

<b>Application Number</b>	16/01235/AS
<b>Location</b>	Land south of 16 – 34, Calland, Smeeth
<b>Grid Reference</b>	07995/14006
<b>Parish Council</b>	Smeeth
<b>Ward</b>	Saxon Shore
<b>Application Description</b>	Erection of 4 semi-detached houses on land adjacent to 34 Calland
<b>Applicant</b>	Ashford Borough Council
<b>Agent</b>	Mr D Scarsbrook
<b>Site Area</b>	0.26 Ha

(a) 26/ 7R                      (b) S                      (c) KCC PROW X; EH (EP) X

## 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 off Calland, a winding cul-de-sac of 1970s housing arranged in terraces of mostly 4 units. The site forms a grassy area with planting to boundaries which banks up towards the southern corner of the site where there are a number of large scale evergreen trees. Open countryside adjoins the site to the south and west with the turning circle to Calland and associated residential development to the north and east. A public right of way extends along the western boundary of the site.
3. A site location plan is shown below.



**Figure 1 Site location plan**

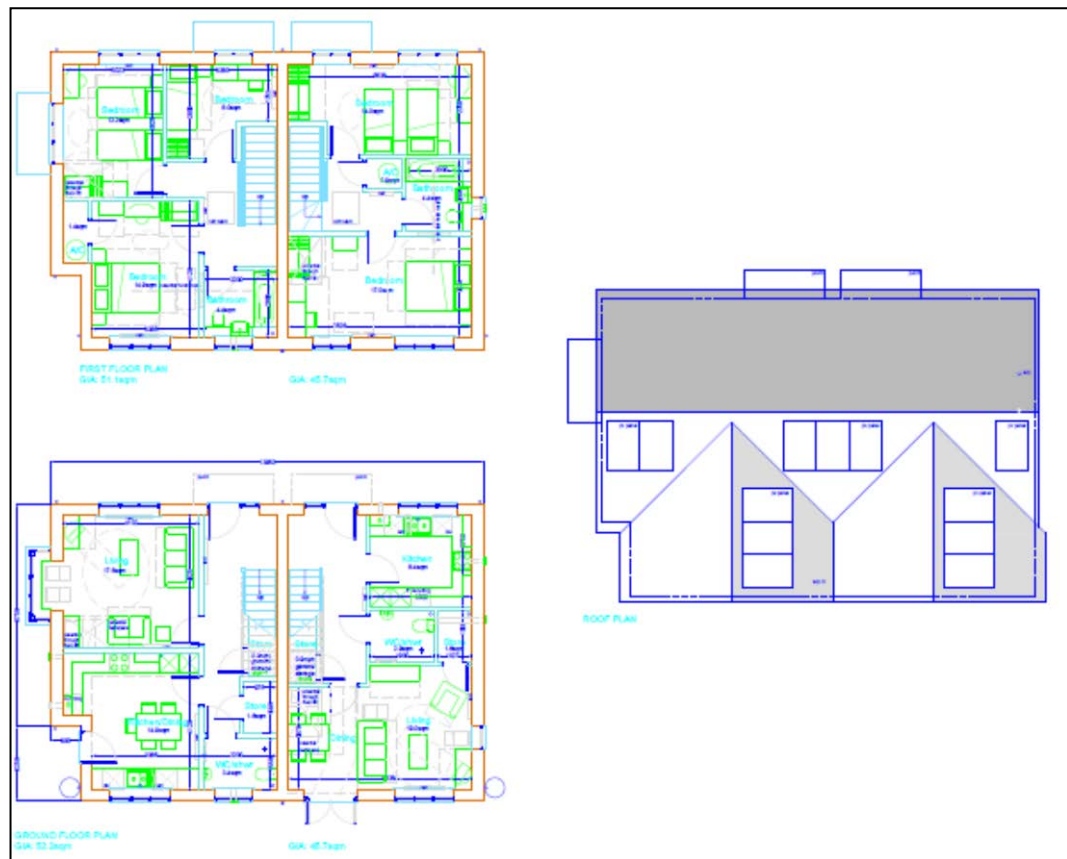
## **Proposal**

4. The application is for full planning permission for the erection of 4 semi-detached houses with associated parking to serve a local housing need.
5. The proposed development would have a staggered building line and face northwards onto the retained public open space. South facing private gardens would be provided to the rear. Parking would be arranged in tandem to the side of three of the units with the parking for the remaining unit provided within the new driveway.
6. The proposed site layout is shown below:



