

# **Recommendation Sheet** Application Number: 19/01785/AS

Location: Eleven Acre Shaw, Redbrook Street, Woodchurch, Kent  
Proposal: Demolition of existing buildings and removal of residential caravan; erection of four dwellings with carports and landscaping enhancements. (Alternative to application 18/01575/AS)

Decision Level: Decision Code: **PERM** Date cleared by officer:  
(a) 4/0 (b) Parish Council S (c) KCC DC +; KCC H&T X; KCC EAS X; ABC EP X; ABC SS&OS +

## **RECOMMENDATION**

### **Permit**

#### **Conditions on grant**

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

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

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

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

- 3 Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced above slab level and the development shall be carried out using the approved external materials.

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

- 4 The approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

**Reason:** In order to protect and enhance the amenity of the area.

- 5 No dwelling shall be occupied until a landscape management plan, including management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape management plan shall be adhered to thereafter for the lifetime of the development.

**Reason:** To ensure the new landscaped areas are properly maintained in the

interest of the amenity of the area and to maximise the scope of their ecological value.

- 6 The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other 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 approved Tree Protection Plan and any approved Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction;
  - (b) No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
  - (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
  - (d) No roots over 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;
  - (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 em 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.

- 7 In this condition a “retained tree or shrub” is an existing tree or shrub which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the first occupation of the dwellings hereby approved.

- a, No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. All tree works shall be carried out in accordance with BS3998:2010 *Recommendations for Tree Work*).
- b, If any retained tree or shrub is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the LPA.

**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.

- 8 Prior to completion of development a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. The scheme shall be implemented in accordance with the approved details and retained thereafter.

**Reason:** To protect and enhance existing species and habitat on the site in the future.

- 9 No development shall commence until a method statement which contains details of Reasonable Avoidance Measures (RAMs) for Great Crested Newts has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and maintained on site at all times.

**Reason:** To protect the existing populations of protected species and to improve habitat on the site.

- 10 Prior to the commencement of the development details of drainage works, designed in accordance with the principles of sustainable urban drainage, shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out and maintained in accordance with these details.

**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.

- 11 None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To avoid pollution of the surrounding area.

- 12 The areas shown on the drawing number (P)005 Rev A as vehicle parking space and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the use is commenced or the premises 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 this reserved parking space.

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

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

- 14 Prior to the occupation of the dwellings hereby approved two covered and secure bicycle storage spaces shall be provided per dwelling and shall thereafter be retained.

**Reason:** To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.

- 15 Prior to the occupation of the dwellings hereby approved details of the waste/recycling storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

**Reason:** To ensure adequate refuse facilities are provided at the site.

- 16 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 to E of Part 1, Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

**Reason:** In the interests of protecting the character and amenities of the locality.

- 17 No external lighting other than as shown on the approved plans shall be installed on the site.

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

- 18 Any external lighting shall comply with the guidance in the Bat Conservation Trust's Bats and Lighting in the UK guidance and Dark Skies SPD and shall thereafter be maintained.

**Reason:** To reduce any impact on protected species and minimise obtrusive light.

- 19 No construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank/Public Holidays.

**Reason:** To protect the amenity of local residents.

- 20 No development shall take place on site until a Construction Management Plan have been submitted to, and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period and shall include:

a) parking for vehicles of site personnel, operatives and visitors;

b) wheel washing facilities.

**Reason:** In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and neighbour amenity.

- 21 A bound surface for the first 5 metres of the access from the edge of the highway shall be used and maintained thereafter.

**Reason:** In the interests of highway safety

- 22 If unexpected contamination is to be 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 then be undertaken and submitted to the Local Planning Authority for approval, and where remediation is necessary a remediation scheme must be prepared and agreed in writing prior to completion.

**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.

- 23 The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

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

## Notes

### 1 Working with the Applicant

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,
- the application was dealt with/approved without delay.

