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| Application Number | 16/01012/AS | |
| Location | Land west of the junction of Carters Wood and Ruckinge Road Hamstreet | |
| Grid Reference | 00473/33361 | |
| Parish Council | Orlestone | |
| Ward | Weald South | |
| Application Description | Erection of three bungalows and associated access on land to the rear of 33-36 Carters Wood | |
| Applicant | Ashford Borough Council | |
| Agent | Mr C Dobson, RDA Consulting Architects, Evegate Park Barn, Evegate, Smeeth, Ashford, Kent TN23 1PI | |
| Site Area | 0.1 Ha | |
| (a) 69/ 1S, 68R Petition with 80 signatories R | (b) R | (c) KH&T X, CPRE R |

Introduction

1. This application is reported to the Planning Committee because the applicant is Ashford Borough Council

Site and Surroundings

2. The site forms an irregular shaped area of public open space adjoining Ruckinge Road in the village of Hamstreet. It is set within an area of Twentieth Century residential development characterised by areas of mowed grassy open space. A public footpath extends along the north eastern boundary of the site providing access to Ruckinge Road. The north western boundary of the site is defined by the rear of semi-detached bungalows.
3. Within a short walk of the application site on the other side of Ruckinge Road is the village surgery, a larger area of public recreational space and children's play area.
4. A site location plan is shown below.

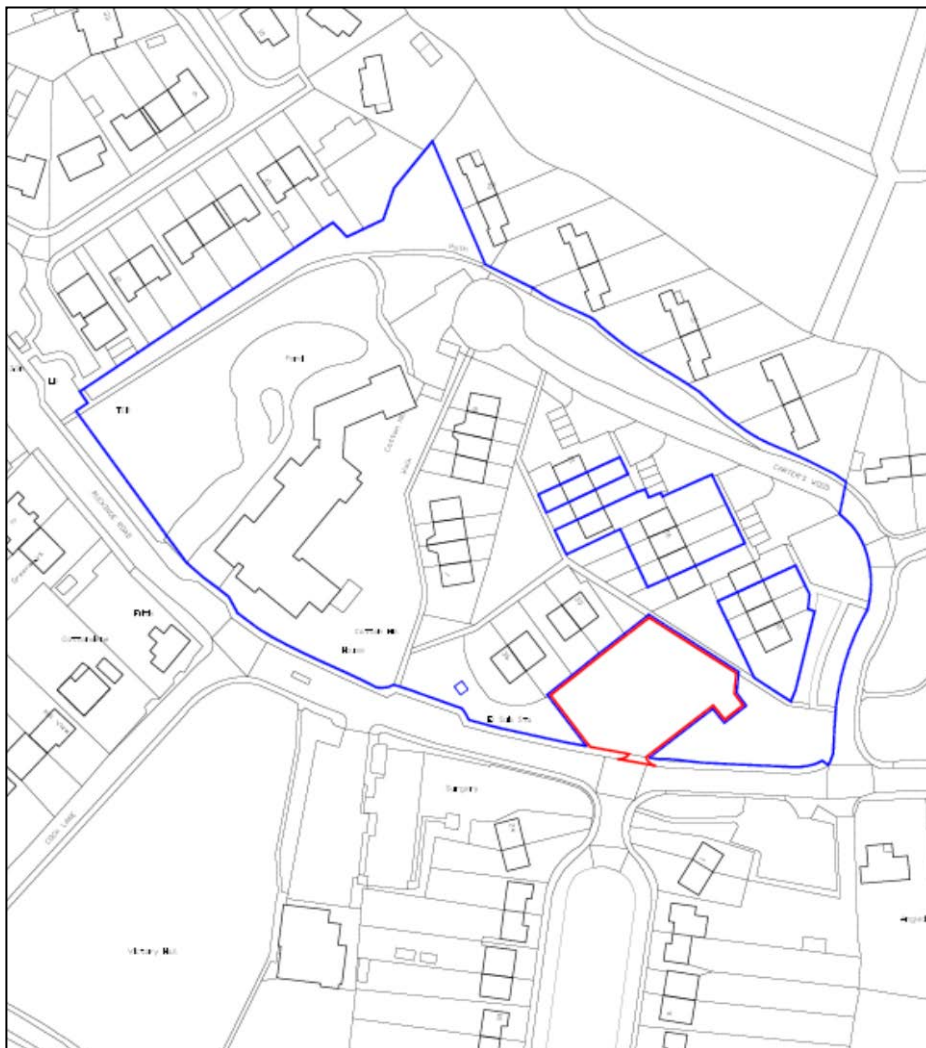


Figure 1: Site location plan

Proposal

5. The application is for full planning permission for the erection of 3 bungalows for older 50+ tenants with possible disabilities.
6. The proposed development would front onto the retained open space and back onto the backs of bungalows in Carters Wood. A new access drive would be provided to the front of the development, off Ruckinge Road with 4 disabled parking spaces integrated into the layout. The units would be arranged as a pair of semis and one detached property; each with 2 x bedrooms.

