

Application Number	19/01669/AS
Location	Smallhythe House, Tawney Bank, Oakengates, Woodberry and Micken Lodge, Smallhythe Road, Tenterden, TN30 7LN
Town Council	Tenterden
Ward	Tenterden South
Application Description	Redevelopment to form 53 no. apartments for older people (60 years of age and/or partner over 55 years of age), guest apartment, communal facilities, access, car parking and landscaping.
Applicant	Churchill Retirement Living
Agent	Planning Issues, Churchill House
Site Area	0.64 ha

(a) 133/23R 4G	(b) S	(c) KCCH/X KCCE/X , KCCA/X, KCCLLFA/X, KCCDC/R, Kent F&R/X, AONB/+, ABCH/R, ABCEP/X,ABCSOS/X, NHS/X,HE/X,SW/X
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Introduction

1. This application is reported to the Planning Committee because it is a major planning application. The applicants have appealed against non-determination and as such the committee cannot determine the application now. This report seeks endorsement in respect of deemed reasons for refusal upon which to contest the appeal.

Site and Surroundings

2. This is a roughly rectangular shaped site made up of 5 plots - 4 residential and one commercial - on Smallhythe Road within the built up area of Tenterden. The site is elevated from the street with the properties set back on their plots with landscaping to property boundaries. The houses are mid-20th Century and 1 or 2 storeys in height. The commercial unit is situated behind the property known as Tawny Bank and accessed along a short drive which

extends along the northern boundary of the site. In contrast to the residential plots, this plot is dominated by hardstanding for the parking of cars.

3. To the north of the site is the wide access road which serves the supermarket (Tesco) and its car park. This road also serves a recently built residential block of 36 retirement living apartments, which is situated to the north east of the site. The area to the east and south east forms the TENT1a residential allocation in the development plan. It is now largely built out.
4. To the west and south west of the site on the opposite side of Smallhythe Road to the application site is parkland associated with the large Grade II listed building, known as Heronden. The boundary of the parkland with the street is well planted with a red brick wall.
5. The application site adjoins the High Weald AONB, which lies immediately to the west of the site. It also adjoins the Tenterden Conservation Area which also lies to the west and takes in Heronden and its park land setting.
6. A plan showing the application site in relation to its surroundings is found below.

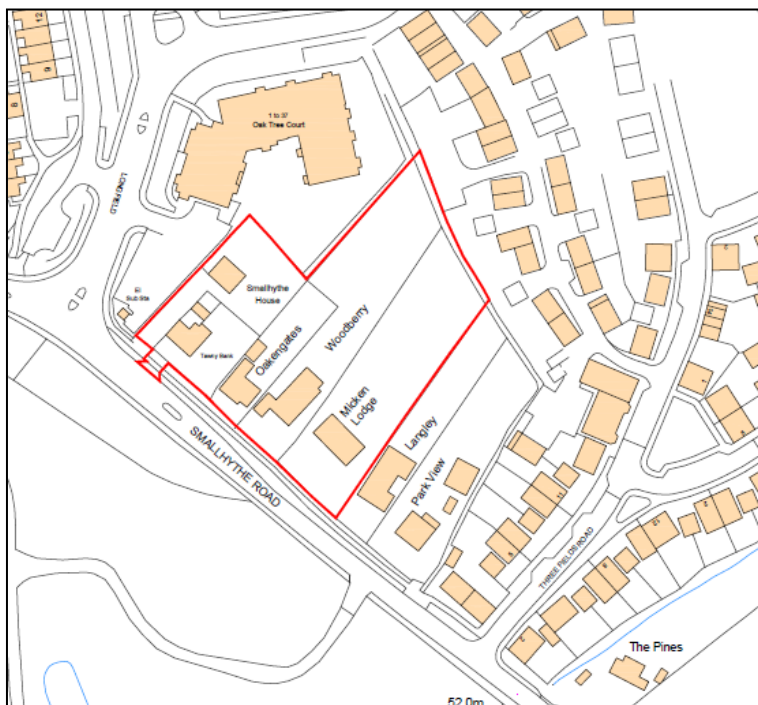


Figure 1: The Site

Proposal

7. This proposal is to redevelop the site to provide 53 retirement apartments.
8. The proposal would have a broadly T shaped footprint with the apartments arranged either side of an internal corridor. The site is not level and the proposal takes advantage of this by providing a combination of two and three storey development whilst providing a broadly constant ridge height.



Figure 2: Block Plan



Figure 3: Elevation fronting Smallhythe Road



Figure 4. Other Elevations

9. The majority of the floorplans comprises the 1 and 2 bed apartments but at ground floor would lie a reception room, and communal lounge with access to an owners lounge patio. Vehicular access to the site would lie along the north western side of the frontage building leading to 34 parking spaces aligned with the north west boundary the north eastern boundary where it abuts the garden of the nearby McCarthy Stone scheme. Pedestrian access to the site leads from Smallhythe Road into the building, from Smallhythe Road leading to the bin store and from the parking area in a circular route around the sides and rear of the site providing access to the landscape gardens. A modest sized plant room is proposed in the rear garden towards the northernmost corner of the site.
10. The landscaping scheme proposes the retention of existing trees where suitable for retention on the boundaries with proposed trees and native

planting to enhance the existing planting screen. Inside the boundary planting the site would be laid to lawn with planting beds adjacent to the building and around small individual patios, adjacent to the ground/lower ground floor apartments (depending upon site levels). An area of lawn would be provided in front of the building with modest scaled planting beds adjacent to the flats and along the front boundary.

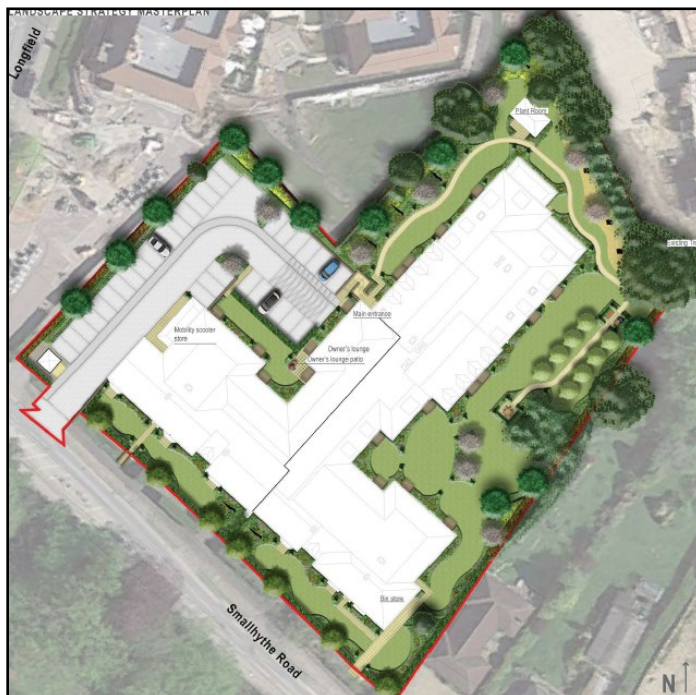


Figure 5: Landscape Plan

11. The scheme has been designed along Smallhythe Road to give the appearance of a number of terraced buildings by means of changes in materials (brick, render and tile hanging), the use of modest recessed elements (where the front building line is set back from the building on either side and using black weather boarded elevations) and changes to the roof line creating separate roof forms. A number of porch canopies are provided suggesting separate entrances. It does though provide a single block of apartments with a part pitched and part flat roof crown, being two storeys at the front.
12. The elevations at the rear are designed making use of the site level changes to provide blocks of 2 and 3 storey development. As at the front they are designed to suggest a number of separate but terraced blocks using changes in height, roof style, materials and different window/dormer designs to articulate the block. The changes in levels result in the two storey elements being towards the front of the site with approximately 60% of the length of the rear elevation being 3 storey in height.



Figure 6: Rear Elevations: EE GG HH

13. Since the application was first submitted the applicant has made some changes to the scheme. These are listed below:
- Net loss 1 apartment overall (53 down from 54). Revised units and mix (32 one beds + 21 two beds);
 - Omission of single storey components at the end of the rear leg;
 - Flat layouts amended to reduce the number of windows looking towards Langley and the McCarthy & Stone scheme (some kitchens made internal);
 - Entrance approach & elevation amended to provide an improved & more legible arrival sequence.
 - Owners lounge & surrounding and amenity benefit from changes;
 - External stepped access to fire stair 1 simplified;
 - Flat layouts amended to reduce the number of windows looking towards Langley and the M&S scheme;
 - Number of dormers reduced;
 - Larger dormers omitted (no dormer to exceed SO of 1510mm width);
 - Eaves and ridge heights lowered to central roofs along rear leg (Ridges lowered by approximately 1350mm and eaves by approx. 500mm);
 - The provision of photovoltaic tiles shown on the roof plan as a renewable energy source instead of ground source heat pumps has allowed Plant room to be removed;
 - Substation omitted allowing parking to be reconfigured;
 - Footpath added from the garden access at lower ground better connecting the flats to the wider network of proposed paths and walks around the building and through the amenity;
 - 6 Sheffield stands added as per the air quality statement;
 - Shared footpath denoted in different material;

14. In support of the application, the following information has been submitted and summarised below:

Affordable Housing and Viability:

Concludes that the scheme cannot support the provision of on site affordable housing but could make a financial contribution of £531,591.00, towards the affordable housing and infrastructure payments that would be generated by this scheme.

Arboricultural Assessment:

This includes an assessment of existing trees and details of how they will be protected during construction and a tree protection plan. A number of Category C trees would be removed from the site but it is suggested that none are of significant individual quality or visibility. A number of new trees are suggested with final details of species and location to be addressed by means of a condition.

Desk Study Appraisal:

Assessing ground conditions including potential contamination issues and foundation solutions. The report concludes that there is no evidence of potential sources of significant contamination although domestic activities such as bonfires may have made a modest impact. A piled foundation may be needed subject to further investigation, and it is suggested that the site may not be compatible with a soakaway drainage solution and an alternative solution should be identified.

Design & Access Statement:

Discusses the design rationale for the scheme seeking to create a scheme that responds to the local vernacular respecting the setting of the site and providing a safe and enjoyable environment for residents. It considers the character of the surrounding environment including the adjacent 2 and 3 storey McCarthy Stone development and the new Taylor Wimpey scheme to the south west/west of this site. It concludes that the scheme should provide a form and detail which maximises the breaks between the blocks to communicate a resemblance to the short terraces in the area and the street elevations should be sympathetic to the building heights and rhythm of development along Smallhythe Road. It should enhance the character of the adjacent Conservation Area and AONB.

Drainage Statement:

The proposed scheme would provide a sustainable drainage system with some infiltration to ground. An online pumping station would be required to lift the foul drainage to a manhole upstream of the Longfield Tenterden Sewage Pumping Station. A surface water drainage system is achievable that is SuDs compliant in compliance with KCC Drainage and Planning Policy Statement.

Ecological Statement:

The majority of the habitats to be lost are of negligible ecological importance whilst the scattered parkland quality trees and hedge which are of local importance will be retained. Required works to an identified bat roost would be undertaken under licence from Natural England during spring-autumn when bats are most active, feeding nightly and less likely to be adversely affected by the changes. Several artificial roosts would be provided as compensation and enhancement. Working practices should take account of legislative requirements in respect of other species although none have been found on the site.

Heritage Statement:

The site lies on the edge of the urban area of Tenterden, replacing dwellings which make a neutral contribution to the setting of the Tenterden Conservation Area replacing them with a single building which would also provide a neutral contribution to the setting. This would be achieved through the use of design and materials details referencing the appearance of buildings in the surrounding streetscene. The mass of the building will reflect the McCarthy Stone building whilst its height would correspond to the houses found to the east. The scheme would not harm a designated heritage asset.

Planning Statement:

Explains the background to the developer and the scheme being provided. It assesses the planning background to the application concluding that this is a site in a highly sustainable location which would offer a scheme to meet the identified housing needs for older people in the area. The scheme would provide economic, social and environmental benefits thereby comprising a sustainable form of development.

External Lighting Study:

Identifies a lighting strategy for the site comprising a mixture of wall lights, low level bollards and uplighters.

Transport Statement:

Draws attention to the location of the site within 500m of the town centre, and 430m to local bus services. It concludes that the scheme would generate about 80 vehicle movements per day over a 12 hour period with little traffic during peak hours. The traffic can be safely and easily accommodated by the surrounding highway network.

Planning History

14/00799/AS Notification of proposed change of use: Prior approval for proposed change of use of B1 Offices to C3 residential

Prior Approval Not Required

Consultations

Ward Member: No comments received.

Tenterden Town Council: Supports this application on condition that:

- There needs to be additional parking;
- The financial contribution allocated in lieu of affordable housing should be allocated specifically to Tenterden;
- There should be an enhanced payment to go towards the upgrading of Smallhythe Road from the development to the junction with the A28 (West Cross);
- We welcome the installation of photovoltaic panels and ask that the highest standards of energy sustainability be applied to the Development in its construction and operation;
- Electric charging points should be included for vehicles if not included.
- Is enough capacity allocated on site for residential waste and is there is appropriate provision for waste collection.

NHS Ashford Clinical Commissioning Group (CCG) – No objection

The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution.

The CCG has requested a sum of £35,100 (Based on 54 chargeable units) towards creating suitable capacity within the Ashford Rural Primary Care Network.

This proposal will generate approximately 108 new patient registrations when using an average occupancy of 2 people per dwelling. The proposed development falls within the Primary Care Network known as Ashford Rural. There is currently limited capacity within existing general practice premises to accommodate growth in this

area. The need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice premises; this is highlighted in the CCG GP Estates Strategy. General practice premises plans are kept under regular review as part of the GP Estates Strategy and priorities are subject to change as the CCG must ensure appropriate general medical service capacity is available as part of our commissioning responsibilities.

The CCG along with the Ashford Rural Primary Care Network are developing a plan to meet the needs of the expanded population created by this and other local developments to ensure these patients can be accommodated in the local practices which are currently at capacity.

Planning for growth in general practice is complex; physical infrastructure is one element but alongside this workforce is a critical consideration both in terms of new workforce requirements and retirements.

The population growth of 108 will require 9m² based on NHS standard of 12 patients per square metre. At current build costs of £3,000 psm this equates to £27,000. A further 30% allowance for development fees means our request totals £35,100. In addition to the above we request that any agreement regarding a financial contribution:

- Allows the contribution to be used towards new general practice premises in the area serving this population (should GP Estates Strategy identify future requirement) and not just limited to the practice detailed above.
- Allows the contribution to be used towards professional fees associated with feasibility or development work for existing or new premises.
- Supports the proactive development of premises capacity with the trigger of any healthcare contribution being available linked to commencement or at an early stage of development.

Highways England: No objection on the basis that the proposed development would not materially impact the reliability, operation or safety of the Strategic Road Network.

Southern Water: Comments that its initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. It requires a formal application for any new connection to the public sewer to be made by the applicant or developer.

KCC Biodiversity: No objection subject to a number of conditions. A condition is needed to secure the provision of a site wide management plan which details how the habitats on site are going to be managed to benefit biodiversity and retain connectivity with the wider area. A pre-commencement condition is requested to require the submission of a bat mitigation strategy. Lastly a pre-commencement condition is requested to require the submission of a Receptor Site Identification Report and then to implement the report, also prior to commencement.

KCC Archaeology: No objection - highlights the archaeological potential of the site and recommends a condition.

KCC Highways and Transportation: No objection subject to a number of requirements being secured by condition or planning obligation. These include the need for highway condition surveys before and after development, for the highway access routes and a commitment to fund the repair of any damage caused by vehicles related to the development. There is also a condition to require the highway alterations to be delivered prior to first occupation.

KCC Flood and Water Management: No objection subject to a condition.

KCC Developer Contributions – No objection – requests contributions in respect of community learning; libraries; social care and waste (amounts identified in table below). A condition is requested to secure broadband.

Kent Fire and Rescue: Has confirmed that their access requirements have been met.

