



Appeal Decision

Hearing (Virtual) held on 10 October 2023

Site visit made on 11 October 2023

by **H Miles BA(hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 October 2023

Appeal Ref: APP/E2205/W/23/3322574

Land East of Ashford Road, Kingsnorth

Grid Reference Easting:600168, Grid reference Northing: 139123

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
- The appeal is made by Mr Jarvis of Malcolm Jarvis Homes Ltd against Ashford Borough Council.
- The application Ref PA/2022/2851, is dated 9 November 2022.
- The development proposed is up to 15 dwellings, a replacement medical centre and pharmacy, together with all necessary infrastructure.

Decision

1. The appeal is allowed and planning permission is granted for up to 15 dwellings, a replacement medical centre and pharmacy, together with all necessary infrastructure at Land East of Ashford Road, Kingsnorth in accordance with the terms of the application, Ref PA/2022/2851, dated 9 November 2022, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. Outline planning permission is sought but with only access to be considered at this stage. Matters relating to layout, scale, appearance and landscaping are reserved for future consideration. I have determined the appeal on this basis.
3. A Unilateral Undertaking (UU) has been submitted which includes mechanisms which seek to provide affordable housing, provision and management of on site open space and sustainable drainage systems (SUDs), delivery of the medical centre and pharmacy and contributions towards local infrastructure amongst other things. I will return to these matters later in this decision.

Main Issue

4. The main issue is the effect of the proposed development on the Stodmarsh Lakes Special Protection Area (SPA), Ramsar site, Special Area of Conservation (SAC), and Site of Special Scientific Interest (SSSI).

Reasons

5. Stodmarsh Lakes SPA, SAC SSSI and Ramsar are habitats sites that have a high level of protection. They are designated for their features including wetland and open water habitats, waterbird, breeding and non-breeding bird

- communities and varied invertebrate fauna. The appeal site falls within the Stour River Catchment which feeds into Stodmarsh Lakes.
6. Natural England have advised the Council 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.
 7. Important sources of nitrogen and phosphorous include outfall from waste water treatment plants as well as runoff from urban and agricultural land. As such, any new overnight accommodation within this area has the potential to increase nitrogen and phosphorus levels. Therefore it cannot be concluded that new housing is not having an adverse effect on the integrity of the Stodmarsh Lake sites. As such, this project, either alone or in combination with other relevant projects and plans is likely to result in a significant effect on European Sites. Consequently, I am required to carry out an Appropriate Assessment.
 8. To determine the existing nitrogen and phosphorus levels at the site, existing land uses have been established. The land can be considered as four different areas. The south-eastern field is classified as Greenspace, the central field as cropping, and the two northern and western fields as lowland grazing. These uses are supported by dated photographic evidence and are agreed between the main parties. I heard that due to practices including crop rotation, the agricultural fields have not been constantly cultivated and have had fallow years. Considering all the evidence before me, in this case, I am satisfied that for the purposes of this appropriate assessment these land uses should be used.
 9. To establish the nitrogen and phosphorous that would be generated as a result of this development I heard that the Appellant's Nutrient Neutrality Assessment and Mitigation Strategy and its updates (NNAMS) adopt the statutory nature conservation body, Natural England's, recommended standard assumptions including levels of rainfall and occupation of properties. This approach is sufficiently robust.
 10. The NNAMS also relies on 2.59 hectares of the site being used as Greenspace – a natural area where fertiliser would not be applied and where dog waste would be managed. The Outline Landscape and Ecological Design Strategy demonstrates that it would be possible to secure a suitably sized area for this purpose. Its provision could be secured by condition through the submission of a Landscape and Ecological Enhancement and Management Plan (LEEMP). The submitted UU would also secure its management for this purpose in perpetuity.
 11. The NNAMS concludes that the development would be nitrogen neutral. However, it would result in increased levels of phosphorous. Mitigation is proposed in the form of SUDS, which would reduce the leaching rates from the proposed land uses to levels that would result in a development that would be, at least, nutrient neutral.
 12. The Flood Risk Assessment and Drainage Strategy demonstrates that it would be possible to implement SUDS that would achieve this aim, as well as satisfying the requirements of the council in terms of flood risk. The full details and implementation of SUDS prior to first occupation would be required to be secured via condition. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. I have no detail as to why such a condition would not be enforceable, and it is a

suitably certain method to ensure that the SUDS would be delivered. Nevertheless, the establishment of a management company which would secure the management of the SUDS in perpetuity would need to be secured via a planning obligation and this is included in the UU.

