
Appeal Decision

Hearing Held on 25 July 2017

Site visit made on 25 July 2017

by R J Jackson BA MPhil DMS MRTPI MCM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 August 2017

Appeal Ref: APP/E2205/W/17/3168991

Land between Hinxhill Road and Hythe Road, Willesborough, Ashford, Kent

- 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 Bellway Homes Ltd against Ashford Borough Council.
 - The application Ref 16/01512/AS, is dated 4 October 2016.
 - The development proposed is outline planning application with all matters reserved, except 'access' for a new link road to the rear of the William Harvey Hospital from the A20 and up to 207 dwellings together with associated open space, play equipment, landscaping, drainage, infrastructure and earthworks.
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Decision

1. The appeal is allowed and planning permission is granted for outline planning application with all matters reserved, except 'access' for a new link road to the rear of the William Harvey Hospital from the A20 and up to 192 dwellings together with associated open space, play equipment, landscaping, drainage, infrastructure and earthworks at Land between Hinxhill Road and Hythe Road, Willesborough, Ashford, Kent in accordance with the terms of the application, Ref 16/01512/AS, dated 4 October 2016, subject to the conditions in the Schedule to this decision.

Procedural matters

2. The application and appeal documentation gave various titles for the address of the appeal site being "Land at Willesborough Lees, north of A20", "Land north of Hythe Road, Hinxhill, Ashford" and "Land between Hinxhill Road and Hythe Road, Willesborough, Ashford, Kent". For clarity it was agreed at the Hearing that the last of these best described the site and I have used that in the heading and the formal decision.
3. As stated in the heading the application was made in outline with all matters except "access" reserved for later consideration. When first received the Council indicated that it considered that in addition to "access" there should be consideration of "appearance", "layout" and "scale" at the outline stage and formally notified the then applicant of this in accordance with Article 5(2) of Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) (the DMPO). As such the Council did not undertake any publicity in connection with the application.

4. The appellant disputed the need for the consideration of these additional matters and at the end of the statutory period lodged the current appeal with the Planning Inspectorate. Following representations by both main parties the appeal was accepted as valid and the Council wrote to those who should have been consulted and notified under the DMPO to allow them to make representations at this appeal stage. I have considered the representations received. The appeal is being considered on the basis of the proposal being made in outline with only "access" for consideration.
5. In respect of "access" the plans showing the junctions with the surrounding highways (Hythe Road (A20) and Hinxhill Road) also show the potential position of buildings. It was agreed at the Hearing these elements of the drawings were not for consideration. I have considered the appeal on this basis.
6. Following the lodging of the appeal discussions between the main parties led to an agreement that the proposal should be amended to being "up to 192 dwellings" rather than the "up to 207 dwellings" which was set out on the application form and as I have set out in the heading.
7. There was a discussion at the Hearing as to the most appropriate way to resolve the issue of the number of dwellings. It was agreed that the simplest way was for the description to be amended, and I have used the revised number in the formal decision. Given that this smaller number of dwellings would have lesser effects than the original number and is not so materially different so that it could not be considered as an amendment to the original proposal, I am satisfied that this amendment can be done without prejudice to any party.
8. In its Statement of Case the Council indicated that had it been in a position to do so when the appeal was lodged it would have refused the application for two reasons relating to affordable housing and infrastructure. Shortly before the Hearing the Council's Planning Committee considered a report in relation to the matter. It resolved, in gist, that subject to the completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) to provide for affordable housing and specified infrastructure it would, subject to various conditions, raise no objection to the proposal.
9. At the Hearing the appellant was intending to submit a Planning Obligation to deal with these issues. However, following discussions at the Hearing the appellant indicated it wished to revise its terms and this was done with an Obligation dated 4 August 2017. This Obligation was made in Agreement with the Council and Unilaterally in respect of Kent County Council (KCC). I will discuss this below.