High Weald AONB Unit: Refers the planning authority to the High Weald AONB Management Plan which sets out a checklist to assess the impact of proposals on AONBs, which have the highest level of protection. It identifies the proposal as major development in the setting of the High Weald AONB and states that development in such areas will need sensitive handling that takes its potential impacts into account.

ABC Streetscene and Open Spaces: No objection

ABC Environmental Protection – No objection - initially sought clarification over the damage cost analysis in the air quality assessment. Following this clarification, it has no further comments.

ABC Housing: There is 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 suggests that 54 homes are coming forward on the site as part of the full application. With regard the affordable housing, this would see 6 units brought forward as affordable rent and 16 for home ownership (of which 10 would be for shared ownership and 6 either shared ownership or another home ownership product as agreed with the authority).

(Officer comment: The amended scheme provides one less unit. The figures above have therefore been amended to take this into account: 5 affordable rent and 16 for home ownership)

Neighbours – 113 consulted

Objections

23 Residents raised objection to the original scheme (54 Units), including the Tenterden & District Residents Association, with a further three comments in respect of the amended scheme. They raised the following issues:

- Potential highways safety concerns in particular in respect of the proximity of the entrance to Longfield Road
- Additional traffic impacts particularly during peak hours
- Inadequate parking provision
- Loss of green space/local gardens providing benefits to local area
- Over provision of retirement homes in the town
- Over development of the site: too high, density too high and too close to site boundaries
- Too close to nearby properties
- Adverse neighbour impact- loss of privacy and overlooking, loss of outlook, visually intrusive, loss of light and sunlight, close proximity of bin store to neighbours with resultant noise and smell
- Harm to wildlife
- Inadequate local infrastructure
- The adverse impact of development on the large Oak tree situated on the boundary with residential development to the east. It is considered that the proximity of the development to this tree combined with the clay soil could lead to subsidence;
- Concern that any damage to this tree would also impact upon the underground drains which extend along this boundary;
- Air pollution
- Concern about appearance: materials are inappropriate, especially the use of UPVC windows
- Blocking safe walking access to town
- Lack of affordable housing
- Potential drainage issues
- Proximity to adjacent properties
- The scale would alter the landscape of the area
- The poor condition of Smallhythe Road would be exacerbated
- It doesn't address the need for housing for the young in this town

4 letters received making general comments as below have been received:

- Cycle parking and electric cars should be provided –
people over 60 are not too old for cycling
- Money should be allocated from the commuted sum to pay for
resurfacing part of Smallhythe Road following construction
- More parking required

On the amended plans one neighbour has written in raising the following issue:

- The developer has not made any serious efforts to mitigate the impact of his proposals on the adjoining properties. The slight alteration to window numbers on elevation FF is merely paying lip service. No other effort has been made to alter the scheme.

Planning Policy

15. 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).
16. 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).
17. The relevant policies from the Local Plan relating to this application are as follows:-

SP1	Strategic Objectives
SP2	The Strategic Approach to Housing Delivery
SP6	Promoting High Quality Design
HOU1	Affordable Housing
HOU4	Residential Development in the rural settlements
HOU12	Residential space standards internal
HOU14	Accessibility Standards
HOU15	Private external open space
EMP2	Loss or redevelopment of employment sites and premises
EMP6	Promotion of Fibre to the Premises (FTTP)
TRA3a	Parking Standards for Residential Development
ENV1	Biodiversity
ENV3a	Landscape Character and Design
ENV3b	Landscape Character and Design in the AONBs
ENV7	Water Efficiency
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage
ENV13	Conservation and Enhancement of Heritage Assets
COM1	Meeting the community's needs

IMP1	Infrastructure provision
IMP2	Flexibility, viability & deferred contributions

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

Supplementary Planning Guidance/Documents

Affordable Housing SPD

Landscape Character SPD

Residential Space and Layout SPD 2011– External Space Standards Only

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

Public Green Spaces and Water Environment SPD 2012

High Weald AONB Management Plan

High Weald AONB Design Guide

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

Advice note: Legislation and Planning Policy in the High Weald AONB

Government Advice

National Planning Policy Framework (NPPF) 2019

19. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections are considered most relevant:

- 2. Achieving sustainable development
- 4. Decision making
- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

National Planning Policy Guidance (NPPG)

Nationally Described Space Standards

Assessment

20. There is no requirement for the applicant to demonstrate that a need exists for this development. Indeed, it is nationally and locally accepted there is a growing need for accommodation to meet the needs of an ageing population. As such the main issues for consideration are:

- The principle of development;
- Landscape Impact
- Impact on visual amenity including the setting of the adjacent Conservation Area
- Residential amenity
- Highway impact;
- Ecology;
- Trees/Landscaping;
- SUDS and foul water;
- Housing and
- Planning Obligation and Viability

Principle of Development

21. Central government guidance contained within the NPPF provides concise guidance with the presumption in favour of sustainable development to be seen as the “golden thread running through decision-taking”. The Council’s adopted Development Plan Documents and policies are up-to-date and should therefore be given full weight in the consideration of the application in accordance with the advice given in the NPPF.
22. The Framework encourages *“the effective use of land by reusing land which has been previously developed (brownfield land) provided it is not of high environmental value”*. Annex 2 of the guidance defines ‘Previously Developed Land (PDL)’ and it is my view that the land would fall within this definition.
23. Applications for new housing should be considered against the principle of sustainable development whilst also considering the need to deliver a wide choice of high quality homes, current and future demographic trends and the need of different people in the community such as, but not limited to, older people, as stated in paragraph 61 of the NPPF.
24. The need to provide housing for older people is important given the projected increase in the number of households aged 65. National policy indicates that plan makers will need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to live independently and safely in their own home for as long as possible, or to move to more suitable accommodation if they so wish. Supporting independent living can help to reduce the costs to health and social services, and providing more options for older people to move could free up houses that are under occupied.
25. Ashford Local Plan (ALP) Policy SP1 Sets out strategic objectives, including;
a) to focus development at accessible and sustainable locations which utilise the existing infrastructure, facilities and services wherever possible and makes best use of suitable brownfield opportunities.
26. ALP Policy HOU3a makes provision for residential development of a scale that can be satisfactorily integrated into the existing settlement within the built-up confines of a number of settlements, which includes Tenterden, where:

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;

See Visual amenity section.

- b) It would not create a significant adverse impact on the amenity of existing residents;

See Residential amenity section

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);

See Visual amenity section.

d) It would not result in significant harm to the landscape, heritage assets or biodiversity interests;

See relevant sections of this report.

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;

This is considered to be the case. See section on Highway Safety and Parking.

f) It does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure;

This is a developed site within the built-up confines of the town. The proposal is within easy walking distance of a range of shops and services on the high street and a Tesco supermarket is in close proximity to the site.

g) It is capable of having safe lighting and pedestrian access provided without a significant impact on neighbours or the integrity of the street scene;

27. It would be subject to the Council's Dark Skies policy, Policy ENV4, which requires the lighting to be designed such that it is directed downwards to avoid any significant adverse effects either individually or cumulatively on the character of the area, residential amenity, the safety of vehicle users and pedestrians and the interests of biodiversity. Pedestrian access to the main building entrance could be safely achieved and appropriately lit. The submission of a lighting strategy would be a condition of any planning permission.

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.

28. The site is occupied by 3 residential units and an office, which would be demolished to make way for the development.

29. Policy EMP2 advises that the loss of existing employment sites will not be permitted unless the site is no longer appropriate for the use in terms of its neighbours impact, the premises could be replaced with the same sized or larger premises within or adjoining the same settlement or it has not been possible to let or sell the premises for an appropriate employment use.
30. In this instance we are advised that the existing business use in one of the buildings (granted in 1985) will continue to operate in other premises in Tenterden. A material consideration is that Prior Approval was confirmed as unnecessary for a change of use of the premises back to a residential use. Attention is also drawn to the fact that the proposed development, once complete would require a lodge manger thus continuing, even if only at a very limited capacity, future employment on the site.
31. Whilst there is a clear need and demand for older persons accommodation within the Borough, and the site lies within the built confines of Tenterden where new residential development can be considered acceptable in principle, the critical issue is whether or not this represents an appropriate and acceptable form of development based upon the NPPF and the development plan and this is considered in detail below.

Landscape Impact

32. The NPPF advises that great weight should be given to conserving and enhancing landscape and scenic beauty in, amongst others, Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. Policy SP1 of the Ashford Local Plan 2030 sets out the Council's strategic objectives including b) the conservation and enhancement of the Borough's natural environment. Local Plan Policy ENV3a requires all proposals to have particular regard to landscape characteristics according to the landscape significance of the site. Policy ENV3a refers to landscape character and design and advises that all proposals in the Borough shall demonstrate particular regard to a number of landscape characteristics including, landform, topography, pattern of trees and woodlands, pattern and distribution of settlements, presence of historic landscape features, setting, scale layout, design and detailing of vernacular buildings, existing features that contribution to the definition of the local landscape character and non designated, locally identified significant landscape features justified in a Parish Plan or equivalent.
33. All proposals affecting the setting of AONB's will also only be permitted where the proposed development is considered to enhance or restore the character of the landscape, enhance the special qualities, distinctive character and tranquility of the AONB have regard to the AONB Management Plan and associated guidance.
34. In terms of Landscape Character, the site lies within the identified built confines with the boundary of the High Weald AONB on the opposite side of

Smallhythe Road. The character of the High Weald AONB is considered by the HW Management Plan which defines its beauty through assessment of 5 essential components which have survived over its history and the landscape patterns and extent which are most prevalent in the AONB. These are geology and landform, water systems and climate, settlement, woodland, routeways and field and heath. These components can be used to assess impacts of a scheme upon the landscape:

35. Turning to the five essential components of the AONB:

i) Geology: Considering the main issue regarding geology it is clear that the proposed scheme would have little, if any impact. The main objective is to protect and enhance soils, sandstone outcrops and other important landform and geological features. Lying outside the AONB this aspect of the AONB would remain unaffected by the application scheme.

ii) Water systems and Climate: The main objectives are to restore the natural function of rivers and water courses, and help to secure climatic conditions and rates of change which support continued conservation and enhancement of the landscape and habitats. This scheme along with most others would have some impact upon climate changes leading to greenhouse gas emissions which in turn will affect the AONB. However, the site is located within the settlement boundaries identified as a sustainable location for new development with access to facilities and services that minimise the need for the use of the private motor vehicle. Walking and cycling are encouraged by the Management Plan and this objective could be supported by an appropriate condition. The parking requirement for developments such as this are lower than for other forms of residential schemes so compared to a conventional non age related block of apartments the impacts are reduced.

Since the site lies outside the AONB it would have no direct impact upon the natural functions of rivers, water course and water bodies that would affect the wider AONB and which is an objective of the Management Plan. This aspect would not therefore be demonstrably affected by the development.

iii) Settlement: The 'vision' of the Management Plan is to support a landscape in which the distinctive and historic pattern of settlement is protected in a way that positively contributes to the natural environment and improvement connections between the countryside and settlements. Settlements need to retain their distinctiveness and individual historic buildings and conservation areas. The adjacent Conservation Area does at this point lie within the AONB, butting up to

the site but not including it. The Management Plan considers the key characteristics that could affect the manner in which settlements assimilate with the AONB referring to the “Green-ness of roads and streets with trees, hedges and verges dominant, a limited palette of local materials, clay as tiles and brick, timber as weatherboarding and framing and some localised instances of stone.

The top five issues identified include increased greenfield development, (not this site) , generic layout and design of new housing development failing to respond to or reinforce AONB character (see below) , erosion of character through suburbanisation including pressure for residential intensification unrelated to land management outside of towns and villages, large/landscape intrusive replacement dwellings and smaller interventions such as boundary treatments which have accumulative effect, declining housing affordability with a lack of social housing, (this site although the lack of social housing is justified by a viability assessment), and the loss of agricultural/economic functional relationship with the land. Objective S2 is to protect the historic pattern and character of the settlement, protecting the distinctive character of towns villages and hamlets that contribute to the local identity. Objective S3 is to enhance the architectural quality of the AONB and ensure development reflects the character of the High Weald in its scale, layout and design.

The scheme would have no impact upon existing routeways within the AONB.

The AONB Unit comments refer to the use of materials that would be appropriate to the setting of the AONB – this can be addressed by means of an appropriate condition.

The matter of design is addressed in the section below where it is concluded that the design of the scheme does not represent the high standards required by the need to protect the setting both of the adjacent Conservation Area but also the High Weald AONB, as required by the Local Plan.

- iv) Woodland: The proposed scheme would have not impact upon the closest woodland which lies adjacent to the Smallhythe Road. Care should be taken with the proposed planting plan to ensure that species are chosen that would be compatible with the AONB, to ensure that invasive non native species are not chosen that may contaminate the adjacent AONB. This could be dealt with by means of condition.
- v) Field and Heath: The High Weald AONB is characterised by small, irregularly shaped and productive fields often bounded by hedgerows

and small woodland. The proposed development would lie outside the AONB and in this respect would have no impact upon the adjacent AONB.

The impact of the scheme upon the AONB is that relating to a scheme that lies outside but adjacent to the AONB rather than an impact caused by a scheme lying within the AONB. It could be argued that the setting of the AONB would be unaffected since this site lies within built confines and from the AONB would simply be seen as another residential development in amongst other such schemes. Views of the scheme from the directly adjacent AONB would be limited due to the wooded nature of the AONB at this point. However, the site does contribute to the setting of the AONB and the appreciation of its character when seen from the settlement. At present the site contributes to a less densely developed and greener character that is sympathetic to the adjacent AONB. That would cease to be the case as a result of the scheme and it is considered that as a result of the scale of development proposed that the setting of the adjacent AONB would be harmed, contrary to the provisions of the Management Plan and Policies SP1 and ENV3A of the Local Plan.

Impact on visual amenity including the setting of the adjacent Conservation Area

36. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area (which includes its setting).
37. The above criteria are consistent with Government policy set out in the NPPF and ALP policy ENV13 which seeks to safeguard heritage assets, and ensure new development responds positively to its context by indicating that Local Planning Authorities should seek to promote or reinforce local distinctiveness
38. The NPPF attaches great importance to the design of the built environment and states that developments should respond to local character and history and reflect the identity of local surroundings and materials. Paras. 124-132 seek to ensure high standards of design that help raise the standard of design more generally in areas and that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
39. Ashford Local Plan Policy SP1 sets out strategic planning objectives. It includes at c) the conservation and enhancement of designated and non-designated heritage assets. Local Plan policies SP1 d) and SP6 require the highest quality of design. Both these policies are consistent with the NPPF.
40. The context of the site is primarily that of Smallhythe Road, a main route into the town from the south with parkland on its western side (within the AONB) and linear, low density, one and two storey housing development on its

eastern side. The site itself takes in 4 of these dwellings: Tawny Bank, Oakengates, Woodberry and Micken Lodge together with Smallhythe House, a small commercial unit to the rear of Tawney Bank and accessed to the side of this property. All of the residential units are modest in size and set back at a raised level from the street. Smallhythe House is also modest in size. The residential properties occupy relatively large plots with gaps between units and mature landscaping to boundaries. This part of Smallhythe Road is therefore characterised by its semi-rural feel, comprising parkland on one side and green verge/low density housing on the other, creating a pleasing and verdant approach into the town. The Town Conservation Area takes in the parkland on the western side of Smallhythe Road as well as taking in the green verge on the eastern side of Smallhythe Road adjoining the application site. The site itself falls just outside the conservation area.

