

Officer's Assessment Sheet

Application Number	PA/2023/2005		
Type	Outline planning permission: All matters reserved		
Location	Four Winds, New Road, Egerton, TN27 9DT		
Proposal	Outline application for the erection of detached dwelling and detached garage with all matters reserved apart from access.		
Case Officer	Matthew Apperley		
Registration Date	27/10/2023	Consultation Ends	25/11/2023
Valid Date	27/10/2023	Deadline Date	18/09/2024
Applicant	Mr B Walker		
Agent	Mr John Escott		

Environmental Impact Assessment ---

Is EIA Required: No Reason:

RECOMMENDATION

Approve with Conditions

Site and Surroundings

The application site is located on the north eastern side of New Road and is located partially within the shown village confines (as shown within the Egerton Neighbourhood Plan) and partially adjacent to the said village confines (i.e. the majority of the rear amenity of Four Winds is located just outside the confines). The application site also forms part of the Egerton - Pluckley Greensand Fruit Belt Landscape Character Area, and is located within the Stour Catchment.

The site comprises of a residential plot with Four Winds (a two storey dwelling) and its access being located in the southern part of the application site and the remainder of the site forming residential amenity land.

To the north of the application site is an open grassed area (Orchard Nursery) allocated for housing within the Egerton Neighbourhood Plan, and which has recently been granted outline consent for 9 dwellings (PA/2022/2093). I would note at this point that the access for the Orchard Nursery development would run along the eastern section of the application site and is the same access as shown for this current application.

To the west of the application site are a number of residential properties in Stevens Close. To the east of the application site there is a parcel of land fronting onto New Road which is allocated for housing (indicative capacity of 15 units) in Policy S30 of the Local Plan. The allocated site is now being built out with a scheme for 15 two storey dwellings approved under application reference 20/01600/AS (approved July 2022). Lastly, to the south of the application site on the opposite side of New Road, there are some residential properties in Harmers Way, and behind (to the south west) them a further 13 houses have been approved at appeal (reference - 21/00627/AS - APP/E2205/W/22/3298686) in April 2023.

Proposal

Outline application for the erection of detached dwelling and detached garage with all matters reserved apart from access.

Relevant Planning History

11/01472/AS - Proposed new dwelling within the garden of Four Winds. Refused on 02/03/2012 on grounds relating to visual impact of the locality in the soft rural fringe of Egerton. This decision was subsequently upheld at appeal on 23/07/2012.

(Planning officer comment - I consider it important to note that there have been significant material changes / considerations since the refusal of the 2012 application. Firstly, the Council has a new Local Plan and there is also new national guidance (i.e. a new version of the NPPF). Secondly, there are now a number of new developments adjoining the site which would screen and reduce the visual impact of the proposed dwelling, in particular the 15 dwellings currently being built out to the east of the application site, and the 9 new dwellings recently granted outline consent to the north of the application site).

PA/2022/2093 - Outline application for the erection of 9 dwellings with formation of new access, to consider access and layout with all other matters reserved. Approved 16/07/2024.

(Planning officer comment: this application is located primarily to the north of this current application site, however it does share part of the proposed access way off New Road within Four Winds).

Planning Policy

The Development Plan for Ashford borough comprises:

- i. the Ashford Local Plan 2030 (adopted February 2019),
- ii. the Chilmington Green AAP (adopted July 2013),
- iii. the Wye Neighbourhood Plan (adopted March 2016),
- iv. the Rolvenden Neighbourhood Plan (adopted December 2019),
- v. the Boughton Aluph & Eastwell Neighbourhood Plan (adopted October 2021),
- vi. the Egerton Neighbourhood Plan (adopted March 2022),
- vii. the Charing Neighbourhood Plan (adopted July 2023),
- viii. the Pluckley Neighbourhood Plan Review 2023 (adopted July 2024),
- ix. the Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste Early Partial Review (2020).

Although not yet part of the Development Plan, the following emerging Neighbourhood Plans are a material consideration:

- i. Tenterden Neighbourhood Plan currently at Regulation 18 of the neighbourhood plan making process.

ii. Aldington & Bonnington Neighbourhood Plan currently at Regulation 18 of the neighbourhood plan making process.