Background

10. The key diagram for the Ashford Core Strategy 2008 (the CS) identified the appeal site, and adjoining land, for residential development. This was followed through in the Urban Sites and Infrastructure Development Plan Document (the USIDPD) which was adopted in 2012. In Policy U14 of the USIDPD the appeal site, along with the land around the adjoining Highmead House, was specifically allocated for residential development with an indicative capacity of 200 dwellings.

11. The policy required the development to deliver a number of items of infrastructure, particularly to provide a secondary link to the William Harvey Hospital which would also act as a by-pass from Hinxhill Road to the A20 removing traffic from The Street in Willesborough Lees. There were various other requirements relating to the effect of the development on the character and setting of the adjoining Conservation Area and neighbouring listed buildings.
12. There are a number of other, more general, policies, in the USIDPD which are also applicable to the proposal, such as those relating to affordable housing and infrastructure. I will discuss these below.
13. Highmead House has been the subject of applications and an appeal. However, the latest position is that the Council has resolved to grant planning permission for residential development of 28 dwellings on this site subject to the completion of a Planning Obligation.
14. Determinations should, of course, be made in accordance with the terms of the development plan unless other material considerations indicate otherwise.
15. In June 2016 the Council published its draft Ashford Local Plan (the dLP). This continues to allocate the appeal site and the Highmead House site for residential development in its Policy S17. The only difference being than rather than setting "an indicative capacity of 200 dwellings" this indicates that the allocation site would be for "up to 200 dwellings". The dLP is at an early stage in its preparation and I am advised that there have been objections to this change. Therefore, in line with paragraph 216 of the National Planning Policy Framework (the Framework) I can only give this plan limited weight.
16. In the Statement of Common Ground the Council accepts that it cannot show a 5 year supply of housing land as required in paragraph 47 of the Framework and thus development plan policies for the supply of housing cannot be considered to be up-to-date in line with paragraph 49. In light of this, in line with paragraph 14 of the Framework, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

Main Issues

17. In light of all the above, the parties accept, and I agree, that the appeal site is suitable for residential development at the level proposed subject to it meeting the specific criteria set out in Policy U14 of the USIDPD and other material policies of the development plan.
18. The main issues are therefore:
 - whether the proposal makes appropriate provision for affordable housing; and
 - whether the proposal makes appropriate provision for the necessary infrastructure to support the development.

Reasons

19. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations) states a planning obligation may only

constitute a reason for granting planning permission if the obligation passes three requirements. This is reiterated in paragraph 204 of the Framework. These requirements are that the Obligation is necessary to make the development acceptable in planning terms, that it is directly related to the development and fairly and reasonably related in scale and kind to the development.

20. Regulation 123 of the CIL Regulations also states a planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure where five or more separate planning obligations provide for the funding or provision of that project or provide for the funding or provision of that type of infrastructure.

Affordable housing

21. Policy CS12 of the CS indicates that for the appeal site no less than 30% of the dwellings should be as subsidised affordable housing, with the provision being 60% social rental and 40% for other forms of affordable provision. Although the policy is written in specific terms without exception, it is clear that each case must be considered on its merits in light of the circumstances of the proposal. Indeed the supporting text to this policy recognises this in stating that the "target is set which takes account of levels of finance likely to be available for affordable housing and ensures viable, sustainable communities are delivered". Policy CS8 of the CS also indicates where paying the standard tariff of development contributions would have serious implications for the viability of developments, the Council will encourage an 'open book' approach and where necessary will operate the policy flexibly.
22. The national Planning Practice Guidance (the PPG) also emphasises that where it can be shown that a planning obligation would cause a development to be unviable, the local planning authority should be flexible in seeking planning obligations¹. The PPG continues that affordable housing contributions should not be sought without regard to individual scheme viability.
23. To this end, in maintaining the other Obligations towards infrastructure and other matters, the appellant and Council have agreed that the proposal would only be viable if the proportion of affordable housing is set at 20% with the tenure mix being 40% affordable rented and 60% intermediate housing. This is provided for within the Planning Obligation. I have no other evidence to dispute this and therefore find that it order to deliver the benefits of the wider scheme that this would be the appropriate proportion and mix of affordable housing.
24. Paragraph 50 of the Framework emphasises that where affordable housing is needed the approach should be to create mixed and balanced communities. The appellant confirmed at the Hearing that the viability was based on a broad assessment and that was not contingent on the affordable housing being delivered at a particular point in the development process. The Council has published an Affordable Housing Supplementary Planning Document (the AHSPD). This indicates that on sites of this size that affordable housing will be in clusters up to a maximum of 30 dwellings. The provision of 20% affordable housing would be of 38 dwellings.

