

Officer's Assessment Sheet

Application Number	PA/2022/2093		
Type	Outline planning permission: Some matters reserved		
Location	Four Winds, New Road, Egerton, TN27 9DT		
Proposal	Outline application for the erection of 9 dwellings with formation of new access, to consider access and layout with all other matters reserved.		
Case Officer	Matthew Apperley		
Registration Date	01/09/2022	Consultation Ends	
Valid Date	26/07/2022	Deadline Date	16/07/2024
Applicant	Lansdown Asset Management		
Agent	Mr John Escott		

Environmental Impact Assessment ---

Is EIA Required: No Reason:

RECOMMENDATION

Approve with Conditions

Site and Surroundings

The application site covers an area of approximately 0.49 hectares, and is situated on the north eastern side of New Road and is located immediately to the east of the village confines of Egerton (as shown within the Egerton Neighbourhood Plan). I would note that Four Winds itself is located within the shown village 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 southern part of the application site comprises of the existing access to Four Winds and an existing strip of land in the eastern section of the Four Winds plot. The main northern part of the application site consists of an open vegetated area which was formerly used as Orchard Nurseries.

It is important to recognise that the application site is a site allocated for eight dwellings suitable for occupation by older persons via Egerton Neighbourhood Plan Policy ENP D5.

To the north and east of the application site are open fields, to the west of the application site are a number of residential properties accessed off The Street and to the south west of the application site there are more residential properties in Stevens Close. To the east / south 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 9 dwellings with formation of new access, to consider access and layout with all other matters reserved.

Relevant Planning History

PA/2023/2005 - Outline application for the erection of detached dwelling and detached garage with all matters reserved apart from access. Pending Consideration.

(Planning officer comment: this application is located to the south of the main part 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 Pluckley Neighbourhood Plan (adopted April 2017),
- v. the Rolvenden Neighbourhood Plan (adopted December 2019),
- vi. the Boughton Aluph & Eastwell Neighbourhood Plan (adopted October 2021),
- vii. the Egerton Neighbourhood Plan (adopted March 2022),
- viii. the Charing Neighbourhood Plan (adopted July 2023),
- 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 Pluckley Neighbourhood Plan Review currently passed Referendum.
- ii Tenterden Neighbourhood Plan currently at Regulation 18 stage of the neighbourhood plan making process.
- iii Aldington & Bonnington Neighbourhood Plan currently at Regulation 18 stage 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
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 2023
Planning Practice Guidance

Consultations

Cllr Mulholland (former Ward Member) - fully supports the development.

Cllr Brunger-Randall (Ward Member) - has verbally confirmed that she has no objection to the proposal.

Egerton Parish Council - They fully support this application, and I would summarise their comments as follows:

- They would like to thank the planners for working with the developer for what they hope will be a positive outcome for this important development.
- An approval of the revised layout which now includes some smaller dwellings, would enable implementation of several policies in the Egerton Neighbourhood Plan and in particular Policy D5, adopted and thus part of the Ashford Local Plan. This would also meet the interests of a high proportion of Egerton's residents who are keen to support the overall aims of the Egerton Neighbourhood Plan.
- As the application is in outline form, they consider that minor changes can be made after approval to help maximise village approval.
- The objectors are not objecting to the principle of older peoples housing as voted for in the Neighbourhood plan but rather they have fixed ideas about its implementation.
- The Parish highlights that the village needs older people's accommodation, NOT Bungalows as these are available in the village but due to their large size and prominent position are expensive. The plan was always to get a mix of houses designed with those seeking to downsize within the village to a new home that would offer a nice place to live that would also support them in the event that they lost mobility or suffered other disabilities that meant adapted homes would be needed.
- Furthermore, the proposal meets the needs of older people as highlighted in the NPPF and in associated policy documents which state the rationale for flexibility and variety in the design and type of accommodation for older people.
- The mix of single-storey and two-storey homes on this site provide for a variety of situations, bearing in mind that not all older people wish to live in bungalows: some prefer to sleep upstairs; there is capacity for lifts if needed; others may have visitors or carers who can easily be accommodated on an upper floor, thus keeping the footprint of the dwelling to a modest scale on what would otherwise be an awkward site for all being bungalows. During the course of negotiations with prospective developers and with legal advice it did not prove possible to place direct restrictions on the occupation of the properties by older people. However, an agreement with the current developer will enable local older people to have first opportunity to purchase one of the dwellings before they are offered for sale on the open market. There will be scope to secure undertakings from the first owner-occupiers to use a locally-run register of future interested local older buyers to sell on later within the village rather than use a commercial estate agent.
- The objections regarding the sight lines towards the village are equally puzzling. Four winds will be owned by the developer and the sight lines extended and cleared to more than cover the view required to safely enter and exit the development. This

will not be a high volume of traffic even with the additional owners within the other two developments approved.