The relevant policies from the Development Plan relating to this application are as follows:

Ashford Local Plan 2030

SP1 – Strategic Objectives
SP2 - The Strategic Approach to Housing Delivery
SP6 – Promoting High Quality Design
HOU3a - Residential windfall development within settlements
HOU5 – Residential windfall development in the countryside
HOU10 - Development of Residential Gardens
HOU12 – Residential Space Standards (internal)
HOU14 – Accessibility standards
HOU15 – Private external open space
ENV1 – Biodiversity
ENV3a – Landscape Character and Design
ENV4 – Light pollution and promoting dark skies
ENV7- Water Efficiency
ENV9 – Sustainable Drainage
ENV13 - Conservation and Enhancement of Heritage Assets
TRA3a – Parking Standards for Residential Development
TRA6 – Provision for Cycling
EMP6 – Promotion of Fibre to the Premises (FTTP)

Supplementary Planning Documents

Landscape Character SPD 2011
Residential Parking SPD 2010
Sustainable Drainage (SuDs) SPD 2010
Residential Space & Layout SPD 2011
Dark Skies SPD 2014
Fibre to the Premises SPD 2020

Informal Design Guidance Notes

Climate Change Guidance for Development Management 2022
Design Guidance Note 1: Residential layouts & wheeled-bins
Design Guidance Note 2: Screening containers at homes
Design Guidance Note 3: Moving wheeled-bins through covered parking facilities to the collection point

Village/Parish Design Statements / Neighbourhood Plans

Egerton Neighbourhood Plan

ENP P1 - Distinctive Landscape Character and Biodiversity
ENP P2 - Trees, hedges and woodland

ENP P6 - Light Pollution and Dark Skies
ENP D1 - Development principles
ENP D5 - Land at Orchard Nurseries
ENP D7 - Water supply and Drainage
ENP D8 - Renewable energy and climate change mitigation

Government Guidance

National Planning Policy Framework
Planning Practice Guidance

Representations

Egerton Parish Council - They support the proposal subject to the access being ok.

KCC Highways and Transportation - Initially they recommended the application be refused as the visibility available over land within the applicant's and/or the highway authority's control is insufficient for the development proposed, to the detriment of highway safety. They initially believed that the visibility splays in both directions went over 3rd party private land.

(Planning officer comment - following on from the above comments the applicant in this current application has also demonstrated in application reference PA/2022/2093 that the existing access onto New Road can be provided with acceptable visibility splays. KCC Highways and Transportation accepted in application PA/2022/2093 (for the same access) that the proposed visibility splay to the west can be provided either within highway land or land owned by the applicant. The applicant also showed that the visibility splay to the east was also on land in their ownership or on highway land. Consequently, KCC had no objections to the proposed access subject to conditions relating to the completion of the access and maintenance of the access and visibility splays being attached to any planning permission granted).

Neighbours - 20 Neighbours consulted and a site notice put up. 2 letters of support from the occupiers of Four Winds and 2 letters of objection from local residents were received. The letters of objection raise the following concerns:

- KCC Highways and Transportation department have recommended this application be refused because of their concerns over the access.
- A previous planning application reference 11/01472/AS for a detached dwelling was refused and many of the reasons for the rejection still remain valid.
- This proposed development will result in a loss of privacy and light from adjoining properties to the west and their gardens.
- The views from adjoining properties will also be impacted.
- The development will adversely affect the value of adjoining properties. (Planning officer comment - this is not a material planning consideration).

The letters of support raise the following points:

- The proposed building would be in keeping with the surrounding area, in particular with regard to the properties approved and being built at Henshaw Place.
- The size of the dwelling and its garden would be in keeping with the surrounding area.
- A previous application was previously refused years ago primarily because the impact of the view from the road when approaching Egerton. However, this is no longer valid as the development at Henshaw Close now blocks these views.
- The new dwelling would not impact adjoining neighbours amenities.
- The additional house would be beneficial for the housing stock.

Assessment

The main considerations in the assessment of this application are considered to be:

- Principle
- 5-Year Supply
- Character and appearance
- Residential amenity
- Highway safety and parking
- Trees / Ecology
- Flooding and drainage

Principle

The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan (including the adopted Egerton Neighbourhood Plan). Decisions should be taken in accordance with the policies in such plans, unless material considerations indicate otherwise.

