



## PLANNING COMMITTEE

Notice of a Meeting, to be held in the Ashford Borough Council on Wednesday, 2nd October, 2019 at 7.00 pm.

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The Members of the Planning Committee are:-

Councillor Burgess (Chairman)  
Councillor Blanford (Vice-Chairman)

Cllrs. Chilton, Clarkson, Clokie, Harman, Heyes, Howard, Howard-Smith, Krause, Ovenden, Shorter, Smith, Spain, Sparks, Ward, Wright and Forest

If additional written material is to be submitted to the Planning Committee relating to any report on this Agenda, this must be concise and must be received by the Contact Officer specified at the end of the relevant report, and also copied to [Planning.help@ashford.gov.uk](mailto:Planning.help@ashford.gov.uk), before 3pm on the day of the Meeting so that it can be included or summarised in the Update Report at the Meeting, otherwise the material will not be made available to the Committee. However, no guarantee can be given that all material submitted before 3pm will be made available or summarised to the Committee, therefore any such material should be submitted as above at the earliest opportunity and you should check that it has been received.

### Agenda

Page Nos..

1. **Apologies/Substitutes**

To receive Notification of Substitutes in accordance with Procedure Rule 1.2(c) and Appendix 4

2. **Declarations of Interest**

1 - 2

To declare any interests which fall under the following categories, as explained on the attached document:

- a) Disclosable Pecuniary Interests (DPI)
- b) Other Significant Interests (OSI)
- c) Voluntary Announcements of Other interests

See Agenda Item 2 for further details

### 3. Minutes

To approve the Minutes of the Meeting of this Committee held on 4<sup>th</sup> September 2019

<https://ashford.moderngov.co.uk/documents/g3456/Public%20minutes%2004th-Sep-2019%2019.00%20Planning%20Committee.pdf?T=11>

### 4. Requests for Deferral/Withdrawal

**Note to Members of the Committee: The cut-off time for the meeting will normally be at the conclusion of the item being considered at 10.30pm.** However this is subject to an appropriate motion being passed following the conclusion of that item, as follows:  
“To conclude the meeting and defer outstanding items of business to the start of the next scheduled Meeting of the Committee”.

### 5. Schedule of Applications

- |     |  |           |
|-----|--|-----------|
| (a) | <b>19/00702/AS - Highmead House, Hythe Road, Willesborough, Ashford, Kent</b>  | 3 - 28    |
|     | Reserved matters application for the construction of 28 dwellings, including details of layout, appearance, scale, landscaping and access within the site pursuant to outline approval 15/01550/AS |           |
| (b) | <b>18/00321/AS - Phase 2 Old Clockhouse Green, Canterbury Road, Challock, Kent</b>   | 29 - 92   |
|     | Change of use of land from agricultural to residential for the provision of 19 no. new dwellings, with associated, parking, landscaping and infrastructure   |           |
| (c) | <b>18/01273/AS - Land rear of 17 Townland Close, Biddenden</b>   | 93 - 128  |
|     | Erection of 12 dwellings with associated access and parking  |           |
| (d) | <b>19/00064/AS - Tudor Cottage, Calleywell Lane, Aldington, Ashford, Kent, TN25 7DU</b>  | 129 - 158 |
|     | Construction of new dwelling with revised access and detached garage   |           |
| (e) | <b>19/00871/AS - 61 Bryony Drive, Kingsnorth, Ashford, Kent, TN23 3RF</b>  | 159 - 170 |
|     | Single storey rear extension; first floor & front extension over garage  |           |

**Note for each Application:**

- (a) Private representations (number of consultation letters sent/number of representations received)
- (b) The indication of the Parish Council's/Town Council's views
- (c) Statutory Consultees and Amenity Societies (abbreviation for consultee/society stated)

Supports 'S', objects 'R', no objections/no comments 'X', still awaited '+', not applicable/none received '-'

**Note on Votes at Planning Committee Meetings:**

At the end of the debate on an item, the Chairman will call for a vote. If more than one motion has been proposed and seconded, the motion that was seconded first will be voted on first. When a motion is carried, the Committee has made its determination in relation to that item of business and will move on to the next item on the agenda. If there are any other motions on the item which have not been voted on, those other motions fall away and will not be voted on.

If a motion to approve an application is lost, the application is not refused as a result. The only way for an application to be refused is for a motion for refusal to be carried in a vote. Equally, if a motion to refuse is lost, the application is not permitted. A motion for approval must be carried in order to permit an application.

DS

26 September 2019

Queries concerning this agenda? Please contact Rosie Reid Telephone: 01233 330565  
Email: [rosie.reid@ashford.gov.uk](mailto:rosie.reid@ashford.gov.uk)  
Agendas, Reports and Minutes are available on: [www.ashford.gov.uk/committees](http://www.ashford.gov.uk/committees)

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## Declarations of Interest (see also “Advice to Members” below)

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted).

However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency alone, such as:

- Membership of amenity societies, Town/Community/Parish Councils, residents' groups or other outside bodies that have expressed views or made representations, but the Member was not involved in compiling or making those views/representations, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: Where an item would be likely to affect the financial position of a Member, relative, close associate, employer, etc.; OR where an item is an application made by a Member, relative, close associate, employer, etc., there is likely to be an OSI or in some cases a DPI. ALSO, holding a committee position/office within an amenity society or other outside body, or having any involvement in compiling/making views/representations by such a body, may give rise to a perception of bias and require the Member to take no part in any motion or vote.]

### **Advice to Members on Declarations of Interest:**

- (a) Government Guidance on DPI is available in DCLG's Guide for Councillors, at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/5962/2193362.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf)
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution alongside the Council's Good Practice Protocol for Councillors dealing with Planning Matters. See <https://www.ashford.gov.uk/media/2098/z-word5-democratic-services-constitution-2019-constitution-of-abc-may-2019-part-5.pdf>
- (c) Where a Member declares a committee position or office within, or membership of, an outside body that has expressed views or made representations, this will be taken as a statement that the Member was not involved in compiling or making them and has retained an open mind on the item(s) in question. If this is not the case, the situation must be explained.

**If any Member has any doubt about any interest which he/she may have in any item on this agenda, he/she should seek advice from the Director of Law and Governance and Monitoring Officer, or from other Solicitors in Legal and Democracy as early as possible, and in advance of the Meeting.**

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<b>Application Number</b>	19/00702/AS	
<b>Location</b>	Highmead House, Hythe Road, Willesborough, Ashford, Kent	
<b>Grid Reference</b>	04265/41498	
<b>Parish Council</b>	None	
<b>Ward</b>	Willesborough Ward	
<b>Application Description</b>	Reserved matters application for the construction of 28 dwellings, including details of layout, appearance, scale, landscaping and access within the site pursuant to outline approval 15/01550/AS	
<b>Applicant</b>	Bellway Homes Ltd, c/o Agent	
<b>Agent</b>	Barton Willmore Castle Hill, Drive, Castle Hill, Ebbsfleet Valley	
<b>Site Area</b>	1.6 hectares	
(a) 112/1X	(b) X	(c) EHM (EP) X, EA X, FIRE X, KCC (heritage), KCC drainage X, KHS X, HE X, HM X, NE X, SW X, SE X, SSOT X UP X.
1/-		KHS S, KCC drainage X, SSOT S, SW X

## Introduction

1. This application is reported to the Planning Committee on request of the Ward Member.

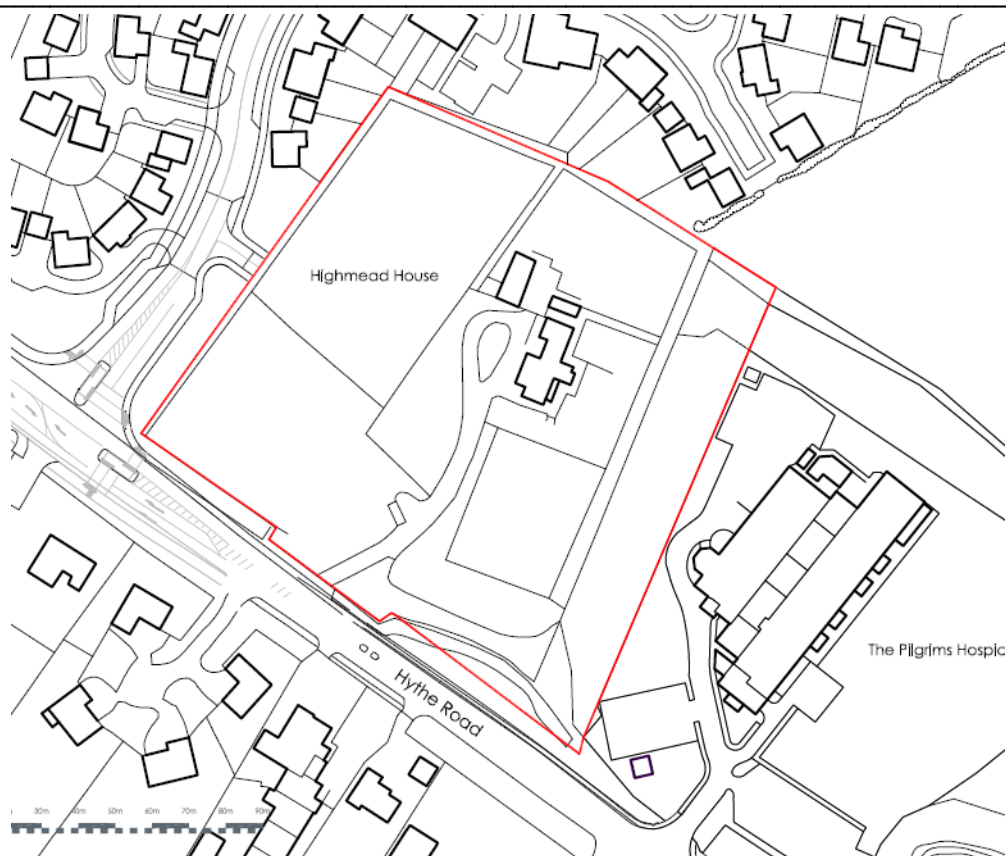
## Site and Surroundings

2. The application site relates to Highmead House and its residential grounds approximately 1.6 hectares in area located off the A20 Hythe Road to the south east of Willesborough Lees. Highmead House is a detached 2.5 storey Edwardian House and has 2 small out-buildings comprising a coach house and store building sited close by that form a sub-servient courtyard. The surrounding

residential grounds contain established vegetation including some TPO trees and a walled garden to the north of house. The site is currently served by an existing driveway access direct to the A20 Hythe Road. There is a substantial change in levels along the south west A20 boundary of the site resulting in a steep embankment up to 3 metres high in this area. The site levels, however, taper down to the south east corner of the site where they are not significantly higher than the A20 Road level.

3. The site forms the smaller part of the wider policy S17 adopted Ashford Local Plan 2030 site allocation for residential development that covers an area to the east of Willesborough Lees between Hinxhill Road and the A20. Bellway Homes was granted planning permission for 192 dwellings on the larger part of the S17 site allocation (9.78 hectares) located immediately to the north and west of this site. Construction works on this former agricultural land have now started. Bellway Homes has since brought the Highmead site and propose to develop the two sites together. At present, some temporary hardstanding has been laid down within the Highmead site for construction parking and a compound both in connection with the development of the whole S17 site. This is currently subject to a retrospective application under the construction management plan condition attached to the outline permission.
4. Further to the west of the site beyond the S17 site allocation is the established area of Willesborough Lees which includes a conservation area and some listed buildings. To the east is the Pilgrims Hospice, a 2 storey building set in fairly spacious grounds. To the south on the opposite side of the A20 are detached houses and further to the south west the Tesco Crooksfoot supermarket. Works to the new M20 Junction 10a are currently being undertaken in the vicinity but do not directly impact on the application site itself. The site location plan (which also shows surrounding permitted layout of the larger S17 site to the north and west) is shown below as **Figure 1**.





**Figure 1** site location plan

## Proposal

5. This is a reserved matters scheme for approval of layout, scale, landscaping, appearance and remaining access detail. The original outline permission granted the western boundary access link to the wider allocated site. This provides a link to the new signalised A20 junction that will serve the whole of the S17 allocation. The existing Highmead domestic access will be closed to vehicular traffic
6. The proposals comprises of the following:
  - Retention of Highmead House, to remain in residential use but with a more reduced curtilage area.
  - 6 no x 2-bedroom apartments
  - 18 no x 4-bedroom detached houses, varying in size and accommodation
  - 4 no x 5-bedroom detached houses
7. All the dwellings will be 2 storeys in height (as is the case with wider site). The application states the 6 no x 2-bedroom apartments located in the north west

corner of the site will be affordable and over 20% of the proposed dwellings will be compliant with the Building Regulations Part M4(2) – in accordance with accessible Homes Ashford Local Plan Policy HOU14. All proposed dwellings comply with the National Space Standards, as described in Ashford Local Plan 2030 Policy HOU12.

9. The layout proposes a main adopted shared access road originating from the western boundary link road that will travel north of the retained Highmead House and then southwards to the south east corner where there is a proposed pumping station. The road will involve the removal of the existing outbuildings located to the north Highmead House and part of the walled garden structure that goes north of the house to the northern boundary. A number of small side cul-de-sac streets that will be unadopted, branch out from the main road in the south-west, north-west and north-east corners. The main access and north-west cul-de-sac will be finished in tarmac with remaining cul-de-sacs and driveways finished in block paving.
10. The proposals includes a central 'green corridor' area that contains a number of larger specimen trees some which are subject to a TPO. However, around half the trees (over 50 specimens) will be removed from the site including some TPO trees in the central green area and the south-east corner. This closely follows the tree removals identified in the illustrative outline planning application proposals and I describe this in more detail in the Assessment section. The proposed dwellings would front the green corridor area on both sides and include a pedestrian access link to the A20 utilising the current existing Highmead vehicular access. The proposed site layout is shown on **Figure 2** below.

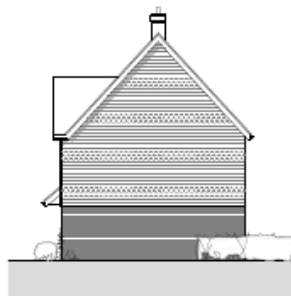


**Figure 2:** Proposed layout plan.

11. Each house, including Highmead House, would be served by at least 3 parking spaces as a mixture of car ports and open spaces. The apartments would have 10 allocated open spaces.
12. The dwellings would be of a similar appearance to those granted planning permission on the larger site. They would have a mix of roof forms, with hips, gables and some chimneys and features such as bays and entrance canopies. The finishes will also be similar to the wider site with rustic concrete tile, tile hanging and some white boarding. Example of houses and flats are below as **Figure 3** below.



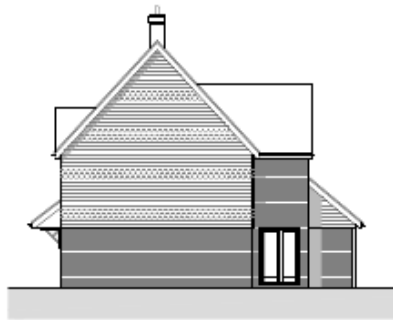
Front Elevation



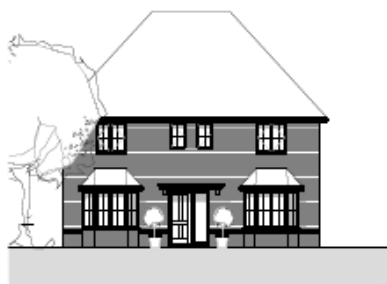
Right Flank Elevation



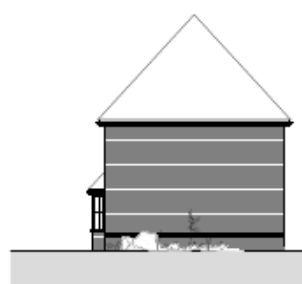
Front Elevation



Right Flank Elevation



Front Elevation



Right Flank Elevation



**Figure 3:** Examples of proposed housing topologies.

13. The typologies for flats are shown in **Figure 4** below



**Figure 4: Flat typologies**

14. Some street scenes are shown in **Figure 5** below.



**Figure 5** street scene examples

15. The applicant has submitted separate condition discharge applications for some of the conditions attached to the outline permission. These include, vehicle turning head, no dig root protection, environmental protection, archaeology, ecology, water bodies, biodiversity and code of construction plan.