¹ Reference ID: 10-019-20140306

25. As an outline proposal there is nothing to indicate where the affordable housing would be located and thus to ensure that a mixed and balanced community is delivered it is necessary for the timing of the affordable housing to be secured in the Planning Obligation. To this end the Planning Obligation ensures that no more than half of the open market dwellings would be occupied unless half of the affordable housing has been constructed. The remaining affordable housing would be constructed prior to the occupation of three-quarters of the open market housing. These provisions would ensure that the overall development is mixed and balanced.
26. In light of the above, I am satisfied that the provision of affordable housing is necessary to enable the development to take place, it is directly related to the development being permitted, and in light of the viability evidence, is fairly and reasonably related in scale and kind to the development. It would therefore comply with Regulation 122 of the CIL Regulations. As affordable housing is not infrastructure under these Regulations, the totting-up provision of Regulation 123 is not engaged.
27. Although the proposal would not comply with Policy CS12 of the CS in that it would not deliver 30% of the scheme as affordable housing, I am satisfied through the evidence in front of me, that other material considerations indicate that the determination should be made otherwise than in accordance to that policy. The distribution of affordable housing would comply with the AHSPD as set out above. It would also comply with the guidance of the PPG and paragraph 50 of the Framework, both as set out above.

Infrastructure

28. The Council in its Committee Report set out information as to why it considered each of the contributions it sought was necessary, directly related to the development being permitted, and fairly and reasonably related in scale and kind to the development. The appellant did not challenge these obligations.
29. Some of the contributions related to off-site matters, in particular to adult social care, allotments at Gas House Field and Henwood, cemeteries, community learning, libraries, outdoor sports pitches, primary and secondary schools, strategic park provision and youth services. I am satisfied on the evidence in front of me that in each and every case these matters comply with the CIL Regulations as set out above.
30. The site lies in close proximity to the proposed Junction 10A of the M20. At the time of the Hearing, this is being considered under as a Nationally Significant Infrastructure Project. The Obligation makes provision for a contribution towards this. As any occupiers of the dwellings would be likely to utilise this improvement if development consent is granted, I am satisfied that the proposed contribution set out in the Obligation would be necessary, related to the development in question and be fairly and reasonably related in scale and kind to the development. As a highway contribution this would comply with regulation 123 of the CIL Regulations.
31. As far as the site itself is concerned, the Planning Obligation makes provision for an area of Informal Natural Green Space, an Equipped Play Space and the delivery of a hedgerow along with their maintenance in perpetuity.