The site lies partly within the settlement confines of Egerton and partly outside of the said confines. Consequently, the scheme will need to be assessed against policies HOU3a, HOU5 and HOU10 of the Local Plan. Policy HOU5 relates to residential windfall development in the countryside. It is in line with paragraph 84 of the NPPF and comprises two parts. This application would relate to the first part of the policy. The first part of HOU5 allows for residential development adjoining or close to the built up confines of the settlements listed. Parts (b) and (d) of the first part of policy HOU5 refer to accessibility to basic day to day services and public transport links. As a guide, supporting paragraph 6.58 of the policy preamble suggests that a walking distance of around 800m to local services/facilities is generally considered to be sustainable, although the specific local context may mean a higher or lower distance would be a more appropriate guide.

The nearest settlement to the site, listed within the policy, is Egerton, where a limited number of day-to-day services can be found. The Egerton Church of England Primary School is approximately 250m walk away from the site, the village shop is located approximately a 300m walk away from the site and the Egerton Millennium Hall, and various sports facilities and open recreation grounds are located approximately 350m walk away from the site. There is also access to a limited bus service within the village which

provides additional access to more services within Ashford. Overall, I consider that the site is sustainably located with regard to access to local services and would allow future residents the option to walk to the said services. Thereby, complying with the sustainability criteria in both the Local Plan and the NPPF. Therefore, as long as the proposal complies with more detailed criteria relating to visual amenity, highway safety, residential amenity and ecology, I am of the view that the principle of development complies with policy HOU5.

The site is surrounded by existing and approved residential properties, with older dwellings to the west and south, brand new houses to the east and a scheme for 9 dwellings approved to the north. The proposal is for a relatively modest scale dwelling which I believe can be satisfactorily integrated into the existing settlement. Therefore, as long as the proposal complies with more detailed criteria relating to visual amenity, highway safety, residential amenity and ecology, I am of the view that the principle of development also complies with policies HOU3a and HOU10.

Five year housing supply

The Council's latest Housing Land supply position 'Five Year Housing Land Supply Update 2024-2029' was published in September 2024 and concludes that the Council can demonstrate 4.39 years' supply of land for housing. With this being the case the Council accepts that it is unable to demonstrate a five year supply of housing land in the Borough and so paragraph 11(d) of the NPPF is engaged. Paragraph 11(d) of the NPPF states:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

In light of the above and in the absence of the proposal harming any protected assets / areas, I note that the presumption in favour of sustainable development as referenced in paragraph 11 (d) of the NPPF would apply in this instance. For the sake of completeness I wish to add that the policies of the development plan relevant to this application are consistent with the aims and policies of the NPPF and should therefore be given substantial weight in the determination of the application.

Character and Appearance

This application is in outline form with all matters reserved except for access. I would note that the access arrangements running along the eastern side of the site have already been found to be acceptable in application reference PA/2022/2093, as that approved scheme would utilise the same access.

The proposed single dwelling would be surrounded by residential properties with the housing to the west and north west in Stevens Close, the new housing development for 15 houses to the east and in addition to that there is the recent approval for 9 dwellings to the

north of the site, which is also a significant material consideration in the determination of this application. Bearing the above in mind I am of the opinion that the siting of a single dwelling in the rear garden of Four Winds would respect the built form of the locality and would not appear intrusive or incongruous within the area. I note that a previous application for a dwelling at the site was refused approximately 12 years ago. However, there have been significant material changes both in planning policy terms and in the contextual analysis of the site. The relatively large housing development to the east of the site, which is nearing completion would screen the proposed dwelling from views from the wider public realm from New Road and from the public footpath to the east of the adjoining development site. Furthermore, the approved development to the north of the application site, would if built, provide even more screening for the current single dwelling. Consequently, I am of the opinion that the proposal would not appear intrusive or incongruous within the wider locality.