13. Furthermore, the approach presented is a precautionary approach which would achieve suitable removal rates only through the use of swales, and therefore does not consider the additional reduction that may be achieved from other proposed features, such as infiltration. Consequently, this approach, in combination with the evidence submitted and the methods of securing its implementation via condition and planning obligation provide certainty at this stage.
14. In addition, Natural England comment that the delivery and maintenance of the proposed SUDs would mitigate the adverse effects on the Stodmarsh sites and would make the development acceptable.
15. Therefore, in this case, I am satisfied that there is no reasonable scientific doubt that there would not be adverse effects on the integrity of the site. As such the proposed development would not have a harmful effect on the Stodmarsh sites. Consequently, in this regard it would be in accordance with Policies ENV1, HOU5 and SP1 of the Ashford Local Plan 2013 (2019) (Local Plan) which supports proposals that conserve biodiversity and require that development should not have an adverse effect on designated sites.

Other Matters

Suitability of the site for the proposed development

16. The appeal site is within the countryside for the purposes of the development plan. It is mainly open, green fields. The village of Kingsnorth is to the north, with an intermittent ribbon of development along Ashford Road to the west. Aside from this the site is generally surrounded by open countryside land. Local Plan Policy S4 allocates an area referred to as 'Land North of Steeds Lane and Magpie Hall Road' for housing. The policy supporting information suggests that part of the area between Steeds Lane and Kingsnorth Village, including the appeal site should be used as a 'green buffer', which in part serves the purpose of preventing coalescence between any proposed new housing and Kingsnorth Village.
17. The proposed development would introduce residential and commercial development to this site with associated access, parking and urban paraphernalia associated with these uses. It would also remove the existing undeveloped gap along Ashford Road between the property named White Chimneys and Myrtle Court. The appeal scheme would therefore erode the undeveloped, green characteristics of the site and the gap between the boundary of Kingsnorth and development to the south.
18. However, I have considered the scale of the development, the existing surrounding development, the topography which would mitigate the effect of the development in views from the south, and the inclusion of open space and landscaping around the areas of built development, and views of the site from the wider area would be limited. As such the harm in this regard would be moderate.

19. Nevertheless, the proposed development would be harmful to the character and appearance of the area. Therefore, in this regard, it would be contrary to policies SP1, SP2, S4, SP6, EMP1, HOU5 and SP7 of the Local Plan. Together these set a strategy for the location of development which should ensure that development, including windfall development adjoining settlements and new employment uses, is of high quality design which sits sympathetically in the wider landscape, preserves the setting of the nearest development, and avoids coalescence between settlements, and suggests a Green Buffer, as set out above, amongst other things.

Highway Safety

20. At the event the assumptions that had been made regarding the proposed vehicle trips were discussed. In particular I heard a justification that the pharmacy has been assessed on the basis of an up to date model of using virtual prescription in the vast majority of cases as well as the fact that a number of these cars would already be on the highway network. Furthermore, the professional advisors at Kent County Council (KCC) do not raise highway safety concerns in this regard, nor to the proposed access. Based on the evidence before me I am satisfied that the proposed development would not result in harm to highway safety.

Benefits

21. The proposed development would provide a medical centre. The details before me suggest that there is a pressing need for a new primary health care facility in this area, and that there is no more suitable site available, considering the evidence available of reasonably suitable alternatives. It is agreed by the main parties that this situation is current. The proposed development would therefore provide medical facilities for new and existing patients for which there is an identified need.
22. The submitted UU would secure access and services to this part of the site as well as the transfer of the medical centre and pharmacy to the partners of Kingsnorth Medical Practice prior to the construction of any dwellings. Although this would not confirm the funding nor the contract for construction, nevertheless, no other body could develop the land. This provides a strong likelihood that the Medical Centre and Pharmacy would be delivered. Therefore this would be a significant benefit. As such, the UU is a suitable way to secure this requirement and therefore the condition suggested in this regard would not be necessary.
23. The proposed development would also provide the social and economic benefits associated with the provision of 15 houses, including 5 affordable houses. These include temporary benefits during construction. The development would also provide areas of public open space and biodiversity enhancement.