**Figure 2: Proposed layout plan**

7. The semi-detached units would have a similar design; broadly symmetrical with a simple pitch roof onto the street and gable on the rear elevation. The proposed materials palette includes fibre cement slate to the roof; a red multi facing brick and grey UPVC or powder coated Aluminium windows.
8. Floor plans and elevations are set out below:



9. In support of the application, the following have been submitted:

Ecological Appraisal by ECUS Environmental Consultants: This concludes that the proposed development has potential to impact on suitable habitat for birds, bats, badgers, reptiles and hedgehogs. However, it states that loss of habitat as a result of the development represents a very small proportion of the total available resource for these species and is not considered significant beyond site level. It is recommended that the methods and timing of works take into consideration requirements to minimise risk to these species, including a precautionary approach to vegetation clearance and respect to dormice.

Phase 1 Desk Study Report on Contamination by Leap Environmental Ltd: Identifies potential for Very Low to Moderate risk from soil contamination within made ground at the site and soil grasses.

Arboricultural Appraisal Report by GC Design: Identifies that 9 of the 19 surveyed trees, all category C, would need to be removed mostly due to proposed changes to the existing ground levels at the rear of the gardens where a large retaining wall is also proposed.

## Planning History

10. None relevant.

## Consultations

**Ward Member:** No formal comments have been received.

**Smeeth Parish Council:** Supports the application whilst concurring with existing resident's concerns regarding the impact of this development on existing parking. It considers that further consideration should be given to the provision of additional parking spaces for existing residents to avoid worsening the situation. It emphasises that every effort should be made to ensure the accommodation is allocated on a local needs basis both initially and for the foreseeable future.

**KCC Public Protection:** Raises no objections noting that there is unlikely to be an impact on the adjacent Public Right of Way.

**Environmental Services:** Raises no objections subject to a condition.

**Street Scene:** The roadway looks to be sufficient to accommodate the Refuse Collection vehicle providing a turning area to exit. Bin placement for collection should be to the front of the property for each house and then removed back within the boundary after collection has taken place. Communal points of collection, as shown,

do not work well as bins can be left out, especially seeing the potential for a vehicle parking space.

**26 Neighbours:** 7 representations have been received raising the following objections:

The proposed development would exacerbate parking problems in the street, already made worse by Fortescue Place, which has inadequate parking to serve its own needs. Where would visitors to the development park their cars?

The proposed access would 'take out' existing parking space within the turning head resulting in double parking within this area;

The proposed development would result in the loss of children's play space;

The proposed development would result in the loss of an area that has been deliberately unmown and set aside for wildlife;

The proposed properties would be positioned in front of the building line obstructing views from existing properties of open countryside and replacing them with brick gable ends;

The proximity of the development to no. 34 Calland will make it difficult to maintain the boundary and retaining wall with this property where there is substantial vegetation;

Concern about the impact of heavy diggers / construction traffic on the retaining wall with 34 Calland – this should be repaired should the development go ahead;

Bungalows or a warden assisted block would be a better use of the site which would free up 3-bed properties in the villages and carry a lower parking requirement

How would emergency vehicles access this site? What about construction site traffic?

Why not build on the hospital field instead?

## **Planning Policy**

11. 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 Chilmingdon 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

TRS4 – Exception Sites for local needs housing

TRS19 – Infrastructure provision to serve the needs of new development

**Ashford Local Plan 2030**

SP1 – Strategic Objectives

SP2 – The Strategic Approach to Housing Delivery

SP6 – Promoting High Design

HOU12 – Residential Space Standards internal

HOU14 – Accessibility Standards

HOU2 – Local needs/specialist housing

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

**Government Advice**

National Planning Policy Framework 2012

National Planning Practise Guidance (NPPG)

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 families with children. 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
- Ecology
- Trees
- SUDS
- Planning Obligations