This outline application relates solely to the principle of development and the means of access to the site. The access to the site will be discussed later in the report. Issues relating to the layout, appearance, scale and landscaping would all be considered at a later stage in reserved matters application(s). The applicant has provided an indicative layout showing a new dwelling and 2 detached garages (one for Four Winds and one for the proposed dwelling) in the rear garden of Four Winds. The illustrative plan indicates that the site has adequate space to accommodate a new appropriately sized dwelling, acceptable levels of amenity space provision for both Four Winds and the new dwelling (in accordance with policy HOU15) and the ability to provide appropriate parking provision for both dwellings (in accordance with policy TRA3a). As per the nature of such outline applications, the exact details (including the layout of the development, the size of the property, the number of bedrooms, and its design and appearance) will need to be considered and agreed at a later date. Overall, I am satisfied that subject to the reserved matters being agreed, the principle of siting a new dwelling would be visually acceptable in this garden plot.

Residential Amenity

The submitted plans indicate that the proposed dwelling would be sited significant distances away from Four Winds itself, and also from the adjoining neighbours to the west in Stevens Close and the new dwellings recently built in Henshaw Place to the east of the site. The proposed dwelling is also shown as being significant distances away from the approved houses in the recently approved development to the north of the site as well. I am satisfied that the proposed dwelling could be designed and laid out in such a manner so as to ensure that it would not create issues of overlooking and overbearing impact to adjoining occupiers. Once again these issues would be dealt with at the reserved matters stage.

Given the scale of the application site I am of the opinion that a dwelling which meets the appropriate internal and external space standards could be erected at the site, and which would provide an acceptable level of amenity provision for both the occupiers of Four Winds and future occupiers of the proposed dwelling. All rooms would need to be afforded appropriate outlooks and luminance, which again I believe could be achieved on this site. The exact details of the dwelling design and layout would have to be considered in detail in the reserved matters stage.

Highway safety and parking

Following much discussion regarding land ownerships in New Road, KCC are now satisfied that sufficient visibility splays can be provided both to the north and south of the access for the scheme that are either within the ownership of the applicant or the Highway Authority. It would need to be conditioned that also visibility splays are provided in a satisfactory manner before the development hereby approved is first commenced.

As highlighted previously this proposal would utilise the same access way as the approved development to the north of the site (application reference PA/2022/2093). KCC Highways and Transportation considered the potential traffic generation from the approved 9 houses to the north of the site to be acceptable, and I do not consider that the addition of an additional dwelling using this access would cause concern with regard to its impact on the wider highway network. Therefore the proposal would not detrimentally impact the free flow of traffic in New Road.

The access layout is adequate for a development of this size. The applicant supplied vehicle track drawings with application reference PA/2022/2093 which demonstrated that an 11.6m refuse vehicle (and so by default a fire engine, ambulance and supermarket delivery van) can safely access and turn around within the site to the north, and by default this application site. As the proposed access would be a private road it is considered that an indemnity would need to be agreed for Council refuse vehicles using the private access / road. This is a matter to be agreed outside of this planning application, however, an informative relating to this should be added to any permission.

Policy TRA3a sets out the required parking standards for new residential development but also permits flexibility, for example where there is a good level of accessibility to shops and services and a good level of non-car access. The plot is large enough to provide suitable parking for Four Winds and an appropriately sized dwelling in the rear of the site. Parking provision would have to adhere with the requirements of Policy TRA3a, which is something which will be addressed via considering the layout reserved matters at a later date. Subject to conditions requiring the provision of details of Electric Vehicle Charging infrastructure and details of enclosed and secure cycle parking for all dwellings (in accordance with Policy TRA6), I consider that the car and cycle parking arrangements are capable of being delivered in accordance with relevant planning policy.

With regard to the fact that future occupiers of the site would have to walk along the proposed shared access way to get to New Road, I am of the view that given the limited intensity of the proposed development and the proposed access way, it would be reasonable to consider the said access to be a shared surface suitable for both vehicles and pedestrians to use. I consider it important to note that the said access way would also incorporate a passing bay and traffic calming measures which would help to reduce potential conflict further.

In light of the above, I am satisfied that the proposed development would not result in unacceptable harm to highway safety.

Trees / Ecology

Policy ENV1 sets out that proposals will be supported where biodiversity is conserved or enhanced. Any harm to biodiversity should be mitigated, with the preference for on-site mitigation. The site is not subject to any national or local nature conservation designations and comprises of a typical residential garden. The proposal would offer scope for ecological and biodiversity enhancement / net gain at the site. This would include through the introduction of onsite native landscaping, hedgehog nesting boxes, gaps under fencing to allow hedgehog access, integrated bird and bat bricks and external bird and bat boxes. Further details can be secured by condition in accordance with Policies ENV1 and ENV4. I would highlight that this application was submitted before the requirement for 10% BNG was mandatory for such applications. Therefore, a prescriptive biodiversity enhancement figure is not relevant in this instance.