7. The proposed site layout is shown below:



Figure 2: Proposed site layout

8. The proposed bungalows would have a depth of 9m and width of just over 9m. They would have a low pitched roof (height: 4.7m to ridge) incorporating gable ends. Walls would be mostly brickwork, with some blockwork clad with weatherboarding. Large format interlocking tiles are proposed to the roof with uPVC windows.
9. Floor plans and elevations are set out below:

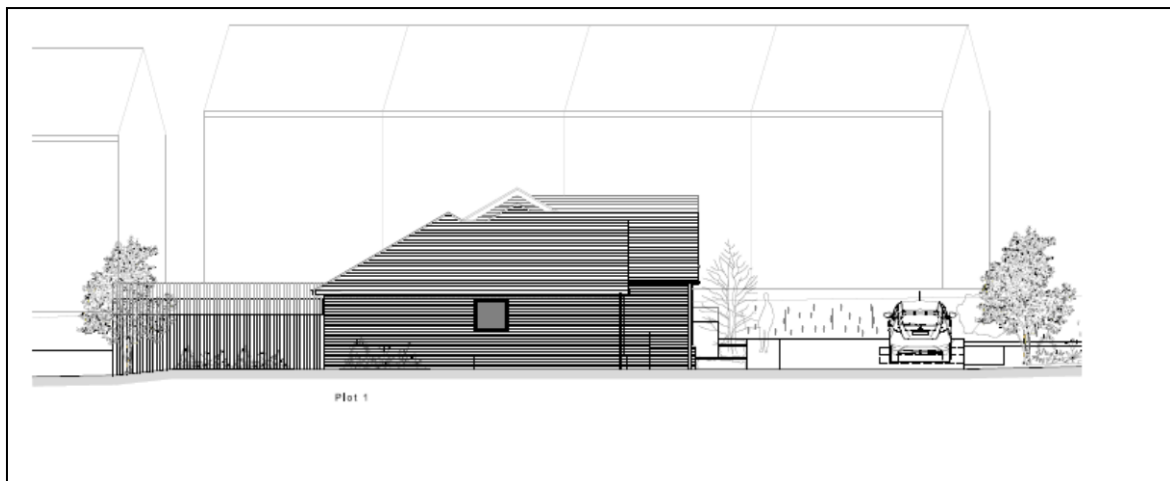


Figure 3: Plans and front and side (south west) elevations

10. In support of the application, the following has been submitted:

Tree Survey Schedule by GC Design: A total of 8 trees were surveyed: 6 category B and 2 category C. The proposals show that three of the trees would be removed.

Planning History

11. None relevant.

Consultations

Ward Member: No formal comments have been received.

Orlestone Parish Council: Objects to the proposals.

Campaign to Protect Rural England: Objects noting the importance of the space to local people for play and recreation. It considers that the space gives an open and pleasant entrance to the village thus helping to prevent urbanisation. It considers that the proposal would destroy an open space that is an important characteristic of the settlement.

KCC Highways and Transportation: No objections subject to the provision of a visibility splay and various conditions.

Neighbours: 69 representations have been received: 2 in support and 68 raising objections.

68 Objections:

- Hamstreet has already suffered a lot of development in recent years – why can this development not be integrated into an existing scheme?
- The space is too small to support this scale of development;
- The development would harm the character and appearance of the street;
- Loss of recreational space where children play and have done for years; an important community space which means a lot to local people;
- Other village open spaces are on the other side of Ruckinge Road so are not so readily accessible, especially given the high volume of traffic on this street;
- Increase in surface water run-off caused by the development would exacerbate existing drainage problems in the area with blocked gullies and pipes. These problems should be resolved before further development is allowed to take place;

- The proposal would exacerbate existing parking problems in the area;
- Additional lighting is required to increase pedestrian safety in the area;
- Loss of trees

A petition has been received, signed by 80 residents, which raises the following objections:

- Unacceptable reduction of community space in a central village setting;
- Loss of existing views affecting the residential amenity of neighbours;
- Over-baring development out of scale with location and design and lacking sympathy for neighbouring properties, unnecessarily dominating the area;
- Loss of mature trees from key areas which further exacerbate the sterile nature of the building design.