- Contrary to the views of a minority of residents who have commented adversely on this application in its various stages, Orchard Nurseries was donated by Derek Marks to the village in the custody of the Parish Council, with no restrictions / stipulations whatsoever as to its use. Indeed, it was the Parish Council's own suggestion to Derek Marks that it might be a useful site to develop homes that could be suitable for Egerton's older residents wishing to remain in the village but whose existing houses no longer met their needs. Derek Marks did not stipulate that the Parish Council had to adhere to that use or the types of houses built on it. Some people have been misinformed by rumours circulating on social media against this development, for reasons unknown, and this has given rise to unfounded adverse reactions to development on this site aside from standard comments made by neighbours when development is in prospect.
- The teams of people have strived to produce a development that meets the needs of the village, protects the view from New Road of the church and will raise the funds to allow the building of the Pre-school approved to be built on the existing school site. This development is essential for the future of the village following High Court conformation we are a sustainable village despite the lack of a bus service. It is great news that the local shop will reopen within easy walking distance of the Orchard Nursery development.
- Failure to approve this site will result in a land locked site, unsuitable for renaturing and inaccessible for anyone without permission from Four Winds. I fear it will become a dumping ground and abused only by those gaining illegal access for potentially illegal purposes. It would be a travesty if land within the village curtilage was wasted when good farming land on the edge of the village is eaten up.

KCC Highways & Transportation - They advise that the amended visibility splay plan as dated 17th June 2024 on the ABC website, demonstrates the proposed visibility splay to the west can be provided either within highway land or land owned by the applicant. Therefore they have no objections to the application subject to planning conditions relating to a construction management plan, surface water drainage on the highway, retention of turning areas and parking, removal of doors to car ports, cycle storage, completion of the access and maintenance of the access and visibility splays being attached to any planning permission granted.

KCC Heritage - They highlight that the proposed development site lies to the south of a Bronze Age barrow and burial site. The barrow is Scheduled Monument. Prehistoric or later remains associated with this burial site may survive nearby including within the application site. In view of the archaeological potential they initially recommended a condition relating to archaeological field evaluation works and a WSI. However, The applicant subsequently provided an archaeological evaluation, done by CAT in October 2022. KCC Heritage have received an Evaluation Report and this is now, hopefully on the Kent HER. No archaeological remains were located. On the basis of this report, it seems unlikely that any archaeology survives on the site. There is always the chance of some isolated finding popping up but they do not consider that further formal archaeological works are needed. On the basis of the CAT report KCC Heritage do not see the need to recommend any condition requiring archaeological work.

KCC Ecology - Aerial imagery for the site is available up to 2022 date (Google Earth Pro, accessed January 2023) and shows that the site is vegetated (potentially brambles). The submitted Ecological Impact Assessment (EclA) with site visit undertaken in September 2023 indicates that the site had recently been cleared from the site at the time of the site visit. They advise that the site clearance works resulted in a loss of habitat within the site and was likely to result in a breach of wildlife legislation. However, they do not object to the proposal, and suggest that if planning permission is granted an ecological enhancement plan must be submitted demonstrating that habitat creation works will be implemented within the redline boundary or land within the applicants ownership and enhancement features will be incorporated in to the buildings and sites. They suggest the imposition of conditions relating to an ecological enhancement plan and external lighting upon any permission.

Environmental Protection Team - No objections subject to the imposition of conditions in relation to contamination and an informative relating to construction methods.

Southern Water - With regard to Foul and Surface Water Drainage they highlight that a formal application for a connection to the public foul sewer would need to be made by the applicant or developer to Southern Water. The application makes mention of using a SUDS to dispose of surface water, they request a condition be placed upon any permission, so that such details can be agreed via the LPA at that stage. They also request the imposition of an informative relating to potential public foul sewers within the site.

Neighbours - 33 neighbours were originally consulted on the scheme and a total of 13 letters of objection and 6 letters of support were received.

The letters of objection raised the following points:

- They don't object (actually support) the principle of residential on the site for older people. That's why land gifted to Parish in the first place.
- Local older people don't require such large houses.
- Only 1 bungalow and the rest 2 storey. Need more bungalows.
- With other housing development in the area, the village doesn't need more houses, it needs more bungalows.
- The scheme should comprise of smaller housing appropriate for people downsizing.
- Single storey dwellings would be consistent with protecting views in the area.
- The bungalow roof should respect the appearance of adjoining bungalows adjacent to the site.
- 2 storey houses visually unacceptable in this location.
- Lack of wheelchair accessible housing.
- Lack of information relating to protecting character (i.e. retaining trees).
- It should be conditioned that the scheme should be for over 55's only.
- Ecology must not be underestimated and surveys must be carried out to protect any wildlife on site.
- No consideration regarding the old trees on site (in particular along the northern and eastern boundaries of site).
- Inadequate sightlines at the access.
- No pavement along the access in order to allow residents to walk to village.

- Only one passing bay on the access way.
- Solar panels and electric vehicle charging points should be provided.
- Detrimental impact of access way on the adjoining Four Winds residents in terms of noise and disturbance generated.
- More refuse analysis needed.
- No affordable housing provided.