There will be some trees which are lost as a result of the scheme, however, these would all be category C trees. Trees graded in Category C are not considered to be of such value as to impose significant constraints to the proposed development of the site, with any amenity value lost suitably replaced through a well designed landscaping scheme to be agreed at a reserved matters stage. I would note that some of the trees lost on the proposed access way would also be replaced with new trees in the adjacent site.

Surface and Foul Water Drainage

The site lies outside of Flood Zones 2 & 3 and is therefore at a very low risk of flooding. There are also no reports or records of localised surface water flooding issues at the site or within the vicinity of it. Although the site is indicative, I am of the view that an appropriate SUDs scheme for the site and an associated verification report being imposed can be secured via condition. The proposal would therefore be compliant with policy ENV9 of the Local Plan.

Foul water will be dealt with via mains drainage. The applicant would need to enter into an agreement with Southern Water for them to be able to connect to the main sewer. A foul drainage condition is proposed to ensure the most sustainable solution is pursued and to comply with the Habitat Regulations (see section on Stodmarsh below).

Impact upon designated sites (Stodmarsh)

The proposed development is located within the Stour catchment. In July 2020, Natural England (NE) issued an Advice Note to Ashford Borough Council titled 'Advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites – For Local Planning Authorities'. This Advice was then updated in November 2020, March 2022 and February 2024. The Advice note sets out that there are excessive nitrogen and phosphorus levels in the Stodmarsh Lakes, and so the water within the Lakes is in an unfavourable condition and has the potential to further deteriorate.

In line with established case law and the 'precautionary principle', Natural England advise that applications for certain types of development (including housing) within the Stour River catchment which discharges wastewater into a Wastewater Treatment Works located within the Stour catchment should be the subject of an Appropriate Assessment under the Habitat Regulations.

Whilst the site does lie within the operational catchment of the River Stour, the site would discharge its foul water to the Egerton Wastewater Treatment Works, which is located outside the River Stour catchment. The Egerton Wastewater Treatment Works discharges the treated wastewater into the River Beult catchment. The wastewater from the proposed development would not enter the River Stour and therefore the proposed development would not be affected by the Nutrient Neutrality advice issued by Natural England and an Appropriate Assessment is not required. This therefore makes the site immediately deliverable and not dependent on Stodmarsh mitigation measures.

Any Other Issues

Archaeology

KCC Heritage confirmed that they were satisfied that the housing scheme to the north of the application site and the proposed access which is shared with this current development would not result in any archaeological issues and they do not require any further information to be provided via condition. On this basis and given the residential garden nature of this site, I am satisfied that no further archaeological information is required.

Contamination

The application site is currently residential garden land and the Phase 1 land contamination report (Lustre R142-PH1-01.0_4640 Mar 22) undertaken for the adjacent site (reference PA/2022/2093) also covered this application site. The report stated that "domestic dwellings represent a minor contaminative land use with the potential introduction of contaminants into the subsurface, typically through bonfires and spreading of ash in the garden. In addition, where former buildings/sheds have been demolished waste materials may have been spread across the site. Evidence of burning ground and waste materials were identified on ground surface during site walkover. As the investigation has identified the potential for minor land contamination on isolated areas of the site (burn site and areas of waste material such as tyres). The report requests that a Phase 2 site survey is undertaken and a watching brief for signs of potential contamination during construction. Consequently, a suitably worded contamination condition should be imposed upon this permission.

Working with the applicant

In accordance with paragraph 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation and the decision notice.

Human Rights

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 represents an

appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties) and the wider public interest.

Conclusion

In light of the above assessment I am satisfied that the proposed development would comply with the requirements of Development Plan policy and Central Government guidance. I therefore recommend that outline planning permission is granted subject to conditions.

Conditions:

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

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 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 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Description	Date
Proposed site Layout - NR 675 SP50	27 October 2023
Location & Block Plan - NR 675 BP50 Rev A	27 October 2023

Reason: For the avoidance of doubt and in the interests of proper planning.