2 letters of support:

- Whilst not a fan of green space being built on, recognise the need for this type of accommodation in the village
- 1 letter explains how as a former Councillor he was frequently approached by young people living in the village who were unable to afford a property there and elderly residents who wanted to return to the village. He cites how a £300 000 market price house would sell as 'affordable' at say £240 000 (20% discount), which is not affordable for most young people. Further, local needs houses can only be built and sold at a manageable price if the Housing Association can buy the land at agricultural price plus a small margin. He makes the point that no land owners have come forward to offer land at these prices (although adjacent villages such as Warehorne and Appledore have been successful with Local Needs housing).
- As Councillor, he discussed this problem with the Parish Council and subsequently the Head of Housing at Ashford Borough Council. The proposal now subject of this planning application, was shown to the Parish Council and after reducing the design bulk / ensuring that the roof ridge heights didn't block views, plans were finalised for planning. This scheme would allow elderly residents to downsize into bungalows allowing their family house to go to a young family. The bungalows would be suitably equipped and would be sited opposite the surgery. He makes the point that bungalows are like gold dust in most villages.

- He recognises that the concerns of local residents regarding the impact of the proposals on visual amenity and the loss of children's play space should be taken into account. However, he makes the point that the whole open area would not be built over and the Village Green with children's play area is almost opposite. In addition, Pound Lane is only a short walk away with its football field, MUGA and sports pavilion.

Planning Policy

The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012 and the Chilmington Green AAP 2013. On 9 June 2016 the Council approved a consultation version of the Draft Local Plan to 2030. Consultation commenced on 15 June 2016 and has now closed. At present the policies in this emerging plan can be accorded little or no weight.

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

Ashford Borough Local Plan 2000

EN10 – Development on the edge of existing settlements

HG 3 – Design in villages

LE11 – Loss of public open spaces

Local Development Framework Core Strategy 2008

CS1 – Guiding Principles

CS2 – The Borough Wide Strategy

CS9 – Design Quality

CS15 – Transport

CS18 – Meeting the Community's Needs

CS18a – Strategic Recreational Open Space

CS20 – Sustainable Drainage

Tenterden & Rural Sites DPD 2010

TRS1 – Minor Residential Development or Infilling

TRS19 – Infrastructure provision to serve the needs of new development

13. The following are also material to the determination of this application:-

Supplementary Planning Guidance/Documents

Residential Space and Layout (External standards only)

Residential Parking and Design

Sustainable Drainage

Public Green Spaces and Water Environment

Dark Skies SPD

Government Advice

National Planning Policy Framework 2012

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:

- Paragraph 14 sets out presumption in favour of sustainable development
- Paragraph 17 sets out the core planning principles including every effort should be made objectively to identify and then meet the housing needs of the area; and always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; encourage the effective use of land by reusing land that has been previously developed (brownfield), provided that it is not of high environmental value; contribute to conserving and enhancing the natural environment, conserve heritage assets.
- Section 6 sets out about delivering a wide choice of high quality homes, including planning for the needs of different groups in the community such as the elderly. In rural areas, local planning authorities

should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing

- Section 7 sets out requiring good design.

Nationally Described Space Standards.

Assessment

14. The main issues for consideration are:

- Principle of development
- Loss of public open space
- Visual amenity
- Residential amenity
- Trees
- SUDS
- Planning Obligations

Principle of residential development

15. Policy TRS1 of the Tenterden and Rural Sites DPD allows minor development or infilling within the built-up confines of a number of settlements providing that:

- a) The development can easily be integrated into the existing settlement without the need to substantially improve the infrastructure of other facilities;

(**JDCM comment:** This is a small development within the village)

- b) The proposal is of a layout, scale, design and appearance that is appropriate to the character and density of the surrounding area;

(**JDCM comment:** I consider this to be the case - see the Visual Amenity section to this report)

- c) It does not result in the displacement of other active uses such as employment, leisure or community uses in the area; and

(JDCM comment: The proposal will not displace such uses)

- d) The proposal would not result in the loss of private or public open spaces or gaps that are important characteristics of the settlement.

(JDCM comment: I consider this to be the case - see Visual Amenity section)

16. This policy is endorsed by emerging Local Plan Policy HOU4 of the Ashford Local Plan 2030 which provides similar assessment criteria.

I therefore consider that the proposal meets the requirements of Policy TRS1.