41. The wider context to the site is more variable with a new part two; part three storey residential block providing 36 retirement living flats to the north east and the TENT 1A development to the east as well as a supermarket building / its access and parking to the north. The TENT1A development is predominantly 2 storey with 2.5 storey interspersed along some of the roads. Semi-detached properties predominate. The scheme includes two 1.5 storey units to the NW of the site and 6 x 3 storey apartment blocks. The 3 storey apartment blocks are designed to appear as town houses. This is an area diverse in character with a general theme of a similar use of high quality materials including brick, clay tiles, tile hanging and timber weatherboarding as well as key design features.
42. Whilst the site is developed with 4 modest housing units and one small commercial unit, the proposed development represents a significantly more intensive, mostly three storey, urban form with a large broadly T-shaped footprint which would dominate the site. In views from Smallhythe Road, it would appear as a solid two storey terrace extending for some 64m which is out of character with the rest of the street. I do not consider that this development would assimilate comfortably into the context of the site in terms of its scale and massing. The site is very prominent and important in its low density and spacious form. It acts as a transition from the denser built up area of Tenterden to the countryside beyond and to the openness of the conservation area / AONVB opposite. The site sits in a very different context to that of the McCarthy Stone development.
43. The chosen palette of materials would include natural and painted brickwork, plain concrete roof tiles, cedar weatherboarding in black, ornamental reconstituted stone, UPVC windows, fascias and soffits and rainwater goods and powder coated metal balcony railings. Whilst this falls short in terms of quality of that typically found in the locality and replicated on the TENT1A development, it is not dissimilar to the recently built retirement living apartments, which has a clay tile roof and UPVC windows. However this development immediately adjoins the CA / AONB and I would expect to see palette much higher standard of design and appearance. Further the attempt to replicate housing in the appearance of this scheme is a missed opportunity.

There is the opportunity to attempt a far higher and more innovative design quality rather than trying to make a block of retirement flats appear as a housing development. The scheme fails to achieve this design aspiration and combined with the detailing, flat roof crowns etc represents poor design.

44. The ratio of built form to open space is not comparable with the existing situation, although the circulation space around the rear of the building would be adequate. The proposal would appear cramped and the site overdeveloped in terms of the site frontage and providing no gaps and feeling of spaciousness. This in respect of the issues raised above would result in development that is harmful.
45. Overall, this scheme would change the character of this part of Smallhythe Road and it is not considered that this change in character is acceptable. I am not satisfied that the building can be accommodated on the site without harm to the visual amenity of the area and that the setting of the adjacent Tenterden CA would be preserved. The proposal would result in less than substantial harm to the character and appearance of the setting of the conservations area. Whilst there is a public benefit through the provision of 53 units towards the Council's 5 year housing land supply as well as social and economic benefits this would not outweigh the harm identified to warrant the grant of planning permission. The proposal does not comply with the Development Plan as a result.

Residential amenity

46. Paragraph 127(f) of the NPPF identifies a set of core land use planning principles that should underpin decision making. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This is reflected through Development Plan policy as well as adopted Supplementary Planning Documents.

Existing occupiers

47. The proposed scheme would form a 'T' shape with a 2 storey frontage and part 2, part 3 storey 'wing' projecting through the middle of the site towards the rear boundary. It would contain numerous windows and balconies/small terraces) facing towards the garden boundaries and therefore towards neighbouring occupiers within the near vicinity.
48. At the front of the site the scheme would remain 2 storeys in height which would adjoin the McCarthy Stone car park to the west and a bungalow (Langley) to the east. The block would be set back 7.4m – 10.1 m from the flank wall of the Langley. The depth of the block at this point would be very similar to that of the Langley. Flank facing windows in the front section, adjacent to Langley, would be to kitchens and the hall only, causing a minimum of overlooking of the side of this bungalow. At ground floor level any overlooking would be prevented by fencing and planting leaving three first floor windows facing the adjacent property. At the rear of this part of the building two first floor terraces are proposed but each would have a privacy

screen along the eastern facing edge to prevent overlooking from the terrace of the rear of Langley. Overall taking account of the separation distances, it is considered that the proximity and level of overlooking from this part of the building to Langley would be at an acceptable level and unlikely to be any worse than the results were a two storey house proposed on this plot to replace the existing bungalow.

49. The rear wing steps back from the boundary shared with Langley providing separation distances of 25.1m (immediately to the rear of the bungalow) reducing to 16.9m at the end of the rear garden. The scheme would clearly include a significant number of windows and terraces that could overlook the rear garden and indeed rear elevation of the bungalow, but at these distances it is not considered that this would be at such close proximity as to be unacceptable. Additionally there is existing boundary planting on the shared boundary already and it would be supplemented with additional planting that would, in time, obscure some of the initial overlooking available from the new building.
50. At the rear of the site occupants of the newly constructed Tent1a site would view a three storey development with windows of bedrooms and living rooms facing towards the rear of the site. The three storey element would be set back between 13.9 – 17.5m from the shared boundary. Housing on the other side of the boundary would be set back a minimum of 12m from the boundary providing a minimum separation of over 25m. This would provide adequate separation in excess of that usually sought between principle facing windows. It would be sufficient separation to ensure that the scheme would not have a significant or unacceptable impact upon the privacy of existing residents. Whilst the scheme would lie to the south of these houses the separation would be sufficient to minimise the impacts of overshadowing and loss of sunlight and ensure it would not appear overbearing.
51. On the western boundary the proximity of the block to the car park at the front of the site would clearly not result in any adverse impacts upon either existing or future residents. The rear part of the frontage block would be separated from the closest point of the McCarthy Stone apartments by a minimum of 33.1m, which would be more than enough to prevent unacceptable levels of overlooking or loss of privacy. Indeed sufficient to prevent any overshadowing or loss of sunlight / overbearing development. At the rear of the parking court where the site narrows, the rear wing of the block (three storeys at this point) would lie 11.6 – 12.2m from the flank site boundary, shared with the McCarthy Stone site. This part of the adjacent scheme is amenity space for residents. The shortest separation distance between a flank facing window of the proposed scheme and the McCarthy Stone scheme would be 26m, again more than sufficient to prevent any significant or unacceptable levels of overlooking or loss of privacy – although clearly residents of both scheme would be able to see each other, particularly when on terraces and balconies. The separation is likely to result in some overshadowing in the winter months but not to a degree such as to be materially harmful or unacceptable.
52. Concern has been expressed by residents of the adjacent scheme regarding the potential loss of trees, shrubs and greenery that the adjacent residents

see from their amenity area and which could provide a softening impact when viewing the scheme from the neighbours side of the fence. Whilst an indicative landscaping scheme has been submitted, the final landscaping details would be addressed by condition offering officers the opportunity to consider how the existing planting may be amalgamated into the final planting scheme such as to protect the visual amenities of local residents.

53. It is appreciated that this development would represent a significant change in outlook for all those residents surrounding the site, with significant numbers of windows and terraces facing the various residents. However the separation distances proposed would be greater than the minimum required and it is therefore considered that the impact of the scheme upon surrounding residents would be acceptable and compliant with the approach of the NPPF to protect amenities whilst enabling the efficient use of land.

Future Occupants

54. Local Plan Policy HOU12 advises that all new residential development shall comply with the Nationally Described Space Standards, which sets out minimum gross internal floor areas and storage. These standards relate to internal standards only. Reference needs to be made to the Council's Supplementary Planning document Residential Space and Layout for guidance relating to external space.
55. Internally the scheme would meet the requisite standards in terms of space and layout and would accord with the standards of Churchill Retirement, experienced providers of accommodation for the elderly and includes a level of communal facilities for residents.
56. Local Plan Policy HOU15 seeks the provision of private external space, preferably within the site and that such space should not be overlooked from the road or other public spaces. For flats a minimum of 5sqm should be provided for 1 or 2 bed units. The minimum depth and width for all balconies and other private external spaces should be 1.5sqm.
57. This scheme would provide 2,260 sqm garden area, significantly in excess of the 378sqm required by policy HOU15 in addition to 41 of the apartments having private terraces. It would be readily accessible to all residents, provide an acceptable degree of privacy: to be enhanced by new planting around the site boundaries. The applicant has submitted an indicative plan which demonstrates an attractive external environment for residents.
58. Acknowledging the age of future occupants, (the applicant advises that despite the minimum age being 60 with a spouse of 55 that the average age is in fact 81), the scheme would provide a store or mobility scooters with limited provision for bicycles – although considered most likely for visitor bicycles rather than residents. The County Highways team consider that greater provision should be provided and this could be addressed by means of a condition.
59. Overall it is considered that the scheme would provide an acceptable environment for future residents. Whilst it is acknowledged that the scheme

would result in a changed environment for existing surrounding residents, the scheme would comply with the Council's standards and would not cause unacceptable harm to the amenities of those residents surrounding the site.

Highway Impact

60. KCCH&T have commented that the traffic generated by this development is relatively low compared to other forms of developments. The Transport Impacts as presented in the transport statement use specific examples from the company's sites elsewhere in the country. These trip rates are slightly higher than that established using the national database TRICS. As such these are considered more robust and are acceptable. Trips generated by the site would be combined two way movements of approximately 80 movements spread across the whole day, with no particular peak to coincide with the traditional AM and PM peaks. As an example, AM peak hour movements using the TRICS database would be approximately 4 departures and 4 arrivals, and PM peak hour movements would be approximately 3 arrivals and 3 departures. As such the traffic impact of the development on the wider network is minimal and cannot be seen cumulatively with existing development to be severe in nature.
61. The proposed access is of suitable layout and is of sufficient size to cater for the traffic associated with such a site. There is adequate visibility onto Smallhythe Road with visibility splays being entirely within the public highway.
62. Alterations to Smallhythe Road are proposed which remove the existing residential accesses, extend the existing right turn facility for Longfield and install parking restrictions on Smallhythe Road along the site frontage. A safety audit has been provided which supports the proposed layout as being acceptable.
63. Car ownership and associated traffic movements for retirement flats are typically lower than for standard dwellings. The proposed parking provision on site is supported by evidence from the operator's other sites across the country and is also in line with that approved for similar retirement flat facilities (such as the adjacent site). Smallhythe Road frontage is to be protected by parking restrictions to prevent overspill parking onto the highway and on this basis the parking provision is acceptable.
64. With regard to cycle parking provision, the applicant states that there is low demand for such facilities and as such are promoting no specific cycle parking and that cycle parking would take place within the buggy store on site. I don't doubt that cycle use may be lower, I don't accept that it will be so low that the already quite small buggy store is a suitable alternative, especially taking account of visitors. As such I would be willing to accept 1 space per 5 units in line with sheltered accommodation as a minimum. As a minor issue which can be accommodated elsewhere on site I am content for this item to be dealt with via condition.
65. The issue of electric vehicle charging points has been raised by residents and such provision would accord with the general approach of the NPPF to cut

greenhouse gas emissions. Provision could be addressed by means of an appropriately worded condition.

66. Taking account of the above issues, KCC have confirmed no objection providing that a number of requirements are secured by condition or planning obligation and accordingly no objection is raised on highways grounds to this scheme.

Ecology

67. Local Plan Policy ENV1 advises that schemes that conserve or enhance biodiversity will be supported, whilst where harm to biodiversity cannot be avoided appropriate mitigation will be required. Normally mitigation will be required on site unless special circumstances dictate that an off site model is more appropriate.
68. No sites of statutory or non statutory importance are found within the zone of influence with one local wildlife site at Heronden Woods and Pasture LSW, lying 0.4km from the site. The site contains a number of habitats including hedgerows, dense scrub, scattered broadleaved trees, ephemeral/short perennial vegetation and amenity grassland. The majority of habitats lost are proposed for mitigation through new habitat planting forming part of the landscaping proposals.
69. Habitat survey work was undertaken which concluded that the likelihood of the presence of Great Crested Newt or other amphibians being on site is very low, limited suitability for foraging and commuting bats on the site, the presence of one bat roost in Smallhythe House, an existing potential nesting habitats for birds on the site, the gardens are suitable for supporting a wide range of common invertebrates, no reptiles were found on site although parts of the site offer suitable habitats for foraging sheltering and basking, no suitable habitats for water voles, and the site offers potential for hedgehogs.
70. A European Protected Species Licence would be required to facilitate the destruction of the bat roost in Smallhythe House and a mitigation strategy would be agreed with Natural England to support the licence application. The compensation for the loss of this one roost would include a range of artificial roost features to be included in the design of the proposed development including one hanging bat box, one pole mounted bat box and 6 integrated bat boxes .
71. In respect of other species potentially present on site the following strategy is proposed:
- Enhancements for nesting birds includes increasing their habitat to increase nesting and foraging opportunities.
 - It is considered highly unlikely that Great Crested Newts would be found onsite but prior to commencement of development, contractors will be briefed on safe working methods, what to do in the event a GCN is found on site, and following that dense scrub, introduced scrub and

amenity grassland would be cut back to a height of approximately 15cms. following that a finger tip search of likely habitats would be carried out timed outside of hibernation periods.

- Given the limited habitat suitable for retilers, it is recommended that the same approach as for GCN be adopted for reptiles.
- In respect of hedgehogs care must be taken during shrub/scrub clearance with the area being searched prior to cutting. As part of the wider mitigation strategy hedgehog fence panels are proposed to allow hedgehogs to move between this and surrounding sites.

72. The submitted assessment has been assessed by the County Ecology Service and the approach and recommendations found to be acceptable, subject to a number of conditions. On that basis and subject to the imposition of the suggested conditions the scheme is considered to be compliant with Policy ENV1 of the Local Plan. It would also satisfy the tests set out in the Habitats Directive. The scheme would not harm the favourable conservation of protected species and would cause no unacceptable harm to matters of ecological interest.

Trees / Landscaping

73. Local Plan Policy ENV3a draws attention to the contribution trees and woodlands make to the landscape character seeking their retention and protection.
74. In this instance there are a number of trees scattered around the site which contribute to the general character of the site and wider area the majority of which are not protected nor appear to be of such quality as to warrant protection. A tree on the border of this site and a house in the new development at the rear of the site is protected with a TPO.
75. The submitted landscape plans indicate that a large number of existing trees would be retained around the periphery of the site, (including the protected tree) primarily along the rear boundary and the boundary with the bungalow Langley to the south east. The proposed scheme shows tree planting mainly around the periphery of the site mixing existing and new trees interspersed with shrub planting. A group of fruit trees are proposed within the site to the south east of the building and individual ornamental trees would be planted in various locations around the site, including the parking area to the north west of the building and some ornamental trees to the south east of the building close to the group of fruit trees. Planting beds are shown around the boundaries of the site amongst the trees, more modest beds around the building in between individual terraces, along the front boundary and around the parking area to the north of the building.
76. The proposed block would be far enough from the protected tree to ensure that it would not be harmed, subject to suitable protection during construction. The landscaping scheme would provide an attractive environment for future

residents. The final planting plans would be secured by condition and would enable officers to secure as much retention of existing boundary planting as possible to be interspersed with new planting to ensure that the visual amenities of surrounding residents are maintained to the fullest extent possible, given the scale of building now proposed.

77. The hedgerows and planting in three of the gardens within the site would be lost, to be replaced with a more modest and formal landscaping scheme to reflect the changed scale and character of the proposed development and reduction in available planting area at the front of the site. It should be noted however that the quality of the individual trees, apart from that tree already subject to a Tree Preservation order, are not worthy of formal protection.
78. The AONB Unit have raised the issue of the use of native planting within the site to try to stop the spread of invasive non native plants into the adjacent AONB. This matter could be satisfactorily dealt with by means of a condition requiring the details to be submitted for the proposed landscaping scheme
79. Overall a good quality planting scheme could be secured, involving the retention of many of the boundary plants around the site resulting in a pleasant environment for future residents. To that extent the scheme would comply with those policies seeking to retain and protect trees as valuable features in the landscape. However as noted above the loss of space at the front of the site combined with the increased scale of the building would result in a scheme that, as a result of the inability to provide significant scale planting, affect the character of the streetscene.

SUDS and foul water

80. Local Plan Policy ENV6 seeks to ensure that new development should contribute to a flood risk reduction and development would not be permitted where it would be at an unacceptable risk of flooding on site itself nor that it would increase flood risks elsewhere.
81. The site lies in flood Zone 1, so in an area at the lowest risk of flooding.
82. This application is supported by a Drainage Statement prepared by the Civil Engineering Partnership (November 2019). It is proposed to manage surface water on site through cellular attenuation and a voided sub-base with a controlled outflow of 2 l/s to a surface water sewer in Smallhythe Road. This proposal will contribute surface water flows to a drainage system which already receives surface water from this site, though surface water will be introduced into the drainage system via a new connection.
83. The submission has been assessed by the County Council Drainage Team who agree that this is a feasible and appropriate approach to surface water discharge, but note that this connection will require coordination with Kent County Council Highways Drainage Team. This aspect of the scheme would be compliant with all relevant policies.