- 4 Prior to the commencement of the development, a scheme to deal with contamination of land and/or groundwater shall be submitted to and approved in writing by the Local Planning Authority and no development shall commence until the measures approved in that scheme have been implemented.

The investigation report shall be conducted and presented in accordance with the guidance in CLR11 "Model Procedures for the Management of contaminated land" published by the Environment Agency. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

- A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until: The requirements of the Local Planning Authority for site investigations have been fully established, and The extent and methodology have been submitted to and agreed in writing by the Local Planning Authority. A full copy of a report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority without delay upon completion.
- A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme.
- A full copy of the completion report confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To control pollution of land or water in the interests of the environment and public safety.

- 5 No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction and Transport Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Construction and Transport Management Plan shall include, but not be limited to the following:

- a) Details of areas for the parking, loading and unloading of plant and materials, and provision on site for turning for personnel, delivery and construction vehicles;
- b) Details of areas for the storage of plant and materials;
- c) Details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances;
- d) Provision of measures to prevent the discharge of surface water onto the highway.
- e) Details of noise management and dust suppression; and
- f) hours of operation.

The approved Management and Transport Plan shall be adhered to throughout the duration of the demolition and construction period.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in the interest of the amenity of local residents.

- 6 No development shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface water have been submitted to and approved in writing by the Local Planning Authority. The submitted system shall comprise retention or storage of the surface water on-site or within the immediate area in a way which is appropriate to the site's location, topography, hydrogeology and hydrology. The submitted system shall be designed to avoid any increase in flood risk, demonstrate that the scheme will avoid any adverse impact on water quality / controlled waters, achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted

October 2010, promote biodiversity, enhance the landscape, improve public amenities, return the water to the natural drainage system as near to the source as possible and operate both during construction of the development and post-completion. The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance).

The approved system shall be provided in accordance with the approved timetable. The approved system shall be maintained in accordance with the approved details and shall be retained in working order until such time as the development ceases to be in use. If the proposed surface water discharge point is to be the existing public sewer the applicant must provide written confirmation from Southern Water of their agreement to the proposals.

Reason: In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Policy ENV9 of the Local Plan.

- 7 Details of the measures proposed to prevent the discharge of surface water onto the highway shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and maintained thereafter in accordance with the approved details.

Reason: In order to reduce the impact of the development on flooding, manage run-off flow rates, and to protect highway safety.

- 8 The approved development shall be carried out in such a manner as to avoid damage to the existing trees within and adjacent to the application site, including their root systems, and other planting to be retained by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with a Tree Protection Plan and Arboricultural Method Statement to be submitted to and approved in writing by the Local Planning Authority before work commences. The approved tree protection measures shall then be implemented before commencement of any works on site and 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 50mm 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, except as may be otherwise agreed in writing by the Local Planning Authority;

(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; and

(f) 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 trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

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 in accordance with Policy ENV1 of the Local Plan.

- 9 The visibility splays as shown on the submitted plan (NR/675/SP-50) within which there shall be no obstruction in excess of 0.9m in height above the carriageway level within the splays on land owned either by the applicant or by the Highway Authority, shall be provided at the access prior to the use of the site commencing and the splays shall be so maintained at all times.

Reason: In the interests of highway safety.

- 10 Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all residential buildings. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction.

Reason: In the interests of providing good broadband connections.

- 11 Within 3 months of works commencing an ecological enhancement plan must be submitted to the Local Planning Authority for written approval. It must include the following:
- Plan showing the location of habitat creation and enhancement features.
 - Details of habitats to be created/enhanced within the site.
 - Details of how the habitats will be established and managed long term.
 - Types of ecological enhancement features to be integrated in to the buildings and erected within the site.

The plan must be implemented as approved within 3 months of the occupation of the dwelling hereby permitted.

Reason: In the interests of the ecology of the site / surroundings and amenities of the locality.

- 12 Prior to the occupation of the dwelling hereby approved, details of proposed external lighting within the development (including lighting attached to buildings, in the parking areas, and in the communal areas) shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the approved details and maintained thereafter.

Reason: In the interests of the ecology of the site / surroundings and amenities of the locality.