Planning Obligation

24. Policy HOU1 of the Local Plan requires the provision of 30% affordable housing, 10% for social rent and 20% for affordable home ownership. Policy HOU14 of the Local Plan requires that 20% of homes should be accessible and adaptable homes. The UU would secure these requirements and these arrangements would be reasonably secured in perpetuity.

25. The UU also includes contributions towards allotments, arts and creative, children's and young people's play space, indoor and outdoor sports provision informal/natural green space and strategic parks. I am provided with substantive evidence that these are necessary, relevant and related in scale and kind in order to mitigate the impacts of the proposed development on these services. Given the scale of the development, multiple trigger points and obligations the monitoring fees are also acceptable.
26. KCC have provided detailed evidence that the development would result in an increase in the usage of community learning, youth services, library services and social care as well as a need for additional primary and secondary school places. KCC have provided a consultation response including the figures they have put forward and some background documents. With regard to schools Ashford Borough Council have requested different amounts. However I have not been presented with a detailed explanation as to why they differ from KCC who are responsible for these parts of infrastructure. Consequently, I am satisfied that the figures provided by KCC are fairly related in scale and kind to this development. For clarity these figures are a contribution of £1700 per flat and £6800 per house as a primary school contribution and £1294 per flat and £5176 per house as a secondary school contribution. Therefore, in this particular case I find that these contributions are necessary, relevant and related in scale and kind to the proposed development.
27. However, I am not provided with adequate justification for the waste contribution. Nor is the evidence relating to the voluntary sector sufficient for me to conclude that the contribution suggested is necessary or fairly related in scale and kind to this development. Consequently, the obligations in schedule 19 and 14 are unnecessary and I have not taken them into account in my decision.
28. A Toucan crossing is proposed. This is required in order to provide connections by sustainable transport modes from the appeal scheme to the development proposed on the Kingsnorth Green site and the area beyond. Although that development has not been approved, given the site allocation in the local plan, development in some form is likely to occur. This is therefore necessary and directly related to the proposed development.
29. However, there is uncertainty relating to the cost of implementation and I am not satisfied that the UU would provide sufficient funds to deliver this crossing. Instead, the Council have suggested a condition which would require the submission of details and subsequent construction of the crossing which would secure its provision. The crossing would not be required until the proposed development is first occupied and I have adjusted the trigger point accordingly, along with a requirement for a timetable for its implementation which would allow consideration of the progress at the Kingsnorth Green site.
30. The Planning Obligation would also secure the provision of on site Open Land, and SUDs, discussed in detail above. The obligation is submitted in the form of UU, and therefore the neither Ashford Borough Council nor KCC are parties to it. Nevertheless, given their role as public bodies and that the UU is based on specific requests from Ashford Borough Council and KCC I am satisfied that the obligations would be undertaken and contributions would be spent as set out.

Planning Balance

31. The Council cannot demonstrate a 5 year supply of deliverable housing sites. It was agreed at the hearing that for the purposes of this appeal the extent of the undersupply fell within the range of a 3.5 year and a 4.5 year supply. In such circumstances, paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged.
32. The proposed development would provide 15 dwellings, 5 of which would be affordable and this would contribute to the government's target to significantly boost the supply of homes. Given the Council is unable to demonstrate a 5 year supply of deliverable housing sites, the provision of housing and affordable housing is afforded significant weight. The proposed development would also provide a medical centre for which there is an identified need. As set out above, this attracts significant weight. Furthermore, the proposed development would provide new open space and biodiversity enhancement. Taken together, the benefits of the proposed development would be significant.
33. On the other hand, as set out above I have identified moderate harm to character and appearance with regard to the suitability of the site for housing. This leads me to conclude that the moderate adverse impacts would not significantly and demonstrably outweigh the significant benefits set out above. As such these considerations are of sufficient weight to indicate that the presumption in favour of sustainable development should apply in this case.