Housing

84. Local Plan Policy SP2 identifies that the identified housing target will be met through a combination of committed schemes, site allocations and windfall sites, such as this. Windfall housing will be permitted where it is consistent with the overall spatial approach (it is) and all other policies in the Local Plan to ensure that sustainable development is delivered.
85. Local Plan Policy HOU1 sets out the Council's affordable housing strategy which in the case of development on this site seeks a total affordable housing contribution of 40%, with 10% being affordable/socially rented accommodation and 30% being affordable homes including a minimum of 20% being in shared ownership. Flexibility in approach is identified in the event that independently verified viability evidence is provided to establish that it is not possible to provide this level of accommodation
86. The Council's Housing service have identified that this site should provide 22 affordable homes in compliance with Policy HOU1 to include 6 units for rent and 16 for shared ownership. In this instance however the viability assessment submitted has been independently assessed and verified and demonstrates that the scheme would not be financially viable if this amount of affordable housing were delivered. Rather a one off payment is considered viable of £531,591 which is recommended to be used to address an affordable housing contribution.
87. In terms of the Council's housing delivery programme it is able to identify and provide a 5 year housing land supply as required by the NPPF.
88. There is no doubt that there is a need for accommodation for the elderly, including affordable accommodation, despite the concerns of local residents about the excessive amount of such accommodation in Tenterden. However in accordance with the results of the independent assessment of the viability case acceptance of the commuted sum would accord with Policy HOU1.. On this basis the scheme is found to accord with the terms of Policy HOU1.

Planning Obligations

89. 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
90. The planning obligations in Table 1 have been identified as being required should the Committee resolve that they would have granted permission for this scheme. They have been assessed against Regulation 122 and for the

reasons given consider they are all considered 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. However these contributions are affected by the viability position outlined below.

91. The applicant has submitted a viability statement demonstrating that the scheme would be unviable if required to provide all the monies and contributions deemed necessary. This has been independently assessed for the Council and it has been determined that a sum of £531,591 in total could be provided by the scheme. This money would represent the total contribution to be allocated – including with reference to an affordable housing contribution. It is proposed that this amount is put towards the provision of affordable housing although it is requested that delegated powers is given to the Head of Planning and Development to alter this, should the need arise. Table 1 shows the full extent of the areas where S106 monies would normally be requested.
92. Based upon the viability assessment carried out on behalf of the Council, it is recommended that this sum be agreed as representing the contributions that the proposed scheme could viably deliver. Although not the full sum sought, it would nevertheless represent the viable maximum and subject to completion of a S106 Agreement securing the money would be policy compliant. The proposed monies would represent a benefit of the scheme and mitigate the harm generated. As full contributions are not viable at this stage the S106 agreement will require a deferred contributions mechanism to claw back contributions should the viability improve.

Heads of Terms for Section 106 Agreement/Undertaking

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (£)	Trigger Points (£)	
	<p><u>Affordable Housing</u></p> <p>Contribution towards provision of offsite affordable housing elsewhere in the borough in lieu of onsite provision of the relevant proportion of 40% affordable housing as required by policy.</p> <p>Deferred contributions mechanism.</p>	<p>Total cost of offsite provision = £531,591</p> <p>[Payable as follows:-</p> <p>£x</p> <p>The balance, to be capped at £x]</p>	<p>To be Paid Regardless of viability, prior to Occupation of the 50% of the dwellings onsite.</p> <p>[From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability</p>	<p>Necessary as the commuted sum collected would provide housing offsite for those who are not able to rent or buy on the open market pursuant to Local Plan Policy HOU1, Policy IMP2, the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related as the amount requested is calculated as the cost of providing policy compliance, but it has been demonstrated that it would not be financially viable to deliver policy compliant affordable housing onsite.</p> <p>Fairly and reasonably related in scale and kind related in scale and kind based on the 'Cost Plan Report' submitted by the applicant and external advice sought from the Council's Viability Consultants.</p>

			assessment.]	
	<p><u>Adult Social Care</u></p> <p>Project: Towards specialist care accommodation within the borough.</p>	<p>£146.88 per dwelling</p> <p>A total of £7931.52</p>		<p>Necessary as enhanced facilities and assistive technology required to meet the demand that would be generated 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 occupiers will use community facilities and assistive technology services and the facilities and services 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 has taken into account the estimated number of users and is based on the number of dwellings.</p>
	<p><u>Community Learning</u></p> <p>Project: Towards additional IT equipment for additional learners from development at Tenterden AEC</p>	<p>£16.42 per dwelling</p> <p>A total of £886.68</p>		<p>Necessary as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use community learning services and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind</p>

				considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.
	<p><u>Health Care</u></p> <p>Project: Towards creating suitable capacity within the Ashford Rural Primary Care Trust</p>	<p>£504 for each 1-bed dwelling £720 for each 2-bed dwelling £1008 for each 3-bed dwelling £1260 for each 4-bed dwelling £1728 for each 5-bed dwelling or larger</p> <p>£0 for any affordable units</p>		<p>Necessary as additional healthcare facilities required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2 and guidance in the NPPF.</p> <p>Directly related as occupiers will use healthcare facilities and the facilities 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 has been calculated based on the estimated number of occupiers.</p>
	<u>Libraries</u>			Necessary as more books required to meet the

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	Project: Towards additional bookstock and resources for Tenterden library for the new borrowers generated by this development	£55.45 per dwelling		<p>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 amount calculated based on the number of dwellings.</p>
	<p><u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	£1000 one-off payment	First payment upon commencement of development and on the anniversary thereof in subsequent years	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>
<p>Notices must be given to the Council and County Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's and County Council's legal costs in connection with the deed must be paid.</p> <p>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p>				

Human Rights Issues

93. 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

94. In accordance with paragraphs 38 of the NPPF Ashford Borough Council 9(ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service,
 - as appropriate updating applicants/agents of any issues that may arise in the processing of their application,
 - where possible suggesting solutions to secure a successful outcome,
 - informing applicants/agents of any likely recommendation of refusal prior to a decision and,
 - by adhering to the requirements of the Development Management Customer Charter.

In this instance

- The applicant was informed of the Council's concerns about the impacts upon the local area and following discussion amended plans were submitted seeking to address these concerns.

Conclusion

95. The proposed scheme would comprise the development of a brownfield site lying in a sustainable location providing accommodation for the elderly. The scheme would result in the loss of a small commercial property but this could anyway, in accordance with a previous application submitted, be changed to a residential use without the need for permission from the Council. The principle of the development is therefore considered acceptable subject to no unacceptable harm.
96. The scheme would provide a good quality residential environment by an experienced provider. Some elements such as the cycle store provision and landscaping would be secured by condition, but it is considered that these matters could be achieved in a satisfactory manner, including the protection of a protected tree in an adjacent garden at the rear of the site.

97. The scheme would provide acceptable levels of parking and a safe vehicular and pedestrian access onto the site. Level of traffic anticipated could be satisfactorily accommodated on the adjacent highway.
98. Submitted details regarding drainage and ecology suggest that the scheme would be compliant with the relevant policy background and in the case of the biodiversity details would provide an enhancement to the site and local biodiversity.
99. The design has been amended increasing some of the originally proposed separation distances, such that the scheme could be implemented without adversely affecting the amenities of surrounding residents – albeit clearly resulting in a change in character to the environment that they would experience.
100. The site lies in a sensitive and prominent location adjacent to both the Tenterden Conservation Area and the High Weald Area of Outstanding Natural Beauty. The site lies on a main route into the town from the south with parkland on its western and low density housing development on its eastern side. This part of Smallhythe Road is therefore characterised by its semi-rural feel, comprising parkland on one side and green verge/low density housing on the other, creating a pleasing and verdant approach into the town.
101. The proposed scheme would by contrast change the balance between development and green open space around the proposed building. The scheme seeks to mimic the scale of the frontage building in the nearby Taylor Wimpey scheme, designing the frontage building in particular to suggest a number of attached, smaller, individual buildings. However the overall scale of the development, in combination with the limited space around the frontage block (compared to its size) and the lack of meaningful recesses or gaps in the frontage building would result in an obviously single large block that would erode the existing spacious and green character of the area around this site. The design approach is below the standard required by the Council in that it fails to in any way preserve or enhance the character and appearance of the area. It would adversely impact upon the character of the setting of the adjacent AONB and Conservation Area.
102. A number of financial and other contributions would be due as a result of the scale of development. However a viability assessment has demonstrated that the full scope of contributions could not be achieved if the scheme is to remain financially viable. The scheme has been independently assessed and it is agreed that the commuted sum proposed would be acceptable and policy compliant. No S106 agreement has been entered into and as such this harm is not mitigated and forms a deemed reason for refusal. Should an acceptable S106 agreement be signed prior to the appeal being heard then the Council would no longer contest this deemed reason for refusal.

- 103 The Council is able to demonstrate a 5 year housing land supply and as such it is not considered that the need for the scheme would outweigh the harm identified.
104. Overall the scheme would not be compliant with those parts of the Development Plan which seeks to protect the setting of the adjacent Conservation Area nor the setting of the adjacent High Weald Area of Outstanding Natural Beauty.

Recommendation

An appeal has been lodged against the non determination of this application and therefore the Council cannot issue a decision. The following is recommended to represent the Council's deemed reasons for refusal to be contested at appeal:

1. The scale, design and mass of the proposed scheme, in combination with the loss of green and open space around the front of the site would result in a scheme with a cramped, bulky and poor appearance that would be harmful to the visual amenity of the area and urbanise the semi-rural feel to this part of Smallhythe Road. As a result it would also adversely impact upon the character of the setting of the adjacent High Weald AONB and Tenterden Conservation Area, contrary to the provisions of Policies SP1, SP6, HOU3a, ENV3a, ENV3b and ENV13, of the Ashford Local Plan, the High Weald AONB Management Plan and the provisions of the National Planning Policy Framework.
2. In the absence of a S106 Obligation providing for infrastructure payments to mitigate the harm generated by the development the scheme would be contrary to the provisions of Policies COM1, IMP1 and IMP2 of the Ashford Local Plan 2019 and the provisions of the National Planning Policy Framework.

Note to Applicant

1. Working with the Applicant

Working with the Applicant

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

- offering a pre-application advice service,

- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
 - The applicant was provided with the opportunity to submit amendments to the scheme/ address issues,
 - the applicant/ agent responded by submitting amended plans which did not address all the outstanding issues, and permission is recommended for refusal
-
- The application is being considered by the Planning Committee where the applicant/agent has the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/01669/AS)

Contact Officer: Lesley Westphal
Email: Lesley.Westphal@ashford.gov.uk
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5 Year Housing Land Supply Position Statement

1. The appellant is suggesting that the Council has relied upon 5.25 years' worth of supply data in order to establish its position for 2021 to 2026 (published in November 2021).
2. As this statement explores, this is not the case.
3. In order to explain the Council's position, the previous two five year housing land supply positions are relevant – i.e. the five year position for 2020 to 2025 of 4.80 years (published in November 2020) and the more recent 2021 to 2026 position of 4.54 years (published in November 2021).
4. The five year position for 2020 to 2025 has already been provided reference **CD / 2.9A**. The five year position for 2021 to 2026 has already been provided reference **CD / 2.9B**.

5 Year Housing Land Supply Position - 2020 to 2025

5. The Council can confirm that the borough wide housing completion survey always takes place in the two months preceding the monitoring start date. The start date for the previous two five year housing land supply positions is discussed below.
6. Firstly, to be clear, before the 2020 to 2025 position was issued, all Council five-year housing land supply positions had a monitoring start date of 1st April. This reflects the monitoring year for housing completions.
7. However, the 2020 to 2025 position set out the Council's position as of **July 2020**, instead of April. This was in response to when the borough wide housing completion survey was undertaken. See further below.
8. Paragraph 1.5 of the 5YHLS position paper states that at July 2020 the Council was able to demonstrate a housing land supply position of 4.80 years for the 2020 to 2025 period.
9. With regard to the timing of the borough wide housing completion survey, it is important to understand the constraints imposed upon the country at that time.
10. All parties will be aware that between 26th March and 1st June 2020, the country was subject to the most strict lockdown restrictions because of the ongoing COVID-19 pandemic. Some of the restrictions imposed included:
 - Staying at home – except for a very limited purposes such as attending to any medical need, shopping for basic necessities;

- Working from home;
- Stopping all gatherings of two or more people;
- Social distancing – including at the work place; and
- Closing shops selling non-essential goods – including hardware stores and other retailers selling essential fixtures and fittings.

11. The impact of the above on planning and delivery should not be underestimated. Impacts included the following:

- Closure of construction sites;
- Disruption to supply chains for building materials.
- Furloughing of staff in the construction industry.
- Furloughing of staff from developer corporations - these are contacts the Council use to ascertain what scale of development is being achieved on site to assist in the data gathering.
- Furloughing of land and planning agents – staff who would otherwise be actively promoting schemes/submitting planning applications.
- The inability for Council officers to access the office based environment to collate the data necessary to conduct the survey - for example, the paperwork to ascertain what part of a large site was assessed in the previous year so completions are not missed.
- A depletion in resource within the planning department as a consequence of redeployment of staff on a temporary basis to respond to a variety of corporate COVID-19 related duties – put simply staff were just not available to undertake the housing completion surveys.

12. Given the exceptional circumstances set out above, the Council took the decision to delay the survey work until the restrictions eased and the survey work could be undertaken lawfully.

13. The Council considers that its approach was entirely reasonable given the circumstances at that time and that in doing so the data on completions and under construction were the most up to date at the time of establishing the position.

14. Paragraphs 1.1 and 1.4 of the 5YHLS Update July 2020 provide clarity related to the dates, stating the following:

*“1.1 This document provides the annual update to the five-year housing land supply for Ashford Borough, as of **31st July 2021**”.*

*1.4 The housing land supply calculations are based upon the monitoring year 1st April – 31st March 2020 but includes site updates up to **July 2020** (following to a delay in monitoring due to Covid-19). This land supply update therefore covers the period **July 2020 to June 2025**”.*

15. Applying the dates specified, it could be argued that in relation to the 5 Year Housing Land Supply Position from 2020 to 2025, the Council counted 15 months of data in terms of housing completions, those houses which were under construction and planning applications submitted during this time.
16. However, this is countered by the fact that any applications which had expired during these 'contested' months (by the appellant) were discounted and therefore were removed from the calculations. I.e. both the demand and supply sides of the equations were updated.
17. Furthermore, Having reviewed the 2020 to 2025 position, the Council can confirm that within the period from 1st April 2020 to 30th June 2020, only one application (a major windfall site with full planning permission ref 18/01508/AS) was reported that would not have been had an April start date been applied.
18. The application referenced at paragraph 17 above was for 17 dwellings. Had this not been included, the update would have concluded that the Council was able to demonstrate a housing land supply position of 4.79 years – an immaterial change to the 4.80 year position in the Council's opinion.
19. In the case of the results of site survey work, given the ongoing pandemic, the actual level of activity related to housing delivery was minimal during this time. This includes completions on site and construction of dwellings.
20. Consequently had the Council of been able to survey in January/February 2020, based on the actual level of activity across construction sites, the Council cannot agree that the count would have returned significantly different results in relation to completions and constructions.
21. The Council therefore maintain that the circumstances that led to the delay of the borough wide housing completion survey were unavoidable, and for the reasons explained in the previous paragraphs the Council are content that the 5YHLS position of 4.80 years for 2020 to 2025 is valid.

5 Year Housing Land Supply Position - 2021 to 2022

22. Whilst, it may be deemed by others best practice to adopt a monitoring start date of 1st April, there is nothing in Government guidance that specifies that a Council must not adopt any alternative start date.
23. Given that on 6th January 2021 the country entered its 3rd national lockdown with restrictions extending into February and March of that year, for continuity, the Council took the view that the timing of the borough wide housing completion survey should remain entirely consistent with the previous year.
24. Having taken this decision the Council can confirm that the 2021 to 2026 position has been derived from data related to a single 12 month period - representing a single year of figures.