## Planning History

March 2011: Tree Preservation Order ref TPO/10/00004 was made on some existing trees on the site.

Planning application ref 14/00255/AS: Outline planning permission with some matters reserved (layout, appearance, landscaping & scale) for residential development for the retention of Highmead House and the construction of 28 residential units with vehicular access in 2 x phases from the A20 refused November 2014. Appeal dismissed October 2015. Cost awards against the council of 4 of 6 grounds of refusal to the issues concerning the principle and phasing of the appeal proposal, surface water drainage and affordable housing range.

Planning application ref 15/01550/AS: Outline planning permission with some matters reserved (layout, appearance, landscaping, scale and part access ) for residential development for the retention of Highmead House and the construction of 28 residential units with vehicular access from the A20 (to be either the provision of a priority junction or only an internal access link to a signalised junction if and when constructed on adjoining land to the west, with the closure/removal of the priority junction if constructed). Planning permission granted subject to section 106 planning obligation agreement February 2017.

Planning application ref 16/01722/AS: Full planning application for a new link road to the rear of the William Harvey Hospital from the A20 and 192 dwellings together with associated open space, play equipment, landscaping, drainage, infrastructure and earthworks Planning permission granted subject to section 106 agreement March 2019. (This relates to the wider site S17 Ashford Local Plan 2030 allocation currently under construction)

## Consultations

**Ward Members:** No comments received.

### ABC Environmental Protection

“I have no comments to make on the details submitted here, I await details of the scheme to protect the new dwellings from noise from the A20”.

**Environment Agency:** Comment they have no issues from a groundwater protection point of view and no comment to make on the other documents concerned with the other reserved matters.

**Kent Fire and Rescue Service:** Comment that the means of access is considered satisfactory.

**Kent County Council Ecological Advice Service.** Comment in summary.

- As the site layout submitted as part of this application corresponds with the plan within the Ecological Mitigation and Enhancements Strategy we are satisfied that sufficient information has been submitted to determine this application.
- Further information is required through to formally discharge condition 32 (mitigation strategy for hedgehog, common toad and invertebrates) with reptiles covered as well, and condition 34 (measures to enhance biodiversity).
- There is no requirement for a detailed mitigation strategy to be submitted for Great crested newts under condition 33

**KCC Flood and Water Management.** Comment in summary:

- KCC have meet the applicant for this site in order to explore reduction or elimination of the need to pump surface water generated by the development.
- The applicant has provided further information in relation to phasing and possible options for discharging surface water via a gravity system in lieu of the proposed pumping station.
- There are a number of constraints to providing a gravity outfall system however the phasing of development may allow time for the options to be developed and recommend approval of the reserved matters for the verification of the installed drainage arrangements.

**Kent Highways Services.** Comment

“It is noted that the proposed development would be delivered by the developer of the adjacent site, meaning that the preferred option for vehicular access to it would be achieved immediately, rather than the alternative/temporary arrangement that was allowed for in the Outline planning approval. This outcome would be welcomed in order to avoid the complexities that otherwise exist in coordinating the delivery and removal of sacrificial highway works.

It is considered that the amount of parking provision proposed does meet the adopted parking standards. Whilst there are a limited number of tandem spaces allocated to some plots, I am satisfied that they are still likely to be used efficiently, as it would not be more convenient for residents to park elsewhere. Additionally, this only occurs within the privately accessed areas, so is not expected to impact upon the adoptable public highway.

However, the scheme as proposed does have a number of matters that I would like to see addressed so that it is acceptable to the Highway Authority for adoption purposes, and is designed appropriately to cater for the safe movement of people



and vehicles through the site. I would therefore ask for the following points to be addressed (in summary)

- Some road widening is required for refuse and car to be able to pass each other.
- Some refuse is shown as utilising private driveways.
- Some layby parking needs widening and changing.
- Some trees are in visibility splays”

**Highways England:** Offer no objection on the basis that the development will not materially affect the safety, reliability and/or operation of the strategic road network

**Housing Services:**

“We agree that plots 20-23 will be provided for affordable rent and that plots 24 and 25 will be provided for shared ownership. These units we note are all two-person, four bed space units”

**Mersham with Sevington Parish Council:** No comment.

**Natural England.** No comment

**Southern Water:** No objection to the reserved matters application commenting in summary

- Southern Water can provide foul sewage disposal to service the proposed development from the practical point of connection. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- A condition is requested proposed means of surface water run off disposal as well as acceptable discharge points, rates and volumes have been agreed by the Lead Flood Authority, in consultation with Southern Water.
- Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of a proposed pumping station site.

**Sport England.** Comment that the proposed development does not fall within either our statutory remit therefore Sport England has not provided a detailed response in this case.

**Street Scene and Open Spaces Officer** comment:

“The developer needs to be aware of the requirement to pay for provision of new services (full sets of wheeled bins) to these premises when completed.

- Roadway within the development will need to be adopted or if it is to remain private, then an indemnity must be signed off prior to commencement of any waste collection.
- Pull out for wheeled bins is no more than 25m but this must be clear access and be free of obstructions such as parked cars



- Plots 20 – 25 are a total of 6 flats. These would be provided with 2 x 1100 litre bins (1 Refuse and 1 recycling) as well as a 140l food caddy. We would not look to provide 6 full sets of wheeled bins for a communal property. These bins would need to be sited within 10m pull out to the highway, pulled over an unobstructed/smooth surface (including dropped kerbs) and bin stores should be secured with a FB1 or FB2 lock. Additional details regarding communal stores is attached”.

**UK Powers networks:** Raise no objection and outline guidelines on distances dwellings should be from substations

**Neighbours** 112 consulted one letter received from the Pilgrims Hospice commenting as follows:

“To Whom it may concern, as the CEO of Pilgrims Hospices I would like to be assured considerations have been made in the plan to ensure we can be long term 'Good Neighbours'. We note that houses and gardens will back onto our site and we have some quite sensitive areas where discretion and dignity for all parties would be important. We would want to discuss how the boundaries of the houses meet the boundaries of the Hospice as we would want as much privacy as possible for our patients and families. Also our entrance opens onto the busy A Road and we can find it a challenge to get out and it can be a little dangerous as we are in the dip as you come over the brow of the hill - we do wonder how a second exit would work even closer to the brow of the hill - would we have a potential accident hotspot being built”.

### **Amended plans.**

The amendments involved minor layout changes. Some limited further consultation was undertaken.

### **KCC Flood and Water Management: Comment.**

“We have reviewed the submitted information, including justification for the need for a surface water pumping station. We have no objection in principle to the approval of reserved matters.

As noted in our previous letter, at the discharge conditions stage we would expect to see detailed assessments provided to demonstrate that the most appropriate outfall solution is chosen. All discharges from the site will need to be controlled to a rate of 4 litres per second per hectare as stipulated within Ashford Borough Council's Sustainable Drainage SPD.

In order to demonstrate compliance, we would recommend that a condition is attached for the verification of the installed drainage arrangements prior to occupation of any phase of the development”

**Kent Highways Services:** Comment.

“I am satisfied that the amended plans published on 7th and 12th August 2019 have addressed the comments that I had provided in my previous response dated 14th June 2019, as the carriageway alignment has been widened where required to adequately cater for two vehicles to pass one another at the appropriate locations. The parking provision is considered suitable, and I understand that the Borough Council is committed to progressing parking controls within the wider development to prevent inappropriate parking from taking place. Consequently, I can confirm that I would raise no objection to the application proposals on behalf of the Highway Authority, and consider that no further planning conditions are necessary beyond those already attached to the outline approval.

**Southern Water.** Comments remain unchanged

**Street Scene and Open Spaces Officer:** Raise no objection

**Neighbours** 1 consulted (Pilgrim’s Hospice) No further comments received

## **Planning Policy**

16. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
17. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
18. The relevant policies from the Local Plan relating to this application are as follows:-
  - SP1 - Strategic objectives
  - SP2 - The strategic approach to housing development
  - SP6 - Promoting high quality design.
  - HOU1 - Affordable Housing
  - HOU12 - Residential space standard internal

HOU14 - Accessibility standards

HOU18 - Providing a range and mix of dwelling types and sizes.

TRA3a - Parking standards for residential development

TRA6 - Provision for cycling.

TRA7 -The road network and development.

ENV1 - Biodiversity.

ENV6 - Flood Risk.

ENV7 - Water efficiency

ENV8 - Water quality, supply and treatment.

ENV9 - Sustainable drainage

ENV12 - Air Quality

COM1 - Meeting the community needs

COM2 - Recreation, Sport, Play and Open Spaces

IMP1 - Infrastructure provision

19. The following are also material considerations to the determination of this application.

### **Supplementary Planning Guidance/Documents**

SPG9 Domestic Garages and Outbuildings in Urban and Rural Areas adopted  
June 2004

### **Informal Design Guidance**

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins

Informal Design Guidance Note 2 (2014): Screening containers at home

Informal Design Guidance Note 3 (2014): Moving wheeled-bins through  
covered parking facilities to the collection point

## **Government Advice.**

### National Planning Policy Framework (NPPF) 2019

20. 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 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraph 59 to 76 - Delivering a sufficient supply of homes.

Paragraphs 91 to 95 - Promoting healthy and safe communities. NPPG

Paragraphs 102 to 107 - Promoting sustainable transport.

Paragraphs 117 to 121 - Making effective use of land.

Paragraphs 124 to 132 - Achieving well-designed places.

Paragraphs 148 to 165 - Meeting the challenge of climate change, flooding

Paragraphs 170 to 177 - Conserving and enhancing the natural environment.

Paragraphs 174 to 177 - Habitats and biodiversity.

Paragraphs 178 to 183 - Ground conditions and pollution Technical Housing Standards - nationally described standards

### National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standards

## **Assessment**

21. The main issues for consideration are: (a) Principle, (b) Visual amenity, (c) Residential Amenity, (d) Noise and Disturbance, (e) Highway Safety, (f) Parking, (g) Drainage and Flooding, (h) Ecology, (i) Residential space standards, (j) Affordable Housing (k) other planning matters .

(a) Principle (i.e. in built confines or not)

22. The site forms part of the wider S17 adopted Ashford Local Plan 2030 site allocation for residential development for 220 dwellings. Outline planning permission ref 15/01550/AS for 28 new dwellings with the retention of Highmead House was granted planning permission in 2017. The principle of residential development and number of dwellings (28) has already been accepted on this site. The matters for determination are the reserved matters of layout, scale, landscaping, appearance and the remaining internal access details.

(b) Visual Amenity

23. The NPPF outlines that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy SP6 of the Ashford Local Plan 2030 requires that development proposals must be of high quality design.
24. The outline planning application was accompanied by an illustrative plan that was submitted with the first application 14/00255/AS subject to appeal. It was commented on by the inspector during the appeal and he considered 28 new dwellings and the retention of Highmead House could be acceptably provided on the site. I have therefore outlined the main differences between the outline illustrative plan and current reserved matters proposals below.
- The illustrative plan showed a central green corridor as currently proposed and a main access through the site with a number of cul-de-sacs accessing off this.
  - The main access went immediately to the south of Highmead in close proximity to the house and retained trees within the green corridor area. The current proposals move the main access route to the north of Highmead and there is only a pedestrian footpath passing by Highmead and the green corridor rather than a main vehicular street.
  - The change in orientation of the main access to the north has resulted in the removal of current outbuildings that served Highmead that were previously shown retained.
  - The flats were incorporated within a single building located in the south west corner whereas now they are two buildings located in the north-west corner.

- The outline illustrative scheme showed a mix of semi-detached and detached housing whereas the current proposals are all detached housing.
  - The current scheme shows a higher parking provision than the illustrative scheme as it has taken into account the new TRA3a Ashford Local Plan standards. The houses for example have at least 3 spaces per dwelling whereas the illustrative scheme only 2 spaces per dwelling were shown.
  - There was no pumping station in the south east corner.
25. The provision of the central green corridor area containing larger specimen trees some of which are subject to a TPO is supported. This area includes a footpath link to the A20 and is actively overlooked by the frontages of dwellings.
26. The change in orientation of the main access from the south to the north of Highmead has the benefit of moving the main vehicular route away from the larger trees within the green corridor area. This would have required a 'no-dig' and special cellular confinement system to spread the surface pressure as it was located within the RPA of the trees. A simple pedestrian footway is now shown in this location and will have a much reduced impact on these trees in the green corridor.
27. The northern access route though will involve the removal of the outbuildings of Highmead House. Their retention would have been desirable but is not possible under this layout and proposed typology mix. However, Highmead is retained as previously envisaged. A significant part of the walled garden to the north of house would be removed but this was the case on the outline illustrative scheme. The northern part of the boundary wall, however, is shown retained. I propose a condition to retain the wall and Highmead House retention.
28. The proposed streets all have active frontages overlooking them. Two of the plots facing the green corridor area have rear parking in the form of open spaces and carports. This is unavoidable due to the limited space within the site but the rear parking area is well designed with new landscaping provided.
29. The provision of the central green corridor and retention of Highmead constrains the layout and means that a continuous access loop around the site is not possible. The result is a number of cul-de-sacs and a turning head in the south east corner. A further constraint on the layout is the pumping station in the south east corner that visually is not an ideal focal point at the

end of the street. After consultation with KCC Flood and Water Management there does not appear to be a practical alternative to this at this time. I have outlined the reasons in more detail in the drainage section. The pumping station, however, is low rise and there is substantial existing vegetation along the A20 south east Corner boundary most of which would be retained. Accordingly, I do not consider there are grounds for objection to the pumping station in this case.

30. The 6 flats sited in the in north-west corner do result in more intensive development compared to the rest of the site. However, the buildings are 2 storeys and split into 2 buildings. The parking layout for the flats have been amended to a more practical courtyard design.
31. The illustrative outline scheme involved around 52 or half the trees on the site removed. This included 4 individual TPO trees (1B and 3 C) grade quality, a group of 3 TPO trees (2 C grade and 1 B grade) and 6 trees in the woodland area (5C 1B) in the south-east corner. The removal of these trees was effectively accepted by the Inspector when determining the appeal on the original outline application.
32. The current proposals do not significantly change the level of tree loss throughout the site. An additional 8m high Leyland cypress C category tree (part of the TPO group) is shown to be lost at the northern end of the green space. The tree report outlines this has poor structural quality with patches of brown dead foliage consistent with fungal disease and is an inessential component of the group. I do not object to its loss in view of its condition and amenity value. The south east A20 boundary dense screening is mostly retained. Some of the existing dense landscaping on the A20 south west boundary is shown to be removed but the better tree specimens still remain. This will initially expose the site more from the A20. The landscape masterplan shows new planting on this boundary. While the actual detail of planting is dealt with under a separate condition I consider it to be a better longer term way of providing boundary landscape screening for the site.
33. The housing typologies are similar to those permitted on the wider S17 site. The dwellings would have a mix of roof forms, with hips, gables and some chimneys and features such as bays and entrance canopies. The finishes will be similar to the wider tile with rustic concrete tile, tile hanging and some white boarding.
34. There would be no impact on the Lacton Green conservation area. This is located 70 metres to the west of the site and in between are the dwellings forming part of the larger Bellway site development of 192 dwellings. Overall I consider the proposals would have an acceptable design and appearance in accordance with development plan and NPPF policies.

(c) Residential Amenity.