## 2 HIGHWAYS NOTE:

It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at:

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- 3 The applicant should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not occur, in general, outside of these times, on Sundays or Bank/Public Holidays.
- 4 The applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties.
- 5 The applicant should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction sites.
- 6 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are present on the application site and are assumed to contain nesting birds between the 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and shown that nesting birds are not present.

### Plans/Documents approved

Ecological Scoping Survey (dated 6/6/2018)  
 Groundsure Siteguard (dated 20/10/2017)  
 (P)001 Rev A

(P)101  
(P)102  
(P)103  
(P)104  
(P)005 Rev A  
(P)006 Rev A  
(P)007  
(P)008  
(P)009  
(P)010  
CPL/Wood/18/01 Rev 6

AGREED	
SPO	
TL	

# **Officer's Assessment Sheet**

## **Policy Monitoring NOT Required**

**Application Number:**19/01785/AS

**Stat. Class:** MAJD

Application Date: 20 December 2019  
Registration Date: 20 December 2019

Case Officer: Georgina Galley  
8/13 week Date: 20 March 2020

Applicant: CPL Estates Ltd C/o Agent C/o Agen  
Correspondent: Patrick Durr Associates St Cubys Blind Lane Goudhurst, TN17 1EL

**Location:** Eleven Acre Shaw, Redbrook Street, Woodchurch, Kent  
**Proposal:** Demolition of existing buildings and removal of residential caravan; erection of four dwellings with carports and landscaping enhancements. (Alternative to application 18/01575/AS)

### **MATERIAL CONSIDERATIONS**

<b>Ashford Local Plan 2030</b>	SP1, SP2, SP6, HOU5, HOU12, HOU15, ENV1, ENV3a, ENV4, ENV7, ENV9, TRA3a, TRA6
<b>Government Guidance</b>	NPPF NPPG Technical Housing Standards - nationally described standards
<b>SPG/SPD/VDS/Neighbourhood Plans</b>	Residential Space & Layout (External space standards) Residential Parking Sustainable Drainage Landscape Character Assessment Dark Skies SPD
<b>Other</b>	Woodchurch Village Design Statement

### **SAFEGUARDING**

Conservation Area	<b>Not in a conservation area</b>
Listed Building	<b>Not a listed building</b>

### **Monitoring Information Residential**

<b>Existing units</b>	<b>Lost units</b>	<b>New units</b>	<b>NET UNITS</b>	<b>Affordable Hsg units</b>	<b>P D L Y/N?</b>
0		4	4	0	Y

### **Extra information**

<b>HOUSING TYPE: (1) Private Sector (2) Registered Social Landlord (3) Local Authority</b>	<b>Amount of Houses/bungalows</b>	<b>Amount of Flats/Apartments</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 or more bed</b>	<b>Total units</b>
4	4					4	4

<b>Residential Space Standards SPD - Essential</b>
<b>Does the scheme comply? YES</b>



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<b>Residential Space Standards SPD - Advocated</b>
<b>Does the scheme comply with any advocated standards? YES</b>

## **ENVIRONMENTAL IMPACT ASSESSMENT**

<b>Is an E/A required?</b>	<b>Reason for Decision:</b>
YES / NO	No
Is formal screening opinion required? N	
Has screening opinion been issued? N	

## **ASSESSMENT**

### **Site and Surroundings**

The application site is located on the southern side of Redbrook Street on the corner with Bethersden Road. The site is located in the parish of Woodchurch.

The site has a mixed use (storage, residential and agricultural). The site is set back from Redbrook Street and comprises a belt of woodland with a parallel belt of improved mown grassland to the south. At the western end of the site is a hard surfaced revegetating yard with some corrugated iron buildings which are in a state of disrepair. In the centre of the site there is a trackway that leads off Redbrook Street and heads southwards through the woodland before splitting in either direction. One branch runs to the yard in the west, whilst the other leads to a similar yard to the east. At the eastern end of the site is a small block built building, with another one further south on the margin of the grassland. There is also an existing caravan in the same area.