Loss of public open space

17. Policy LE11 of the Ashford Borough Local Plan 2000 allows the development of public open spaces where there would be no significant impact on the quality of the local environment and there is proven over-provision of public open space serving the immediate area.
18. Cultural Services has confirmed that there is an undersupply of informal public open space within the village (by roughly 50%). The loss of public open space on this site is therefore contrary to Policy LE11. The issue, then, is whether the benefits of this proposal outweigh the harm in terms of the loss of open space.
19. This proposal would involve the loss of the greater part of this area of informal open space to provide three bungalows for elderly people or people with a mobility problem in the 50+ age group living in the parish. The provision of this accommodation would help free up larger accommodation that could be used by a family. The NPPF attaches great importance to the provision of housing in villages, including housing for the elderly. This is a material consideration which must be taken into account in the consideration of this application.
20. A number of people have highlighted the importance of this space as a recreational resource especially for younger children living in adjacent streets who would otherwise have to cross Ruckinge Road to access the main public open space adjacent to Victory Hall. Whilst this is the case, the open space is considered too small to provide a meaningful kick-about area and its wide shared boundary with Ruckinge Road also renders it unsuitable for this purpose. It also provides little in the way of nature conservation interest. (I consider that the main function of this area of open space is its visual amenity - see section below). On the other hand, the public open space adjacent to

the Victory Hall, which is only 2 minutes' walk from the site, is much larger and includes a dedicated children's play area.

21. On balance, I consider that the provision of affordable rural housing to meet the needs of elderly people within the village together with the availability of alternative and better quality public open space within a very short walk of the application site outweighs the harm of losing public open space in this instance.

Visual Amenity

22. The NPPF attaches great importance to the design of the built environment with policies CS1 and CS9 of the Core Strategy and policies SP1 and SP6 of the emerging Local Plan 2030 consistent with this approach. Policy TRS1 (d) seeks to protect private or public open spaces or gaps that are important characteristics of the settlement.
23. The site falls outside the historic core of the village. Whilst this open space and other similar spaces within Carters Wood are characteristic of development of this era, I do not consider that this alone is a reason to retain 'this' open space which is larger than most of the incidental spaces within Carters Wood and opens out onto the main road. The development of part of the open space as proposed would retain an area of open space to the front of the development which would continue to contribute to the green approach into the village. Furthermore, the proposed development encloses the backs of properties in Carter's Wood whilst providing a more attractive frontage onto the retained public open space.
24. I do not therefore consider that the proposal would result in the loss of private or public open spaces or gaps that are important characteristics of this part of the village.
25. The proposed development is of an appropriate residential scale being similar in height and scale to the existing bungalows in Carters Wood and significantly lower than adjoining two storey development. The development would have a traditional form and design which is considered acceptable in this context. I consider that the proposal provides high quality design in accordance with local and national planning policy.

Residential Amenity

Existing residents

26. I do not consider that the proposed development would be overbearing or result in overlooking of adjoining properties.

Future Occupants

27. Whilst the gardens are less than 10m in length (6m and 8.5m respectively) given the type of property proposed this is considered acceptable.

Trees

28. In addition to three trees identified for removal, I consider that a further tree would need to be removed – the tree within the garden of unit 3 – due to its proximity to the development. Replacement planting is required for the loss of these trees and I have attached an appropriate condition.

SUDS

29. The site is not in an area prone to flooding so although the level of detail provided on the surface water management is limited, it is considered that a feasible surface water solution can be found. More details are required by condition to ensure compliance with the Council's adopted SPD.

Planning Obligations

30. Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
1. Necessary to make the development acceptable in planning terms;
 2. Directly related to the development; and
 3. Fairly and reasonably related in scale and kind to the development.
31. I recommend the planning obligations in Table 1 below be required should the Committee resolve to grant planning permission. I have assessed them against Regulation 122 and for the reasons given consider that they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development accordingly there may be a reason to grant planning permission in this case.

Table 1

| Planning Obligation | | | Regulation 122 Assessment |
|---|----------------------------|------------------|---|
| Detail | Amount(s) | Trigger Point(s) | |
| <p><u>Specialist Housing</u></p> <p>The housing shall only be occupied by local people who require specialist housing and shall remain affordable in perpetuity. The housing shall be let at no more than 80% market rent and leased at initial equity purchase percentages approved by the Council. The housing shall be constructed to such standards and other particulars as the Council specifies. The housing shall be managed by a registered provider of social housing approved by the Council.</p> | <p>All affordable rent</p> | | <p>Necessary as the benefit of providing affordable, specialist housing to meet local needs, which justifies permission being granted, must be secured pursuant to Tenterden and Rural DPD policy TRS5 and guidance in the NPPF.</p> <p>Directly related as policies restricting housing in such locations mean that permission would not otherwise be granted for the development.</p> <p>Fairly and reasonably related in scale and kind as no housing of any kind would otherwise be permitted on the application site.</p> |

| Planning Obligation | | | Regulation 122 Assessment |
|--|-----------|------------------|---------------------------|
| Detail | Amount(s) | Trigger Point(s) | |
| <p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the council web site in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs.</p> <p>If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.</p> | | | |

Human Rights Issues

32. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

33. In accordance with paragraphs 186 and 187 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 as explained in the note to the applicant included in the recommendation below.