35. I consider the relationship with the dwellings to on the main site currently under construction as acceptable. The nearest existing neighbouring residential dwellings are located on the opposite side of the A20 (over 40 metres away) and would not be adversely affected by the proposals on this site due to the distance.
36. The Pilgrims Hospice lies adjacent to the eastern part of the site. The building is set away from the eastern boundary of the application site and separated by a car park and access. At present the boundary has existing established landscaping, a significant part of which is on the Pilgrims Hospice side. The western elevation of the Pilgrims Hospice building facing the Highmead site contains no primary accommodation windows and some service doors. There is a small area of stained windows serving the chapel but these are obscured. The Pilgrims Hospice made a representation about the proposed houses backing onto the site and this 'sensitive area'. The Hospice was contacted and the sensitivity identified as relating to the mortuary doors located on the western elevation facing the Highmead site. This issue was raised with the applicant who has made slight adjustments to the positions of the two nearest plots (10 and 11) facing this area. The fundamental orientation is unchanged in that homes would have their rear elevations facing the Pilgrims Hospice. The nearest dwellings will be around 10 m from the boundary and 28 m from the mortuary doors on the affected Pilgrims Hospice elevation. In between is a landscaped border area and the access to the car park.
37. While there is substantial landscaping on the boundary it will simply not be possible to completely screen the houses from the Pilgrims Hospice. The proposed dwellings are at a significantly higher level than the Pilgrims Hospice and they would be visible and overlook in the direction of the Pilgrims Hospice, more so during the winter when foliage would be less dense. A 1.8m high CB fence is proposed along the boundary that will provide ground level screening and privacy for the rear gardens of the houses. I am mindful of the sensitivity issue raised by the Pilgrims Hospice but I consider the relationship between proposed houses and Pilgrims Hospice is an acceptable one.

(d) Noise and Disturbance

38. Condition 24 of the outline planning permission requires a scheme for protecting the dwellings hereby approved from noise from the A20. The site is close to the busy A20 and a noise survey was undertaken at the outline stage which indicated the site is affected by traffic noise during the day and night time. Mitigation was recommended through a combination of internal



acoustics such as double glazing and 2m fencing for any affected rear garden. The actual details of the final mitigation measures have not been provided but the principle of the mitigation mentioned above was accepted at the outline stage and is to be provided later through a condition discharge. Any fencing for dwellings near the A20 boundary would be behind existing and proposed soft landscaping.

(e) Highway Safety

39. The site already has the benefit of the access connection on its western boundary to the main S17 site allocation and will therefore utilise its main junction to the A20. The main junction has already been granted planning permission as part of the wider scheme and is not part of this application. It will initially be a priority junction and revert to a signalised junction after around 150 occupations. Policy S17 of Ashford Local Plan only allows one access to the A20 to serve the entire allocation. The existing domestic Highmead access will be closed to vehicular traffic under the terms of the outline permission. The principle of this access arrangements to serve 28 dwellings have already been accepted at the outline stage and Kent Highways raise no objection to the details of the proposals.

(f) Parking

40. The illustrative plans submitted with the original outline planning permission showed parking for dwellings based on the Residential Parking and Design Guidance 'suburban' standard as the Ashford Local Plan 2030 at the time had not been adopted. The Ashford Local Plan 2030 is now adopted and the policy TRA3a parking standards are higher than the SPD standards notably for dwellings of 4 or more bedrooms that require a minimum of 3 spaces compared to 2 spaces and 2 bed flats require 2 spaces compared to 1.5 spaces.. The typology mix (in terms of number of bedrooms) is similar to the outline scheme so applying the TRA3a standard involves a significantly higher parking provision and land-take than was shown on the illustrative scheme. Notwithstanding this, each of the 22 houses has at least 3 parking spaces to comply with the TRA3a standard. The apartment blocks have 10 spaces which is in line with the SPD standards of 1.5 spaces per unit. This allows a more efficient and aesthetically better designed courtyard arrangement serving the 4 unit apartment block which is acceptable to Kent Highways. Policy TRA3b allows departure from the standards taking into account the circumstances of the scheme. Kent Highways consider as affordable units tend to have a lower car parking demand as a result of lower car ownership typically and this level of parking is acceptable. It should be noted that the larger 192 dwelling site was granted on the basis of the SPD standards and not the TRA3a standards and both sites would be subject to the provision of a controlled parking zone via a section 106 agreement on the adopted highways. For this scheme, the CPZ would only apply to the main

access route through the site as only this would be adopted highway. An indemnity agreement would also be required to allow refuse vehicles to access the non-adopted side streets by which other homes would be served. The need for this agreement can be dealt with as an informative attached to any permission granted.

#### (g) Drainage and Flooding

41. Policy ENV6 of the Ashford Local Plan 2030 outlines proposals for new development should contribute to an overall flood risk reduction. Policy ENV9 of the Ashford Local Plan 2030 states that all development should include sustainable drainage systems for the disposal of surface water.
42. Condition 28 of the outline planning permission required details of the drainage system to be agreed prior to development beginning. The site lies within flood zone 1 which is a low risk of flooding. The outline application was supported by a detailed flood risk and drainage assessment and the original drainage strategy was based on the use of soakaways. The current proposals show the use of permeable paving, attenuation tanks and a pumping station in the south east corner. KCC Flooding and Drainage have outlined that later ground investigations have identified a lower permeability of soils beneath the site than previously assessed.
43. The pumping station involves a land-take in the south-east corner and therefore other options were looked at notably the possibility of a gravity outfall system in lieu of the pumping station. A gravity fed system would require further investigation and infrastructure extending through the south east A20 tree line which is substantial and is mostly proposed to be retained. In addition, the connection, if feasible, could only be made once the current programme of A20 M20 Junction 10a works are complete and these are outside the applicant's control. A pumping station is also required to deal with the foul water and Southern Water have raise no objection to the application. In view of KCC comments, the principle of its inclusion is acceptable. While KCC has accepted the principle, it has required further information so that the actual drainage condition and the final foul drainage is not discharged as part this RM application and will be through a separate condition discharge application.

#### (h) Ecology

44. Policy ENV 1 of the Ashford Local Plan 2030 outlines that new proposals should identify and seek opportunities to incorporate and enhance biodiversity. Developments should avoid significant harm to protected species. The outline planning permission had three ecological conditions. KCC Ecological Advice Service have commented on the submitted information and is satisfied there is limited potential for Great Crested Newts on the site and mitigation is not

required so the water-bodies condition can be discharged. The other two ecological conditions required information on hedgehog, common toad and invertebrate mitigation and an Ecological Enhancement Strategy. Mitigation measures proposed includes garden fence cut outs / hedgehog highways, habitat piles, wildflower grassland, tree/hedgerow planting, bee bricks, bat and bird boxes. KCC Ecological Advice Service confirms that while some further information is required to discharge the conditions, the site layout submitted as part of this application corresponds with the plan within the Ecological Mitigation and Enhancements Strategy and it is satisfied that sufficient information has been submitted for the Council to determine the application.

(i) Residential space standards.

45. Policy HOU12 requires all new residential development to comply with the national described space standard. Policy HOU15 requires the provision external open space of at least 10m in depth for gardens serving housing and minimum external balcony space for flats. The scheme complies with these policy requirements.

(j) Affordable Housing

46. Policy HOU1 of the Ashford Local Plan 2030 states the Council will require the provision of affordable housing on all schemes promoting 10 dwellings or more. The outline planning permission agreed 20% affordable housing (after a viability review) and is fixed at 6 units. The proposals shown the 6 apartment blocks as affordable housing which is acceptable to ABC Housing Services.

47. (k) Accessibility standard

Policy HOU14 (a) requires that at least 20% of all new build homes shall be built in compliance with building regulations part M4 (2) as a minimum standard. The outline planning permission was granted permission prior to this policy being adopted so it is not a requirement of the permission. Notwithstanding this, the applicant has confirm 20% of the proposed dwellings will be compliant with the Building Regulations Part M4(2).

## **Human Rights Issues**

48. 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 their 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

49. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

## Conclusion

50. The site was allocated in the adopted development plan for residential development and on this basis 28 dwellings were granted outline planning permission. I consider the reserved matters proposals that flow from the decision are acceptable and recommend they are approved.

## Recommendation

Approve the matters reserved

This approval discharges condition 1 attached to outline planning permission reference ref 15/01550/AS insofar as details of the proposed development are required to be submitted to and approved by the Local Planning Authority. Any variation to the approved details will, however, need to be submitted for further approval before the relevant work is carried out.

The applicant is reminded of the outstanding requirement for details to be submitted and approved under condition 4,5,6,8,9,11,12,13,16,18,20,23,24,28,30,31,32,34 of outline planning permission reference 15/01550/AS, as well as the continuing obligations imposed by some conditions as the development progresses and is completed.

Subject to the following Conditions and Notes:

(with delegated authority to either the Development Management Manager or the Strategic Development and Delivery Manager to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)

1. Highmead House and the northern boundary wall that is not shown removed on drawing number FD18-1563-51 shall be retained

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

2. The development shall be carried out in accordance with the following approved plans

FD 18-1653-250

FD 18-1653-251A

FD 18-1653-55 B

FD-18 -1653 -100

FD-18 -1653 -105

FD-18 -1653 -110

FD-18 -1653 -115

FD-18 -1653 -120

FD-18 -1653 -125

FD-18 -1653 -130

FD-18 -1653 -135

FD-18 -1653 -140

FD-18 -1653 -145

FD-18 -1653 -150

FD-18 -1653 -155

FD-18 -1653 -160

FD-18 -1653 -165

FD-18 -1653 -170

FD-18 -1653 -175

FD-18 -1653 -180

FD-18 -1653 -185

FD-18 -1653 -190

FD-18 -1653 -61

**Reason:** Specifying the application drawings and other details which form part of the permission is best practice under government guidance and in the interests of visual amenity

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any

subsequent Order revoking or re-enacting that Order, the carports shall be provided in accordance with the detailing shown on the approved plans and shall not be further altered through the addition of further alterations/ doors without the prior permission of the Local Planning Authority in writing.

**Reason:** To ensure the covered space is retained available for the storage of a vehicle when not in use in order to prevent the displacement of car parking and subsequent inappropriate car parking

### **Note to Applicant**

1. An indemnity agreement will be required to allow refuse vehicles to access non adopted areas. The applicant should contact Ashford Borough Council to discuss this matter

### **Working with the Applicant**

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative 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 .....***add / delete as appropriate.***

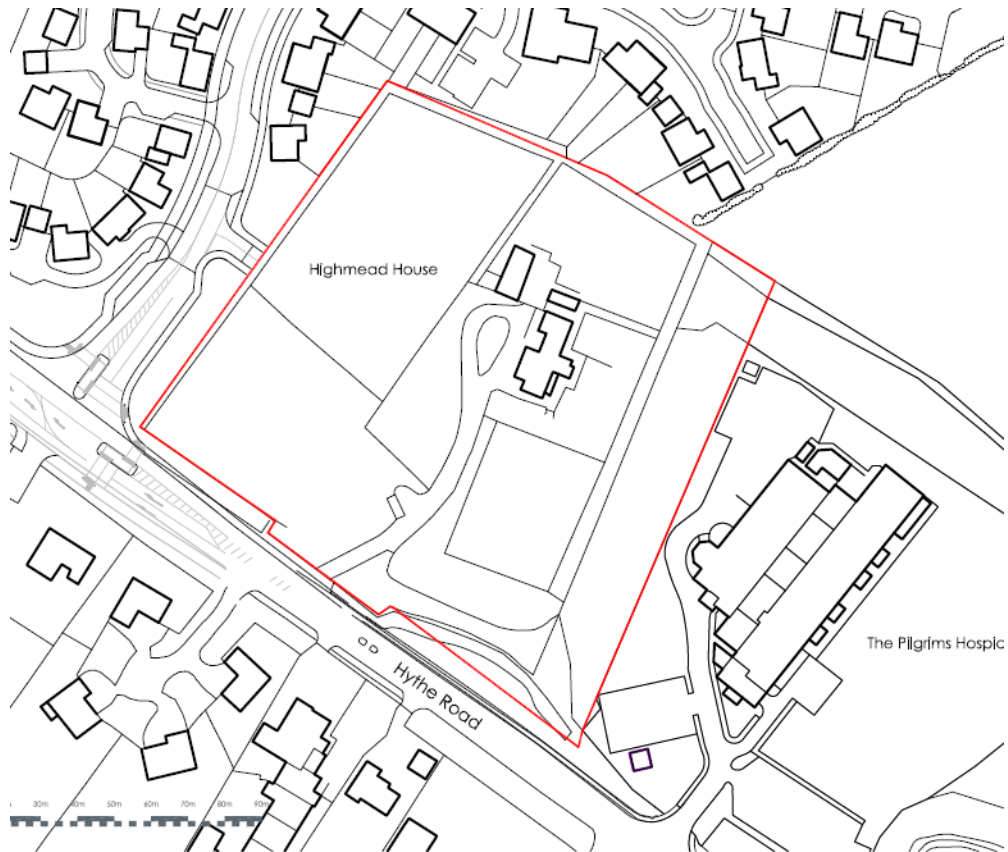
- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with/approved without delay.

## **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 19/00702/AS)

**Contact Officer:** Mark Davies  
**Email:** mark.davies@ashford.gov.uk  
**Telephone:** (01233) 330252

Annex 1





# Agenda Item 6b

Ashford Borough Council - Report of the Head of Planning and Development  
Planning Committee 02 October 2019

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<b>Application Number</b>	18/00321/AS
<b>Location</b>	Phase 2 Old Clockhouse Green, Canterbury Road, Challock, Kent
<b>Grid Reference</b>	03875 02374
<b>Parish Council</b>	Challock
<b>Ward</b>	Downs West Ward
<b>Application Description</b>	Change of use of land from agricultural to residential for the provision of 19 no. new dwellings, with associated, parking, landscaping and infrastructure.
<b>Applicant</b>	Cox Developments Charing Limited c/o agent
<b>Agent</b>	Steve Davies, Hobbs Parker Property Consultants LLP, Romney House, Monument Way, Orbital Park, Ashford, Kent, TN24 0HB
<b>Site Area</b>	1.38 hectares

(a) 36 6 R, 2 X	(b) Parish Council R	(c) POS X, EMS X, SS X, ABC (Housing) X, KCC(FWM) X, KCC H&T X, KCC (Ecology), KCC (PRoW) X, KCC (Contributions) X, Ramblers X, EA X, AONB X NHS -, SW X, FC -, WT -
(a) 46 10 R, 2 X	(b) Parish Council R	(c) POS -, EMS X, SS X, ABC (Housing) X, KCC(FWM) X, KCC H&T X, KCC (Ecology), KCC (PRoW) -, KCC (Contributions) X, Ramblers -, EA X, AONB - NHS -, SW X, FC -, WT -