The site is located in the Woodchurch Undulating Farmlands landscape character area.

The site is in countryside for the development control purposes.

There are a number of large poultry sheds to the south of the site that form part of Pond Farm, which was granted planning permission most recently under application 17/00434/AS.

### **Proposal**

Planning permission is sought for demolition of existing buildings and removal of the residential caravan; erection of four dwellings with carports and landscaping enhancements. Access would continue to be provided via the existing access off Redbrook Street. The current application is an alternative to planning permission 18/01575/AS.

It should be noted that amended plans were received during the course of determination of the application in relation to landscaping (NB: drawing no. CPL/Wood/18/01 Rev 6) and the red line boundary of the site (NB: P(001) Rev A, P(005) Rev A and P(006) Rev A – by email dated 7/5/2020). The red line boundary was amended to only include the development area of the proposed new dwellings and not the areas of proposed landscaping/ecological enhancements.

### **Relevant History**

DC	CUSD 17/01609/AS	Prior notification of the change of use of an existing building (B8) to provide a single residential dwelling (C3)	PAR	14/12/2017
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DC FA 18/01575/AS Demolition of existing storage buildings and removal of residential caravan and erection of two dwellings and a bungalow with carports and landscaping enhancements PERM 23/05/2019

### **Representations**

Ward Member

**HAS WARD MEMBER REQUESTED APPLICATION GO TO COMMITTEE** NO

**Woodchurch Parish Council:** Supports.

**KCC Economic Development;** The proposal will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

*[OFFICER COMMENT: The red line boundary has been amended during the course of determination of the application and the development area of 4 dwellings now measures less than 0.47 hectares].*

**KCC Highways & Transportation;** It would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

**KCC Ecological Advice Service:** No objections subject to conditions

**ABC Environmental Protection:** No objections subject to conditions.

**ABC Street Scene & Open Spaces Officer:** Waste collections ideally take place from a front of property location abutting adopted highway. There is no option here to achieve this and therefore this development does not comply with our contractual requirements for the facilitation of waste from a front of property location. The four dwellings are located within a private roadway and accessed via an electronic operated double gate. The RCV cannot enter into this site hence waste collections would have to be undertaken from abutting Redbrook Street. This requires all residents to place their bins out for collection outside of the gates abutting the highway and remove them back in once the collection has taken place. For consideration there could be presented up to 8 x wheeled bins in front of this gated area along with food caddies on collection day. I cannot see any other provision made for the facilitation of waste from this development. Can you please advise if that is not the case?

*[OFFICER COMMENT: It is recommended that a condition be imposed in order to deal with this matter in view of the fact that 3 dwellings have already been approved at the site]*

**Neighbours:** 4 consulted; 0 representations received

The site has also been advertised in the press and by way of a site notice.

### **Government Guidance**

NPPF  
NPPG

## **Government Guidance/Development Plan Policy**

The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016).

For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).

See the policy sheet for relevant policies.

## **Assessment**

### **• Principle**

The application site falls outside the built up confines of Woodchurch. The proposal therefore represents residential windfall development in the countryside which is assessed under policy HOU5.

The officer report for application 18/01575/AS concluded: "The site is located approximately 750m from the built up confines of the village. Whilst the site is close to Woodchurch walking to the services available is restricted. Routes are via unlit rural roads with no footpaths. However, whilst the opportunities to walk to the village are limited there is a regular bus service to Ashford and Tenterden which runs through Woodchurch, within 400m of the site. Furthermore the road, adopted and classified, lends itself well to cycling."

The officer report for application 18/01575/AS further concluded: "The site is a brownfield site, the development of which is preferred over new greenfield sites. Bearing this in mind and given that the site has access to alternative and more sustainable modes of transport and is within a short distance of the village, on balance, it is considered that the proposal in principle could be considered acceptable subject to meeting the remaining criteria of policy HOU5."