25. The Council wishes to clarify that only one borough wide housing completion survey was undertaken in 2021, and this ended in June of that year. The up to date data was then analysed as a means of providing robust and factual figures relating to completions and dwellings which are under construction.
26. In the case of Tables A3, A6 and A8 of CD / 2.9 for clarity, these include updates up to the July 2021 base date.
26. In the case of the latest position for the period of 2021 to 2026, the most up to date five-year housing land supply position (published in November 2021) sets out the position as of July 2021. Paragraphs 1.1 and 1.4 of CD 2.9b provide clarity related to the dates, stating the following:

*“1.1 This document provides the annual update to the five-year housing land supply for Ashford Borough, as of **31st July 2021**.*

*1.4 The housing land supply calculations are based upon the monitoring year 1st April 2020 – 31st March 2021 and includes site updates up to **July 2021**. This land supply update therefore covers the period **July 2021 to June 2026**”.*
27. On this basis the Council is satisfied that its reported 5YHLS position of 4.54 years for 2021 to 2026 is valid.
28. The Council may choose to revert back to an April base date in future accepting that there may be implications arising from doing so.
29. Finally, it is a fact that monitoring and reporting of the delivery cannot be carried out at a single point in time - i.e., it is not possible to complete survey on one day and publish a position the next. Consequently there must be some degree of flexibility as inevitably there will be some dwellings in the ‘under construction’ category that are completed in the weeks following the survey and base date of the report - ultimately those dwellings will be counted in next year’s delivery.

Ashford Borough Council - Planning and Development Service - Plan Making and Infrastructure - 25 January 2022

Decisions effective from the 11th August 2021 unless they are called in or are recommended to the Council for approval

Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **29th July 2021**.

Present:

Cllr. Clarkson (Chairman);
Cllr. Bartlett (Vice-Chairman);

Cllrs. Barrett, Bell, Buchanan, Feacey, Forest, Iliffe, Pickering, Shorter.

Apologies:

Chief Executive, Deputy Chief Executive.

Also Present:

Cllrs. Blanford, Clokie, Harman, Sparks, C Suddards.

In attendance:

Solicitor to the Council and Monitoring Officer, Head of Corporate Policy, Economic Development and Communications, Head of Finance and IT, Head of Planning and Development, Member Services Manager.

83 Minutes

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 24th June 2021 be approved and confirmed as a correct record.

84 Leader's Announcements

The Leader said that he did want to make mention of three matters.

Firstly he said that he thought colleagues would be pleased to note that the Government had announced its intention to scrap its Action Fraud Unit. He considered this was good news as, in his view, it had been particularly ineffective. It would be replaced with a National Fraud and Cyber Crime reporting system and the Police were also keen to start taking more action in this sphere.

Secondly, the Government had also announced that they intended to ban developers from building on land at risk from flooding. This was of particular interest to this Borough with its large area in the flood plain and he knew the Council's Planning

team would be looking at this very closely. Fortunately, during the last serious spell of flooding in the Borough, not a single one of the newer developments that had benefitted from Sustainable Urban Drainage Systems had flooded. This was a great credit to the systems put in place and a sign that they needed to continue to follow this course of action.

Finally, following the devastating flooding in Ashford's twin town of Bad Münstereifel in Germany, the Leader advised that a Just Giving page had been set up and he was pleased to note that donations had now reached nearly £13,000. They had all been shocked at the tragic effect the flooding had had on their friends in Bad Münstereifel and they had indeed flown the Borough flag at half-mast in respect of those who had lost their lives and thoughts remained with them.

85 Financial Outturn 2020/21

The Portfolio Holder introduced the report which presented the outturn revenue position for the General Fund and the Housing Revenue Account for the 2020/21 financial year. It also presented the outturn for capital works and how these works had been financed, the Collection Fund position, reserves outturn and a treasury management update.

The Portfolio Holder said that as he had just take over the Portfolio, credit for the report should go to previous Portfolio Holder and his staff. The process of logging the financial situation of the last year had been key in trying to properly understand exactly what had happened over the last 12 months, which had clearly been particularly testing. The resulting surpluses were thanks to the Organisation as a whole, with particularly good management from the Finance department. Over the last reporting year some 8000 grants had been processed by Revenues and Benefits totalling £41.5m and 2400 grants had been processed by the Economic Development team totalling £4.9m. This was a significant amount of additional work and deserved particular recognition. Savings across all Services had been delivered and had covered the massive forecasted budget deficits following the COVID pandemic. Projects had been deferred or delayed, vacancy filling had also been deferred, homelessness had become a key priority with a significant additional pressure applied to the budget, and parking revenue had dipped by 62%, therefore it was important to highlight the sheer amount of work and effort that had gone in to producing such a relatively healthy budget outcome on behalf of the residents of the Borough.

The Leader drew attention to the Kent Business Rates Pool update which had resulted in an estimated net benefit of approximately £1.68m to Ashford. This would go in to reserves as the Authority re-embarked on its investment plans and project delivery in the coming years.

Resolved:

- That**
- (i) the financial outturn for 2020/21 be received and noted.**
 - (ii) the Capital Outturn, Collection Fund position and Treasury Management update be received noted.**

- (iii) the reserve transfers and position (as per Tabled 5 of the report) be approved.

86 Annual Performance Report 2021 and Corporate Plan 2022-2024

The Leader introduced the report which presented the Annual Performance Report for the last year, set against the objectives of the Recovery Plan and the draft Corporate Plan 2022-2024. Building on the three themes of the Ashford Ambition report: - Green Pioneer; Caring Ashford; and Targeted Growth; the draft Corporate Plan's objectives and actions would enable the Council to continue the journey to achieving the Ashford Ambition developed with a wide range of local stakeholders. The report asked the Cabinet to note the 2021 Annual Performance Report and approve the draft Corporate Plan 2022-2024 for consultation.

The Leader thanked Officers for a sterling piece of work and producing a draft plan that linked across all departments and embraced the three themes of the Recovery Plan. The Head of Corporate Policy, Economic Development and Communications advised that there was a slight change to the report in that the consultation would now run until September, with a report back to the Cabinet in October.

The Deputy Leader said he endorsed the document and particularly the sections on expanding the Ashford economy. On that note, he was pleased to advise that the Kent Resilience Forum had earlier that day agreed to lift Operation Brock on the M20. He thought all colleagues would appreciate this news as, in his view, it had been unnecessary to re-instate it in the first place.

The Leader advised that, on a related note, he was in the process of creating the Greater Ashford Land Mapping Commission. This would be chaired by Councillor Paul Clokie, with the Leader of the largest Opposition Group Councillor Noel Ovenden as Vice-Chairman. The Commission would be about examining the entire land mass of the Borough with a view to protecting the best of Ashford's countryside against inappropriate development, which he considered a moral duty. The Commission would have the task of identifying areas for protection and they would need to establish a sound rationale for such designation in each case, but the Council would have no hesitation in pushing back against and challenging Government where necessary. It would be a non-political group and include representation from the CRPE, WKPS, local AONB Units and KALC, as well as relevant Council Officers. The Commission also had the support of the local MP Damian Green and KCC. He had set a target of December 2022 for production of a final report. Councillor Clokie advised that one of the most important aspects would be working with the Parish Councils and ensuring that they agreed the land suggested in their own areas.

Resolved:

That (i) the Annual Performance Report 2021 be received and noted.

- (ii) **the draft Corporate Plan 2022-2024 be approved for consultation.**

87 Pay Policy Statement – Annual Review

The Portfolio Holder introduced the report which advised that the Localism Act 2011 required the Council to publish an Annual Pay Policy Statement. This report was an opportunity to review the current Statement to ensure it was up to date and reflected the Council's approach to pay. The Council also took this annual review as an opportunity to review the rates of the Ashford Living Wage Allowance (ALWA) and the Ashford Apprentice Wage Allowance (AAWA) and the report provided recommendations on rates for the 2021/22 allowances. He reiterated that the ALWA and AAWA were still significantly above the statutory national rates.

Both the Leader and Portfolio Holder said they wanted to take the opportunity to praise the staff in Human Resources for dealing so well with the pressures brought about over the last year, particularly including the recruitment for a whole new Service in Port Health, along with the general pressures of the pandemic.

Recommended:

- That**
- (i) the updated Pay Policy Statement be approved.**
 - (ii) the Ashford Living Wage Allowance be increased to £9.27 for 2021 and this be backdated to 1st April 2021.**
 - (iii) the Ashford Apprentice Wage Allowance continues to be maintained at 15 pence per hour over the National Minimum Wage rate applicable to the age of the apprentice.**

88 A Nutrient Mitigation Strategy for the Stour Catchment in Ashford Borough

The Portfolio Holder introduced the report which outlined the background of advice issued by Natural England in July 2020 with the result that the Council had been unable to grant planning permission for new housing within the Stour Catchment since then, unless the proposal could show it could achieve nutrient neutrality. In response to the gravity of the situation, Officers had been asked to pursue a mitigation strategy as a means to finding a strategic solution within the Borough's boundary. Accordingly, Officers had been working with expert consultants to prepare a Stodmarsh Mitigation Strategy for the Council. The report introduced that draft strategy and explained that the only realistic land based solution involved the creation of new strategic wetlands in the Borough. The Portfolio Holder said he could not overstate the importance and urgency of this issue. The report therefore sought Cabinet agreement to actively pursue a mitigation strategy based on the delivery of new strategic wetlands.

The report was opened up to Members and the following comments were made: -

- In terms of exploring land acquisition options and lobbying Government for financial assistance, it was also worth noting that the Government already owned land in the Borough, particularly adjacent to the International Border Facility, which could contribute to the overall solution.
- This was not a unique situation to Ashford and indeed all of the Districts in Kent, along with Kent County Council, had written to the relevant Government Ministers outlining the situation and seeking funding.
- The situation did present a great opportunity to create impressive wetlands, not only for the benefit of wildlife, but also the Borough's residents.
- The Council would continue to fight 'tooth and nail' against any inappropriate development in areas not affected by the Stodmarsh issue.
- Communications on the issue would be vitally important as would close liaison with Parish Councils and KALC (the Kent Association of Local Councils). The Leader asked if Briefing Notes and press releases could be sent out to keep everyone informed and give them a clear picture of what was happening.

Resolved:

- That**
- (i) the principle of acquiring land within the Borough as a means of creating new strategic wetlands for the purposes of nutrient mitigation be agreed.**
 - (ii) Central Government should be approached for grant and/or loan funding to deliver the mitigation package.**
 - (iii) in the event that (ii) above is unsuccessful, it be agreed that a financial package be set aside by the Council for the purposes of delivering the mitigation package.**
 - (iv) Officers be authorised to prepare a credits-based formula to be considered for adoption as a Supplementary Planning Document as a means of seeking proportionate developer contributions towards the delivery and maintenance of the mitigation package.**
 - (v) the Head of Planning and Development, the Head of Corporate Property and Projects and the Solicitor to the Council be authorised, in consultation with their Portfolio Holders, to negotiate, enter into agreements and complete acquisitions of land and any related documentation, to implement the nutrient mitigation strategy and to make necessary arrangements (subject to all planning and other consents) for works to be undertaken on land to create strategic wetlands, with a view to generating nitrogen and phosphorous credits.**

89 Revenues and Benefits Recommended Write-Offs Schedule

The Portfolio Holder introduced the report which proposed the formal write-off of £86,225.20. The proposals were in line with the Council's Revenues and Benefits Service Write-Off Policy. The Deputy Chief Executive had been consulted along with Heads of Service for relevant areas.

Resolved:

- That (i) the action that accounts totalling £21,726.15 had been written-off under delegated powers (Financial Regulations 11.1 refers) be noted.
- (ii) the write-offs listed in the Exempt Appendix to the report totalling £64,499.05 be approved.

90 Civic and Ceremonial Programme Board – Notes of 23rd June 2021

Resolved:

That the Notes of the Meeting of the Civic and Ceremonial Programme Board held on the 23rd June 2021 be received and noted.

91 Economic Regeneration and Investment Board – Notes of 21st May and 29th June 2021

Resolved:

That the Notes of the Meetings of the Economic Regeneration and Investment Board held on the 21st May and 29th June 2021 be received and noted.

92 Local Plan and Planning Policy Task Group – Notes of 24th June 2021

Resolved:

That the Notes of the Meeting of the Local Plan and Planning Policy Task Group held on the 24th June 2021 be received and noted.

93 Schedule of Key Decisions to be Taken

Resolved:

That the latest Schedule of Key Decisions as set out within the report be received and noted.

ASHFORD BOROUGH COUNCIL

GRANT OF PLANNING PERMISSION



IMPORTANT NOTES

Notification of permission under the Planning Acts does **NOT** convey consent under The Building Regulations

1. The development to which the attached planning permission relates may also require a separate approval under the Building Regulations.
2. If the planning permission refers to amended plans, any necessary Building Regulations approval should also cover those amendments.
3. If the development involves any demolition work, notice of this is required under the Building Act 1984.

ADVICE ON EACH OF THE ABOVE IS AVAILABLE FROM THE BUILDING CONTROL SECTION – CONTACT 01233 330282 OR ALTERNATIVELY EMAIL building.control@ashford.gov.uk

4. Where plans for the erection or extension of a building are submitted for Building Regulations approval, Section 53 of the County of Kent Act 1981 requires that the Plans are rejected unless they show;
 - a) adequate means of access for the Fire Brigade to the building or buildings as extended and;
 - b) that the building and extension will not render inadequate, existing means of access for the Fire Brigade to a neighbouring building.

ADVICE ON THIS MATTER IS AVAILABLE FROM THE FIRE PREVENTION OFFICER, ASHFORD FIRE STATION, HENWOOD, ASHFORD, KENT TN24 8YF

ASHFORD BOROUGH COUNCIL

GRANT OF PLANNING PERMISSION WITH CONDITIONS



Notes for the Applicant

Appeals

1. If you are unhappy with the disclosed Decision to grant permission subject to conditions, you may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. **Any appeal must be made within 6 months of the date of decision.**

The necessary form is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or via their website:

www.planning-inspectorate.gov.uk/pins/index.htm

A longer period for the giving of notice of an appeal may be allowed by the Planning Inspectorate but normally asks what special circumstances there are which excuse the delay in giving notice of an appeal.

The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Borough Council.

Beneficial Use

2. If permission to develop land is granted subject to conditions, whether by the Borough Council or by the Secretary of State and you, as owner of the land, claim that it has become incapable of reasonable beneficial use, you may serve on the Borough Council a Purchase Notice requiring the Borough Council to purchase your interest in the land in accordance with the provision of Part IV of the Town and Country Planning Act 1990.

Before following this course of action it is suggested that you seek the advice of a Planning Consultant or a Solicitor.

Discharging of Conditions

3. Some conditions attached to the grant of permission may require you to submit details and/or information before you start work.

4. A national fee is set by Government to discharge conditions. These charges are as follows:

- Where the request relates to a permission relating to an enlargement, improvement or other alteration of existing dwelling houses or the erection of a building within the curtilage of an existing dwelling house for purposes ancillary to the enjoyment of the dwelling house the fee will be **£34** per submission.
- Where the request relates to permission for development which falls within any other category the fee will be **£116** per submission.
- **Together with the fee, you are also required to complete an application form for this process. The forms are available on our website.**

Please note that we aim to deal with these requests within 8 weeks.