Conditions

34. I am attaching the standard implementation condition and the requirement to submit reserved matters and in the interests of certainty a condition to define the plans with which the scheme should accord.
35. Details of foul water drainage are required in order that the proposed development does not increase flood risk. Details of SUDs are also necessary for the reasons set out elsewhere in this decision. A verification report to ensure that the development has been constructed in accordance with these approved details is needed for the same reason.
36. A construction and transport management plan is required in the interests of highway safety, air quality, biodiversity and the living conditions of nearby occupiers. Details of the toucan crossing and its implementation are also secured by condition for the reasons set out elsewhere in this decision. The implementation of the access and visibility splays, along with their retention as well as the submission of details of footways and carriageways, are also required for highway safety reasons. Electric car charging points must be provided in the interests of sustainable travel and air quality, and the specification of the details of cycle parking and car parking to be submitted with the reserved matters are needed for reasons of sustainable travel and living conditions of future occupiers respectively. The requirement for the dwellings to comply with nationally described space standards at reserved matters stage is also needed to provide suitable living conditions for future occupiers.
37. The submission of the LEEMP is required for the reasons set out elsewhere in this decision, as well as in the interests of biodiversity. The submission of details of translocation of reptiles, securing this takes place and a verification

report to confirm this as well as details of precautionary measures to protect badgers and their setts and a lighting plan for biodiversity are also required in the interests of biodiversity. In addition, the lighting plan is required for security and character and appearance reasons.

38. Specifications of the details of the arboricultural impact assessment and tree protection plan to be submitted at reserved matters stage are included for clarity and in order to protect the character and appearance of the area. Details of the hard and soft landscaping details to be submitted with the reserved matters submissions are also included for the same reason as well as biodiversity. In addition, a condition which sets out measures required to be undertaken to avoid damage to existing trees, hedges and shrubs is needed for the same reasons.
39. The site is located within an area of multi-period activity with extensive archaeological remains known in the immediate vicinity. Therefore, details of archaeological field evaluation works and safeguarding measures are necessary. Along with a programme of archaeological post excavation and publishing work. This is in order to ensure that features of archaeological interests are properly examined, recorded, where appropriate preserved in situ, and this information is assessed and disseminated.
40. Control of water consumption and rainwater harvesting measures are necessary to promote water efficiency, and details of refuse storage are required in order to ensure that the development provides high quality design. I have no evidence that the site is likely to be contaminated, therefore the condition proposed is suitable in order to ensure the safety of nearby and future occupiers and those working on the site. Provision of broadband is needed in the interests of the local economy.
41. It was agreed at the hearing that conditions relating to detail of materials and design of boundary treatments should be part of the reserved matters submissions. As such I have not included them here.

Conclusion

42. For the reasons given above I conclude that the appeal should be allowed.

H Miles

INSPECTOR

Schedule of Conditions

- 1) Approval of the details of the layout, scale, landscaping, and appearance (hereafter called "the Reserved Matters") shall be submitted to and approved in writing by the Local Planning Authority before development commences and the development shall be carried out as approved.
- 2) Application(s) 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.
- 3) The development shall be carried out in accordance with the following approved plans: 20.019 01 Site Location Plan, Proposed Site Access Arrangement 332410625/100/01 Rev P01 27/09/2022, Outline Landscape and Ecology Design Strategy Plan, drawing no 9910L.LSP.004 (Rev B), 20.019 10 Parameter Plan - Land Use, 20.019 11 Parameter Plan – Building Heights
- 4) Prior to the commencement of any development a foul water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority including details of any proposed connections to the public sewer. The foul water drainage strategy shall be implemented in accordance with the approved details prior to first occupation of the development and retained as such thereafter.
- 5) Prior to the commencement of any development a detailed sustainable surface water drainage (SuDS) strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. The detailed SuDS strategy shall:
 - i) Restrict the discharge rate of surface water according to the Local Planning Authority's Sustainable Drainage SPD (2010) requirements.
 - ii) Demonstrate that the surface water generated by the development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.
 - iii) Demonstrate (by reference to published guidance) that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters. As part of this the strategy shall include bespoke calculations for the nutrient removal efficiency of the SuDS and not rely on median values.
 - iv) Demonstrate that appropriate operational, maintenance and access arrangements have been made for each drainage feature or SuDS component, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The SuDS strategy shall be implemented in accordance with the approved details prior to first occupation of the development and retained as such thereafter.

