropriately assess the development under Regulation 9(5) of the conservation of Habitats and Species Regulation 2010. Subject to conditions, the proposed development is not considered to result in any adverse impacts to matters of ecological importance in accordance with the relevant policies set out in European and UK law as well as in the adopted development plan and NPPF.

### **Highway Safety / Parking**

54. HOU3a requires that development can be safely accessed, but specific access, layout and parking cannot be considered at this outline stage. However, the indicative plans show the removal of sections of the boundary

hedge to accommodate a new vehicle access point for each dwelling and that two parking spaces would be provided on each plot, along with garaging. The site currently has one access point already, so the hedge removal would be relatively minimal. In addition, it is proposed that unit 3 would share an access point with a proposed new access road to the fields at the rear along the NE boundary.

55. The size of the dwellings are unknown, but if the properties are 4 bedroom or larger three parking spaces will be required for each property in accordance with parking standards set out in TRA3a. The indicative layout shows on-site turning areas for plots 1 and 3 but not for unit 2 where cars would therefore have to reverse in or out of the unit. Whilst this could be designed out at the reserved matters stage, similar arrangements already exist elsewhere along The Street and speed limits in this area are restricted to 30 mph. Parking in accordance with TRA3a can be secured by condition.
56. I have had regard to the paragraph 109 of the NPPF which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. KCC Highways and Transportation has raised no highways safety objections to the indicative parking and access arrangements, subject to conditions. As an outline application, the detail of these arrangements is to be approved at a later stage. Therefore, it is accepted that the indicative proposals accord with HOU3a.

### **Other Material Considerations**

57. Policy ENV6 and ENV9 of the Ashford Local Plan 2030 state that new development should contribute to an overall flood risk reduction and include appropriate sustainable drainage systems. The site lies within Floodzone 1, an area of low flooding risk. The applicant will be required to provide surface water SUDs features and confirm that Southern Water can provide foul water disposal to service the development.
58. As an outline application, the detail of these is to be approved at a later stage and conditions are applied to agree the final details. In summary, the indicative proposals are acceptable on flooding and drainage grounds.

### **Human Rights Issues**

59. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests

and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

### **Working with the applicant**

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

### **Conclusion**

61. The principle of development is acceptable and in accordance with Policy HOU3a as set out in the assessment above.
62. Details relating to the layout, scale, access, appearance and landscaping will be required to be submitted under any subsequent reserved matters application to ensure a high standard of design is achieved that would preserve the character of the area and the AONB, and conditions are set out below in order to achieve this.
63. I am therefore satisfied that the proposed development would comply with the requirements of Development Plan policy as a whole and Central Government guidance. There are no material considerations that would give rise to any unacceptable planning harm. I therefore recommend that outline planning permission is granted subject to conditions.

### **Recommendation**

#### **Permit**

**Subject to the following Conditions and Notes:**

**(with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit).**

### **Standard**

1. Standard time and reserved matters conditions
2. Materials
3. Architectural details i.e. sections through eaves, ridge, window reveals, joinery etc
4. Removal of permitted development rights for extensions and alterations, outbuildings and walls and fences

### **Highways and Parking**

5. Parking spaces in accordance with TRA3a
6. Cycle Storage in accordance with TRA6
7. Highway surfacing and gates
8. Visibility Splay provision and maintenance
9. Compliance with approved Construction Management Plan with regards to site personnel parking, storage, wheel washing facilities etc.
10. Electric car charging points

### **Landscaping**

11. Walls/Fencing and other boundary treatments
12. Landscaping scheme – to include native planting
13. Trees/hedgerow protection measures

### **Biodiversity / Ecology**

14. Ecological Mitigation Measures as set out in GCN Survey Letter
15. Compliance with approved Construction Management Plan with regards to ecological mitigation measures
16. Ecological Enhancement Measures
17. Scheme of reasonable avoidance measures for reptiles submitted and approved
18. External lighting design plan for biodiversity

### **Residential**

19. Details of residential space standards including minimum garden sizes
20. Refuse storage details
21. Water efficiency condition pursuant to policy ENV7

### **Drainage & Disposal of Foul water**

22. Sustainable urban drainage
23. Foul water and sewerage disposal for site

### **Others**

24. Development in accordance with the approved plans
25. Development available for inspection

### **Notes to Applicant**

1. Working with the Applicant

2. KCC Highways and Transportation informative regarding vehicular crossing works
3. Wildlife and Countryside Act 1981 – Nesting Birds

## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/00189/AS)

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