Conclusion

This proposal would result in the loss of the greater part of a public open space in a village where there is an undersupply of such space and is therefore contrary to Policy LE11 which seeks to protect such spaces. However, this harm needs to be balanced against the need to provide accommodation for elderly people to allow them to down size and stay within the village which is afforded high importance within the NPPF and therefore a material consideration in the assessment of this planning application. Local people have, in large numbers, identified the importance to them of this space as an informal play area. In my consideration of this

application, I have also taken into account the presence of an alternative public open space with children's play area of superior quality only a short walk from the application site.

In terms of visual amenity, some residents have highlighted the importance of this space in terms of its visual amenity. I do not consider that this space makes such an important contribution to the character of this part of the village that it could not be developed, in part, as proposed here. The retained part of the space would still provide a green space within this part of the village.

The proposal would provide a high quality of design, is acceptable in terms of residential amenity and KCC Highways and Transportation has raised no objections to the proposal subject to conditions. Similarly, an appropriate condition is proposed to mitigate for the loss of trees on the site.

I am therefore of the view that on balance the benefits of this proposal outweigh the harm and the proposed development represents a sustainable development of the site in accordance with local and national planning policy.

Recommendation

(A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations related to specialist housing as detailed in table 1, in terms agreeable to the Head of Development Strategic Sites and Design in consultation with the Corporate Director (Law & Governance), with delegated authority to the Head of Development Strategic Sites and Design to make or approve changes to the planning obligations and planning conditions (including adding additional conditions or deleting conditions as necessary), as she sees fit.

(B) Permit subject to the following conditions and notes:

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. 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 and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

- 3 A landscaping scheme for the site to include boundary treatment and replacement tree planting (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Thereafter, 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 unless the Local Planning Authority give prior written consent to any variation.

Reason: In order to protect and enhance the amenity of the area and to replace the trees on the site that will be lost by this development.

- 4 No construction activities shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

Reason: To protect the amenity of local residents in accordance with Policy CS1 of the Local Development Framework Core Strategy.

- 5 Prior to works commencing on site, details of parking for site personnel as well as details of loading and turning areas for construction traffic shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be provided and retained throughout the development. The approved parking, loading and turning areas shall be provided prior to the commencement of development.

Reason: To ensure provision of adequate parking, loading and turning facilities for vehicles in the interests of highway safety and to protect the amenities of local residents in accordance with policy.

- 6 Prior to the commencement of development, details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.

Reason: To ensure that no mud or other material is taken from the site onto the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety and the amenities of local residents.

- 7 Prior to the commencement of development, details of measures to prevent the discharge of surface water onto the highway shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

- 8 The vehicle parking spaces shown on drawing number 16.131-02A shall be provided, surfaced and drained in accordance with details submitted and approved in writing by the local planning authority before the premises are occupied, and that area shall not thereafter be used for any purpose other than for the parking of vehicles.

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

- 9 Prior to the use of the site commencing, the following shall be provided and maintained thereafter:

the necessary dropped crossing as shown on plan 16.131-10;

the visibility splays as shown on plan 16.131-10

Reason: In the interests of highway safety.

- 10 The access shall be of bound surface for the first 5 metres from the edge of the carriageway.

Reason: In the interest of highway safety.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no development shall be carried out within Class A of Part 1 of 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

- 12 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.

- 13 **Reason:** In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Core Strategy Policy CS20The residential use hereby approved shall only be used as accommodation for the elderly or residents age 50+ with a mobility problem. Residents must have a local connection to the parish. This shall remain in perpetuity.

Reason: As justification for the departure to local plan policy LE11 (loss of public open space).

- 14 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, unless otherwise agreed by the Local Planning Authority.

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.

- 15 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.

Note to Applicant

1. Working with the Applicant

Working with the Applicant

In accordance with paragraphs 186 and 187 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,
- was provided with pre-application advice,
- the applicant/ agent responded by submitting amended plans, which were found to be acceptable,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with/approved without delay.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

2. 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.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 16/01012/AS.

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