The letters of support make the following points:

- The proposal meets local needs for older person housing, allowing local older people to downsize. Therefore the scheme 'frees up' other larger houses in the village for other families to use.
- The dwellings are designed to meet the needs of older people as per the requirements of the Neighbourhood Plan.
- This is an outline application and plans could be amended in the future to more suitable for older people is required.
- The dwellings should be first offered to local people.
- Great benefit for the village.
- The scheme is visually pleasing.
- The dwellings would appear similar to other houses in the village and would not "create an impression of being an older persons enclave."
- Very good location for older people to live as the site is near the heart of the village and very near various services.
- The scheme would allow a neglected / potentially land locked site to come forward for a needed use.
- No need for affordable housing provision as the scheme is for people downsizing to smaller properties.
- Affordable housing provision is dealt with / identified elsewhere in the village.
- Older person housing (i.e. over 55's) does not have to be single storey. Such housing is not intended for people solely with mobility issues.
- Homes can be retro fitted if needed in the future.

The applicant amended the layout and detail of the scheme in June 2023 to try and address concerns raised by the LPA. The description of development was also amended to include layout. Lastly, the application also provided additional plans / documents relating to tree surveys, tree protection plans, an arboricultural assessment, a contamination report, and a heritage impact assessment. A re-consultation was carried out in light of the changes to the scheme and the new information provided. In response to the re-consultation a total of 4 letters of objection (including 2 from objectors who previously commented) and 4 letters of support (including 1 from a supporter who previously commented) were received.

The letters of objection raised the following concerns:

- The scheme is an overdevelopment of the site - especially with the large car ports.
- In the revised layout plots 3 and 4 are the tallest properties and will be located in the highest part of the site. Rather they should be located on a lower part of the site adjacent to the new development to the east of the site.

- The proximity of Plots 3 and 4 to adjoining bungalow properties would harm existing residential amenity.
- Plot 3 would not be in keeping with surrounding bungalows with the steep roof slope.
- Issues raised with the lack of pavement in the accessway and highway safety.
- Concerns over unacceptable visibility splays at access and highway safety issues.
- The scheme would be a dangerous over intensification of the access.
- A detailed ecology survey would condition would need to be added to any permission.
- An age appropriate condition for the dwellings would also need to be added to any permission.
- The proposed access would detrimentally impact the amenities of the occupiers of Four Winds.
- Dissatisfied that there has been some scrub clearance on site.

The letters of support made the following comments:

- The scheme is in accordance with the requirements of the Neighbourhood Plan and fulfils a recognised need within the village.
- The scheme addresses the needs of local people within the village and frees up housing elsewhere within the village for families etc...
- The proposal would not harm views in the area, especially in light of the adjacent housing development which is being built.
- Profits from the sale of the properties / land will go to Egerton Parish Council to use on various village projects.
- There will be flexibility in the use of the buildings (i.e. could have wet rooms and lifts added).
- Older people do not have to live in bungalows.
- Important to note that a number of properties also have bedrooms downstairs, which further helps their flexibility of use.
- Any permission should be conditioned that the properties should be offered to local people over 55 in the first instance and then to other over 55's elsewhere.
- Already enough affordable housing within the village.
- The scheme would appear as a high quality development that is sympathetic to the surrounding locality.
- The scheme is accessible and safe.
- The proposal would help older people live independently for longer.

A further re-consultation was carried out in December 2023 following the applicant amending the layout and detail of the scheme once again to try and address further concerns raised by the LPA. Furthermore, the applicant also provided additional documents relating to ecology surveys and a swept path analysis. In response to the re-consultation a total of 11 letters of objection (including 7 from objectors who previously commented) and 4 letters of support (including 2 from supporters who previously commented) were received.

The letters of objection raised the following comments:

- Previous comments are still relevant.
- Pleased to see increase in bungalows but concerned over height of 3 bed chalet bungalow near the properties to the west of the site. Tall buildings should be located in the eastern section of the site.
- Still too many large houses not bungalows.
- Adjacent new dwellings to the west (Bramleys and Cherrywood) had to be single storey in order to be visually acceptable.
- The proposal would still be overdeveloped.
- Concerned about the access visibility splays and safety of access way.
- Insufficient car parking and cycle parking.
- The proposal would be an over intensification of the existing access (9 dwellings in this application + Four Winds + the new dwelling proposed in the rear garden of Four Winds).
- Sewerage disposal needs to be taken into account.
- The scheme does not provide the bungalows allegedly wanted by the previous owner.

The letters of support make the following comments:

- Similar comments as before.
- The scheme reflects the requirements / guidance of the Neighbourhood Plan and the NPPF.
- The layout of the scheme is pleasing and the design of the homes reflects the principles of the Neighbourhood Plan.
- The internal design of the dwellings has been considered with older people in mind. They would also be adaptable and allow visitors / carers to stay over.
- Provides suitable accommodation for older local people to move into, which is close to local amenities.
- Modest design and scale compared to the adjacent housing scheme approved to the east of the site.
- The scheme would be an attractive addition to the village built landscape and avoids appearing as an obvious older persons enclave.
- The development would unlock a great resource for the village. Otherwise the site would become landlocked and be a waste.
- Any argument with regard to protecting views of the village church have been lost by the adjacent housing developments.

A site notice was put up regarding the development in the beginning of 2024 and a final re-consultation was carried out in March 2024 following the applicant amending plots 1 and 2 from 2 x 4 bed houses to 2 x 2 bed bungalows. In response to the re-consultation a total of 10 letters of objection (including 8 from objectors who previously commented) and 7 letters of support (including 5 from supporters who previously commented) were received.