32. The Green and Play Spaces are necessary to ensure that appropriate provision within the development is made and this directly relates to the development being permitted. The quantities would fairly and reasonably relate in scale and kind to the development. These would be the first obligation providing such infrastructure. I am therefore satisfied that these provisions would comply with Regulations 122 and 123 of the CIL Regulations.
33. Approximately 2 km to the north is the Kent Downs Area of Outstanding Natural Beauty (the AONB). AONBs have the highest status of protection in relation to landscape and scenic beauty and great weight is to be afforded to conserving their landscape and scenic beauty (see paragraph 115 of the Framework). The effect of the development on the AONB was considered in a Landscape and Visual Impact Appraisal submitted with the application. Between the appeal site and the AONB the landform is varied and there is significant but partial screening through this and through vegetation.
34. Currently the northeastern and southeastern boundaries of the appeal site either side of Breeches Wood are not defined on the ground being part of an agricultural field. In order to provide boundaries to the site it is necessary that these are defined and maintained and this would ensure that there would be no material effect on the AONB so that the natural beauty of that area would be conserved.
35. The Obligation makes provision for a hedgerow along the southeast boundary from Breeches Wood to Highmead House. In my view this is necessary in order to ensure would be no material effect on the AONB, and that the provision directly relates to the development and would fairly and reasonably relate in scale and kind to the development. This would be the first obligation providing such infrastructure. I am therefore satisfied that the provision of this hedgerow would comply with Regulations 122 and 123 of the CIL Regulations.
36. Finally, the Obligation makes provision for the payment of a sum to allow for a Controlled Parking Zone (CPZ) to be introduced on the appeal site. As noted above the site is in close proximity to the William Harvey Hospital and there is already a CPZ on The Street and other roads in Willesborough Lees. Given the proximity of the site to the Hospital I can understand and accept that there is a need for a CPZ on the appeal site to ensure that residents and their visitors are able to park within a reasonable distance of their homes. I therefore find that this provision is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and would comply with the CIL Regulations.
37. Overall, therefore, I am satisfied that each of the provisions of the Obligation is appropriate. It would therefore comply with Policies CS1, CS2, CS8, CS15 and CS18 of the CS which seeks the protection of the countryside and landscape from adverse impacts of growth, that financial contributions are sought towards new strategic infrastructure, including Junction 10A. It would also comply with the paragraphs 203 and 204 of the Framework which deal with planning obligations and the CIL Regulations as set out above.

Other matters

38. A local resident objected to the proposal in writing on the basis that he considered the traffic modelling to be incorrect, result in blockages within the stretch of the A20 by the Tesco's roundabout and this would constrain the

proposal for Junction 10A. The appellant explains that the submitted Transport Assessment takes account of the worst case scenario. It also indicates that, even in this situation, there would be sufficient distance between the roundabout and the new crossing for the capacity not to be reached.

39. I have noted that both the highway authorities for the area, that is Highways England in respect of the strategic road network and KCC, have been consulted on the proposals and have raised no objection to the proposals subject to conditions. I am therefore satisfied that the proposal would not result in severe residual impacts, which is the test set out in paragraph 32 of the Framework, if development is to be prevented or refused.
40. Around 0.2 ha of the appeal site lies within the Ashford - Lacton Green Conservation Area. This relates to the northwestern part of the site. The Council has published a Conservation Area Assessment which notes that this is an urban conservation area with a mix of detached and terraced housing in varying sized gardens. It is noted as having a hamlet like character separate from Willesborough and its Conservation Area. Its historic character led to the designation as a Conservation Area. I agree with this assessment as to the significance of the Conservation Area.
41. Although the illustrative layout is just that, this drawing indicates that no built development is to take place in the Conservation Area. In addition, the link road would act as a bypass and a Traffic Regulation Order would prevent motorised vehicles from travelling along part of Hinxhill Road. This would reduce the amount of traffic on The Street and would have a significant positive effect on the character of the Conservation Area enhancing the hamlet like feel. Given the special attention that has to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area as set out in legislation², this weighs significantly in favour of the proposal. It would also comply with paragraph 131 of the Framework which indicates account should be taken the desirability of new development making a positive contribution to local character and distinctiveness.
42. The appeal site is in proximity to a number of listed buildings along The Street. I am satisfied that there is sufficient separation from the proposed built development to those listed buildings so that their individual settings would be preserved. The proposal would therefore comply with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which requires that special regard should be had to the desirability of preserving the building or its setting. Again the reduction of traffic would enhance their wider settings.