NOTIFICATION OF DECISION OF THE LOCAL PLANNING AUTHORITY

Date of Decision 21 January 2022



ASHFORD
BOROUGH COUNCIL

Civic Centre
Tannery Lane
Ashford
Kent TN23 1PL
01233 331111
www.ashford.gov.uk

Miss E Disken
Montagu Evans LLP
5 Bolton Street
London
W1J 8BA

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)
Application for Full Planning Permission

APPLICATION NO: 19/00025/AS

PROPOSAL: Hybrid planning application seeking:

- (i) Outline planning permission (all matters reserved except for points of access) for up to 437 dwellings; formal and informal open space incorporating SuDS; and associated services, infrastructure and groundworks; and
 - (ii) full planning permission for the erection of 288 dwellings; the creation of serviced plot of land to facilitate the delivery by Kent County Council of a two-form entry primary school with associated outdoor space and vehicle parking; a new Bowls Centre including a clubhouse of 292 sq m, ancillary buildings and a bowling green; a local centre to provide 280 sq m of A1 (retail), 180 sq m of A1 (retail foodstore), 100 sqm A3 (café), 75 sq m A5 (takeaway), 190 sq m D2 (gym/fitness studio space), open space incorporating SuDS; vehicle parking; and associated services, structural landscaping, infrastructure and groundworks.
- **SUBJECT TO AN ENVIRONMENTAL IMPACT ASSESSMENT****

LOCATION: Land between railway line and, Willesborough Road, Kennington, Kent

APPLICANT: Quinn Estates and Redrow Homes

DECISION: PLANNING PERMISSION IS GRANTED in accordance with the application and plans

Subject to the following conditions:

Detailed (Full) elements

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

- 3 Prior to the commencement of above ground works, full details of the highway mitigation measures for the junction of Simone Weil Avenue / A28 Canterbury Road as shown on the hereby approved plan 42499_5501_010 Revision D shall be submitted to and approved in writing by the Local Planning Authority. The details shall include installation of a SCOOT system for the following traffic signal junctions:

- Magazine Road / A28 Canterbury Road
- Simone Weil Avenue / A28 Canterbury Road
- Bybrook Road / A28 Canterbury Road George Williams Way / Faversham Road / A28 Canterbury Road.

The highway mitigation measures shall be implemented in accordance with the details so approved prior to the first occupation of any dwelling or in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety.

- 4 Prior to the commencement of development (including any ground works, site or vegetation clearance), a method statement for the protection of water voles shall be submitted to and approved in writing by the Local Planning Authority. The method statement will be informed by updated surveys (if necessary) and shall include:

- Purpose and objectives for the proposed works;
- Detailed designs and working methods necessary to achieve stated objectives, including mitigation measures and details of the captive breeding programme;
- Extent and location of proposed works, including the ecological receptor site shown on appropriate scale maps and plans;
- Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- Persons responsible for implementing the works, including off-site measures;
- Use of protective fences, exclusion barriers (for people and water voles) and warning signs.

The development shall be implemented in accordance with the approved method statement and retained thereafter.

Reason: To ensure the protection of wildlife and supporting habitat and enhance the nature conservation value of the site and character of the area and to secure opportunities for the enhancement of the ecological value of the site.

- 5 (A) Save for external stores, refuse stores, bins stores / substations to approved new buildings:

(i) details of the proposed sustainable design and construction measures that will be incorporated as part of the design approach to the approved non-residential development that will enable a minimum BREEAM 'very good' standard and at least the 40% improvement in water consumption to be reached shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction, or
(ii) if the sustainable design and construction requirements at (A)(i) above are not considered to be able to be achieved, a written justification shall be submitted to the Local Planning Authority prior to the commencement of construction setting out the reasons why which shall include (i) an assessment as to what will be able to be achieved through the measures that are proposed, (ii) the likely BREEAM-based score as a result of those proposed measures and (iii) how far that score would be below that which is required to achieve a BREEAM 'very good' standard and the required improvement in water consumption.

(B) Thereafter, the approved new buildings (save for external stores, refuse stores, bins stores / substations) shall be constructed in accordance with the sustainable design and construction measures approved pursuant to either (A)(i) or (A)(ii) above. Prior to first occupation of each non-residential building or building containing non-residential uses, a BREEAM-based report shall be submitted to and approved in writing by the Local Planning Authority verifying that the agreed sustainable design and construction measures have been incorporated into the building and confirming the minimum BREEAM standard set out in (A) has been achieved.

Reason: To ensure the development is sustainable and in accordance with the NPPF and policy ENV11 of the Local Plan.

- 6 Prior to the commencement of above ground works in any detailed phase, a scheme of good acoustic design measures to ensure that the building envelope of the dwellings within that phase provides sufficient sound insulation against externally generated noise so that the recommendations of BS 8223:2014 and the ProPG (2017) are met, shall be submitted to and approved in writing by the Local Planning Authority.

Where the scheme relies on windows being kept shut to achieve acceptable internal conditions suitable alternative means of ventilation shall be provided, and the submitted scheme shall be based on such ventilation being in the "open" position allowing free flow of air i.e. in the least noise efficient mode. In addition, where the good acoustic design measures include using the building envelope with windows closed so that significant adverse noise effects are avoided the report shall include assessment of the likely effects on overheating as per the methodology of CIBSE TM59 Design methodology for the assessment of overheating risk in homes, and include details of the measures to be included in the scheme to reasonably minimise overheating risk in the homes other than by opening windows.

The development shall be implemented in accordance with the details so approved prior to the first occupation of the relevant dwelling and retained and maintained thereafter.

Reason: To ensure the provision of a good standard of accommodation for future occupiers.

- 7 Prior to the first occupation of any part of the development, double yellow lines shall be implemented as shown on hereby approved drawing number 42499-5501/022 Revision B and in accordance with any necessary Traffic Regulation Order.

Reason: In order to prevent parking in locations that would be detrimental to highway safety.

- 8 The vehicle parking spaces (including Private Allocated parking spaces, Visitor and Garage spaces) shown on the hereby approved plan 3053_020 Revision O shall be provided prior to the first occupation of the relevant (or in the case of Visitor spaces, nearest) dwelling and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to the vehicle parking spaces.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

- 9 The vehicle turning facilities shown on the hereby approved plan 42499_5501_007 Revision G shall be provided prior to the first occupation of the dwellings for which the turning areas serve. The vehicle turning facilities shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access or use of the turning facilities.

Reason: Development without provision of adequate turning facilities for vehicles is likely to lead to parking inconvenient to other road users.

- 10 Prior to the first occupation of the relevant dwelling, details of the bicycle storage facilities showing a covered and secure space for that dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to occupation of the dwelling and retained and maintained for the lifetime of the development. The communal cycle parking facilities shown on the hereby approved plan 3053_133 Revision E shall be provided prior to the first occupation of the relevant dwelling and retained and maintained for the lifetime of the development.

Reason: To encourage the use of sustainable transport modes by ensuring the provision and retention of adequate secure cycle parking facilities.

- 11 The vehicle parking spaces, motorcycle parking spaces and cycle parking facilities for use in association with the Local Centre and shown on the hereby approved plan 3053_020 Revision O shall be provided prior to the first occupation of any of the units within the Local Centre and shall be retained for the use of the occupiers of, and visitors to it. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude access to or use of any of these parking spaces or facilities.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and to encourage the use of sustainable transport modes by ensuring the provision and retention of adequate secure cycle parking facilities.

- 12 The vehicle parking spaces, motorcycle parking spaces and cycle parking facilities for use in association with the Bowling Green and shown on the hereby approved plan 3053_020 Revision O shall be provided prior to the first use of the Bowling Green and shall be retained for the use of visitors to it. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude access to or use of any of these parking spaces or facilities.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and to encourage the use of sustainable transport modes by ensuring the provision and retention of adequate secure cycle parking facilities.

- 13 Prior to the first occupation or use of any part of the Local Centre, the loading bay shown on hereby approved drawing number 42499-5501/022 Revision B shall be provided in accordance with any necessary Traffic Regulation Order.

Reason: To ensure that adequate street parking is maintained and safeguard the safety and amenity of users of the surrounding roads and footways.

- 14 The highway mitigation measures for the junction of the William Harvey Hospital roundabout shall all be provided in accordance with the details shown on the hereby approved plan 42499_5501_020 prior to the first occupation of any dwelling.

Reason: In the interests of highway and pedestrian safety.

- 15 The new access points, toucan crossing and central pedestrian island on Willesborough Road and re-location of the existing bus stops on the eastern side of Willesborough Road shall all be provided in accordance with the details shown on the hereby approved plan 42499_5501_013 Revision D prior to the first occupation of any dwelling.

Reason: In the interests of highway and pedestrian safety.

- 16 The new footway on the eastern side of Willesborough Road shall be provided in accordance with the details shown on the hereby approved plan 42499_5501_013 Revision D prior to the first occupation of any dwelling or in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety.

- 17 Prior to the first use of any of the commercial units hereby permitted, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall demonstrate that noise from plant and machinery 1 metre from the facade of noise sensitive premises shall not exceed a BS 4142:2014 rating level equal to the representative background noise level at the same point without the plant operating.

The development shall be implemented in accordance with the approved details prior to the first use of the premises. The equipment shall be maintained and operated in compliance to the approved scheme whenever it is operation. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties, particularly residential properties and the area generally.

- 18 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (or any Order revoking and re-enacting that Order with or without modification), no advertisements shall be displayed within the Local Centre without the written consent of the Local Planning Authority.

Reason: In the interests of highway safety and visual amenity.

- 19 Prior to the first use of any of the commercial units hereby permitted, full details of the hours of operation including but not limited to time of receiving deliveries or servicing for that unit shall be submitted to and approved in writing by the Local Planning Authority. The commercial units shall thereafter be operated in strict accordance with the approved details.

Reason: To safeguard the amenities of neighbouring properties, particularly residential properties and the area generally.

- 20 The hereby approved non-residential units within the Local Centre shall be used for the following uses:

Block	Unit Use Class	Size (sqm)
A	Commercial Unit 1 A1	150
A	Commercial Unit 2 A1	130
B	Commercial Unit 3 D2 (Gym)	190
B	Office Unit 1 B1	60
B	Office Unit 1 B1	60
B	Office Unit 2 B1	190
C	Commercial Unit 4 A1	180

C	Commercial Unit 5 A3	100
C	Commercial Unit 6 A5	75
C	Office Unit 3 B1	250
C	Office Unit 4 B1	250

The non-residential units shall not be used for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any subsequent Order revoking or re-enacting that Order), or whether the alternative use is permitted by virtue of the provisions within the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order revoking or re-enacting that Order).

Reason: In order to safeguard the loss of employment space, provide a mix of sustainable uses and to safeguard the amenities of neighbouring properties and the area generally.

Detailed and Outline elements

- 21 Prior to the commencement of development in any phase, a detailed sustainable surface water drainage scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with Natural England. The detailed drainage scheme shall be based upon the Flood Risk Assessment and Drainage Strategy prepared by WSP, dated December 2018 and shall demonstrate that: surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site; and that the utilisation of infiltration is based upon site investigation.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters;
- that the onsite SuDS components do not become a net contributor of nutrients that would result in the development as a whole not being nutrient neutral;
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented, retained and maintained in accordance with the details approved pursuant to this condition and pursuant to the details approved pursuant to conditions 52 & 53 (Verification Report) of this decision

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding or impact on the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh lakes in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

22 Prior to the commencement of above ground works in any phase, full details of soft landscaping for that phase shall be submitted to and approved in writing by the Local Planning Authority. The landscaping details shall accord with the principles set out in hereby approved plans 2940A-02F, 2940B-01C, 003/P, 1557/001/I; 002/A; 003/B; 004/A; 005/B; 006/D; 008/A; 009/A; 010 and Landscape Phasing Plan 2940-041A and include:

(a) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); details of the planting that is designed to create year round colour; schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate; full details of proposed trees and tree pit size and specification to ensure maturation and long-term survival; guards and any other measures necessary to protect trees in locations immediately adjacent to parking bays;

(b) All soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner or in accordance with a timetable agreed by the Local Planning Authority;

(c) Any trees or plants whether new or retained which within a period of 10 years from the completion of the relevant phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area.

23 Prior to the commencement of above ground works in any phase, full details of the hard landscape works for that phase shall be submitted to and approved in writing by the Local Planning Authority. The landscaping details shall accord with the hereby approved Landscape Plan PL-003 Rev E and drawing PL-008 and include:

(a) Details of hard surfacing, materials (including colour finish, specification of paving and gauge as appropriate);

(b) Details, including scaled 1:20, 1:50 and 1:100 cross-sections, plans and elevation details as appropriate for any boundary walls, railings, fences and any other means of boundary demarcation (including any gates / barriers / access control measures embedded therein) to be erected (including details of proposed materials and colour finishes and solutions to maintain small fauna [e.g. hedgehog] connectivity. All boundary treatments exposed to a public or private communal space shall comprise walls rather than fences.

(c) The hard landscaping works shall be implemented in full in accordance with the details and timetable approved by the Local Planning Authority and maintained thereafter.

Reason: To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area.

- 24 Prior to the commencement of above ground works in any phase, details (including source/manufacturer and colour) and samples (where required) of all materials to be used on the external surfaces of the buildings within that phase, including but not limited to brick, tiles and cladding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved and retained for the lifetime of the development.

Reason: In the interests of the visual amenity of the locality.

- 25 Prior to the commencement of development in any phase, details of the location of any underground services shall be submitted to and approved in writing by the Local Planning Authority. No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trench excavation as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: In the interests of preventing damage to tree roots and preserving the amenity of the area.

- 26 Prior to the commencement of development in any phase, a services plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The services plan shall include the provision of underground ducts to enable telephone services, electricity services and communal television services to be connected to any premises within that phase without recourse to the erection of distribution poles and overhead lines. Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 1995 or any other Order or any subsequent Order revoking or re-enacting that Order no distribution pole or overhead line within the application site shall be erected without the express consent of the Local Planning Authority.

The development shall be implemented in accordance with the details so approved.

Reason: In the interests of visual amenity.

- 27 Prior to the commencement of development in any phase, full details including plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, and method of construction of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved.

Reason: In the interests of highway safety.

28 No development shall be commenced within any phase until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

29 Prior to the commencement of development of any relevant phase, details of the proposed means of foul and surface water sewerage disposal for that phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Reason: To ensure the protection of underground water and sewerage utility infrastructure.

30 Prior to the commencement of development in any phase, details of final levels, including slab levels of all buildings within that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: In the interests of the visual amenity of the surrounding area.

31 Prior to commencement of development within any phase or sub-phase, the applicant, or their agents or successors in title, shall secure the implementation of the following in relation to that phase:

- i. geo-archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and

- ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important geo-archaeological remains and/or further geo-archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of geo-archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

- 32 The development hereby permitted shall incorporate measures to minimise the risk of crime. No development in any phase (excluding demolition and below ground works) shall take place until details of such measures within that phase, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) and Secured by Design (SBD), have been submitted to and approved in writing by the Local Planning Authority.

The measures shall be implemented in accordance with the details so approved prior to the first occupation or use of the relevant phase.

Reason: In the interest of security and to promote public safety and reduce crime.

- 33 No development including any preparation or enabling works prior to building operations within any phase shall take place on site until a Construction Environment Management Plan for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The Construction Environment Management Plan shall include all recommended embedded and additional mitigation measures identified in the Environmental Statement, as well as:

- a) Details of areas on site for parking and turning for site personnel;
- b) Details of areas on site for parking, loading and unloading of plant and materials, and provision of on-site turning for delivery and construction vehicles including HGV's;
- c) Details of areas for the storage of plant and materials;
- d) Details of the form and location of any proposed temporary works compounds/welfare facilities;
- e) Details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances and subsequently inspected ;
- f) A programme of works (including details of the timing of deliveries, measures for traffic management/signage);
- g) Details of any temporary fencing/hoardings to be provided;
- h) Details of the routing of construction and delivery vehicles to and from the site, including to minimise traffic impacts on Kennington Conservation Area;
- i) Localised surface water run off management system and level for level compensation;
- j) Appropriate Safety, Health and Environment protocols during construction;
- k) Ground Pollution Prevention Controls;
- l) A scheme to demonstrate that noise from plant and machinery 1 metre from the facade of noise sensitive premises shall not exceed a BS 4142:2014 rating level equal to the representative background noise level at the same point without the plant operating;

m) Necessary applications for prior approval of construction noise and vibration under section 61 of the control of Pollution act 1974 to ensure that Best Practicable Means are employed to minimise construction noise and vibration.

The approved Construction Environment Management Plan shall be adhered to throughout the duration of the site preparation, enabling and construction period.

Reason: To prevent obstruction of the highway, to protect the residential amenity of the occupiers of neighbouring properties, to protect areas of nature conservation interest and prevent adverse impact on air quality.