The letters of objection raised the following concerns:

- Pleased that 4 bed dwellings have been replaced with smaller bungalows.
- The amended bungalows should be at plots 3 and 4. Same concerns over impact of plots 3 and 4 (particularly height) on the adjoining properties.

- Taller properties should be located in the eastern section of the site (lower parts of the site).
- The access road onto New Road is unsafe.
- Not affordable suitable accommodation - with some dwellings having 4 bedrooms.
- Should be smaller properties which would allow aging population to stay in village.
- Should take into account adjacent proposed scheme at Four Winds.
- Detrimental impact on the infrastructure of the village.
- If the scheme is approved an age restricting condition should be placed upon the permission.

The letters of support make the following comments:

- The revised scheme has overcome many of the objections previously raised.
- The scheme complies with Policy and the aims and wishes of the Neighbourhood Plan.
- Any concerns relating to final design could be addressed at a reserved matters stage.
- Plots 3 and 4 could potentially be reduced in scale if deemed necessary at the reserved matters stage (i.e. when approving scale).
- The scheme would greatly benefit the village in terms of providing older persons accommodation and also by providing funds for the Parish Council to re-invest in the village.
- The idea that only single storey accommodation for older people is appropriate is completely misguided. 2 Storey dwellings can also easily provide suitable accommodation for older people.
- The access to the site is no worse than the access for the adjoining approved housing development in New Road.

Assessment

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

- Principle
- 5-Year Supply
- Visual Amenity, Layout and Heritage Impact
- 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 application (as the site slightly exceeds that of the Neighbourhood Plan site allocation) falls to be determined against policy ENP D5 of the Neighbourhood Plan (the site allocation) and policies HOU3a and HOU5 of the Local Plan (windfall sites) of the Local Plan amongst others. Whilst the majority of the application site is located within the allocated site boundaries, it should be noted that the proposed access way between New Road and the main part of the site is located in part outside of the allocated site, partly within the village built confines and partly adjacent to the village confines. I am of the view that the primary policy in the determination of this case in respect of the principle is the allocated site policy ENP D5. The boundary map associated with policy ENP D5 does show the access to the site coming from New Road which I believe shows that the allocated access to the site has been approved in principle from New Road (albeit the exact details were not shown in the Neighbourhood Plan). Consequently, I believe that the access off New Road and housing on the allocated site have been agreed in principle, subject to the criteria of policy ENP D5 being complied with, and other relevant local plan detailed policies being adhered to (more detailed issues are dealt with later in the report).

Policy ENP D5 states:

"1. Land at the former Orchard Nurseries, Egerton, as shown on the inset plan on page 61, is proposed for the development of eight dwellings suitable for occupation by older persons presently living in less suitable homes within the community. The development of these dwellings will be restricted to occupation by older persons.

2. The development of the site will only proceed when arrangements for suitable access to the site have been secured, and which meet the requirements of Kent County Council as Highways Authority."

The pre-ambles to policy ENP D5 of the neighbourhood plan also states in paragraph 7.30 that "one of the requirements in the Egerton Parish Plan was the creation of dedicated semi-sheltered accommodation specifically to meet local needs and designed to be readily adapted to deal with growing disabilities and other difficulties of old age."

The above policy considers the principle of siting 8 dwellings suitable for occupation by older people at the application site to be acceptable. Although this application is proposing 9 dwellings at the site, I am of the view that the one additional dwelling proposed would be a minimal increase beyond the allowed density of development, and therefore the proposed density would be acceptable in principle, subject to the layout of the scheme being acceptable (this is addressed later in the report). I would note that the issue relating to the suitability of the access is also addressed later in the report.

In response to the requirement in policy ENP D5 for the houses on site to be suitable for and restricted to the use by older people, I am of the view that the requirements of the policy are somewhat vague, especially as the policy fails to define what is actually meant by the term 'older people'. The idea of an over 55 years restrictive planning condition on any permission (which has been suggested in the representations received), would in my opinion fail to comply with the six tests for the use of conditions as set out in the NPPF. As I do not believe that the use of such a condition would be either reasonable or enforceable

in this instance. Therefore, the use of an age restricting condition would not be appropriate.

However, it is important to ensure that the accommodation provided would be suitable for an older demographic of the population including those who are downsizing within Egerton. Bearing this in mind the applicant has worked with the Council to amend the scheme to make it more suitable for older members of society in terms of the footprints of the buildings and the indicative layouts and elevations. The suitability of the proposed dwellings are highlighted as follows:

- Plots 1 and 2 would now be 2 bed single storey bungalow dwellings.
- Plot 3 would be a 3 bed chalet bungalow with potential to install an internal lift
- Plots 4, 5 and 6 would be three bed chalet bungalows, with two of the bedrooms being at ground floor level.
- Plots 7 and 9 would be 2 bed houses.
- Plot 8 would be a 3 bed house.

This outline application shows that the proposal has the potential to provide a good mix of 2 bed and 3 bed dwellings, which are smaller sized dwellings suitable for older people. In addition to this the development as shown would provide 5 dwellings with sleeping accommodation at ground floor level and 1 with the potential for a lift to be inserted. Whilst this outline application is only seeking permission for access and layout, I am of the view that from the information supplied, the scheme would be able to provide a reasonable mix of housing which would provide suitable accommodation for older people within society. Therefore, I am of the opinion that subject to the scheme complying with all other relevant criteria referenced within this report, then the principle of the scheme is acceptable.