## **Introduction**

1. This application is reported to the Planning Committee because it relates to major development.

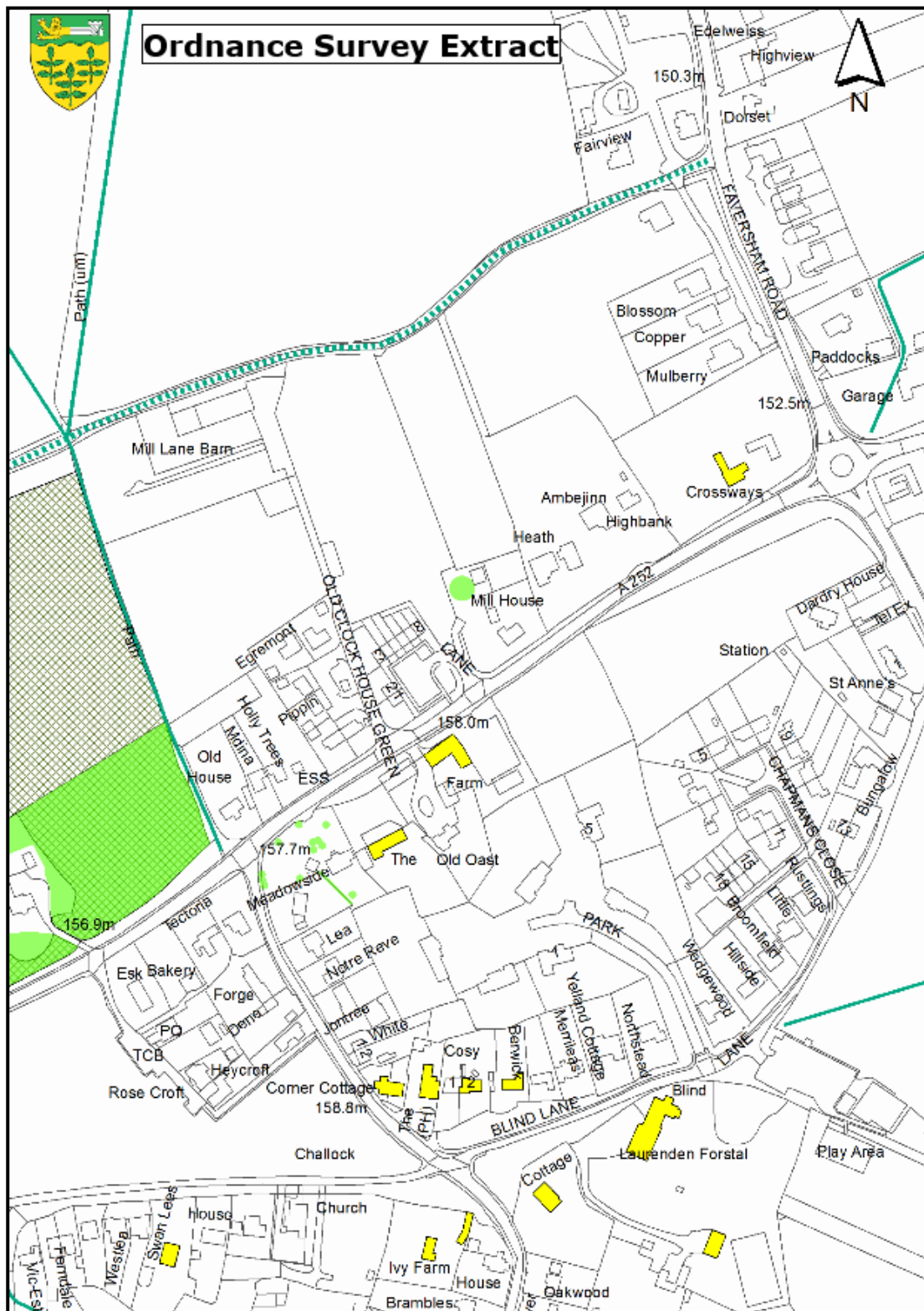
## **Site and Surroundings**

2. The site is located to the north of the A252 on the northern edge of the village of Challock. The site is level, and with the exception of an existing access track that traverses the site from north to south, the site is a green field that is designated Grade 3 agricultural land.
3. The site is accessed off the A252 via an existing access which serves properties in Old Clock House Green located to the south of the application site, and a commercial unit to the north of the application site. The commercial unit is currently occupied by Trevor May Contractors. Trevor May contractors provide a range of specialised sports surface related construction and landscaping services. Their portfolio includes tennis court construction, netball court construction, multi-use games areas (MUGAs), five-a-side football, football training, hockey training, mini-tennis, 'Kids Zones', badminton, bowling greens, roller hockey and skate parks, cricket wickets, athletics facilities, and associated landscaping and lighting works.
4. The housing to the south of the site in Old Clock House Green comprises six dwellings recently constructed by the same developer (Cox Developments Charing Limited) following grant of planning permission reference 14/01314/AS dated the 14 December 2014.



**Figure 1 Existing Development at Old Clock House Green**

5. To the west, the site is bounded by woodland and to the east by residential curtilage.
6. The northern boundary of the site is defined by mature hedgerow beyond which lies the aforementioned commercial unit and open countryside to the north of that.
7. A public right of way (PRoW) runs adjacent to the western boundary of the site.
8. The site is within the North Downs Area of Outstanding Natural Beauty (AONB). The woodland to the west known locally as Carpet Wood, is designated Ancient Woodland.
9. The wider area is residential in nature, and properties along the A252 are predominantly generously spaced with substantial gardens.
10. There is a Grade II Listed Building approximately 100 metres south of the site opposite the access off the A252 which leads to the site.
11. Below is a copy of the site location plan.



## Proposal

12. The proposal is a full application. The application proposes 19 dwellings, with associated parking, landscaping and infrastructure.
13. The proposals equate to a density of approximately 13 units per hectare.
14. The application has been amended since its original submission the layout plan for which is copied below.



Figure 2 Original Layout

15. The principle amendments include:
  - An increase in the number of dwellings across the site from 15 to 19;
  - A reduction in the amount of public highway/hardstanding proposed;
  - Provision of open space within the site to the east and west;
  - Provision of a 15 metre buffer between the Ancient Woodland and the developable area;
  - The relocation of the gas/sewage treatment plant; and
  - The introduction of 3 communal parking areas distributed across the site to serve units 3-5, and 11- 17.



16. The amended scheme is illustrated below.



**Figure 3 Amended Layout**

17. Of the 19 dwellings proposed, the scheme comprises 11 market homes and 8 affordable homes in the following mix:

*Market Homes*

- 1 no. 3 bed terrace house;
- 2 no, 3 bed semi-detached houses;
- 6 no. 4 bed detached houses
- 1 no. 4 bed terrace house; and
- 1 no. 5 bed detached house.

*Affordable Homes*

- 4 no. 2 bed semi-detached houses.
- 3 no. 2 bed terraced houses.
- 1 no. 3 bed terrace home.

18. The site will continue to be accessed off the A252 which serves properties in Old Clock House Green and the commercial unit to the north of the site. Off street parking serving units 7, 18 and 19 will be accessed via the existing central route through the site. Parking and access to the remaining properties will be via two informal driveways accessed off either side of the existing central route.
19. A total of 52 car parking spaces are provided to serve the proposed dwellings including 5 detached outbuildings which serve as garages and/or carports. Four identified additional visitor parking spaces are also proposed to be provided across the site.
20. The dwellings would be two storey and traditionally designed comprising elevations of brick, tile hanging, timber weather-boarding and timber windows and doors with a mix of clay and slate roof tiles as identified on the plans and in covering letter dated 23 May 2019 submitted with the recently amended drawings. Examples of the dwellings proposed are copied below and in subsequent sections of this report.



**Figure 4 Units 1 and 8**



**Figure 5 Units 18 and 19**



**Figure 6 Units 3 - 5**

21. The central route through the site would be tarmac, informal driveways and parking courts are proposed to be surfaced in different material(s) such as bonded gravel. Boundary treatments will be constructed using brick or farm style fencing such as post and rail.
22. The scheme comprises a discreetly sited gas/sewage treatment plant to the north adjacent to plot 19. Letter dated 17 July 2019 submitted in support of the application confirms that the plant will be located underground and so no alterations to ground levels are proposed to facilitate these.
23. A 15 metre landscape buffer will be provided between the Ancient Woodland and the developable area. For the most part, a 2.5 metre landscape buffer around the perimeter of the site is also proposed. Two areas of open space, reminiscent of a small rural village greens have been incorporated in the scheme, one to the east and one to the west.
24. The amended scheme has been amended further to include minor alterations to the design/appearance of unit 10 and to ensure that the garden to unit 9 is contained within the red line site area. The Council's Statement of Community Involvement indicates that if there are any significant amendments to a planning application during consideration, the Parish Council and neighbours will be re-notified and offered a further opportunity to submit comments. In this instance the amendments that have been made to the current scheme are not considered to be significant and so it has not been necessary to re-consult in this instance.
25. In support of the application, the following information has been submitted and summarised below:

### **Proposal for Wastewater Disposal September 2014**

The report states:

*It is concluded that the proposed design using a Klargester Biosafe 5 treatment plant, discharging to a deep bore soakaway will provide a reliable and sustainable means of disposing of the wastewater generated by the proposed development and that the proposed construction plan will ensure that the soakaway capacity is evaluated and*



*confirmed at the time of construction with a factor of safety to ensure the long term reliability of the disposal facilities.*

*The treatment plant and soakaway will be sited on the central green island in front of the houses and the precise location of the plant and soakaway will be confirmed once the drainage design has been completed using the dimensions of the recommended treatment plant.*

### **Preliminary Ecological Appraisal. KB Ecology. December 2016.**

The report confirms that:

- The site is not part of, nor directly adjacent to, any statutory designated sites and none are located within 1km of the site;
- One local wildlife site, King's Wood, Challock and Godmersham Downs', is present 500m to the South East of the site;
- Ancient woodland is directly adjacent to the West of the site, with branches spreading onto the site;
- The site consists of a mown field, said to be routinely cropped for hay.
- The field is bounded by hedges: single species along the South and North boundaries, and a more varied hedge along the East boundary; and
- A large pile of earth is present along the north boundary, as well as a metal container.

### Habitats

The report indicates that the Integrated Habitat System (IHS) classification describes the site as improved grassland with open/scattered scrub: native shrubs; non-amenity grassland.

The report states that habitats present outside the works footprint (including the Ancient Woodland) should be suitably protected against any damages during works. The report details the guidance relating to the Ancient Woodlands.

### Amphibians

The report confirms that the closest recorded Great Crested Newt site is located at King's Wood (Challock), 2.6 km to the SE. No ponds were present on site or within 500m. Due to the distance to the nearest pond, it is judged unlikely that great crested newts would be present on site.

The report concludes that due to the absence of ponds in the general area, no further work is recommended with regards to amphibians and great crested newts in particular.

### Reptiles

The report confirms that the management of the site reduces the likelihood of reptiles being present. However, the site is directly connected to a wood and has pockets of

ruderal vegetation along the East and West boundaries, which could be used by reptiles.

The report concludes that reptiles may be present in part of the site. It is therefore recommended to carry out a reptile survey looking at presence/absence.

### Birds

The report states that site has high potential to support breeding birds within the adjacent trees and hedges. However, the report concludes that a breeding bird survey is not deemed to be necessary, but that consideration must be given to the timing of vegetation removal, if any is to take place.

### Hazel Dormouse

The report states that it is considered that the ancient woodland has high potential to support the hazel dormouse and dormice are thus likely to be using the branches of the trees spreading onto the site and also could be present along the hedges;

The report states that no tree or hedge clearance is expected on site, therefore no further work is recommended with regards to dormice, however, should this change, there would be a need to carry out further surveys.

### Badgers

The report states that grassland habitat on site provides foraging opportunities for badgers, however, no setts or signs of badgers were identified during the survey and therefore no further work is recommended with regard to Badgers.

### Bats

The report states that none of the trees present on site offered bat roosting potential. However, due to the presence of the adjacent ancient woodland, bats are likely to commute through the site and some foraging activity is expected, though likely to be restricted to the East and West boundary vegetation. It is therefore recommended that bat activity surveys and static detector surveys are undertaken.

The report recommends a number of biodiversity enhancements.

## **Design, Access, Planning and Landscape Statement February 2018**

In summary, the statement concludes:

- The proposal follows significant pre-application consultations with various departments in the Council.
- The proposed site offers no intrinsic agricultural value, having been severed from the original farmstead when former buildings and land were disposed of many years ago. The land has always been physically separate from the main farm holding due to the main trunk road.
- The proposal represents a natural infill of the built form within the village.

- The Parish Council previously identified the land as being suitable for future housing development, which is supported at Borough Council level through the inclusion of the site within the Local Plan.
- There is existing access from the highway to the site.
- The scheme proposed has been designed to ensure that it meets local housing needs identified by further research commissioned specifically for this scheme.
- The house designs and layouts proposed have been considered in significant depth, to ensure a high-quality development results.
- The range of housing proposed will not only complement the range of housing offered by other developments currently under construction or proposed in the village but offer a complete range of housing sizes to ensure the development is community inclusive. This will result in the proposal being both economically and socially beneficial to the village.

For all the above reasons, it is respectfully requested that planning permission is granted for this application.

### **Flood Risk and Sustainable Drainage Assessment June 2018 (Amended May 2019)**

The report indicates that it has been prepared to appraise the risk of flooding from all sources and to provide a sustainable solution for managing the surface water runoff discharged from the development site in accordance with the NPPF and local planning policy.

The report confirms that the geology at the site comprises Seaford Chalk Formation bedrock overlaid by Clay with Flints.

The report considers flooding from a range of sources and concludes that the risk of flooding to the proposed development is low.

The report identifies there is potential to incorporate water butts and indicates that driveways and patios can be constructed using permeable surfacing. The report states that surface water landing on roof areas will be drained into soakaways. The use of cellular storage soakaways is proposed.

It is concluded that the most viable solution for managing the surface water runoff discharged from the proposed development will primarily be via the use of infiltration SuDs. These SuDs will enable water to be stored onsite whilst maximising the opportunity for water to be discharging directly into the ground, therefore mimicking the current pre-developed conditions.

The report confirms that foul effluent from the proposed development will need to be treated on site via a packaged treatment plant and treated effluent will need to be discharged into the ground via infiltration.

Ground investigations indicate that infiltration is possible within the chalk strata, and therefore it may be necessary to construct a borehole soakaway.

The size and capacity of the treatment plant will need to be determined at detailed design stage and this design will need to consider the size of the proposed development and proposed discharge rates.

**Letter from Ashley Leftwich, The Ash Partnership dated 28th October 2018.**

The purpose of this letter is to provide an appraisal of the woodland associated with Carpet Wood Ancient Semi-Natural Woodland (ASNW).

The letter states that the eastern boundary of Carpet Wood ASNW is edged by a Public Footpath that is approximately 2m in width. To the east of this is an open grass field. The landowner of the proposed development plot owns up to and including the Public Footpath.

The letter confirms that Ancient Woodland mapping clearly excludes the footpath and all parts of the open field to the east.

The letter states that the woodland edge immediately west of the footpath and the field edge immediately east of the footpath were subjected to a detailed floral survey to demonstrate whether the distribution of Ancient Woodland Vascular Plants [AWVPs] follows the same pattern as the Ancient Woodland mapping. The letter records that a total of 37 plant species were recorded during the survey and that as these plants lie within just 2m to 3m distance from the woodland edge, this is well within the anticipated edge effect containing shade tolerant species. The report states that the distribution of AWVPs therefore provides a good fit with the mapping evidence

The letter contains details of predicted Root Protection Areas (RPAs) of all trees along the field and selected principal trees along the woodland edge have been plotted to demonstrate the eastern extent of the combined RPAs.

The letter states that Natural England Standing Advice recommends a 15m buffer and this buffer would effectively contain all of the plotted RPAs for the principal (nearest and/or largest) trees within Carpet Wood ASNW.

The letter concludes that the buffer should be planted up with a woodland mix that is compatible with the adjacent ASNW. It is further recommended that rear gardens are located along the western edge of the proposed development.

**Reptile Survey Report. KB Ecology. May 2019.**

The report states the following:

*Detailed reptile surveys were undertaken using artificial refuges, in accordance with best practice guidelines (Froglife, 1999). A total of 40 artificial cover objects were installed on 14<sup>th</sup> March 2019. They were then checked on seven separate occasions between March and May 2019.*

*Numbers of each reptile species were recorded, as well as the air temperature. Naturally occurring refuges were also checked for reptiles, and any additional incidental sightings were also recorded. Surveys were only undertaken during suitable weather, they were not carried out during wind or rain.*

*No reptiles were found on any of the seven surveys undertaken.*

*No reptiles have been found during the seven surveys, therefore no mitigation measures are expected necessary for the species.*

### **Untitled (Bat Survey Summary). KB Ecology. May 2019.**

The detail submitted within this document relates to a bat activity survey and a static detector survey (with one detector) in late April-early May to assess the use of the site by bats.

The document confirms that one transect route was surveyed in weather conditions optimum for bat activity (i.e. warm, dry and still evenings). One static detector (SD) was left on site for five consecutive nights.