### **Principle of residential development**

15. Policy TRS4 of the Tenterden and Rural Sites DPD supports the provision of housing to serve a local need within rural settlements as an 'exception' to policies restraining housing development. In such cases, the local need justification needs to be clearly evidenced and the subsequent occupancy of the housing must be managed and controlled to ensure that the property is retained for local needs housing in perpetuity. This approach is endorsed in national policy and in the emerging Ashford Local Plan 2030 (policy HOU2).
16. Ashford Borough Council Housing have worked with Smeeth Parish Council and a Rural Housing Enabler from Action with Communities in Rural Kent in carrying out a housing Needs Survey (November 2011). The survey identified a need for up to 40 affordable homes for a combination of single people, couples and families all with a strong local connection to the village.
17. Whilst this survey is just under 5 years old, Ashford Borough Council's Housing Strategy Manager believes there is ongoing demand for affordable

housing in Smeeth and recently consulted with English Rural (ER) regarding the neighbouring Fortescue Place development. ER has confirmed that there are about 40 active people on their mailing list and that interest in the three-bed unit is extremely high.

18. A report by ABC Social Lettings Property Officer (June 2016) shows that within Smeeth there are 18 families with a connection to Smeeth looking for accommodation within the village.
19. Ashford Borough Council Housing has confirmed that all four of the proposed properties would be retained by the Borough Council as properties for affordable rent. A local lettings plan would be adopted which would ensure that the properties are let to people with local connections as a priority, both when they are first let and when they become available to be re-let in the future.
20. I therefore consider that the proposed development meets the requirements of Policy TRS4 of the Tenterden and Rural Sites DPD and that a local needs development would be appropriate on this site providing it does not give rise to an unacceptable level of harm.

### **Loss of public open space**

21. 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. Cultural Services has confirmed that there is an undersupply of public open space in Smeeth so the development of this site for housing is contrary to local planning policy. However this proposal, as described above, is for housing to serve an identified and proven local need. The NPPF highlights the importance of providing affordable homes within rural areas for families.
22. This proposal would allow for the retention of most of the accessible grassy area where children play with the bulk of the development located within the unmown area. The associated parking areas to the development would be provided to the side of properties/close to the frontage of properties to reduce their encroachment into the retained open space and in this way limit the amount of open space that would be lost to the development.
23. I therefore conclude that Whilst this proposal would result in a loss of public open space, the provision of 4 affordable homes to serve an identified housing need outweighs the harm in this instance. In coming to this view, I have taken into account that only half the space would be developed with the remainder retained as public open space and that the scheme layout has

been designed to limit the extent of this loss and to ensure that the retained space remains a usable recreational resource for local people.

### **Visual Amenity**

24. 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.
25. The proposed development would 'front' onto the retained area of public open space. It would be of a similar height and scale to the existing terraced buildings in Calland; with a traditional form and design which includes some attractive features such as exposed rafters and a brick plinth.
26. I consider that the proposed development would provide a high quality design in accordance with local and national planning policy.

### **Residential Amenity**

#### **Existing Residents**

27. The closest property to the proposed development is 34 Calland – the side elevation of this property would be 6.5m from the side elevation of the new development. Whilst the new development would extend in front of the existing building line, this is still considered an acceptable relationship given the generous separation between properties.
28. I do not consider that the proposed development would be unacceptably overbearing or give rise to an unacceptable level of overlooking.

#### **Proposed Residents**

29. The proposed development meets nationally described space standards for internal space. All but one of the gardens meets the Council's standards for external space. Whilst this garden of the end unit is on the small side due to the tapering of the site, to move it further forwards to provide a larger rear garden would encroach on the retained public open space. I therefore consider that the substandard garden (which serves a 2-bed property) would be acceptable in this instance.

### **Parking**

30. The consultation on this application has highlighted the difficulties of parking in Calland. The existing properties in Calland have no allocated parking; rather a large number of garages are provided within two separate parking courts within the street. Housing Services has confirmed that all of the garages are

currently let and whilst a number of Calland residents have rented garage space (they have priority over other residents) they do not necessarily park their cars within the garage. Indeed, it is proven that people park their cars where it is most convenient for them; as close to their homes as possible. In this case, many Calland residents park on street and within the turning head.