Planning Balance

43. As paragraphs 12 and 14 of the Framework makes clear development that accords with the development plan should be approved without delay and, as here where the relevant policies of the development in respect of housing land are out-of-date, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits.
44. In this case the site is allocated for the development proposed and the proposal would bring significant economic benefits through the construction of new

² Section 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990

housing and from the subsequent expenditure of those living within them. It would provide significant social benefits through the provision of new housing including affordable housing, although the proportion of affordable housing would be less than is needed to be policy compliant, but this reduction is justified on viability grounds. While there would be the loss of countryside, this has been already accepted through development plan policy and the proposal would result in benefits to the character of the Conservation Area and the settings of a number of listed buildings through the reduction in traffic.

45. Taking all matters into account, the proposal would represent sustainable development, the appeal should be allowed and planning permission granted.

Conditions

46. I have considered the conditions put forward by the Council against the requirements of the national PPG and the Framework. The numbers given in brackets (X) refer to the condition being imposed, with the order being prescribed by the time when the condition needs to be complied with.
47. In addition to the standard timescale conditions (1, 2, 3), I have imposed a condition specifying the relevant drawings as this provides certainty (4). As explained above the detailed drawings relating to the accesses need to be interpreted so that they only relate to that element and not the layout of any buildings.
48. As discussed at the Hearing a significant number of the proposed conditions relate to appearance, layout, scale and landscaping which are 'reserved' in the consideration of this application. Consequently conditions relating to materials, landscaping (including walls and fences), levels, parking for cars and bicycles, provision of footways, crime prevention and refuse collection are not necessary at this time.
49. In order to ensure the health and longevity of the trees and hedgerows around the perimeter of the site tree and hedgerow protection measures during construction works are necessary and need to be retained while building operations are continuing in proximity to the particular tree and hedgerow (5).
50. I have imposed a condition requiring a Construction Management Plan to be submitted and approved in order to protect the living conditions of the occupiers of neighbouring properties and those living on the appeal site once occupations commence but development has not been completed, and in the interests of highway safety (7). Not all the elements in the drafted condition are necessary, but others, such as to restrict when building operations take place need to be resolved.
51. Due to the proximity of the site to the A20 in order to ensure the living conditions of occupiers of dwellings which may be affected by noise a scheme to resolve this issue needs to be agreed and implemented (8). In order to ensure that the living conditions of the occupiers of any of the dwellings are not affected by contamination a scheme for investigation and remediation needs to be undertaken and, where necessary, implemented (9).
52. In order to ensure that protected species (badgers) near the site are protected both during and after development the mitigation measures set out in the Ecological Appraisal need to be implemented (6). Also in the interests of

- biodiversity on the site an ecological enhancement strategy needs to be submitted, approved and implemented (10).
53. Although a paper based archaeology assessment has been undertaken, in order to record any archaeology on-site field evaluation works and, where appropriate, investigations, recording and reporting, needs to be undertaken (11).
54. In order to ensure that foul and surface water drainage systems are in place, including the use of Sustainable Drainage Systems, conditions are necessary to require schemes to be submitted and implemented (12, 13).
55. To ensure appropriate access to the site, the relocation of a bus stop, the new link road to the hospital and associated Traffic Regulation Order to prevent motorised traffic from using part of Hinxhill Road is delivered in the interests of highway safety and to enhance the character of the Conservation Area and setting of listed buildings a number of conditions on highway matters are necessary. This includes a condition requiring the proposed link road to the Highmead House site in order that the two sites only have a single access to the A20, in the interests of highway safety (14, 15, 16, 17, 18).
56. However, I consider that a number of the other conditions put forward by the Council are not justified. Both a condition preventing the discharge of surface water on to the highway and one allowing access to the site for monitoring purposes during construction would duplicate other legislation. While the Framework supports high quality communications infrastructure the Council confirmed that it does not have a development plan policy for the delivery of high-speed broadband. In light of this a condition requiring such delivery is not justified.
57. The PPG indicates³ that conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. Other than a generalised concern about parking, with no evidence to support this concern, no particular reason was put forward by to restrict the use of the properties to dwellings only. I therefore consider that such a condition is not necessary.
58. The Council requested a condition to limit the amount of water used within the dwellings. While the national optional technical standards can be appropriate the Written Ministerial Statement dated 25 March 2015 made clear such standards need to be justified through new Local Plan policies which will post-date the Statement. The Council confirmed at the Hearing that such a policy was not in place, and for the reasons explained above I can only give the dLP limited weight. I therefore conclude that such a condition is not justified at this time.
59. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