- 6) Prior to the commencement of any development a Construction and Transport Management Plan shall be 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:

- i) Details of areas on site for parking and turning for site personnel;
- ii) Details of areas on site for parking loading and unloading of plant and materials, and provision of on-site for turning for delivery and construction vehicles including HGV's;
- iii) Details of areas for the storage of plant and materials;
- iv) Details of the form and location of any proposed temporary works compounds/welfare facilities;
- v) Details of facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances and details of measures to ensure that the local highway hinterland of the site is regularly monitored and cleared of any mud or similar substances;
- vi) A programme of works (including details of the timing of deliveries, measures for traffic management/signage);
- vii) Details of any temporary fencing/hoardings to be provided;
- viii) Details of the routing of construction and delivery vehicles to / from site.
- ix) Details of hours of construction

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

- 7) Prior to the commencement of any development a Landscape and Ecological Enhancement and Management Plan (LEEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the LEEMP shall be based on the Outline Landscape and Ecological Design Strategy (ES Landscape Planning, May 2023) and include the following:
 - i) Identification and details of management of the species rich meadow grassland, green buffer/landscape corridor and green space located in and around the dwellings (outside of the private curtilage), medical centre and pharmacy shown indicatively in "Outline Landscape and Ecology Design Strategy Plan, drawing no 9910L.LSP.004 (Rev B)
 - ii) A completed Defra Biodiversity Metric calculation with copies of full condition assessment information;
 - iii) Detailed proposals for habitat creation, enhancement and retention, including timing, methodology and proposed species to be planted. Proposals should align with those detailed within the submitted BNG assessment;
 - iv) Details of biodiversity enhancements to be provided in accordance with the Framework. These shall include habitat boxes for insects, hedgehog, bats and breeding birds (including S41 priority species / red/amber listed species). Boxes for wildlife shall include both building integrated and tree-mounted features, and shall be constructed of Woodstone/Woodcrete to ensure durability;
 - v) Aims and objectives of management (aligned with the BNG assessment);
 - vi) Appropriate management prescriptions for achieving aims and objectives (aligned with the BNG assessment);

- vii) Constraints on site that might influence management and details of counter-measures;
- viii) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- ix) Details of the body or organisation responsible for implementation of the plan, and;
- x) Ongoing monitoring and remedial measures (aligned with the BNG assessment).

The approved plan shall be implemented in accordance with the approved details prior to first occupation of the development and retained and maintained as such thereafter.

- 8) Prior to the commencement of any development a specification and written timetable of archaeological field evaluation works shall be submitted to and approved in writing by the Local Planning Authority. The archaeological field evaluation works shall be implemented in accordance with the approved details prior to the commencement of any development.
- 9) Prior to the commencement of any development a specification and timetable of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording shall be submitted to and approved in writing by the Local Planning Authority. The proposed development shall be implemented in accordance with the approved details and timetable.
- 10) Prior to the commencement of any development a detailed scheme for the translocation of reptiles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - i) A methodology for the collection of reptiles and measures to prevent reptiles returning to the site prior to and during the development;
 - ii) Details of how the receptor area will be enhanced and be in a suitable condition to support the likely number of reptiles which will be moved, prior to any reptiles being captured for transportation; and details of the management of the translocation site in perpetuity.

The translocation shall be implemented in accordance with the approved details prior to the commencement of any development.