- 13 Details of walls and fences to be erected within the development (including any boundary treatments) shall be submitted to and approved in writing by the Local Planning Authority before the development is first occupied. The walls and fences shall then be erected before the development is first occupied unless previously agreed in writing by the Local

Planning Authority.

Reason: In the interests of visual and residential amenity.

- 14 The dwelling hereby approved shall not be occupied until space has been laid out and equipped within the site for covered bicycle storage for both Four Winds and the approved dwelling, in accordance with approved details that shall be submitted to the Local Planning Authority. Such approved covered bicycle parking shall be retained in perpetuity.

Reason: To ensure the provision and retention of adequate off-street parking and storage facilities for bicycles in the interests of highway safety and to promote cycle use in the interests of facilitating more sustainable patterns of movement related to local trips.

- 15 The dwelling hereby permitted shall not be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable 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; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

- 16 The dwelling hereby approved shall not be occupied until works for the disposal of sewage have been provided to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such approved works shall be appropriately retained and maintained in perpetuity.

Reason: To avoid pollution of the surrounding area.

- 17 Full details of facilities to accommodate the storage of refuse and material for recycling for Four Winds and the approved dwelling and its collection by refuse vehicles shall be submitted to and approved in writing by the Local Planning Authority before the dwelling hereby approved is first occupied. The approved details shall be implemented before the occupancy of the dwelling hereby approved. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any other Order or any subsequent Order revoking or re enacting that Order, such approved facilities shall be retained in perpetuity and access thereto shall not be precluded.

Reason: To ensure satisfactory arrangements are put in place and retained in perpetuity for the collection and storage of refuse and recycling.

- 18 Prior to the development hereby approved first being occupied, details of the proposed traffic calming measures for the development shall be supplied to and approved in writing by the Local Planning Authority and maintained in accordance with the approved details thereafter.

Reason: In the interests of highway safety.

- 19 Prior to the first occupation of the dwelling hereby approved, the property shall be provided with at least one electric vehicle charging point. The charging point may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The charging point shall thereafter be retained available, in a working order for the charging of electric vehicles.

Reason: To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles.

- 20 The dwelling hereby approved shall not be occupied, until it has been constructed and fitted out to ensure that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day, as measured in accordance with a methodology approved by the Secretary of State, and a copy of the Notice required by the Building Regulations 2010 (as amended) confirming this, shall be submitted to the Local Planning Authority.

Reason: In order to set a higher limit on the consumption of water by occupiers as allowed by the Building Regulations 2010 (as amended) and increase the sustainability of the development and minimise the use of natural resources pursuant to policy ENV7 of the Ashford Local plan 2030 and guidance in the NPPF.

- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the dwelling hereby approved shall only be occupied as single dwelling houses as described by Use Class C3 of the Town and Country Planning Use Classes Order 1987 as amended.

Reason: To ensure that car parking provided within the development remains adequate to meet the needs of the occupiers of the development and to protect the amenities of future occupiers of the development.

- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no development shall be carried out within Classes A, B, C, D and E of Part 1 of Schedule 2; and Class A of Part 2 of Schedule 2 of that Order (or any Order revoking and re enacting that Order), without prior written approval of the Local Planning Authority.

Reason: In the interests of protecting the character and appearance of the locality.

- 23 Reporting of Unexpected Contamination

Part 1 - If unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2.

Part 2 - Following completion of the remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be prepared and

submitted for approval in writing by the Local Planning Authority.

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.

Informatives:

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

In this instance, the application was acceptable as submitted and no further assistance was required. The application was determined in a timely manner.

- The applicant is reminded of the need for the development to satisfy the requirements of the Building Regulations and in respect of climate change in particular the following documents:
 - Approved Document L (Conservation of fuel and power),
 - Approved Document F (Ventilation),
 - Approved Document O (Overheating),
 - Approved Document S (Infrastructure for electric charging vehicles).
- The applicant should note that an Ashford Borough Council refuse freighter will not normally pass onto private land as part of refuse collection of waste from homes and so Council collection cannot be assumed unless an Indemnity Agreement is agreed with the Council. The applicant is invited to contact the Council's Street Scene and Open Spaces Officer within the Environmental and Contacts Department to discuss this matter further (tel: 01233 330603).
- KCC Highways & Transportation Informative(s)

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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. Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highwayspermissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.