- 34 No development including any preparation or enabling works prior to building operations within any phase shall take place on site until a Dust Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Dust Management Plan will include further details of the mitigation measures set out in Environmental Statement.

This should include a risk assessment and a method statement and the following details:

- Proposals for monitoring dust / particulates and procedures to be put in place where agreed dust / particulates levels are exceeded;
- A dust risk assessment shall be undertaken; to include dust suppression methods to be used including details of equipment during the different stages of the development;
- Site plan identifying location of site entrance, exit, wheel washing, hard standing hoarding (distinguishing between solid hoarding and other barriers such as heras and monarflex sheeting), stock piles, dust suppression, location of water supplies and location of nearest neighbouring receptors;
- Confirmation if a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation;
- Bonfire policy;
- Proposals for monitoring dust and preventing or controlling unacceptable releases, including asbestos;
- Wheel washing facilities, location and facilities for discharging the water;
- Mitigation of water quality impacts, particularly from dust suppression and wheel washing;
- Details of liaison with other high risk construction sites within 200m of the site boundary to ensure plans are co-ordinated and dust and particulate matter emissions are minimised.

Reference shall be made to:

- BRE four part Pollution Control Guide, Part 1 Pre-project planning and effective management; 'Controlling particles, vapour and noise pollution from construction sites'; and
- Relevant prevailing standards.

The development shall be implemented in accordance with the details so approved.

Reason: To protect local air quality and safeguard the amenities of residential properties.

- 35 Prior to the commencement of development, details including plans, shall have been submitted to and approved by the Local Planning Authority in writing for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use prior to the first occupation of all new homes and non-residential floorspace unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions made in the absence of FTTP).

Reason: To ensure that the new mixed-use development in Ashford is provided with high quality broadband services enhancing Ashford as an attractive location in accordance with Policy EMP6 of the Ashford Local Plan 2030.

- 36 Prior to the commencement of development within any phase, details for the provision of electric vehicle charging points within that phase shall be submitted to and approved in writing by the Local Planning Authority. The details shall include provision of at least one electric vehicle charging point for each dwelling with designated parking and for at least 10% of all unallocated parking spaces, including within the Local Centre and Bowling CentreBowls Club. All Electric Vehicle charger points shall be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection).

The electric vehicle charging points shall be implemented in accordance with the approved details prior to first occupation of the relevant part of the development and shall be retained in working order for use by residents and visitors for the lifetime of the development.

Reason: In order to take into account the cumulative impacts of major development on air quality and climate change, to assist modal shift and to accord with the objectives of the Residential Travel Plan by encouraging the use of sustainable transport modes through incorporating facilities for the efficient charging of plug-in electric and hybrid vehicles by scheme residents and visitors.

- 37 The development shall be carried out in accordance with the hereby approved Phasing Plan 2940-018F or other such phasing plan that has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant phase.

Reason: In the interests of the proper planning of the locality and to ensure that approved details are implemented in a timely manner in accordance with the phase to which they relate.

- 38 Prior to the commencement of above ground works within any phase, the following fine details (at a scale of 1:20 or 1:50 as may be appropriate) for that phase shall be submitted to and approved in writing by the Local Planning Authority:

- (i) windows and doors and other external joinery (including depth of reveals within openings, materials and final finish colour);
- (ii) any external screens attached to the elevations of buildings (for example to demarcate private terraces, including materials and final finish colour);

- (iii) eaves, overhangs and any entrance canopies or porches (including materials, supports and final finish colour);
- (iv) external extracts/vents/terminals, including any proposed venting to roofs (including materials and final finish colour);
- (v) the form, location and final finish colour of any necessary external meter boxes;
- (vi) details of concealed rain water goods systems and any external rain water goods gutters and down-pipes (including materials and final finish colour);
- (vii) any other external fittings including aerials, dishes and amenity lighting;
- (viii) balcony details, including balustrade, guard and decorative railings, any support posts (including materials and final finish colour).

The development shall be carried out in accordance with the fine details so approved and retained for the lifetime of the development.

Reason: No such fine details have been submitted and to ensure that the fine detailing of new buildings works well with approved materials and is of a high quality in the interests of visual amenity.

- 39 Prior to the commencement of above ground works within any phase, full details of the refuse storage, recycling facilities and refuse collection arrangements for that phase shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include but not be limited to:

- Turning areas to allow the refuse vehicles to move in forward motion when entering and exiting the road;
- Provision of bin storage for non-residential uses;
- Location of any communal collection points;
- Details of any enclosures to be provided for all of the external communal collection points;
- Details of management; arrangements for movement of refuse to any collection points.

The storage and recycling facilities shall in all respects be constructed in accordance with the approved details, before the relevant part of the development is first occupied and maintained for the lifetime of the development.

Reason: In order that the Council may be satisfied with the details of the proposal.

- 40 Prior to the commencement of above ground works within any phase, an external lighting strategy designed in accordance with the principles of the Outline Construction Ecological Management Plan and relating to all external lighting to be installed within that phase shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include:

- Layout plan with details of lighting fixtures (luminaire type; mounting height; beam orientation and luminaire profiles);
- Details of compliance with the Institute of Lighting Engineers guidance on preventing light pollution;
- Details of the sensitive lighting design to mitigate for impacts of light-spill on bats.

All external lighting will be installed in accordance with the approved details and maintained thereafter.

Reason: In order to achieve an appropriately lit and high quality public realm that balances the requirements for safety and security with nature conservation and reducing light pollution.

- 41 Within six months of the commencement of development of the relevant phase, a Landscape and Ecological Management Plan (LEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority.

The content of the LEMP shall include the following:

- Description and evaluation of features to be managed;
- Ecological trends and constraints on site that might influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions, together with a plan of management compartments;
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- Details of the body or organisation responsible for implementation of the plan;
- Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be implemented in accordance with the approved details and maintained thereafter.

Reason: To ensure the protection of wildlife and supporting habitat and enhance the nature conservation value of the site and character of the area and to secure opportunities for the enhancement of the ecological value of the site.

- 42 Within 6 months of the commencement of each phase, details of the public art to be provided within that phase shall be submitted to and approved in writing by the Local Planning Authority in the form of a "Public Art Brief" for that phase.

Such Public Art Brief shall include:

- (a) details of proposed public engagement with the production of any artwork to be provided within the relevant phase;
- (b) details of the location type and form of such public art within the relevant phase;
- (c) a timetable for the manufacture and installation of the public art within the relevant phase, and;
- (d) details of the arrangements for the ongoing maintenance thereof.

The public art for each phase shall be implemented retained and maintained in accordance with the details approved by the Local Planning Authority relating to the relevant phase.

Reason: In the interests of ensuring the most appropriate locations for public art are secured in the interests of good planning and urban design.

- 43 Within six months of the commencement of development of the relevant phase, an Ecological Enhancement Plan, including a timetable for implementation, detailing how the development will enhance biodiversity within that phase will be submitted to, and approved in writing by the Local Planning Authority. The Ecological Enhancement Plan shall be implemented in accordance with the approved details and maintained thereafter.

Reason: To enhance biodiversity and the ecological value of the site and surrounding area.

- 44 The visibility splays shown on the hereby approved plan 42499/5501/024 Revision A shall be provided prior to the first use of the relevant junction and shall be thereafter maintained at all times.

Reason: In the interests of highway safety.

- 45 Prior to the first occupation of any dwelling, the following works shall be completed between that dwelling and the adoptable highway:

- a) Footways and/or footpaths, with the exception of the wearing course;
- b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: In the interests of highway safety.

- 46 Prior to the first occupation of any part of the development, a Traffic Regulation Order for the bus stop clearways as shown on hereby approved drawing number 42499_5501_015 Revision I shall be submitted to the Highways Authority for approval. The bus stop clearways shall be implemented in accordance with the Traffic Regulation Order as approved prior to the occupation of 50 dwellings.

Reason: In order to facilitate sustainable modes of transport and to safeguard highway safety.

- 47 No fans, louvres, ducts, meter boxes or other similar apparatus shall be installed on front elevations or side elevations where they face public or private communal space without the prior written approval of the Local Planning Authority.

Reason: To protect the residential and visual amenities of the area.

- 48 The development shall be carried out in accordance with the mitigation measures set out in the hereby approved Site-Wide Ecological Mitigation Strategy (Aspect Ecology October 2019).

Reason: To ensure that the development is carried out in accordance with the mitigation measures set out in the Environmental Statement in order to minimise the environmental effects of the development.

- 49 The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other hedges and shrubs to be retained by observing the following:

- a) All trees and hedges shown to be retained within the hereby approved Arboricultural Impact Assessment (ref. 9541_AIA.00 Rev C) shall be protected during any operation on site in accordance with a detailed Arboricultural Method Statement to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development within any relevant phase. The development shall be implemented in accordance with the approved details and such tree protection measures shall remain throughout the period of construction;
- b) No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
- c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- d) No roots over 25mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
- e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
- f) If any retained tree is cut down, uprooted or destroyed or dies another tree or trees shall be planted at the same place and the tree or trees shall be of such size and species to reflect the lost canopy cover the size and number of which is to be agreed with the Local Planning Authority and shall be planted at such time as may be specified in writing by the Local Planning Authority.

In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and documents.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 50 Prior to first occupation, the applicant, or their agents or successors in title, will secure the implementation of a phased programme of post excavation work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the geo-archaeological, Palaeolithic and later archaeological interest of the site are properly examined, reported and disseminated in accordance with NPPF.

- 51 Prior to the first occupation of the relevant phase of the development, confirmation shall be submitted to and approved in writing by the Local Planning Authority that:

- 1. Capacity exists to serve the wastewater requirements of that phase; or
- 2. A housing and infrastructure phasing plan has been agreed with Southern Water in respect of the phase. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan; or
- 3. All wastewater network upgrades required to accommodate the additional flows from the phase have been completed.

The development shall be carried out in accordance with the details so approved.

Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents.

- 52 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system for that phase, carried out by a suitably qualified professional, has been submitted to and approved in writing by the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of the NPPF.

- 53 Prior to each phase of development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

- 54 The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref FRA001, prepared by WSP, dated December 2018) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 300mm above the design flood level for the site (i.e. the maximum predicted 100yr 45% climate change level);
- Compensatory storage shall be provided, as per the recommendations of the submitted FRA; the details of the compensatory storage works shall be agreed in advance with the Environment Agency and implemented prior to the occupation of any dwelling on the site.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

- 55 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority.

The remediation strategy shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 56 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

- 57 Piling and any other foundation designs using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed activity, does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

- 58 Any gas boilers installed to serve the energy requirements of the development should use Ultra-Low NOx boiler(s) with a minimum standard of < 40 mg NOx/kWh.

Reason: In the interest of protecting air quality, addressing climate change and to secure sustainable development.

- 59 The development shall be made available for inspection, at a reasonable time, by the Local Planning Authority to ascertain whether a breach of planning control may have occurred on the site (e.g. as a result of departure from the plans hereby approved and/or the terms of this permission).

Reason: In the interests of ensuring the proper planning of the locality and the protection of amenity and the environment, securing high-quality development through adherence to the terms of planning approvals, and ensuring community confidence in the planning system.

- 60
- A. Prior to the commencement of above ground works within any phase, Water Efficiency calculations for that phase, prepared by a suitably qualified assessor, shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the dwellings within each phase have been designed to meet water efficiency standards with a maximum water use target of 110 litres of water per person per day.
 - B. Prior to first occupation of the residential units within the relevant phase, evidence that the dwellings within that phase have incorporated water saving and monitoring measures in line with Part A shall be submitted to and approved in writing by the Local Planning Authority.

The water saving and monitoring measures so approved shall be retained for the lifetime of the development.

Reason: To ensure the sustainable use of water and to ensure that the development does not impact on the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh lakes in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

Outline elements

- 61
- Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") for each phase of the outline development shall be obtained from the Local Planning Authority in writing before development of that phase commences and the development shall be carried out as approved.

Reason: To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 62
- Application(s) for approval of the Reserved Matters for the outline development shall be made to the Local Planning Authority not later than the expiration of 7 years from the date of this permission. The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason: To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 63
- All Reserved Matters applications shall be accompanied by a detailed statement explaining how the design and layout of the development is informed by and responds to identified character areas and sub-character areas and how these integrate with and differ from those identified in Phase 1.

Reason: To ensure the provision of a high quality residential development.

- 64 All Reserved Matters applications submitted pursuant to the planning permission hereby approved shall be in substantial accordance with the 2018 Environmental Statement, 2019 ES Addendum, 2021 ES Addendum and hereby approved parameter plans. The number of dwellings for which reserved matters approval is sought shall not exceed a total of 437 and shall be sited only within the area shown for residential (C3 use) on parameter plan drawing 2940-010L.

Reason: In order to ensure that the details of the development are within the parameters assessed in the Environmental Statement.

- 65 All Reserved Matters applications shall be accompanied by a detailed statement explaining how they accord with the hereby approved parameter plans and how the provision of any three storey buildings have taken into account their impact upon the setting of the Kent Downs Area of Outstanding Natural Beauty (AONB).

Reason: In order to ensure that the details of the development are within the parameters assessed in the Environmental Statement and to protect the setting of designated landscapes.

- 66 All Reserved Matters applications shall include an up to date Site-Wide Ecological Mitigation Strategy, informed by a walkover survey. The development shall be implemented in accordance with the mitigation measures approved.

Reason: To ensure that the development is carried out in accordance with the mitigation measures set out in the Environmental Statement in order to minimise the environmental effects of the development.

- 67 Prior to the commencement of development within any of the outline phases, a contour plan showing existing and proposed levels and earthworks for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

Reason: In the interests of preventing damage to tree roots and preserving the amenity of the area.

- 68 All Reserved Matters applications shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout. These details are to be based upon the Flood Risk Assessment and Drainage Strategy prepared by WSP, dated December 2018.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

69 All Reserved Matters applications that include residential uses shall include a scheme describing measures within that phase to ensure:

- a) The layout and orientation of the buildings in the scheme and any boundary treatments etc. has been optimised so that any exceedance of noise levels in private outdoor amenity spaces above 55 dB LAeq,0700 to 2300 hrs is minimised; and
- b) Internal noise levels comply with the recommendations of BS 8223:2014, and in bedrooms at night will not normally exceed 45 dB L_{Amax}, 2300 to 0700 more than 10 times. These levels are to be achieved with windows closed and alternative means of ventilation and management of over-heating in place and in the “open” position.

Where the scheme relies on windows being kept shut to achieve acceptable internal conditions suitable alternative means of ventilation shall be provided, and the submitted scheme shall be based on such ventilation being in the “open” position allowing free flow of air i.e. in the least noise efficient mode. In addition, where the good acoustic design measures include using the building envelope with windows closed so that significant adverse noise effects are avoided the report shall include assessment of the likely effects on overheating as per the methodology of CIBSE TM59 Design methodology for the assessment of overheating risk in homes, and include details of the measures to be included in the scheme to reasonably minimise overheating risk in the homes other than by opening windows.

The development shall be implemented in accordance with the approved details and retained and maintained as such thereafter.

Reason: To ensure the provision of a good standard of accommodation for future occupiers.

Notes to Applicant

This grant of planning permission does not give any legal right to carry out the development on over or under the land of another person or contrary to the rights of any such person. If there is any doubt the applicant should seek his/her own independent legal advice before implementing the planning permission.

- 1 This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990.
- 2 The applicant should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not occur, in general, outside of these times, on Sundays or Bank/Public Holidays.
- 3 The applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties.
- 4 The applicant should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction sites.