The document confirms that Bat activity was recorded as 'feeding' or 'commuting', however, overall, very little bat activity was recorded over the course of both types of surveys:

- Only 18 calls were recorded during the five-days of static detector survey, with 17 calls from common pipistrelle bats and one from a Myotis species;
- Only 32 calls were recorded during the transect survey, with 30 calls from common pipistrelle bats and two from a Myotis species; the calls have been recorded all along the west boundary, apart from one being along the east boundary; none being in the middle of the site.

The document concludes that due to the low level of activity on site, and the fact that the majority of activity is by a species which is not light-sensitive, it is not considered necessary to undertake any additional work or mitigation with regards to bats.

### **Relevant Planning History**

14/01314/AS Erection of 6 New Dwellings. Permitted.

## **Consultations**

**Ward Members:** The Local Ward Member is Cllr Larry Krause. Cllr Krause is a member of the Planning Committee.

### **1<sup>st</sup> Consultation Feb 2018**

**Challock Parish Council:** Does not support this application as it is outside of the village confines.

**ABC Project Office (Drainage):** There is insufficient information submitted with respects to the management of surface water at the site. The application should not be determined until a surface water drainage strategy demonstrating that an appropriate layout can be achieved to manage surface water at the site has been provided for consultation.

Following receipt of Herington Consulting Limited Flood Risk and Sustainable Drainage Assessment June 2018 ABC Project Office state the following:

The submitted application has been reviewed in conjunction with comments from Kent County Council's Flood Risk Project Officer (In their capacity as Lead Local Flood Authority).

The outline principles for the management of surface water volumes and runoff rates (based on the information provided) are considered acceptable. As such, there is no objection to the application.

Comments specifically with regards to location of soakaways and proximity should be taken into consideration at detailed design stage to ensure soakaways can operate effectively.

Additionally, water quality should be given due consideration to ensure that the SuDS treatment train principles are followed as identified within the SuDS Manual (CIRCA C753).

Given the underlying geology identified(Seaford Chalk), there are potential risks associated with areas of focussed infiltration to ground, the presence of fissures within the chalk can potentially lead to long term ground instability and should be given due consideration at the detailed design stage.

Should the LPA be minded to grant the scheme permission it is recommended that the conditions provided by KCC's Flood Risk Project Officer are attached to the permission.

**ABC Environmental Health:** No objection subject to conditions.

**ABC Street Scene and Open Space:** If the roads are not to be adopted by KCC the developers need to be aware that collections will not occur until a road is adopted or an indemnity needs to be in place prior to the commencement of any waste collections.

Bins would need to be presented kerbside but at 2 & 3 Burnt Mill Cottages this would be between parking spaces which could cause issues when cars are parked here but not able to manoeuvre easily.

**ABC Housing:** The site lies in the rural area as identified and defined in Policy HOU1 in the borough council's emerging local plan. Ordinarily, there will be an expectation of 40% affordable housing being delivered within this scheme. This equates to six

units, of which one or two would be affordable rent and the remainder an affordable home ownership product of which a minimum of three must be shared ownership. In this instance the council understands that the developer intends to make three units of two-bedroom accommodation available for affordable rent. However, we have on our waiting list a tenant in need of an adapted property in Challock. The family requires a three bedroom property with either a ground-floor bedroom or a wet room for their son, to accommodate full-time wheelchair use, or a property with through-floor lift in situ. Level access or ramping is required, together with door widths and circulation space for wheelchair use (sizes to be agreed with OT). Were the developer willing to provide one three-bedroom property, fully adapted, then we would understand some form of flexibility being implemented on the remainder of the units – so accepting two other affordable rent properties, rather than the two affordable rent and four affordable home ownership as laid out in policy HOU1. We would expect the properties to meet the Nationally Prescribed Space Standards. In the case of the 2- bed properties we would expect four bed spaces to be provided and in the case of the 3-bed property we would expect five bed spaces to be provided. We would also request that the affordable housing composition be integrated into the development to ensure a balanced tenure neutral mix on the development rather than being positioned as a cluster of properties on the development.

**KCC Flood and Water Management:** No surface water drainage strategy has been provided for the proposed development. We would recommend the application is not determined until a complete surface water drainage strategy has been provided for review.

Following receipt of Herington Consulting Limited Flood Risk and Sustainable Drainage Assessment June 2018 KCC Flood and Water Management state the following:

The results from infiltration testing demonstrate that infiltration SuDs such as soakaways are feasible at this site; however:

1. The drawings showing soakaway locations are inconsistent across the application.
2. It would appear that foul soakaways and surface water soakaways are in proximity which raises questions in relation to water quality protection and the effectiveness of soakage rates.
3. The location of the boreholes is shown.

We would seek confirmation in detailed design in relation to the spatial separation of the soakaways, consideration of reduction in soakage due to proximity, locations such that 5m separation from the buildings for conventional soakaways and 10m for deep bore soakaways.

We would strongly recommend that the LPA consults with the EA for any discharge of treated foul into the underlying geology and associated SPZ3.

Notwithstanding these comments, should the local authority be minded to grant permission for this development, KCC recommend that permission is granted subject to conditions.

**KCC Highways and Transportation:** The introduction of 15 dwellings is unlikely to have a notable effect on traffic movements in the nearby area. The site is located close to the A252 and the local strategic road network, in addition there are various bus services serving the nearby area within 400 metres of the application site.

No details have been supplied in regards to electric vehicle (EV) charging points. It is recommended that 1 EV charging point be supplied at each proposed dwelling.

Overall, no, objection subject to conditions.

**Kent County Council Public Rights of Way (PROW):** The application states that a new public right of way will be created to connect the site to the existing network. Whilst this link is welcomed Kent County Council has no expectation to adopt the route as a public highway. Ashford Borough Council should therefore need to secure appropriate funding or mechanism for likely future maintenance.

Public footpath AE86 provides a pedestrian route into the village, including the school, village hall and other facilities without the need to walk beside the A252, Canterbury Road. It also provides a link from the proposed development to the wider countryside and public rights of way network. As such it is envisaged that use of the route will increase from the proposed development and existing properties in the near vicinity.

In light of the highlighted impacts on public footpath AE86 Kent County Council Public Rights of Way and Access Service recommend that consideration is given to improving the surface of the path between the A252, Canterbury Road and the proposed pedestrian access link. In order to attempt to secure this off-site improvement, a developer contribution should be provided of an amount in the region of £13,200.

Any planning consent given confers no consent or right to disturb or divert any Public Right of Way at any time without the express permission of the Highway Authority, in this case Kent County Council's Public Rights of Way and Access Service.

**KCC Ecology:** Additional information is required prior to determination of the planning application.

- Further surveys along with any necessary mitigation measures for reptiles;
- Further surveys along with any necessary mitigation measures for bats;
- Mitigation measures for ancient woodland including appropriate buffers.

The proposed development is adjacent to a block of Ancient Woodland. A buffer zone of a minimum of 15 metres between the Ancient Woodland and the development



needs to be incorporated into the submitted landscape/site plans. Buffer zones cannot include garden habitat due to the lack of control over how these areas will be used.

**KCC Developer Contributions:** The County Council requests £48.02 per dwelling to address the direct impact of this development to meet the additional demand upon the local Library service which will be generated by the people residing in these dwellings.

Please include within any Planning Consent the requirement to provide 'fibre to the premise'.

**Ramblers:** No objection.

**Environment Agency:** No objection subject to conditions.

**North Downs AONB Unit:** Development in this location is considered an appropriate extension of the village. A development of this scale in the AONB offers an opportunity to secure an increase in provision of affordable housing in the AONB.

A development of this scale in the AONB offers an opportunity to secure an increase in provision of affordable housing in the AONB. In rural areas and especially within AONBs, there remains a need for social provision of affordable homes as there will be a sector of rural community who will simply not be able to qualify or afford mortgages on market housing. Without an adequate supply of affordable housing within AONBs there is the risk that this will undermine the ability of those on the lowest incomes to live and work within the AONB and settlements will become predominantly for commuters or second home owners.

The provision of 3 affordable units, is below the requirement of 35 per cent as set out in policy CS12 of Ashford's Core Strategy and 40 per cent in policy HOU1 of the emerging Local Plan. Policy VC3 of the Kent Downs AONB Management Plan supports initiatives that increase and improve the supply of affordable housing. The proportion of affordable housing units within the scheme should be increased to comply with current/emerging development plan policy.

**NHS:** No comments received.

**Southern Water:** There is no public foul sewers in the area to serve the proposed development with sewerage services.

**Forestry Commission:** No comments received.

**Woodland Trust:** No comments received.

**Neighbours:** 36 neighbours have been consulted, a site notice has been posted and the application has been advertised in the press.

A total of 8 representations have been received including 2 letters of comment and 6 letters objecting to the proposal on the following grounds:

- The site is located within the AONB;
- The site is located outside of the village confines;
- Lack of infrastructure – no mains gas or mains drainage, frequent power cuts etc;
- Poor public transport links;
- Cumulative impacts of development in Challock;
- The primary school is oversubscribed and inconveniently sited within the village;
- With regard to amenities there is only a post office and barn shop;
- Impact on the living conditions of neighbouring properties;
- Increase in traffic movements;
- Impact on the environment generally;
- The scale of development is unacceptable and out of character with existing buildings;
- Cramped form of development;
- Unsuitable access;
- Adverse impact of vehicular and pedestrian safety;
- The site should be promoted for agricultural use;
- Challock already has enough new dwellings;
- There are already sufficient 4 bedroom dwellings in Challock;
- The Village Plan identified sites for infilling and not a small estate;
- Development on this site will set a precedent for building outside the built up confines;
- All hedging on the eastern boundary should be retained especially as trees and bushes along the western boundary have already been removed;
- If the application is approved the developer must abide by the recommendations of the ecological appraisal to protect existing wildlife;

**2<sup>nd</sup> Consultation** – Amended plans received. Amendments include an increase in the number of units on the site from 15 to 19. The layout has also been amended as a consequence.

**Challock Parish Council:** Does not support this application. Increasing the number of dwellings from 15 to 19 gives the area a cramped in affect with limited parking spaces. The Parish Council are disappointed that the request from Housing Services for a dwelling to accommodate a family with a disabled child has been omitted from the plans and therefore preventing a family with a village connection from moving to the village.

The single vehicle access road and the increase traffic that will be using it. Not only residents of the new houses but 2 Lorries require daily access to the commercial unit and during the summer season agricultural vehicles use the access for entrance to the fields at the back. There are also concerns regarding the number of car parking spaces available in the housing development, in particular for visitor parking. The Parish

Council are aware that the amended plans have included neighbours land and therefore the application should be redrawn by the developer and the planning application should be re-submitted.

The Parish Council like our parishioners have concerns regarding the infrastructure; the primary school is running at full capacity, inadequate footpaths and the playpark is in need of refurbishment.

Canterbury Road through the village is narrow along with the footpath adjacent to the Barn Shop. There is no footpath adjacent to Clockhouse so residents have to cross the road using the single access road.

Residents requested that the access road into Clockhouse Green is adopted by KCC Highways and a new footway is installed.

**ABC Project Office (Drainage):** No further comments received.

**ABC Environmental Health:** Note the amended description from 15 dwellings to 19. My earlier comments are still pertinent considering this alteration.

**ABC Street Scene and Open Space:** If the roads are not to be adopted by KCC the developers need to be aware that collections will not occur until a road is adopted or an indemnity needs to be in place prior to the commencement of any waste collections.

The new site plan does not show tracking for an 11.4m refuse vehicle, please ensure that this is updated to reflect accordingly.

Refuse stores need to be big enough to accommodate a 240l recycling bin, 180l refuse bin as well as a food caddy. Please also bear in mind that residents may opt to subscribe to our garden waste service – which would mean an additional 240l garden waste wheeled bin.

**ABC Housing:** Ordinarily, there will be an expectation of 40% affordable housing being delivered within this scheme. With the revised application seeing 19 units, this equates to eight units, of which two would be affordable rent and the remainder an affordable home ownership product of which a minimum of three must be shared ownership.

We would be willing to take seven units based on the applicant providing a disabled unit for a family within the parish with a specific need for this, as previously discussed.

The family requires an adapted property in Challock. This is to be a three bedroom property with either a ground-floor bedroom or a wet room for their son, to accommodate full-time wheelchair use, or a property with through-floor lift in situ.

Level access or ramping is required, together with door widths and circulation space for wheelchair use (sizes to be agreed with OT).

Were the developer willing to provide one three-bedroom property, fully adapted, then we would understand some form of flexibility being implemented on the remainder of the units.

We would expect the properties to meet the Nationally Prescribed Space Standards. In the case of the 2-bed properties we would expect four bed spaces to be provided and in the case of the 3-bed property we would expect five bed spaces to be provided.

We would also request that the affordable housing composition be integrated into the development to ensure a balanced tenure neutral mix on the development rather than being positioned as a cluster of properties on the development.

**KCC Drainage:** Have no further comment to make on this proposal and would refer you to our previous response.

**KCC Highways and Transportation:** The addition of the proposed units onto the existing Clockhouse Green development does not cause concern with regard to capacity or highway safety on the surrounding network. The existing access onto the A252 is sufficient in size and has adequate visibility.

The parking provision and layout as proposed is acceptable. Some of the rear serviced parking areas are slightly further away from the properties than preferable, but due the size and layout of the proposed site, in this case this is not thought to be a problem such that would result in obstructive parking. I also note that the proposal is to remain in private in ownership.

It is recommended that 1 EV charging point be supplied at each proposed dwelling.

Overall, no objection subject to conditions.

**Kent County Council Public Rights of Way (PROW):** No further comments received.

**KCC Ecology:** No objection subject to conditions.

**KCC Developer Contributions:** The County Council requires a financial contribution towards the expansion of Charing CE Primary School at £3324.00 per house (x19).

The County Council requires a financial contribution towards the expansion of The Norton Knatchbull School at £4115.00 per house (x19).

The County Council therefore requests £48.02 per dwelling to address the direct impact of this development to meet the additional demand upon the local Library service.

Please include within any Planning Consent the requirement to provide 'fibre to the premise'.

**Ramblers:** No comments received.

**Environment Agency:** No objection subject to conditions.

**North Downs AONB Unit:** No comments received.

**NHS:** No comments received.

**Southern Water:** There is no public foul sewers in the area to serve the proposed development with sewerage services.

**Forestry Commission:** No comments received.

**Woodland Trust:** No comments received.

**Neighbours:** 46 neighbours have been consulted, a site notice has been posted and the application has been advertised in the press.

A total of 12 representations have been received including 2 letters of comment and 10 letters objecting to the proposal for the reasons stated in response to the first consultation and for the following additional reasons:

- Loss of a green field site;
- Impact on doctors surgery;
- Development should be focused on brown field sites;
- The developers should provide funding towards local schools, doctors surgery and local infrastructure;
- The lane should be adopted by Ashford Borough Council;
- Loss of views;
- Impact on wildlife;
- Smaller dwellings are needed; and
- Increase in number from 15 to 19.