In order to ensure that this outline permission and the resultant reserved matters applications provide accommodation suitable for older people, I have imposed conditions which restrict the scale and type of dwellings and which also ensure that the properties would be provided with level thresholds and are either wheelchair accessible or adaptable.

I consider it important to note at this point that the scheme would not be required to provide any affordable housing contribution given the limited scale of the site and the fact that the scheme on the allocated site would provide less than 10 houses. I would also note that the Neighbourhood plan affords affordable housing on other sites within the locality, and specifically requires this site for older persons housing who ideally would be downsizing within the area.

Five year housing supply

The Council's latest Housing Land supply position 'Five Year Housing Land Supply Update July 2021' was published in November 2021 and covered the period from 2021 to 2026[1]. The statement concludes that the Council can demonstrate 4.54 years' supply of land for housing. Recent appeal decisions have found the housing land supply in a range between the July 2021 update and 3.5 years. 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.

Visual Amenity, Layout and Heritage Impact

The land currently provides a pleasant, green setting to the houses on this side of the village. However, it is relatively well-contained in the wider landscape, and reads very differently in visual terms to the surrounding agricultural land to the north and east of the site. The proposal would change the existing character of this undeveloped site but this is to be expected on an allocated housing site in the development plan. It would also spread the village slightly to the east but substantially less so than the adjacent housing scheme to the east / south east for currently being built out for 15 houses. The houses would be visible from The Street and New Road but would not be unduly dominant given their context.

As an edge of village site, the density in this location would generally be expected to be lower than neighbouring sites as this would aid the transition to the open countryside beyond and allow for the openness through the site to enable views of the Parish church. I note that the proposed 9 houses would generate a density of approximately 18 dwellings per hectare. However, what is important to note that this is an allocated site for 8 dwellings and I am of the opinion that the additional 1 dwelling does not make the scheme detrimentally more overdeveloped than what is considered acceptable in the Neighbourhood Plan. I am of the view that the application proposal, in combination with the adjacent development to the south east are providing an appropriate transition from the urban development to the countryside.

The scheme has been carefully designed, following detailed discussions with officers, so as to achieve a development which has an informal and organic layout which ensures that the scheme has a more settlement edge feel rather than appearing as an overtly suburban development. The proposed layout reflects the attractive and distinctive rural character of the wider locality by incorporating a more loose pattern of development for the dwellings, soft landscaped verges, overhanging trees, green front gardens and pockets of landscaping (the exact landscaping details would be addressed at reserved matters stage). The informal layout of the development also results in properties having varying degrees of separation from each other. This helps reduce the visual bulk of the development on site as a whole and improves of the openness of the development, which

is particularly important in this edge of settlement location. The development of the site would provide a mix of garden sizes for the dwellings, however, all of them comply with standards and none of them would appear unacceptably small in the locality. Consequently, I do not believe that the scheme would appear cramped or overdeveloped on the site.

Although I acknowledge that this is an outline application, never the less the applicant has illustrated the intent to provide a mix of single storey bungalows, chalet bungalows and only 3 two storey houses at the site. I am of the view that subject to the exact details of the scale and appearance being agreed at reserved matters stage, such a varied mix of housing would help provide a sense of interest at the site. I also believe the fact that 6 of the proposed dwellings are shown to be either bungalows or chalet bungalows would further help reduce the visual prominence of the scheme within the locality. The siting of the bungalows and chalet bungalows on the western part of the site, would mean that there would not be an intrusive juxtaposition of dwellings on the application site and those to the west in The Street. The application has illustrated dwellings with a variety of forms, materials and roof layouts, and I believe that subject to details being agreed at reserved matters stage, such designs would further add to the quality and aesthetics of the scheme, all of which add to the visual interest of the development.

The shown car barns are illustrated as being open sided and with sympathetic small hipped roofs. Although exact details of the car barns would need to be agreed at reserved matters stage, I consider the suggested car car barns to appear visually sympathetic within the site and provide further levels of interest within the development. I believe the car barns would appear more attractive than simple areas of parking and given their limited scale and open design would not make the site appear overdeveloped.

The field / site has established hedgerow and small trees affording a strong sense of enclosure and a good buffer the surrounding countryside. The amended layout would continue to afford a good degree of screening on site from both existing and proposed landscaping. Sensitive boundary treatments, particularly to the north and east would need to be agreed at the reserved matters stage.