- 5 Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season, mitigation measures need to be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged.
- 6 Skylark and Starling (both RSPB red-listed species), as well as Dunnock and Reed Bunting (both amber-listed species), were recorded during the initial ecological survey. As these species have undergone significant population declines, we advise that mitigation measures are included in the recommended site-wide strategy to retain/provide suitable habitat for Starling, Dunnock and Reed Bunting. Skylarks are the only ground-nesting birds of the four species listed and, as such, suitable habitat cannot be retained/provided for this species. Therefore, we advise that precautionary measures, in the form of pre work checks by an experienced ecologist, are implemented to ensure that no ground-nesting species will be impacted.
- 7 In alignment with paragraph 174 of the National Planning Policy Framework 2021, the implementation of enhancements for biodiversity should be encouraged. Examples of bird and bat nest boxes to be installed have been submitted and we would strongly recommend that the integrated Swift nest bricks and/or House Martin nest bowls are provided as these species have undergone severe population declines.
- 8 We recommend that the applicant submits details within the recommended site wide mitigation strategy to demonstrate how the development will provide enhancements for biodiversity. Any soft landscaping design should include the provision of native plant species only.
- 9 Considering the shallow groundwater levels beneath the site, surface water disposal via infiltration into the ground is not recommended. We advise the applicant to follow our guidance – The Environment Agency's approach to groundwater protection. This is a report that highlights the importance of groundwater and encourages industry and other organisations to act responsibly and improve their practices. The design of the drainage systems should be in line with G1, G9, G12 and G13 position statements <https://www.gov.uk/government/publications/groundwater-protection-position-statements>.
- 10 With respect to any proposals for piling through made ground, the applicant should refer to the guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention". NGWCL Centre Project NC/99/73. We suggest that approval of piling methodology is further discussed with us when the guidance has been utilised to design appropriate piling regimes at the site.
- 11 All works within the highway will be subject to a Section 278 Highway Approval process with KCC Highways and Transportation.
- 12 It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

- 13 Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>.
- 14 The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- 15 The applicant is advised of their requirement to consult with and seek the formal written consent of the River Stour Internal Drainage Board over their requirements for Land Drainage Consent for any works that either directly affect or fall within 8m of any non-Main River ordinary watercourse within/bordering this site. The proposals may be subject to their Surface Water Development Contribution charge.

Plans/Documents approved by this decision

Site Location Plan – Dwg No. 001 D
Site Plan Roof – Dwg No. 002 P
Site Plan - Phase 1 – Dwg No. 003 P
Ground Floor Site Plan (1 of 7) – Dwg No. 005 O
Ground Floor Site Plan (2 of 7) – Dwg No. 006 O
Ground Floor Site Plan (3 of 7) – Dwg No. 007 O
Ground Floor Site Plan (4 of 7) – Dwg No. 008 O
Ground Floor Site Plan (5 of 7) – Dwg No. 009 O
Ground Floor Site Plan (6 of 7) – Dwg No. 010 O
Ground Floor Site Plan (7 of 7) – Dwg No. 011 O
Parking Strategy Plan – Dwg No. 020 O
Refuse Strategy Plan – Dwg No. 021 O
Unit Type Strategy Plan – Dwg No. 022 O
Materials Strategy Plan – Dwg No. 023 O
Heights Strategy Plan – Dwg No. 024 O
Road Type Strategy Plan – Dwg No. 025 O
Net Developable Area Strategy Plan – Dwg No. 026 N
Unit Mix Strategy Plan – Dwg No. 027 L
Bespoke Units Strategy Plan – Dwg No. 028 L
Sales Area Strategy Plan – Dwg No. 029 M
Street Elevation A-A & B-B – Dwg No. 040 H
Street Elevation C-C & D-D – Dwg No. 041 G
Street Elevation E-E – Dwg No. 042 G
Street Elevation F-F,G-G & H-H – Dwg No. 043 G
Warwick Type (Brick) - Dwg No. 102 F
Warwick Type (Boarded) - Dwg No. 103 E
Amberley Type (Boarded) - Dwg No. 104 E
Amberley Type (Bespoke) - Dwg No. 105 E
Stratford Type (Brick) - Dwg No. 107 E
Stratford Type (Boarded) - Dwg No. 108 D
Marlow Type (Brick) - Dwg No. 109 E

Marlow Type (Boarded) - Dwg No. 110 E
Oxford Type (Brick) - Dwg No. 111 E
Cambridge Type (Brick) - Dwg No. 112 D
Cambridge Type (Boarded) - Dwg No. 113 F
Leamington Lifestyle Type (Brick) - Dwg No. 114 E
Shaftesbury Type (Boarded) - Dwg No. 116 F
Shaftesbury Type (Bespoke) - Dwg No. 117 D
Canterbury Type (Brick) - Dwg No. 118 E
Harrogate Type (Boarded) - Dwg No. 200 E

Development Boundary 1 – Dwg No. 2940-003O
Land Use Parameter Plan – Dwg No. 2940-010L
Open Space Parameter Plan – Dwg No. 2940-012L
Density Parameter Plan – Dwg No. 2940-013J
Heights Parameter Plan – Dwg No. 2940-014J
Access Parameter Plan – Dwg No. 2940-015K
Pedestrian & Cycles – Dwg No. 2940-016L
Phasing Plan – Dwg No. 2940-018D
Masterplan – Dwg No. 2940-032H
Masterplan with whole allocation – Dwg No. 2940-033E
Site Plan Local Centre – Dwg No. 2940A-02F
Block A Floor Plans – Dwg No. 2940A-03B
Block A Elevation 1 – Dwg No. 2940A-04A
Block A Elevations 2 – Dwg No. 2940A-05A
Block B Floor Plans – Dwg No. 2940A-06B
Block B Elevations 1 - 2940A-07A
Block B Elevations 2 – Dwg No. 2940A-08A
Block C Ground Floor – Dwg No. - 2940A-09B
Block C First Floor – Dwg No. 2940A-10B
Block C Second Floor Plan – Dwg No. 2940A-11A
Block C Elevations – DWG No. 2940A-12A
Block C Elevations 2 – DWG No. 2940A-13A
Site Section AA – Dwg No. - 2940A-14B
Site Section BB – Dwg No. 2940A-15B
Bin and Cycle Store – Dwg No. 2940A-16
Site Plan – Dwg No. 2940B-01B
Site Plan – Dwg No. 2940B-01C
Floor Plan – Dwg No. 2940B-02A
Front Elevation – Dwg No. 2940B-03A
Rear Elevation – Dwg No. 2940B-04A Rear Elevation
Elevations & Section – Dwg No. 2940B-05A
42499_5501/022B
Site Wide - Vehicle Tracking - Dwg No. 42499_5501_015I

Design and Access Statement – December 2018
Design and Access Addendum – August 2019
Planning Statement – January 2019
Arboricultural Impact Assessment (9541_AIA.001 Rev C) December 2019
Economic Benefits Statement – November 2018
Sustainability and Energy Statement – November 2018
Geo-environmental Site Assessment 0 September 2019
Site Wide Mitigation Strategy – October 2019
Transport Assessment - December 2018
Post-App Minutes with KCC - March 2019
Technical Note to HE - April 2019
Technical Note to KCC - July 2019
Technical Note to HE - July 2019
Technical Note to KCC - September 2019

Technical Note to KCC - October 2019
Technical Note to KCC - January 2020
Local Model Validation Report to KCC - January 2020
Statement of Community Involvement – December 2019

Original Environmental Statement incorporating the following chapters with Appendices:-

Chapter 1 - Introduction
Chapter 2 - The Site and Surroundings
Chapter 3 - Environmental Impact Assessment Methodology
Chapter 4 - Alternatives and Design Evolution
Chapter 5 - The Proposed Development
Chapter 6 - Development Programme and Construction
Chapter 7 - Transport and Access
Chapter 8 - Air Quality
Chapter 9 - Noise and Vibration
Chapter 10 - Landscape and Visual Impact Assessment
Chapter 11 - Ecology and Nature Conservation
Chapter 12 - Water Quality, Hydrology & Flood Risk
Chapter 13 - Ground Conditions
Chapter 14 - Archaeology and Cultural Heritage
Chapter 15 - Socio-Economics and Human Health
Chapter 16 - Conclusions

Environmental Statement Addendum: Volume 1, Main Text (Revision 1.0, dated 15-08-19) incorporating the following chapters with Appendices:-

Chapter 1 - Introduction
Chapter 2 - The Site and Surroundings
Chapter 3 - Environmental Impact Assessment Methodology
Chapter 4 - Alternatives and Design Evolution
Chapter 5 - The Proposed Development
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Chapter 14 - Archaeology and Cultural Heritage
Chapter 15 - Socio-Economics and Human Health
Chapter 16 - Conclusions

ES Addendum Vol 2 Appendices: -

Appendix 3.1 ES Scoping Report
Appendix 3.2 ES Scoping Opinion
Appendix 3.3 - Statement of Competence
Appendix 5.1 :-

- 2940-003O - Development Boundary 1
- 2940-010K - Land Use Parameter Plan
- 2940-012K -Open Space Parameter Plan
- 2940-013J - Density Parameter Plan
- 2940-014J ~ Heights Parameter Plan
- 2940-015K ~ Access Parameter Plan
- 2940-016G ~ Pedestrian & Cycles

- 2940-018D ~ Phasing Plan
- 2940-032E Illustrative Masterplan

Appendices 8.1 – Model Variation
Appendix 8.2 - Model Inputs and Results Processing
Appendix 8.3 - Traffic Data and Road Network
Appendix 8.4 - Future year modelling – road transport emission factors
Appendix 8.5 – Figures
Appendix 9.1 - Glossary of acoustic terminology
Appendix 9.2 – traffic flows
Appendix 9.3 - survey results
Appendix 9.4: Figures
Appendix 10: - Photomontages

- 6461.Base Plans ES Appendix 10.1
- 6461.PR.APP1.003_Summer_ES Appendix 10.3
- 6461.PR.APP1.003_Winter_ES Appendix 10.2
- 6461.ZTV.Appendix 10.1

Appendix 11.1 Baseline Ecological Appraisal
Appendix 11.2 5148 TN2 KWT Response dv3
Appendix 11.3 Examples of faunal habitat features
Appendix 11.4: -

- Figure 11.1 - location and designations
- Figure 11.2 habitats
- Figure 11.3 reptile mitigation
- Figure 11.4 lighting plan

Appendix 12.1 FRA & Drainage Strategy
Appendix 13.1 - PBA GCA Report
Appendix 13.2 - RSK Report
Appendix 13.3 - PBA Methodology
Appendix 15.1 - Additionality Calculations
Environmental Statement Addendum: Volume 3, Non-Technical Summary
(Revision 1.0, dated 15-08-19)

Environmental Statement Addendum: Volume 1, Main Text

Appendix A: Arboricultural Impact Assessment;
Appendix B: Climate Change Assessment;
Appendix C: List of Parameter Plans;
Appendix D: Walking and Cycling Connections;
Appendix E: Photomontages (same as appendix 10 above);
Appendix F: Revised Ecology Chapter;
Appendix G: Aspect Technical Note TN2;
Appendix H: Revised Archaeology and Cultural Heritage Chapter;
Appendix I: Palaeolithic DBA;

Air Quality and Social and Economic Table of Comments

Technical Note – Applicants Clarification

Appendices: -

Appendix A: - Cycling Amenity Table

Appendix B: - Air Quality - updated table 8.9: measured no2 concentrations

Appendix C - 6461_summer-winter Wireframes (including 10-year planting).

Environmental Statement Addendum: Volume 1, Main Text (Revision 1.0, dated 06-08-21) incorporating the following chapters with Appendices:-

Chapter 1 - Introduction

Chapter 2 - The Site and Surroundings

Chapter 3 - Environmental Impact Assessment Methodology
Chapter 4 - Alternatives and Design Evolution
Chapter 5 - The Proposed Development
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Chapter 16 - Conclusions

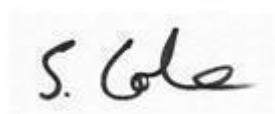
Environmental Statement Addendum: Volume 2, Appendices:-

Appendix 3.3 – Statement of Competence
Appendix 5.1 – General Arrangement of Proposed Wetland
Appendix 8.1-8.2 – Air Quality
Appendix 9.1-9.2 – Noise
Appendix 10.1-10.3 – Landscape
Appendix 11.5 – Baseline Ecology Appraisal
Appendix 12.1 – Flood Risk Assessment
Appendix 13.1 – Ground Conditions

Environmental Statement Addendum: Volume 3, Non-Technical Summary
(Revision 1.0, dated 05-08-21)

Response to Temple IRR, including Appendices
Response to Temple draft FRR

The Council as Local Planning Authority expects the above Conditions to be complied with promptly. Where Conditions require details or other matters to be approved by the Council prior to commencement or occupation of the development, these must be submitted to the Council for its consideration well in advance, to ensure that there is no delay or loss to your project. Failure to observe the Conditions may result in enforcement action by the Council.



Head of Planning and Development

Please refer to the statement of the Applicants rights following this decision and the general information enclosed with this notice.

19 January 2022
Our Ref PL010-231/LRH/CW

Mr P Hearn
Ashford Borough Council
Civic Centre
Tannery Lane
Ashford
Kent
TN23 1PL

1 London Road
Tunbridge Wells
TN1 1DH

O: 01892 509280
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by email only: peter.hearn@ashford.gov.uk

Dear Mr Hearn

Tenterden – S24

I write further to our letter of 11 January 2022 written in relation to the planning progress being made by our client, Morghew Park Estate, in relation to the site known as S24.

I can confirm that the owners are indeed aware of the provisions of the covenant over the land but are nevertheless pressing ahead with their plans to bring this site forward for residential development.

For the avoidance of doubt it should be understood that this is an Overage agreement and not a restrictive covenant.

Yours sincerely



Leo Hickish FRICS MBIAC

cc Kirsty Castle

Lindsay Goodyear

From: Nick Brandreth <Nick.Brandreth@lambertandfoster.co.uk>
Sent: 21 January 2022 16:57
To: Claire Marchant
Subject: Site Reference S32 Ham Street

[CYBER SECURITY WARNING] This email is from an external source - be careful of attachments and links. Please remember your Cyber Security training and report suspicious emails.

Dear Sirs

I can confirm the sale of the land identified at the above is with respective lawyers. It is our understanding the prospective purchaser has made independent pre-application enquiry with the Ashford Planning Development Control Team as to specific design proposals. Given these factors, I would anticipate an application being assembled for the spring.

Regards

N P Brandreth



Nick Brandreth B.Sc FRICS
Consultant

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Lindsay Goodyear

From: Mark Davies <mark.davies@ashford.gov.uk>
Sent: 25 January 2022 10:45
To: Lindsay Goodyear
Subject: FW: Planning Inquiry wates appeal 21/00790/AS land off Appledore/Woodchurch Road Tenterden

Hello Lindsay

Below is the reply from Kent Highways and Transportation commenting on the extent of the mitigation measures provided for the proposals subject to this appeal.

Regards

Mark

Mark Davies
Deputy Team Leader
Strategic Applications Team
Strategic Development & Delivery
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01233 330252

From: Matt.Hogben@kent.gov.uk <Matt.Hogben@kent.gov.uk>
Sent: 25 January 2022 10:37
To: Mark Davies <mark.davies@ashford.gov.uk>
Subject: RE: Planning Inquiry wates appeal 21/00790/AS land off Appledore/Woodchurch Road Tenterden

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Hi Mark,

The proposed highway mitigation measures proposed by the applicant and agreed with KCC Highways and Transportation are required to mitigate the impact of the development and there are no highways proposals by the applicant which fall outside the role of mitigation required.

The changes to the cycle times at the traffic signal junction on the A28 are slightly above what it is required in terms of providing capacity but this is merely a change to the cycle times and there is nothing else you can do to mitigate the impact of the development.

I'd therefore suggest that the measures are of very limited public benefit to the local highway network as a whole.

Regards

From: Mark Davies <mark.davies@ashford.gov.uk>

Sent: 25 January 2022 10:17

To: Matt Hogben - GT TRA <Matt.Hogben@kent.gov.uk>

Subject: Planning Inquiry wates appeal 21/00790/AS land off Appledore/Woodchurch Road Tenterden

Hello Matt

As you are aware there is an appeal on the Wates planning application refusal 21/00790/AS dealt with by way of public inquiry. Kent Highways and Transportation submitted comments on the application.

Can you clarify if the highway measures proposed are mitigation for the scheme or will deliver a public benefit that the council can reference for the appeal.

Regards

Mark

Mark Davies
Deputy Team Leader
Strategic Applications Team
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