## Planning Policy

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

27. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
28. The relevant policies from the Development Plan relating to this application are as follows:-

**Ashford Borough Local Plan 2000**

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

SP7 - Separation of Settlements

S54 – Challock, Land at Clockhouse

HOU1 – Affordable Housing

HOU3a – Residential Development in the rural settlements

HOU12 - Residential space standards internal

HOU14 - Accessibility standards

HOU15 - Private external open space

HOU18 - Providing a range and mix of dwelling types and sizes

EMP6 – Promotion of Fibre to the Premises (FTTP)

TRA3a - Parking Standards for Residential Development

TRA5 - Planning for Pedestrians

TRA6 - Provision for Cycling

TRA7 - The Road Network and Development

ENV1 - Biodiversity

ENV3b - Landscape Character and Design

ENV4 - Light pollution and promoting dark skies

ENV5 - Protecting important rural features

ENV6 – Flood Risk

ENV7 – Water Efficiency

ENV8 - Water Quality, Supply and Treatment

ENV9 - Sustainable Drainage

ENV13 - Conservation and Enhancement of Heritage Assets

COM1 - Meeting the Community's Needs

COM2 – Recreation, Sport, Play and Open Spaces

IMP1 – Infrastructure Provision

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

**Supplementary Planning Guidance/Documents**

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011

Dark Skies SPD 2014

Affordable Housing SPD 2009

Public Green Spaces & Water Environment SPD 2012

**Village Design Statements**

NA

**Other Guidance**

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins

Informal Design Guidance Note 2 (2014): Screening containers at home

Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

Kent Downs AONB Management Plan 2015 – 2019

Kent Downs AONB Farmstead Guidance

Kent Farmsteads Guidance Part 5 - English Heritage, Kent County Council and Kent Downs Area of Outstanding Natural Beauty (AONB) 2012

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2018

30. 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:-
31. Relevant sections of the NPPF include:
  - Chapter 2 – Achieving sustainable development
  - Chapter 4 – Decision-making
  - Chapter 5 – Delivering a sufficient supply of homes
  - Chapter 8 – Promoting healthy and safe communities
  - Chapter 9 – Promoting sustainable transport
  - Chapter 10 - Supporting High Quality Communications
  - Chapter 11 – Making effective use of land
  - Chapter 12 – Achieving well-designed places
  - Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
  - Chapter 15 - Conserving and enhancing the natural environment



## National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standard

### **Assessment**

32. The main issues for consideration are:
- The principle of the development
  - Sustainability and location of the development
  - Landscape character and visual amenity
  - Impact on the setting of Heritage Assets
  - Impact on residential amenity
  - Ecology and the impact on the Ancient Woodland.
  - Drainage / contamination
  - Highway Impacts
  - Other matters
  - Whether planning obligations are necessary

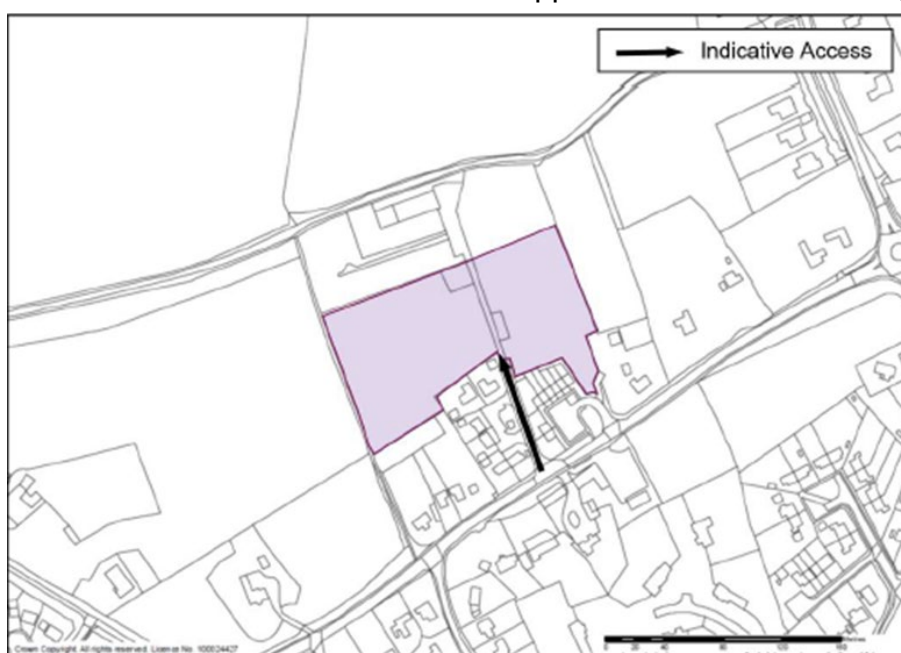
### **The principle of development**

33. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the adopted Development Plan unless material considerations suggest otherwise. Section 70 of the Town and Country Planning Act 1990 is concerned with the determination of planning applications with regard to the provisions of the development plan, so far as they are material and any other material considerations.
34. The Local Plan has validated the essential land use planning strategy adopted by the Council, as being the right strategy to apply, namely focusing growth in and near the built-up area of Ashford, as well as in the main rural settlements in the hierarchy, based on sustainability considerations and seeking to recognise the character and important qualities of the villages and the countryside. The land use planning strategy is sound and justified.

35. In the rural areas, larger scale development (in a rural context) is focused at the more sustainable and established rural settlements, those which have more services and facilities and a greater ability to absorb new housing. This is reflected in the Council's strategic objectives set out in policy SP1 which indicates that in order to deliver the Council's 'Vision' development should be focussed at accessible and sustainable locations which utilise existing infrastructure, facilities and services wherever possible. Challock is an existing defined settlement that can provide a range of services to meet daily needs. Challock is identified in both policies HOU3a and HOU5 as being a settlement that is capable of accommodating residential development and infilling within it's built up confines and also adjoining/close to it's built up confines.
36. The Plan allocates a number of housing allocations at medium sized rural settlements such as Challock in order to spread the responsibility for accommodating new housing growth in a sustainable way across the borough and focus new housing in a way that is proportionate and close to the services and facilities in the locality. The site the subject of this application is one such allocation and is identified under policy S54 of the Ashford Local Plan 2030 as being suitable for residential development.
37. The site lies in a rural location within a sensitive landscape designated as an AONB. There is also ancient woodland to the west of the site and a ground water protection zone and area of major ground water vulnerability.
38. Para 172 of the NPPF states-
39. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- (a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

(c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

40. For the purpose of paragraph 172, National Planning Policy guidance, whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 172 of the NPPF applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The definition of a major development in the context of the above not as prescribed in the General Development Management Procedure Order 2015 (i.e. development of 10 dwellings or more).
41. As stated above, the site has been allocated within the recently adopted Ashford Local Plan 2030 under policy S54, evidencing the fact that subject to meeting the criteria identified in policy S54, the Council considers the principle of residential development on this site to be acceptable and also sustainable in accordance with the principles identified above. In addition to this, the North Kent Downs AONB Unit has advised that development in this location is considered an appropriate extension of the village and offers an opportunity to secure an increase in provision of affordable housing in the AONB. Consequently, it is officer's view that it is appropriate not to treat this application as a major development within the AONB. Notwithstanding this, this in no way diminishes the protection afforded to the landscape designation the impacts of which shall be carefully considered in the determination of this planning application.
42. The land to which the site allocation applies is identified in the figure below.



**Figure 7 Site Allocation Policy S54**

43. The criteria set out in policy S54 against which the development will be assessed states:

**Policy S54 – Challock, Land at Clockhouse**

**The site at Clockhouse is proposed for residential development for an indicative capacity of 15 dwellings.**

**Development proposals for this site shall:**

- a) Be designed and laid out in such a way as to conserve and, where possible, enhance the character of the AONB and this edge of settlement area, paying particular attention to the well-spaced nature of nearby development;**
- b) Dwellings should be limited to two storeys in height in order to protect character of the surrounding area;**
- c) The built footprint of any proposed development should be laid out so as to ensure the protection of the adjacent Carpet Wood ancient woodland;**
- d) Retain and, where possible, enhance the hedge and tree boundaries around the site, particularly where these abut the open countryside;**
- e) Provide primary vehicle access off the track known as Old Clockhouse Green and retain vehicular access to the commercial unit to the north; and,**
- f) Provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider.**

44. Although the indicative capacity for this site is 15 dwellings, the exact amount of dwellings that will be appropriate will depend on an acceptable design/layout being demonstrated. The fact that the policy sets out an indicative capacity means that it is not an absolute. The figure is indicative to give a guide to the quantum of development that may be forthcoming when allocating sites in the development plan to ensure that the Council has a 5 year supply of deliverable housing to meet its housing needs. Ultimately, the final number of dwellings provided will be derived through the proper planning of the site which may mean that a slightly higher or lower number of units is ultimately achieved.
45. The site, being an allocated site, will make an important contribution to the Council maintaining a 5 year housing land supply and thereby being in a stronger position to resist speculative inappropriate developments on unallocated sites outside of the town and village confines within the Borough. The delivery of this site will also help to boost the supply of housing which is a requirement of the NPPF. The criteria of the policy is tested in subsequent sections of this report but subject to compliance with these the development proposed is considered to be acceptable in principle.
46. Further benefits associated with the scheme include its ability to help boost significantly the supply of housing, the provision of 40% affordable housing, its relatively sustainable location (see below), and other recognised social and economic benefits including generating job opportunities, for example, during the construction process, and economic benefits arising from

purchasing goods and utilising services and facilities in the immediate and wider locality.

### **Sustainability and Location of the Development**

47. The NPPF seeks to resist isolated new homes in the countryside (para 79).
48. The site, whilst outside of the built confines of Challock is not in an isolated location. The application site is located immediately adjacent to the built up confines of an established rural settlement and within easy walking distance of the centre of the village.
49. There are a range of local services and facilities within Challock including a shop/post office, barn shop, village hall, public house primary school, village hall and recreation ground/open space including a children's play area. There are bus stops located within walking distance of the site.
50. For the reasons above, the site is not regarded as being physically isolated from services/facilities and is sustainably located hence the Inspectors acceptance of this site allocation and subsequent adoption of the policy in the local plan.

### **Landscape character & visual amenity**

51. Policy SP1 of the adopted Ashford Local Plan 2030 sets out core principles for development within the Borough. Amongst other things, policy SP1 seeks conserve the borough's natural environment including designated landscapes and biodiversity; as well as creating high quality designed places that are sustainably sited; meet the housing needs / mix for the Borough and ensure development is resilient to and mitigates climate change.
52. The Council has a statutory duty under the Countryside and Rights of Way Act (2000) to conserve and enhance the natural beauty of designated landscapes including AONBs.
53. The site lies within a protected landscape (AONB). The NPPF would advise refusal of major applications in such locations unless an overriding public benefit can be demonstrated. The NPPF affords the highest level of protection in such locations. Although it is considered that the development is not a major development within the meaning of the NPPF it is a significant development which must demonstrate the conservation or enhancement of the AONB's landscape and scenic beauty, wildlife and cultural heritage.
54. Policy ENV3b of the Local Plan states:

*“The Council shall have regard to the purpose of conserving and enhancing the natural beauty of the Kent Downs and High Weald AONBs.*

*Major development proposals within the AONBs will only be permitted in exceptional circumstances and where it is demonstrated they are in the public interest.*

*All proposals within or affecting the setting of AONBs will also only be permitted under the following circumstances:*

- The location, form, scale, materials and design would conserve and where appropriate enhance or restore the character of the landscape.*
- The development would enhance the special qualities, distinctive character and tranquillity of the AONB.*
- The development has regard to the relevant AONB management plan and any associated guidance.*
- The development demonstrates particular regard to those characteristics outlined in Policy ENV3a, proportionate to the high landscape significance of the AONB”.*

55. Housing allocation policy S54 states that development on this site shall be designed and laid out in in such a way as to conserve and, where possible, enhance the character of the AONB and this edge of settlement area, paying particular attention to the well-spaced nature of nearby development. The policy also encourages the retention and, where possible, enhancement of the hedge and tree boundaries around the site, particularly where these abut the open countryside, and states, that dwellings should be limited to two storey in height in order to protect the character of the surrounding area.
56. Protecting the landscape and scenic value of the countryside is consistent with the NPPF, including in particular the environmental considerations as specified in the NPPF (and section 15 - Conserving and Enhancing the Natural Environment).
57. The site with the exception of an access track is a green field site. The proposed development would not require any significant alterations to the landform or topography. Trees and hedgerows are located around the perimeter of the site to the North, East and South as identified on the existing site plan drawing number C1068 D02. To the West of the site lies Ancient Woodland. With the exception of the existing planting to the perimeters there are few landscape features within the site. As such, the boundary trees/hedgerows are the most distinctive landscape feature on the site and

they make a valuable contribution to visual amenity. Consequently, these should be retained in accordance with the requirements of policies ENV3b and S54. This can be secured by condition, together with a condition which requires the existing planting to be protected during the construction phase.

58. Views of the development from the A252 Canterbury Road would be very limited due to the existing residential development in Orchard Lane, Old Clock House Green and along the Canterbury Road. Any views of the development that may be able to be obtained from the Canterbury Road will be of the development in the back drop of existing residential properties and the forefront of the existing commercial unit to the north of the site. In this context the site would not appear physically isolated and it would not appear at odds with existing residential development.
59. It will be possible to obtain views of the development from the public right of way that runs along the western boundary, however, the retention of existing boundary planting, further reinforcement of these boundaries (as per the requirements of policies ENV3b and S54), and the provision of green open spaces within the site, will soften the impacts of the development.
60. In terms of the surrounding pattern of development, there is no strong established pattern. Instead, the area immediately surrounding the site comprises a mix of layouts including both cul-de-sacs and frontage development arranged in a linear form with open fields and woodland surrounding. Overall, the predominant landscape characteristics are rural.
61. With this in mind, the Design, Access and Planning Statement submitted with the original application states that the scheme has been designed to have the characteristics of an old farmyard setting. Whilst officers fully support the concept of a farmyard style layout on this site, this approach requires conviction and the layout of the scheme as originally submitted and illustrated in figure 2, was considered to be overly engineered, and in officers view did not represent an authentic representation of a traditional farmyard layout. As a consequence, officers could not support the original scheme as it was considered that the former layout (if permitted) would have had a detrimental impact upon the visual amenity of the area and the character and appearance of the AONB.
62. Since relaying these concerns to the developer, detailed negotiations have followed and the layout has been substantially amended to include a reduction in the amount of hardstanding and a reduction in the size of some of the dwellings proposed. Amongst other things, these amendments have facilitated an increase in the number of units on the site, and the creation of a tighter farmyard style development within which there are courtyard arrangements with green spaces at their core, reminiscent of small rural



village greens that provide an elegant setting and outlook for the homes which front onto them. Informally distributed properties front the central road that runs along a north south axis through the site, seeking to reflect a rural drift way.

63. At 13 dwellings per hectare, the density of development is appropriate for a rural site in close proximity to the village centre. Positioning lower density development to the far west of the site adjacent to the boundaries with the ancient woodland and the higher density development further east where it adjoins the boundaries with existing residential and commercial development is considered to be the correct response, allowing for the provision of robustly landscaped buffers along the boundary with the ancient woodland and public right of way.
64. When compared with the originally submitted scheme it remains the case that the access to the proposed housing scheme follows the existing route through the site splitting the site into two regular parcels of land. However, the previous scheme's large tarmac areas with very exposed and wide turning heads at either end of the site have been removed and have been replaced by two informal, naturally curving driveways accessing off either side of this central route. These driveways have been specifically redesigned to reflect the rural setting of the site, by avoiding looking like main urban highways. Instead they now appear as narrow rural lanes surfaced in a different material with soft edges.
65. The smaller court to the east is ordered by a small central paddock with buildings informally arranged to gently enclose the space with parking areas screened from the central space by cart-shed style blocks resulting in the balance of one and two storey blocks that are simple and vernacular in both their form and their material and fenestration treatments. Gravelled drives, arm style fencing and indigenous hedgerow planting and trees add appropriate rural character to the composition.



**Figure 8 Proposed Development - Eastern Parcel**  
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66. The curving drive that serves the larger parcel of land to the west is proposed to be framed with native Hawthorn and Blackthorn hedge planting along the first section which opens up to an open grassed area reminiscent of a small rural village green. To the south of the cottages enclosing the green area, a parking court that includes a garage/car barn has been thoughtfully sited to help screen the driveways to the larger dwellings and the cars parked in open bays from view. This will ensure that the village green feature is the focal point here. Frontage parking to all dwellings in this location would appear far too suburban in officer's opinion and so this approach to car parking which seeks to ensure that the scheme will not be dominated by the presence of cars is considered to be the most appropriate response. Where parking is more visible, for example to the front of units 6, 9 and 10, this will be screened/softened by appropriate boundary treatments.