The site is not within one of the specific key views and vistas (a-h) protected by Neighbourhood Plan policy P4. The second part of policy P4 states that "the Grade 1 Listed Parish Church of St James is a focus for many key views towards and within the village. Any new development should be sensitive to this and avoid obscuring this significant landmark." The proposal ensures that there are key views afforded of the Church to the north west of the site, which sits on a more elevated position which the main part of the village is built upon. The openness of the layout between plots 7 - 9 and plots 4 - 6 combined with the limited indicative heights of plots 1 - 3 would aid the scheme in retaining any existing view points from the PROW further to the south east of the site through to the Church. The views from the road are also largely retained with the development set back into the site. Therefore, given the sensitive layout of the scheme combined with the degree of separation from the PROW to the south east and the elevated Church to the north west and the existing built form in between the Church and the application site, I do not consider that the proposal would detrimentally impact the setting or views of the Church of St James in the wider locality. Furthermore, I believe it worth remembering that this is an outline scheme and the exact scale and appearance of

the dwellings would only be agreed at the reserved matters stage, where buildings could be designed in such a manner so as to ensure any public views of the Church are protected.

Overall, I consider the proposed scheme to be a sympathetic housing design solution for this allocated housing site, which would not appear cramped or out of keeping with its edge of settlement location. Whilst at the same time being designed in such a manner to achieve the housing goals for the Neighbourhood Plan policy.

Residential Amenity

Given the size of the dwellings proposed, it is considered that whilst the details of the scale and appearance are reserved for future consideration, the proposed dwellings would be able to comply with policy HOU12 in residential space standard requirements.

The density of development, as outlined in the principle section is increasing the allocated number of dwellings on site by 1, but sufficient space would remain between the dwellings on the site to prevent any potential amenity issues between the proposed future occupiers of the site. The indicative house layouts provided highlight that it is possible for the proposed dwellings not to detrimentally overlook each other or detrimentally result in a loss of light or have an overbearing impact on each others amenities. The exact details of the house designs would have to be considered in detail in the reserved matters stage (scale and appearance). Such consideration would need to include the provision of 20% of all dwellings to be built to Building Regulations M4(2) and / or M4(3) standard (accessible and adaptable). The fact that this outline application includes layout means that consideration of the future garden sizes falls to be considered under this application. The size of the plots would enable compliance with policy HOU15 for all the proposed dwellings to provide sufficient useable external amenity space for future occupiers.

With regard to the impact of the scheme on existing residential neighbours, I would note that the nearest neighbours to the west would be 2 bungalows known as Bramleys and Cherrywood Lodge. The nearest point of plot 4 would be located approximately 14.5m away from Bramleys, with the flank wall of plot 4 being angled moving away from Bramleys. Given the orientation between the two properties, I am of the opinion that the reserved matters of scale and appearance could reasonably ensure that plot 4 would not result in any detrimental overlooking of the amenities of Bramleys. This application has indicatively shown plot 4 to be a chalet bungalow property. I am of the view that the exact details of height, scale, design and appearance could all be satisfactorily addressed via the reserved matters to ensure that the dwelling at plot 4 would not appear overbearing to the occupiers of Bramleys. It is also worth noting that Bramleys has a higher ground level than the application site, which could further help reduce any impact of the proposal of the occupiers of Bramleys.

Plot 3 would be separated from Bramleys by approximately 21.8m and the two properties would also enjoy somewhat of an oblique relationship with each other. Plot 3 would also be separated from the nearest part of Cherrywood Lodge by approximately 22.5m. The indicative house plans do not appear to show any rear facing windows facing the properties to the west. The exact details of the scale, design and appearance of Plot 3 would be considered at the reserved matters stage. However, I am of the opinion that it

would be possible to erect plot 3 which again is envisaged as a chalet bungalow style property without affecting the privacy or other amenities of the occupiers of Cherrywood Lodge or Bramleys.

With regard to plot 2, this property would be sited approximately 21m from Cherrywood Lodge, and this degree of separation combined with its proposed / illustrated single storey nature would mean that the dwelling at plot 2 would unlikely affect the privacy of the adjoining occupiers. Once again the exact details to ensure that the privacy and amenities of the adjoining properties (including Cherrywood Lane) are protected will be addressed at the reserved matters stage.

I would note that some objectors to the scheme were concerned with the overall heights of plots 2 - 4. However, as this application is an outline proposal pertaining to access and layout only with issues of scale, landscaping and appearance to be determined at a reserved matters stage, I am of the view that issues relating to scale and height will be addressed at a later date.

The nearest proposed dwelling to properties in Stevens Close to the south west of the main part of the site, would be the shown single storey plot 1, which would be located approximately 29.2m away from No. 8 Stevens Close. The degree of separation between the properties in question, and the suggested single storey nature of plot 1, would in my opinion result in the amenities of No. 8 Stevens Close being able to be protected at a reserved matters stage.

I note that the adjacent development for 15 dwellings to the south east of the main part of the application site (approved under application reference 20/01600/AS) is being built out at present. The nearest proposed dwelling to the adjacent development would be plot 7 and I consider that the degree of separation between the proposed plot 7 and the adjacent plot 7 of the adjoining approved scheme would be substantial. Furthermore, the two aforementioned properties would enjoy an oblique relationship and there would be a degree of vegetation screening between them as well. Consequently, I do not believe that the proposal would likely affect the privacy of the houses currently being built out to the south east of the application site.