- 11) Prior to the commencement of any development a verification report shall be submitted to and approved in writing by the Local Planning Authority confirming that the reptiles have been removed from the site.
- 12) Prior to the commencement of any development a Precautionary Works Method Statement detailing precautionary mitigation measures to protect badgers and their setts shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the method statement will include:
 - i) The objectives for the proposed precautionary mitigation works;
 - ii) The extent and location of proposed mitigation works shown on appropriate scale plans;
 - iii) Details of construction/habitat creation works timing and expected duration;

- iv) Proposed sensitive working methods;
- v) Contingency plans should evidence of badger be encountered during works;
- vi) Details of those responsible for implementing the precautionary mitigation;

The works shall be carried out in accordance with the approved details for the full duration of the construction period.

- 13) Prior to the occupation of any part of the development the following shall be submitted to and approved in writing by the Local Planning Authority:
- i) a design and specification for the off-site highway works to provide a toucan crossing on Ashford Road;
 - ii) a Stage 1 Road Safety Audit for the crossing and associated alterations to the highway;
 - iii) a timetable for construction and implementation of the toucan crossing.

The toucan crossing shall thereafter be constructed in accordance with the approved design and specification, road safety audit and timetable for implementation; and retained as such thereafter.

- 14) Prior to the occupation of any part of the development a written specification and timetable of a programme of archaeological post excavation and publication work shall be submitted to and approved in writing by the Local Planning Authority. The proposed development shall be implemented in accordance with the approved details and timetable,
- 15) Prior to the occupation of any part of the development a Verification Report pertaining to the foul water drainage strategy and the SuDS strategy, prepared by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is in accordance with the approved foul water drainage strategy and SuDS strategy. The Report shall contain information and evidence (including photographs) of: the details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and an operation and maintenance manual for the SUDS as constructed.
- 16) Prior to the occupation of any part of the development the following details of works between the Medical Centre, Pharmacy and each dwelling and the adopted highway shall be submitted to and approved in writing by the Local Planning Authority:
- i) Footways, with the exception of the wearing course;
 - ii) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway furniture (if any);

All wearing courses shall be completed prior to occupation of the Medical Centre and Pharmacy to which they relate and within one year of occupation of the dwellings to which they relate.

With the exception of the wearing courses, the development shall be completed in accordance with the details so approved prior to the first occupation of the Medical Centre, Pharmacy and each dwelling.

- 17) Prior to the occupation of any part of the development a lighting design plan for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The plan will show how and where external lighting will be installed and shall include a baseline lighting assessment for the site/site boundaries. The Plan shall detail the expected vertical and horizontal light spill in lux levels, so that it can be clearly demonstrated that areas to be lit will not increase lighting impacts on vegetation. All external lighting shall be installed only in accordance with the details set out in the Plan and shall be retained as such thereafter.
- 18) Prior to the occupation of any part of the development details including plans of a high speed wholly fibre broadband to the premises (FTTP) connection to the development, shall be submitted to and approved by the Local Planning Authority. The proposed development shall be implemented in accordance with the approved details and be available for use prior to the first occupation of the Medical Centre, Pharmacy and each of the dwellings.
- 19) Prior to the occupation of any part of the development the site access off Ashford Road and associated visibility splays shown on the approved plans shall be constructed and shall be retained as such thereafter. The visibility splays shall be retained with no obstructions over 0.9 metres above carriageway level within the splays.
- 20) Prior to the occupation of any dwelling, that dwelling shall be 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.
- 21) Prior to the occupation of any dwelling that dwelling shall be provided with a system for rainwater harvesting with a connection to a rainwater downpipe. The rainwater harvesting system shall be retained thereafter.
- 22) Prior to the occupation of any dwelling with a designated car parking space, that dwelling shall be provided with at least one electric vehicle charger point. All Electric Vehicle charger points shall be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). The charging point shall thereafter be kept available at all times for this purpose.
- 23) The plans and particulars pursuant to condition 1 'layout' and 'landscaping' shall show adequate land, reserved for parking and/or garaging to meet the needs of the development, in accordance with Ashford Local Plan 2030 Policy TRA3a (or any policy superseding it) in respect of the number of spaces required; and layout in respect of the Council's adopted Residential Parking and Design Guidance SPD.