**Figure 9 Proposed Development - Eastern Parcel**

67. A footpath link connects this end of the site to the adjoining public right of way.
68. The informal layout and setting back of units 7, 8 and 18 from the road together with planting of mature trees on 3 of the corners adjacent to the cross roads within the site, is designed to give the scheme a welcoming appearance from the main approach and a soft appearance rather than simply proposing dwellings hard up against the road frontage. This crossroads with the carefully considered green infrastructure should act as

a legible landmark within the development and provide an attractive outlook for the occupiers and visitors alike.

69. The properties themselves would be two storey as required by criteria b of policy S54. The housing in each of the two parcels has been carefully designed to reflect the characteristics of a typical rural settlement with informal courtyard arrangements of houses designed to reflect farm and rural settlement buildings including farmhouses, cottages and barns. The traditional form and scale of development would respond to the form and scale of development at Old Clock House Green adjacent, in context with which this scheme will be read. Consequently, the proposal would not appear at odds in its contextual setting.
70. The proposed dwellings would include a number of contextual features, such as, chimneys, full and half hipped roofs, porches and bay windows. Given the rural location within the AONB high quality natural materials are proposed such as red brick, tile hanging, timber weather-boarding and timber windows and doors with a mix of clay and slate roof tiles. A suitably worded condition is proposed to ensure this is achieved. Overall, the scheme proposes an appropriate form of design that will help to reinforce local distinctiveness.
71. The positioning and design of boundary treatments has been carefully considered. The use of close boarded fencing has been restricted to parts of the site that are not visually prominent from the public domain. Boundary enclosures that are prominent will be constructed using brick or farm style fencing such as post and rail which are more sympathetic to the rural setting.
72. Overall, the amended proposals are considered to be of a high design quality following the principles contained in the Kent Farmsteads Design Guidance (produced by Kent Downs AONB unit amongst others), which provides advice based on a range of historic farmstead types.
73. Although the proposals would result in a significant visual change from an open field to a developed housing scheme, the visual impacts associated with this would be relatively localised and softened by the existing and enhanced landscaping. As such the wider landscape impact is not considered to be significant.
74. The architectural designs, the design of streets and driveways that appear as informal lanes, the provision of garages/car barns (some of which help to screen communal parking courts), the landscaping, and the different green spaces combine to create an interesting and varied streetscene and add visual richness to the scheme to create a distinctive 'Kentish' rural character with a strong sense of place.

75. In conclusion, for the reasons set out above, I am confident the proposals will represent an appropriate form of development that sits sympathetically within the landscape and preserves and enhances the village setting and character and appearance of the AONB. It is therefore considered that the LPA have fulfilled their statutory duty to conserve and enhance the AONB and that the development would comply with relevant development plan policy criteria.

### **Impact on the setting of Heritage Assets**

76. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), it is the Council's statutory duty and obligation to have special regard to the desirability of preservation and/or enhancement of heritage assets such as conservation areas and Listed buildings and their setting.
77. Policy ENV13 states that proposals which protect, conserve and enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported.
78. The site is in excess of 100 metres away from the nearest listed building. Given the separation distance, the proposed development is not considered to adversely affect the setting as it will not be viewed in immediate context with the Listed Building or obstruct any important views of it.

### **Impact on residential amenity**

79. Paragraph 127 of the NPPF indicates that planning decisions should create a high standard of amenity for existing and future users.
80. The proposed layout plan demonstrates that satisfactory distances can be maintained between the proposed and adjacent dwellings.
81. The minimum distance maintained between existing and proposed dwellings is 15 metres. This minimum distance exists between plot 8 and existing dwelling number 6 Old Clock House Green. However, plot 8 is positioned side on to number 6 Old Clock House Green and there are no first floor windows facing number 6. Given that this is the closest relationship between existing and proposed dwellings and that all other properties maintain gaps between one another that exceed 20 metres, I am satisfied that the development of the site can be achieved without causing demonstrable harm to neighbours amenity or to each other through loss of light, immediate outlook or by having an overbearing presence. In addition to the distances maintained, robust landscaping will help mitigate the impacts of the

development and in time, will also help to maintain a greater degree of privacy.

82. The internal and external accommodation proposed would comply with the Council's Space Standards.
83. Given the above, I do not consider that the development would result in harm to the residential amenity of neighbouring or future occupiers. The development therefore accords with the NPPF.

## **Ecology and impact upon the Ancient Woodland**

### Ecology

84. Policy ENV1 states that proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. Proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats... and networks of ecological interest... including.... water features, ditches, dykes and hedgerows, as corridors and stepping stones for wildlife. Where harm to biodiversity assets cannot be avoided, appropriate mitigation will be required in line with a timetable to be agreed with the Local Authority. Normally any mitigation measures will be required to be delivered on-site, unless special circumstances dictate that an off-site model is more appropriate. Policy ENV1 of the Local Plan is consistent with the guidance contained within the NPPF.
85. The Conservation of Habitats and Species Regulations 2017 requires Ashford Borough Council, the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, Ashford Borough Council must consider whether it is likely that an EPSM Licence from Natural England will be granted, and in so doing must address the three derogation tests when deciding whether to grant planning permission for the proposed development. The three tests are that:
  - Regulation 55(2)(e) states: a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
  - Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.
  - Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental

to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

86. In respect of the first test, the proposed development would not constitute a form of development which would be considered to be of overriding public interest.
87. Considering the development against the second criteria, given that this is an allocated site, there is not considered to be any satisfactory alternative to the development in this location. In respect of the third criteria this is assessed below.
88. The proposed development has been subject to consultation with KCC Ecology.
89. The Preliminary Ecological Appraisal concluded that surveys for reptiles and bats should be carried out due to the presence of habitat that indicates the potential for these species groups to be present and affected by the proposed development.
90. No reptiles were recorded during the surveys reported in the Reptile Survey Report. As a result a likely absence of reptiles from the site can be concluded. No mitigation measures for reptiles are therefore necessary. KCC advise that the applicant continues the current use/management of the site until development commences to ensure that habitats with increased potential to support reptiles do not develop. This can be added to any subsequent decision as an informative note.
91. It is concluded in the untitled bat survey summary that “very little bat activity was recorded” during the surveys. However, KCC comment that the surveys were undertaken fairly early in the season when nights were still cold, and so in KCC’s view the results underestimate the likely use of the site by bats. However, KCC acknowledge that the majority of the site is not likely to be of great interest to bats, and so they state that they do not consider it necessary for additional survey work to be carried out at this time. KCC consider the western boundary with the ancient woodland to be the asset of greatest value on the site, such that there must be measures implemented to minimise light spill to this area. KCC go so far as to state that the boundary of the site with the ancient woodland must be maintained as a dark corridor and that if lighting is necessary it must be low level, with lamp specifications that are in accordance with the Bats and Lighting in the UK guidance. This can be secured by condition.
92. KCC advise that if permission is granted, it should be granted subject to a condition requiring the submission of an Ecological Design Strategy for the

proposed development site, including specifications for the buffer zone and ecological enhancements for the site. Additionally, KCC recommend a further condition requiring details of the management of the buffer zone to be detailed within a Landscape and Ecological Management Plan.

93. Finally, KCC recommend an informative note is added to any subsequent grant of planning permission reminding the applicant/developer of the legislation in place to protect breeding birds.
94. On the basis of the information submitted and for the reasons above, I am satisfied that the LPA has fulfilled its duty to appropriately assess the development under Regulation 9(5) of the Conservation of Habitats & Species Regulation 2010. If approved, subject to conditions, the proposed development is not considered to result in any adverse impacts to matters of ecological importance in accordance with the relevant policies set out in European and UK law as well as in the adopted development plan, and the NPPF.

#### Ancient Woodland

95. Trees and hedgerows are key aspects of the Borough's countryside and the North Downs AONB. Ancient semi natural woodlands are not just important landscape features but provide a range of habitat and biodiversity value not found in other forms woodland.
96. Policy ENV5 of the Local Plan 2030 seeks to protect important rural features including ancient and semi-natural woodland. Policy ENV3a (to which relevant policy ENV3b refers), requires regard to be had to the composition of trees and woodland and states amongst other things that existing features that are important to the local landscape character shall be retained. Criteria c of policy S54 states that the built footprint of any proposed development should be laid out so as to ensure the protection of the adjacent Carpet Wood ancient woodland.
97. Paragraph 175 of the NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland unless, a suitable compensation strategy exists.
98. The application site is lies adjacent to Carpet Wood, a designated ancient woodland. Amongst other things, Natural England and the Forestry Commission's standing advice for Ancient Woodland and Veteran trees advises development must be kept as far as possible from ancient woodland. A 15m buffer area between the development boundary and the woodland is

recommended. Buffer zones cannot include garden habitat due to the lack of control over how these areas will be used.

99. The submitted plans demonstrate that a 15m buffer zone between the rear garden boundaries and the adjacent Ancient Woodland will be maintained. Conditions recommended by KCC Ecology, will ensure that this buffer is appropriately managed if planning permission is granted.
100. Based on the plans submitted and subject to the conditions recommended by KCC, I am satisfied that the proposed development can be accommodated without any adverse impact upon the trees and habitat that form part of the adjacent Ancient Woodland in accordance with relevant local plan policies and national policy guidance.

## **Drainage and Contamination**

### Surface Water Drainage

101. Amongst other things, recently adopted policy ENV9 of the Local Plan 2030 states that all development should include appropriate sustainable drainage systems for the disposal of surface water, in order to avoid any increase in flood risk or adverse impact on water quality, and to minimise the drainage from the pre-developed site.
102. The application has been subject to consultation with the Environment Agency (EA) and KCC Flood and Water Management.
103. The Environment Agency identifies that controlled waters are particularly sensitive in this location because the proposed development site is within Source Protection Zone 3 and located upon a Principal Aquifer.
104. The site lies within flood zone 1 and is therefore at low risk from fluvial or tidal flooding. The site is currently green field and the development will result in impermeable surfaces and therefore the main flooding potential arises from surface water run-off. A Flood Risk and Sustainable Drainage Assessment has been submitted in support of the application. This assessment was last update in May 2019. Amongst other things the Assessment details a proposed 'Surface Water Management Strategy'.
105. The assessment proposes that the highway areas and driveways are constructed using a permeable surface and the patio pathway areas using permeable paving. The sub-base beneath the highway area is required to be a minimum 300mm deep with a layer of geotextile to provide a suitable filtration depth to remove any potential contaminants. It is proposed that rain falling onto these areas will be stored within the underlying sub-base material

during a storm event. The system will gradually soak into the ground, discharging as close to source as possible to mimic the pre development conditions. Surface water runoff from the existing road running through the site will run off onto the highway verges before discharging into the permeable areas.

106. The surface water landing on the roof areas from the houses and garage areas will be drained into soakaways located within the garden area of the properties. Where the properties are terraced, there is insufficient space for individual soakaways and as such, a single soakaway will be shared. The use of cellular storage soakaways are proposed, where it can be laid onto the existing chalk to ensure adequate infiltration can be provided. Where ground investigations indicate chalk at a depth greater than 3000mm the assessment states that it will be necessary to install a deep bore soakaway to ensure that infiltration can be achieved. Where this is the case, the surface water landing on the roof areas from the houses and garage areas will be drained into deep bore soakaways located within the garden area of the properties.
107. In response to the May 2019 assessment, the EA have stated that generally, they do not support the use of deep borehole soakaways as the EA are concerned that boreholes, wells and deep soakaways designed for water disposal at depth could bypass any potential attenuation layers and offer a direct conduit for the rapid transportation of contaminants to groundwater. Where necessary, the EA seek to control the depths of these soakaway systems by recommending maximum penetration depths and a requirement that the water table shall not be intersected. The EA indicate that the design of the surface water drainage strategy should be based on a combination of factors including geological conditions, aquifer designations and the contamination status of each site. The EA have advised that the detailed design at any site can be negotiated on a site-specific risk-assessed basis, dependant on environmental setting and drainage design proposals.
108. The assessment that has been submitted does not represent a detailed surface water drainage design; simply an assessment to demonstrate that the objectives and requirements of relevant planning policy and policy guidance can be met. The EA recognise this. The EA's intention is to ensure that when a detailed design is submitted, any deep bored soakaways are designed appropriately so that groundwater is not put at unnecessary risk from pollution. In order to achieve this the EA have recommended a number of conditions relating to the disposal of surface water.
109. In terms of the response from KCC Flood and Water Management, KCC have indicated that they are satisfied that the results from infiltration testing demonstrate that infiltration SuDs such as soakaways are feasible at this



site. However, amongst other things KCC require confirmation at the detailed design stage of the spatial separation of the soakaways. KCC have recommended several conditions which seek to ensure that the development is served by satisfactory arrangements for the disposal of surface water and which seek to ensure that the development does not exacerbate the risk of on/off site flooding.

110. Subject to conditions requiring further detail to be submitted to and approved in writing by the LPA in consultation with the EA and KCC, I am satisfied that surface water drainage can be appropriately dealt with within the site and that the proposed development can be accommodated without increasing the risk of flooding and without any adverse impact upon groundwater conditions.

#### Foul Sewage Disposal

111. Criteria F of policy S54 requires development to provide a connection to the nearest point of adequate capacity in the sewerage network, however, the submitted assessment includes a letter from Southern Water confirming that they do not have any sewers within the vicinity of the site. Consequently, the assessment suggests that foul effluent from the proposed development will need to be treated on site via a package treatment plant, and that treated effluent will need to be discharged into the ground via infiltration. The assessment also states that ground investigations indicate that infiltration is not possible within the chalk strata, and therefore it may be necessary to construct a borehole soakaway.
112. As stated above, the Environment Agency does not support the use of deep bored soakaways and so they have stated that although at this stage they do not object to the use of deep bored soakaways, the granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2016. The EA state that whether the proposed sewage effluent discharge to a deep infiltration system is allowed, and a permit granted, will be decided at the permitting stage where the EA will assess whether the risk to groundwater is acceptable.
113. With this in mind, and in order to ensure that the means for disposing of foul sewage are suitable and can be accommodated within the site, ABC Environmental Health support the use of a pre-commencement condition that requires details of the system and evidence that the relevant Environment Agency discharge permit(s) have been obtained.

### Contamination

114. The Council's Environmental Protection Team and the EA have raised no objection in respect of ground contamination subject to conditions, requiring the developer to investigate and risk assess potential contamination and where necessary remediate. A condition requiring the developer to report any unexpected contamination to the Local Planning Authority is also required.

### **Highway Impacts**

115. Policy TRA7 of the adopted Ashford Local Plan 2030 relates to transport impacts, and amongst other things states, that developments that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development.
116. Policy S54 of the Local Plan states that primary vehicle access should be provided off the track known as Old Clockhouse Green and retain vehicular access to the commercial unit to the north.
117. The track referred to in policy S54 is the existing tarmac road within the application site that traverses the site from north to south. This road serves the existing commercial unit to the north. This road accesses directly off the A252, through Old Clock House Green to the south of the site. In accordance with policy S54, it is proposed to retain the existing access arrangements and the existing road, which will provide the primary route through the site and continue to serve the commercial unit to the north. Two further roads/driveways will be constructed off the main central route.
118. The application has been subject to consultation with Kent Highways and Transportation. KCC have stated that the addition of the proposed units onto the existing Clockhouse Green development does not cause concern with regard to capacity or highway safety on the surrounding network and that the existing access onto the A252 is sufficient in size and has adequate visibility.
119. Policy TRA3a sets out the requirements with respect to residential parking and is accompanied by the layout guidelines in the Council's Residential Parking SPD. Policy TRA3a sets out the following requirements: 1 bed: 1 parking space, 2 or 3 bed: 2 parking spaces and 4 bed: 3 parking spaces. The SPD indicates that spaces within garages cannot be counted towards parking provision.
120. Although a total of 52 car parking spaces are provided to serve the occupiers of the proposed dwellings, because garages cannot be counted towards the

parking provision units 1, 2, 6, 8, 9 and 10 all require one additional parking space. However, I am satisfied that there is more than sufficient space within the site to accommodate these additional spaces without any significant alterations to the layout and design and without compromising the design quality. The additional spaces could be provided within the curtilage of the dwellings to which they relate, within parking courts or by changing the proposed garages to car barns. Overall, I am satisfied that there is adequate space within the application site to accommodate vehicle and cycle parking in accordance with policy TRA3a of the Local Plan 2030. Subject to an amended plan being submitted that demonstrates this I have no objection to the proposed parking arrangements.