Concern has been raised with regard to potential noise and disturbance to the occupiers of Four Winds from future residents of the scheme using the proposed access way. However given the relative small scale nature of the proposal and the subsequent limited intensity of use of the proposed access, the said access would unlikely generate issues in relation to noise and disturbance to substantiate a reason for refusal. I believe that subject to appropriate fencing being erected (addressed via condition) and landscaping being planted (addressed via reserved matters), the scheme would maintain the privacy of Four Winds and also reduce any potential noise or disturbance issues. I would also note that the rear gardens of the western properties of the adjacent housing development would abut the proposed access way. However, given the limited intensity of the proposed access way and the degree of separation of the access way from the adjacent houses to the east, I am of the view that the scheme would not detrimentally impact their amenities either.

As a result, I do not believe that subject to the reserved matters application(s), there would be any harm to residential amenity to existing occupiers of neighbouring dwellings or future occupiers of the proposed dwellings.

Highway safety and parking

Policy ENP D5 states that any residential development of the former Orchards Nursery site would only be acceptable if an acceptable vehicular access to the site could be provided to the satisfaction of KCC Highways and Transportation. 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.

KCC Highways and Transportation have also assessed the potential traffic generation from a development of this size, and consider that it does not 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 and the applicant has supplied vehicle track drawings which demonstrates that an 11.6m refuse vehicle (and so by default a fire engine, ambulance and supermarket delivery van) can safely access the site, turn and exit in a forward gear also have safe passage. 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 layout demonstrates that each plot could accommodate the required minimum of 2 car parking spaces for the illustrated dwellings in accordance with the requirements of Policy TRA3a. I also consider that the parking space/areas available for visitors to the scheme to use is acceptable. Subject to conditions requiring the provision and permanent retention of the vehicle parking prior to the first use or occupation of the development, 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.

I note that some objections make reference to the safety of future occupiers of the site having to walk along the access way to access New Road and the services in Egerton. However, 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 is supported by a preliminary ecological appraisal (PEA) and further surveys in relation to badgers. Apart from the issue of Badgers which will be addressed separately, the PEA showed that there were no other protected species on site. I would note that KCC Ecology have highlighted that most of the scrub / vegetation that was previously on site had been removed at the time of the survey. They advise that the site clearance works resulted in a loss of habitat within the site and was likely to result in a breach of wildlife legislation. However, from a planning perspective the lack of site designation and lack of evidence that such species were actually on site, there is little that can be done in relation to this issue.

Given the now low ecological value of large parts of the site in its current form as cut scrubland / grassland, the proposals, even allowing for the construction of buildings and hardstanding, offer significant scope for ecological and biodiversity enhancement / net gain. This would include through the introduction of onsite native landscaping, hedgehog nesting boxes, hibernacula's, gaps under fencing to allow hedgehog access, integrated bird and bat bricks and external bird and bat boxes. KCC Ecology highlight that an ecological enhancement plan must be submitted demonstrating that habitat creation works will be implemented within the redline boundary or land within the applicants ownership and enhancement features will be incorporated in to the buildings and sites. 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.

As highlighted previously evidence was found either in or adjacent to the site with regards to Badgers. The applicant has submitted a Badger survey which KCC Ecology have assessed and agree with the recommendations. KCC Ecology have recommended that a Badger mitigation strategy be conditioned to agree such details as putting up protective heras fencing before any works commence on site, protective above ground and below ground fencing, and ongoing monitoring. I consider it important to note that the Badger survey and the specifics of KCC Ecology's response in relation to Badgers has not been made public. This has been found necessary in order to ensure the on going protection of this valuable protected species.

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. I would

note that a number of trees of higher quality (i.e. category A and B) are being retained within and around the site. As well as a number of remaining category C trees. I would also note that the site plan shows a reasonable quantum of tree planting being proposed. The exact details of tree / vegetation planting would be addressed via a future landscaping reserved matters application.

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. Following the receipt of the amended layout, there is no objection to the proposal in flood risk terms subject to conditions with regards a SUDs scheme for the site and an associated verification report being imposed. The proposal would therefore be compliant with policy ENV9 of the Local Plan.

Foul water will be dealt with via mains drainage. Southern Water do not raise any objection and an agreement will be needed with them for a connection 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 have confirmed that they are satisfied that the scheme would not result in any archaeological issues and they do not require any further information to be provided via condition.

Contamination

The Phase 1 land contamination report (Lustre R142-PH1-01.0_4640 Mar 22). The report has identified the potential for minor land contamination on isolated areas of the site (burn site and areas of waste material such as tyres and use as a former plant nursery). 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.

Legal Contributions

Given the limited scale of the development and the fact that the scheme is for less than 10 dwellings, a legal contribution securing financial contributions is not appropriate in this instance.

Conclusion

As set out above I am satisfied that the proposed development site meets the relevant criteria for this allocated site. The proposed scheme has been designed and this permission conditioned in such a manner so as to ensure that it would be suitable for and attractive to older people to live.

The development is able to be safely accessed from the local road network and would not compromise highway safety. The proposals provide acceptable car and cycle parking in accordance with adopted standards.

The proposed development would be of an appropriate density and layout befitting its edge of village location and would appear sensitive to the character of the area. The illustrative design and appearance of the proposed scheme would be of a high standard that would respect the character and appearance of the area. The exact details in relation to scale, appearance and landscaping would be finalised at reserved matters stage. The proposal would not result in unreasonable harm to neighbour amenity. Subject to additional planting (to be agreed at reserved matters stage) and the retained vegetation on site being protected I am satisfied that it would not result in adverse landscape impacts.