³ Reference ID: 21a-017-20140306

Conclusion

60. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

RJ Jackson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan	2747-10
Parameter Plan	2747-51
Proposed Traffic Signal Controlled Site Access Junction	L571/204 Rev F
Hinxhill Junction Improvements	L571/208 Rev B
Proposed Access to Highmead House Application site	L571/211 Rev A
Proposed Bus Stop Relocation	L571/209

In respect of drawings L571/204 Rev F, L571/208 Rev B, L571/211 Rev A and L571/209 the approved details only relate to the means of access and no approval shall be taken or implied as to the location of any other development.

- 5) No equipment, materials or machinery shall be brought on site in connection with the development hereby permitted, and no works, including site clearance or any other preparatory works, undertaken until the tree and hedgerow protection measures set out in as shown in Figures 2 and 3 of British Standard BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations' have been erected on site in locations in accordance with details submitted to and approved in writing by the local planning authority and agreed in writing as complete by the local planning authority. The protection shall be retained until the local planning authority has confirmed in writing that the development is complete in the vicinity of the specific tree and/or hedgerow. Nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made without the prior written consent of the local planning authority.
- 6) No equipment, materials or machinery shall be brought on site in connection with the development hereby permitted, unless a detailed badger mitigation scheme has been submitted to the local planning authority for approval. This is to include the results of a recent survey, the location of any work exclusion zones around setts/commuting routes and details of the associated landscaping. All works shall proceed in accordance with the approved scheme of mitigation.
- 7) No development shall take place, including any works of demolition, until a Construction Method Statement (the CMS) has been submitted to, and approved in writing by the local planning authority. The CMS shall provide for:
 - i) the parking of vehicles of site operatives and visitors;

- ii) loading and unloading of plant and materials including details of site access point(s) for construction and temporary traffic management/signage;
- iii) storage of plant and materials used in constructing the development;
- iv) wheel washing facilities;
- v) measures to control the emission of dust and dirt during construction;
- vi) delivery and construction working hours.

The approved CMS shall be adhered to throughout the construction period for the development.

- 8) No development shall take place until a scheme for protecting the proposed dwellings from noise from the A20 (Hythe Road) has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before any affected dwelling is occupied and shall thereafter be retained.
- 9) No development shall be commenced until:
 - i) site investigation has been undertaken to determine the nature and extent of any contamination, and
 - ii) the results of the investigation, together with an assessment by a suitably qualified or otherwise competent person, and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the local planning authority.

Prior to the first occupation of the development hereby permitted or, where the approved scheme provides for remediation and development to be phased, the occupation of the relevant phase of the development:

- i) the approved remediation scheme shall be fully implemented (either in relation to the development as a whole or the relevant phase, as appropriate), and
- ii) a Certificate shall be provided to the local planning authority by a suitably qualified or otherwise competent person stating that remediation has been completed and the site is suitable for residential use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

- 10) No development shall take place until an Ecological Design Strategy (EDS) addressing ecological enhancement of the site has been submitted to and approved in writing by the local planning authority. The EDS shall follow the principles set out in Section 6.3 of the Ecological Appraisal dated October 2016 produced by Aspect Ecology reference 1004398 EcoApp JB/AB vf3. The EDS shall be implemented in accordance with the approved details and all features shall be retained thereafter.
- 11) No development shall take place on site until a scheme for archaeological field evaluation works including a specification and written timetable has been submitted to and approved in writing by the local planning authority. Once the evaluation works have completed any further archaeological investigation, recording and reporting, identified by the results of the evaluation shall take place in accordance with a specification and timetable which has been submitted to and approved in writing by the local planning authority.
- 12) No development shall take place on site until a foul drainage strategy detailing the proposed means of disposal and an implementation timetable has been

submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme and timetable.