31. Whilst I sympathise with residents' concerns about the difficulties of parking in the street it is not for this proposal to 'solve' those problems. I would not however, expect this proposal to make matters worse for existing residents.
32. This scheme would provide sufficient parking to meet its own needs in accordance with the SPD and the amended layout shows an additional parking bay. The proposed access (off the turning head at the end of Calland) would 'take out' one informal parking space within the turning head so this extra formal parking space is to be welcomed as 'compensation' for this loss. To provide any additional parking spaces as part of this proposal would encroach into the retained public open space. The retention of as much public open space as possible has been a key driver of the design and layout of this scheme and any additional loss would be a concern to existing residents also. As this scheme washes its own face in terms of parking and would not worsen the existing parking situation within Calland, I raise no objections on parking grounds.

### **Ecology**

33. The ecology report has identified that the proposed development has potential to impact on suitable habitat for birds, bats, badgers, reptiles and hedgehogs. I will provide an update on this as part of the update report.

### **Trees**

34. The Council's Tree Officer initially raised concerns about the quality of the rear gardens given the proximity of the evergreens in the southern corner of the site. It is now proposed that these forest trees are removed and replaced with smaller native species and shrubs. The Tree Officer has advised on the species that would be acceptable in this location and also continue to prevent erosion of the sandy bank. An appropriate condition has been attached which will also seek details on how this area will be maintained.

### **SUDS**

35. The site does not lie in an area prone to flooding. Whilst no details have been provided on surface water management it is considered that a feasible solution could be found. Details are required by condition to ensure compliance with the Council's adopted SPD.

### **Planning Obligations**

36. 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.
37. 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**

<b>Planning Obligation</b>			<b>Regulation 122 Assessment</b>
<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>	
<p><b><u>Local Needs Housing</u></b></p> <p>The housing shall only be occupied by local people 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</p>	<p>All affordable rent</p>		<p><b>Necessary</b> as the benefit of providing affordable housing to meet local needs, which justifies permission being granted, must be secured pursuant to Tenterden and Rural DPD policy TRS4 and guidance in the NPPF.</p> <p><b>Directly related</b> as policies restricting housing in such</p>

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
housing shall be managed by a registered provider of social housing approved by the Council.			locations mean that permission would not otherwise be granted for the development.  <b>Fairly and reasonably related in scale and kind</b> as no housing of any kind would otherwise be permitted on the application site.
<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 <a href="#">council web site</a> 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

38. 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

39. 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

40. Local and national planning policy supports the provision of housing in villages to serve a local need providing this need can be clearly evidenced and that measures are in place to ensure that that subsequent occupancy of the housing is retained as local needs housing in perpetuity. The Borough Council has provided evidence to this effect and I am satisfied that this development would help address a local need within the village.
41. Whilst the development would result in the loss of public open space contrary to local planning policy, I am of the view that this is outweighed by the need for affordable family housing within the village. In arriving at this view I have taken into account the fact that almost half of the site would be retained as open space and that the layout has been designed to limit its encroachment into this area, whilst providing active frontage onto the space. .

I am satisfied that the proposed development would be acceptable in terms of its visual and residential amenity.

In terms of parking, I am satisfied that the proposal provides sufficient parking both to meet its own needs in accordance with the SPD and to ensure that parking within Calland is not made worse by the development for existing residents.

42. I consider that this proposal represents a sustainable development of the site in accordance with national and local planning policy.

## Recommendation

- (A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations related to local needs 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 (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. The large scale evergreen forest species in the southern corner of the site (to the rear of the dwellings hereby approved) shall be removed and replaced with small native tree and larger shrubby species prior to the building works commencing and shall thereafter be maintained.

**Reason:** To provide more appropriate planting which allows light to enter rear gardens in the interest of residential amenity whilst also preventing erosion of the sandy substrate.

5. 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.



6. 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.

7. 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.

8. 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.

9. The vehicle parking spaces shown on drawing number CLLND 080 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.

10. No development shall commence until:

- (a) A site investigation has been undertaken to determine the nature and extent of any contamination, and
- (b) 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 first occupation of the development hereby permitted:

- (c) The approved remediation scheme shall be fully implemented and
- (d) 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 the permitted end use.

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

**Reason:** To prevent pollution of the water environment and to avoid risk to the public, buildings and the environment when the site is developed.

- 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.

**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 CS20

- 13. 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.

14. 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.

## Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://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 16/01235/AS.

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