Issues relating to ecology and drainage can be addressed by appropriate conditions and are acceptable.

The proposal would boost the supply of housing and make a valuable contribution towards the 5YHLS. The proposals would offer a range of high quality homes all of which would be suitable and directed towards older future residents, in an accessible edge of village location and this can be afforded significant weight. There would also be economic benefits both during and post construction. There is no demonstrable harm identified that

would warrant refusal and significant benefits identified. Therefore, I consider that outline planning permission should be granted subject to conditions.

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.

Conditions:

- 1 Approval of the details of 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
Site Location Plan & Proposed Block Plan - NR/675/BP01 Rev H	1 March 2024
Tree Removal Plan - FW/TRP/2140-02-A	3 May 2024
Tree Protection Plan - FW/TPP/2140-03-A	3 May 2024
Proposed Site Layout - NR/675/SP01 Rev Q	29 May 2024
Visibility Splays at Site Access - 2308067-01 Rev C	17 June 2024

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

- 4 Prior to works commencing within the site (including vegetation clearance) a detailed badger mitigation strategy must be submitted to the Local Planning Authority. It must include the following:

- Updated badger survey.
- Overview of mitigation required.
- Detailed methodology to implement the mitigation.
- Scaled plans demonstrating that the mitigation can be achieved.

The mitigation must be implemented as approved.

Reason: To protect the existing populations of species and to improve protect the habitat for those species.

- 5 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.

- 6 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;
- f) hours of operation; and
- e) Details of a precautionary mitigation approach with regard to any removal of hedgerows.

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.

- 7 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.

- 8 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.

- 9 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 the hereby approved Tree Protection Plan (drawing number FW/TPP/2140-03-A) and Arboricultural Method Statement. The approved tree protection measures shall 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;

(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.

- 10 The visibility splays as shown on the submitted plan (NR/675/SP01 Rev Q) within which there shall be no obstruction in excess of 0.9m in height above the carriageway level within the splays, 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.

- 11 No development shall take place until full plan and cross-section details of land levels and proposed earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed grading and mounding of land areas including the existing and proposed levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation, surrounding landforms, fences and buildings. Development shall only be carried out in accordance with the approved details.

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

- 12 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.

- 13 Within 3 months of works commencing an ecological enhancement plan must be submitted to the LPA 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.

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

- 14 Prior to the occupation of any dwelling on site, 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. Such details shall include a lighting design strategy for not impacting on badgers and bats (in accordance with the best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night' 2) including downward facing and motion sensor lighting. 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.

- 15 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.

- 16 No dwelling shall be occupied until space has been laid out and equipped within the site for covered bicycle storage on each dwelling plot (or communal space in the case of apartment buildings) 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.

- 17 No dwelling hereby permitted shall 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.

- 18 None of the dwellings shall 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.

- 19 Full details of facilities to accommodate the storage of refuse and material for recycling for each dwelling and its collection by refuse vehicles shall be submitted to and approved in writing by the Local Planning Authority before any dwelling hereby approved is first occupied. The approved details shall be implemented before the occupancy of dwellings to which they relate. 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.

- 20 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.

- 21 The vehicle parking spaces, car ports and turning areas shown on the Proposed Site Layout (drawing number NR/675/SP01 Rev Q), shall be provided before the any of the dwellings are first occupied, 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 reserved parking spaces and turning areas.

Reason: Development without provision of adequate accommodation for the parking and manoeuvring of vehicles is likely to lead to parking inconvenient to other road users and potential highway safety issues.

- 22 Prior to the first occupation of each new dwelling with a designated parking space provided by means of a driveway or carport, the dwelling 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.

- 23 No dwelling shall 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.

- 24 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 dwellings 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.

- 25 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.

- 26 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.

27 The details submitted pursuant to Condition 1 of this permission shall show the following:

- a minimum of two buildings which are a maximum single storey height and form with no accommodation within the roof space(s).
- a minimum of four buildings which are single storey in form with any first floor accommodation contained wholly within the roof space(s).
- No more than three buildings which are a maximum two storeys in height and form with no accommodation in the roof space.

The details shall also show how each unit accords with the Council's adopted Residential Space & Layout SPD or any other standard agreed by the Local Planning Authority.

Reason: To ensure that the scale of new residential development remains appropriate for older person accommodation and in the interest of visual amenity and the residential amenity of the locality.

28 The layout details required to be submitted pursuant to Condition 1 of this permission shall be accompanied by layout plans (together with other plans and sections as may be necessary) to demonstrate firstly the provision of level thresholds to all dwellings (and/or thresholds with shallow ramps where level thresholds cannot be provided) and secondly that all dwellings would comply with Building Regulations Part M4(2) or Part M4(3) Wheelchair Adaptable or Accessible Dwellings.

No dwellings shall be occupied until they have been implemented with the approved details and subsequently signed off under Building Regulations 2015 (or any subsequent amendments).

Reason: To ensure that dwellings will be accessible and are able to accommodate varying mobility needs over time.

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 applicant/agent was updated of any issues after the initial site visit, and the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted.

- 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/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181