- 13) No development shall take place on site until plans and particulars of a sustainable drainage system for the disposal of the site's surface water have been submitted to and approved in writing by the local planning authority. The final surface water design should be in accordance with the principles of the Ashford Borough Council's Sustainable Drainage Supplementary Planning Document (the SPD) providing a site run-off rate of no greater than 4 l/s/ha. 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:
- i) avoid any increase in flood risk;
 - ii) avoid any adverse impact on water quality;
 - iii) achieve a reduction in the run-off rate in accordance with the SPD;
 - iv) promote biodiversity;
 - v) enhance the landscape;
 - vi) improve public amenities;
 - vii) return the water to the natural drainage system as near to the source as possible; and
 - viii) operate both during construction of the development and post-completion.

The system must be able to accommodate rainfall events of varying durations and intensities up to and including the 1 in 100 (1% AEP) with a 20% allowance for climate change. Sufficient steps should be taken to ensure that surface water flows between the 1 in 30 and 1 in 100 + 20% year events are retained on site. The design should also be tested for the 1 in 100 critical storm event with a 40% allowance for climate change with sufficient steps undertaken to retain flood waters on site. Flood exceedance routes may be through, or around the development, provided the off-site flood risk is not exacerbated. Wherever possible flood water should be retained on site for the exceedance event at the given discharge rate of 4 l/s/ha with people and property remaining safe (as far as reasonably practicable) and without exacerbating on or off-site flood risk.

A plan should be submitted indicating the routes flood waters will take should the site experience a rainfall event that exceeds the design capacity of the surface water drainage system or in light of systems failure (designing for exceedance) including appropriate mitigation measures and emergency response procedures for the 1 in 100 + 40% climate change critical storm event.

Surface water run-off generated by the site should be dealt with within the application boundary via suitable methods including any new outfall structures. Suitable access should be provided to any new structures to allow for any on-going maintenance of the structure to be completed in a safe manner.

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).

Where infiltration methods are to be proposed, test results should be provided and undertaken in accordance with requirements from BRE Digest 365, with test locations identified.

No drainage systems for the infiltration of surface water drainage into the ground should occur without the express written consent of the local planning authority.

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.

- 14) No dwelling hereby approved shall be occupied until the traffic signalled junction on the A20 (Hythe Road) including the eastern link up to the application site boundary with the access to the land to the southeast (the site of Highmead House) has been provided in accordance with plan numbers L571/204 Rev F and L571/211 A. These drawings only relate to the main access into the site, eastern link to the land to the southeast and footway/cycleway and to no other detail shown.
- 15) No dwelling hereby approved shall be occupied unless the relocation of the bus stop on the A20 (Hythe Road) as shown in plan number L571/209 has been completed in accordance with these details.
- 16) No dwelling hereby approved shall be occupied until a scheme for the relocation of the existing 40 mph speed limit on the A20 (Hythe Road) approximately 100 metres to the east of the existing location has been approved in writing by the local planning authority and the approved scheme brought into effect.
- 17) No dwelling hereby approved shall be occupied until a scheme for the timing and implementation of the proposed junction with Hinxhill Road in accordance with plan number L571/208 Rev B has been submitted to and approved in writing the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved timetable.
- 18) No dwelling hereby approved shall be occupied until a scheme for regulation of traffic on Hinxhill Road to the west of the approved new access from the site has been agreed along with a timetable for its implementation.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

Mr Andrew Wilford	Barton Willmore
Ms Kate Holland	Barton Willmore
Mr Keith Lancaster	Blake Morgan LLP
Mr Julian Goodban	Bellway Homes Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr Mark Davis	Ashford Borough Council
Ms Juliet Gill	Ashford Borough Council

HEARING DOCUMENTS

HD1	Original appeal notification letter
HD2	Extract showing Conservation Area and Listed Buildings in vicinity along with listing descriptions
HD3	Extracts from Policies map showing site and proximity to AONB.