This view remains the same in terms of the principle of the proposed development.

### **• Visual Amenity**

Criteria f) of HOU5 seeks to deliver development which is well designed. New development should function well and add to the overall quality of the area. It should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and should be sympathetic to the local character.

The 3 approved dwellings under planning permission 18/01575/AS comprised a mixture of 2 larger 2 storey houses and a modest bungalow. The officer report for application 18/01575/AS stated: "The proposed dwellings are of a scale, bulk and mass which is consistent with the scale, bulk and mass of the surrounding buildings. Set back from the road the proposed dwellings would sit comfortably within the site. Situated on spacious plots the proposal allows for landscaping to dominate which is appropriate given the rural location of site". The officer report for application 18/01575/AS went on to state: "The proposed variation in materials is acceptable, adding visual interest to the development and complementing the character of the area which is characterised by large dwellings of varied scale, design and appearance".

In terms of the proposed alterations under the current scheme, plot 1 has been amended to include rear dormers and additional flank windows. Plot 2 has been amended to include rear dormers and a barn end roof design. Plot 3 has been increased from a single storey bungalow

to a 2 storey dwelling with rear dormers and additional flank windows. Plot 4, which is the new additional dwelling at the site adjacent to Bethersden Road, comprises a large 'L' shaped dwelling.

Although the size, scale and bulk, together with the number of dwellings, has increased from that approved under planning permission 18/01575/AS, it is still considered that the overall impact is acceptable within the surrounding area. The amended design of the proposed dwellings remains traditional in character and acceptable subject to the use of high quality materials.

The site is large enough to physically accommodate 4 dwellings; therefore they would continue to sit comfortably within the plot and they would also remain suitably setback from the roadside. The proposal also continues to allow landscaping to dominate, which is appropriate given the rural location of site.

On the whole, subject to details of the materials and landscaping the proposed development would not result in any further unacceptable adverse impact on the character and appearance of the surrounding countryside compared with planning permission 18/01575/AS.

- **Living Environment**

The proposed dwellings would comply with the nationally described space standards in terms of their gross internal floor areas and individual room sizes. The combined kitchen/dining/living areas also appear to be in line with the standards set out in section 3 of the Council's Residential Space and Layout SPD. Policy HOU15 and the Council's Residential Space and Layout SPD state that, for houses, a private garden area should be calculated as the width of the dwelling (m) x 10m. A suitably sized garden has been achieved for each of the dwellings. Overall it is, therefore, considered that an acceptable living environment would be provided for the future occupants.

- **Residential Amenity**

Given the siting of the proposed development and separation distances to neighbouring properties, I am satisfied there are no grounds for refusal in terms of loss of daylight/sunlight, loss of outlook or loss of privacy.

- **Highway Safety and Parking**

The proposed development would utilise an existing access off Redbrook Street and would providing sufficient parking/driveways and turning spaces for each of the dwellings in accordance with policy TRA3a. Given the existing permission for 3 dwellings, I am of the opinion that a further dwelling at the site would be unlikely to generate any further significant amount of traffic which could not be safely accommodated on the local and wider road network. As such, the proposal is considered acceptable from a highways safety and parking point of view.

The Council's Environmental Protection has recommended a condition relating to electric vehicle charging facilities to promote the move towards sustainable transport options and to take account of cumulative impacts of development on air quality.

- **Ecology and Trees**

The applicant has submitted an Ecological Scoping Survey (dated 6/6/2018) and an amended landscaping plan (NB: drawing no. CPL/Wood/18/01 Rev 06). KCC's Ecological Advice Service have not raised any objections to the proposed development subject to relevant conditions. It is also recommended that a condition be imposed in relation to external lighting (NB: to be considered in line with the Bat Conservation Trust's 'Bats and lighting in the UK' guidance and Dark Skies SPD).

C a s e  
Officer