The approved parking and/or garaging shall be provided, surfaced and drained in accordance with the approved details prior to first occupation of the development and shall be retained for the use of the occupiers of, and visitors to, the premises.

Thereafter, 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 the land so shown as to preclude vehicular access to this reserved parking area.

- 24) The plans and particulars pursuant to condition 1 'layout' and 'landscaping' shall show the provision of secure, covered cycle parking facilities for each of the dwellings, the medical centre, and pharmacy, in accordance with Ashford Local Plan Policies SP1 and TRA6 (or any policy superseding it).
- The cycle parking facilities shall be provided in accordance with the approved details prior to the first occupation of the development and shall be retained for the use of the occupiers of, and visitors to, the premises.
- 25) The plans and particulars pursuant to condition 1 'layout' and 'landscaping' shall include an Arboricultural Impact Assessment and Tree Protection Plan. This shall take account of the proposed layout and provide a schedule of arboricultural site monitoring for the duration of the development until completion. The development shall thereafter be implemented in accordance with the approved details.
- 26) The plans and particulars pursuant to condition 1 'layout' and 'landscaping' shall include full details of all hard and soft landscaping, including a soft landscaping implementation plan.
- i) The details of the soft landscape works shall include the planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); details of the planting that is designed to create year round colour; schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate; full details of proposed tree pits of a size and specification to tree species and to ensure maturation and long-term survival; guards and any other measures necessary to protect trees in locations immediately adjacent to parking bays and an implementation and planting programme/timetable to ensure that all soft landscaping and planting is completed within 6 months of the completion of the development.
 - ii) The details of the hard landscape works shall include details of hard surfacing materials (including colour finish, specification of paving and gauge as appropriate.
 - iii) The details shall include that if any trees and/or plants whether new or retained which form part of the soft landscape works approved by the Local Planning Authority die, are removed or become seriously damaged or diseased prior to the completion of the construction works or within a period of 10 years from the completion of construction such trees and/or plants shall be replaced in the next available planting season with others of a similar size and species.
- The development shall thereafter be implemented in accordance with the approved details.
- 27) The plans and particulars pursuant to condition 1 'layout' and 'landscaping' shall include full details of facilities to accommodate the storage of refuse and material for recycling for each dwelling, the medical centre, and the pharmacy and its collection by refuse vehicles. The approved details shall be implemented prior to first occupation of the dwellings, the medical centre and the pharmacy to which they relate. The approved facilities shall be retained and access thereto shall not be precluded.

- 28) The plans and particulars pursuant to condition 1 'layout' and 'landscaping' shall demonstrate that the dwellings comply with the Nationally Described Space Standards and external private space complies with the Council's Residential Space and Layout SPD.
- 29) The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other hedges and shrubs to be retained by observing the following
- i) All trees and hedges to be retained shall be 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,. Such tree protection measures shall remain throughout the period of construction;
 - ii) No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
 - iii) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation
 - iv) No roots over 25mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
 - v) 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.
 - vi) If any retained tree is cut down, uprooted or destroyed or dies another tree or trees shall be planted at the same place and the tree or trees shall be of such size and species to reflect the lost canopy cover the size and number of which is to be agreed with the Local Planning Authority and shall be planted at such time as may be specified in writing by the Local Planning Authority.

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

- 30) If unexpected contamination is found at any time when carrying out the approved development:
- i) It shall be reported in writing to the Local Planning Authority.
 - ii) An investigation and risk assessment, including, if necessary, a remediation scheme and timetable for remediation shall be submitted to and approved in writing by the Local Planning Authority prior to the continuation of development on the part of the site affected.
 - iii) Where remediation is necessary, remediation shall be completed in accordance with the approved remediation scheme and timetable. A verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority prior to the continuation of development on the part of the site affected.

APPEARANCES

FOR THE APPELLANT:

K Barnes

I Bull

A Doinik

A Gray

G Hughes

R Jarvis

J Kelly

P Kitchingman

G Laister

FOR THE LOCAL PLANNING AUTHORITY:

D Carter

F Tomlinson

H Turner

S Ellcock (KCC)

INTERESTED PARTIES:

P Le Rossignol

R McGeever