121. Some of the rear serviced parking areas are slightly further away from the properties than preferable, but due the size and layout of the proposed site, in this case this is not considered that this will result in obstructive parking. In addition, gated access through the rear gardens of some properties from the parking areas, together with pathways leading to the rear access to the dwellings have been provided for convenience and ease of access.
122. In conclusion, based upon the number of dwellings proposed and parking provision accommodated within the site, I do not consider that the proposal would result in any demonstrable adverse highway impacts. Therefore, in terms of highway safety, the proposed development would comply with the relevant policies in the development plan.

## **Other Matters**

### Refuse

123. The site layout has been tracked to ensure that service vehicles such as refuse freighters can access the site.
124. Some concern has been raised by ABC Street Scene in relation to tracking and the positioning of refuse collection facilities. Officers are currently liaising with the developer's agent to seek to resolve the issues that have been raised.
125. ABC Street scene have advised that if the roads are not to be adopted by KCC then the developer needs to be aware that collections will not occur until a an indemnity is in place. This can be added as an informative note to any subsequent grant of planning permission.

### Accessibility Standards

126. Local Planning Authorities are required by the NPPF to plan to create safe, accessible environments and promote inclusion and community cohesion, to take account of evidence that demonstrates a clear need for housing for people with specific housing needs and plan to meet this need.
127. In response to this, policy HOU14 of the Local Plan 2030 requires at least 20% of all 'new build' homes to be built in compliance with building regulations part M4(2) as a minimum standard. In the case of this application, this equates to 4 dwellings. The requirement for at least 4 of the 19 dwellings proposed to meet part M4(2) can be secured through the S106 agreement.

### **Housing Mix / Affordable Housing**

128. It is proposed that the development will provide a housing mix of 2, 3, 4 & 5 bedroom houses. The mix would accord with policy HOU18 of the adopted Local Plan.
129. In respect of affordable housing, under policy HOU1 of the adopted Local Plan, this would require the development to provide 40%. The 40% would need to consist of 10% of total number of units as Affordable/Social Rented and 30% of the total number of units as Affordable Home Ownership Products of which 20% of the total number of Affordable Home Ownership Product units shall be shared ownership.
130. The scheme as originally submitted included 3 units (out of the 15 proposed) of affordable housing, of which one unit was adapted to meet a local need. The 3 affordable units originally proposed fell well below the 40% threshold which required 6 units of affordable housing and the developer and their agent were informed of this.
131. With the revised application comprising 19 units, the affordable housing provision should equate to eight units, of which two should be affordable rent and the remainder an affordable home ownership product of which a minimum of three must be shared ownership.
132. In its recently amended form the scheme initially proposed 7 units of affordable housing. Although representing a shortfall of one unit, ABC Housing confirmed that they would be willing to accept this shortfall provided that one of the 7 units proposed was adapted (as per the original scheme) for a family within the parish with a specific need for disabled accommodation. In a letter from the agent dated 17th July 2019 it is stated that for reasons relating to the handling of the application the provision of seven affordable housing units is reasonable. In response to this statement

the developer/agent was advised that the application could not be supported. Having been advised this, the developer has increased the number of affordable units to 8 units to meet the policy requirements.

133. The proposed tenure split across the affordable units comprises two affordable rent, 3 affordable home ownership products including three shared ownership products also complies with the policy requirements.
134. The affordable housing element as it is now proposed will be secured as such in perpetuity through the S106 Agreement.
135. In light of the above I consider that the amended proposals comprise an acceptable housing mix and affordable housing element that is compliant with the above mentioned development plan policies.

### **Planning Obligations**

136. 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:
  - (a) necessary to make the development acceptable in planning terms,
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development
137. A proposal for 10 or more dwellings the development would trigger a requirement to provide 40% affordable housing split into the tenure mix set out in the previous section of the report.
138. Policies COM1 and COM2 of the Local Plan 2030 and the Council's Public Green Spaces and Water Environment SPD provide clear policy support for seeking financial contributions towards infrastructure and facilities required to meet the needs generated by development. The LPA may consider whether an application in a settlement with assessed and demonstrated public open spaces needs is unacceptable in planning terms unless it contributes towards meeting its own demands upon those facilities.
139. The proposal gives rise to 5 additional primary school pupils and 4 additional secondary school pupils, which KCC have identified can only be met through the enlargement of Charing CE Primary School and The Norton Knatchbull School. In order to mitigate these impacts, KCC have requested financial contributions towards expansion projects at Charing Primary School and the Norton Knatchbull.

140. Kent County Council have also requested a financial contribution towards additional book stock for the mobile library service that attends Challock, indicating that within Ashford District there is an assessed shortfall in provision, with overall borrower numbers in excess of current capacity.
141. The site lies adjacent to public footpath AE86 and the scheme proposes a direct link to this footpath. KCC Public Rights of Way and Access Service have identified that public footpath AE86 provides a pedestrian route into the village, including the school, village hall and other facilities without the need to walk beside the A252, Canterbury Road. KCC also identify that the footpath provides a link from the proposed development to the wider countryside and public rights of way network. KCC indicate that use of the route will increase as a result of the proposed development. Consequently, KCC Public Rights of Way and Access Service have requested a financial contribution towards upgrading the surface of this footpath.
142. Currently outdoor sports provision within the parish is sufficient in terms of quantity. However the Playing Pitch Strategy 2017-30 identifies a need for drainage improvements, therefore outdoor sport in the parish fails in terms of quality. The Parish Council have identified a need for a Multi-Use Games Area (MUGA). As part of the existing outdoor sport provision, the provision of a MUGA which can be used in all-weather (as opposed to a waterlogged pitch) would improve the quality and thus the availability of open space for young people in the village.
143. Currently the provision of informal/natural greenspace within the parish is sufficient in terms of quantity, provided by the Lees. However, the Parish Council have indicated that the open space falls short in terms of its quality. The Parish Council have identified a need to improve access and use of the Lees which they propose to achieve through the hard surfacing of the access (to prevent erosion of the soft landscaped areas) and the provision of additional seating.
144. There is one play space within the Parish in Blind Lane. Currently play provision here is not sufficient in terms of quantity and is currently already inadequate for the existing population. Therefore, the Parish Council have identified projects to increase play provision indicating that there is an identified need for a skate park, an extension to the existing play area, new equipment and site furniture.
145. The occupiers of the development will use local facilities within the Parish and the demand/need for the new and improved facilities that the Parish Council have identified will increase as a consequence. As such, securing funds towards these is considered to be justified in accordance with the relevant policies that have been identified.

146. In light of the above, I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider 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, they 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>	
1.	<p><b>Accessible and Adaptable Dwellings</b></p> <p>At least 20% of all dwellings to be built in compliance with building regulations Part m4 (2)</p>	<p>minimum of 4 Dwellings</p>	<p>Prior to first occupation of any Dwelling comprised within the Development</p>	<p><b>Directly related</b> to the number of Dwellings to be brought forward under the approved scheme</p> <p><b>Fairly and Reasons related</b> in scale and kind being 20% of all dwellings</p> <p><b>Necessary</b> as a requirement under policy HOU14 (a)</p>
2.	<p><b>Affordable Housing</b></p> <p>Provide not less than 40% of the units as affordable housing, comprising 10% affordable / social rent and 30% Affordable Home Ownership Products (including a minimum of 20% shared ownership in the locations</p>	<p>8 dwellings comprising 2 affordable rent, 3 affordable home ownership 3 shared ownership products.</p>	<p>Affordable units to be constructed and transferred to a registered provider prior to occupation of</p>	<p><b>Necessary</b> as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1 &amp; HOU1, HOU12, HOU15 &amp; HOU18 of the Local Plan 2030, the</p>



	<p>and with the floorspace, wheelchair access (if any), number of bedrooms and size of bedrooms as specified).</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement.</p>		<p>75% of the open market dwellings.</p>	<p>Affordable Housing SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>
<p>3.</p>	<p><b>Children's and Young People's Play Space</b></p> <p>Contribution towards the provision of a skate park, an extension to the existing play area, new equipment and site furniture at the playing field/recreation ground in Blind Lane.</p>	<p>£649 per C3 dwelling for capital costs</p> <p>£663 per C3 dwelling for maintenance</p>	<p>Before occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as currently play provision within the Parish is not sufficient in terms of quantity. Therefore increased and improved children's and young people's play space is required to meet the demand that would be generated by the development and must be maintained in order to continue to meet that demand pursuant to Ashford Local Plan policies COM1, COM2 and IMP1, Public Green Spaces and Water</p>

				<p>Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use children's and young people's play space and the play space to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
4.	<p><b>Outdoor Sports</b></p> <p>Contribution towards a Multi-Use Games Area at the playing field/recreation ground in Blind Lane.</p>	<p>£1,589 per C3 dwelling for capital costs</p> <p>£326 per C3 dwelling for future maintenance</p>	<p>Before occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as currently the existing pitch requires drainage improvements. The provision of an all-weather Multi-Use Games Area would improve the quality (and thus the availability) of open space for young people in the village and is required to meet the demand that would be generated by the development and must be maintained in order to continue to meet</p>

				<p>that demand pursuant to Ashford Local Plan policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
5.	<p><b>Informal/Natural Green Space</b></p> <p>Contribution towards a hard surfaced access and additional seating at The Lees.</p>	<p>£434 per C3 dwelling for capital costs</p> <p>£325 per C3 dwelling for future maintenance.</p>	<p>Before occupation of 75% of the dwellings.</p>	<p><b>Necessary</b> as the quality of informal/natural green space within the Parish requires improvement and informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet</p>

				<p>that demand pursuant to Ashford Local Plan policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use informal/natural green space and the space to be provided would be available to them</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
6.	<p><b>Strategic Parks</b></p> <p>Contributions towards the provision of new recycling bins at Victoria Park, Ashford.</p>	<p>£146 per dwelling for capital costs.</p> <p>£47 per dwelling for future maintenance</p>	<p>Before occupation of 75% of the dwellings.</p>	<p><b>Necessary</b> as strategic parks are required to meet the demand that would be generated by the development and must be maintained in order to continue to meet that demand pursuant to policies COM1,</p>

				<p>COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use strategic parks and the facilities to be provided would be available to them</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of dwellings and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
7.	<p><b>Library Bookstock</b></p> <p>Contribution towards additional book stock supplied to the mobile library that visits Challock.</p>	<p>£48.02 per dwelling.</p>	<p>Half the contribution prior to occupation of 25% of the dwellings and balance prior to occupation of 50% of the dwellings</p> <p>To be index linked by the BCIS General</p>	<p><b>Necessary</b> as additional bookstock is required to meet the demand generated and pursuant to Ashford Local Plan 2030 policies COM1 and IMP1, Ashford KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p>

			Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)	<p><b>Directly related</b> as occupiers will use library facilities and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because amount calculated based on the number of dwellings</p>
8.	<p><b>Primary Schools</b></p> <p>Contribution towards Charing CE Primary School expansion.</p>	£3,324 per dwelling	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> <p>To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)</p>	<p><b>Necessary</b> to increase capacity at the local primary school to meet the demand generated by the development and pursuant to Ashford Local Plan 2030 policies COM1 and IMP1, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p><b>Directly related</b> as children of occupiers will attend local primary</p>

				<p>schools and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings.</p>
9.	<p><b>Secondary Schools</b></p> <p>Contribution towards Norton Knatchbull expansion works (external hard play/social areas).</p>	<p>£4115.00 per dwelling.</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> <p>To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)</p>	<p><b>Necessary</b> to increase capacity to meet the demand generated and pursuant to Ashford Local Plan 2030 policies COM1 and IMP1, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p><b>Directly related</b> as children of occupiers will attend secondary school</p>

				<p>and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings.</p>
10.	<p><b>Upgrade public footpath AE86</b></p> <p>Contribution to enable the County Council to upgrade the surface to footpath AE86 which immediately adjoins the western boundary of the application site.</p>			<p><b>Necessary</b> as the surface to the footpath requires upgrading and the development would increase footfall. Public footpaths must be maintained in order to continue to meet demand pursuant to Ashford Local Plan 2030 policies COM1 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use the public right of way.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent</p>



				of the development and the number of occupiers.
11.	<b>Monitoring Fee</b>  Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	£1000 per annum until compliance with s106 obligations	First payment upon commencement of Development, then on the anniversary of commencement of the Development	<b>Necessary:</b> in order to ensure the planning obligations are complied with  <b>Directly related:</b> as only costs arising in connection with the monitoring of this development and these planning obligations
<p>Notices must be given to the Council at various stages in order to aid monitoring.</p> <p>All contributions are index linked in order to ensure value is not reduced over time.</p> <p>The costs and disbursements of the Council's Legal Department incurred in connection with the negotiations preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs                      If 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**

127. 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 their 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**

128. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

## **Conclusion**

129. The site lies within the AONB and comprises land allocated for residential development under policy S54 of the Local Plan 2030. The stated allocation evidences the fact that subject to meeting the criteria identified in policy S54, the Council considers the principle of residential development on this site to be acceptable and also sustainable. In addition, amongst other things, North Kent Downs AONB Unit has advised that development in this location is considered an appropriate extension of the village. Consequently, it is officer’s view that when assessed against the criteria set out in paragraph 172 of the NPPF, it is appropriate not to treat this application as a major development within the AONB.
130. The site, being an allocated site, will make an important contribution to the Council maintaining a 5 year housing land supply and will help to boost the supply of housing which is a requirement of the NPPF.
131. The application site is located immediately adjacent to an established rural settlement and within easy walking distance of the centre of the village where there are a range of local services and facilities including a shop/post office, barn shop, village hall, public house, primary school, village hall and recreation ground/open space including a children’s play area. There are bus stops located within walking distance of the site.
132. The proposals would result in a significant visual change from an open field to a developed housing scheme, however, the visual impacts associated with this would be relatively localised and softened by the existing and enhanced

landscaping. As such the wider landscape impacts are not considered to be significant. The architectural designs, the design of streets and driveways, the landscaping, and the different green spaces combine to create an interesting and varied streetscene, adding visual richness to the scheme to create a distinctive 'Kentish' rural character with a strong sense of place. Overall, it is considered that the proposals will represent an appropriate form of development that sits sympathetically within the landscape and preserves and enhances the village setting and character and appearance of the AONB.

133. There would be no demonstrable adverse impacts on the residential amenity of neighbouring or future occupiers.
134. Subject to conditions, the development can be accommodated without any adverse impact upon matters of ecological importance.
135. In terms of flooding, drainage and contamination, I am satisfied that subject to conditions, the site can be developed in an acceptable way.
136. The application has been subject to consultation with Kent Highways and Transportation who have stated that the development does not cause concern with regard to capacity or highway safety on the surrounding network and that the existing access onto the A252 is sufficient in size and has adequate visibility.
137. Although a total of 52 car parking spaces are provided to serve the occupiers of the proposed dwellings, because garages cannot be counted towards the parking provision units 1, 2, 6, 8, 9 and 10 all require one additional parking space. However, I am satisfied that there is more than sufficient space within the site to accommodate these additional spaces without any significant alterations to the layout and design and without compromising the design quality. Subject to an amended plan being submitted that demonstrates this I have no objection to the proposed parking arrangements.
138. It is proposed that the development will provide a housing mix of 2, 3, 4 & 5 bedroom houses. The mix would accord with policy HOU18 of the adopted Local Plan.
139. The proposed development would provide 40% affordable housing comprising two affordable rent, 3 affordable home ownership products including three shared ownership products to comply with policy HOU1 of the Local Plan 2030. In accordance with policies COM1 and COM2 of the Local Plan 2030 and the Council's Public Green Spaces and Water Environment SPD, the development shall contribute financially to a number of identified projects that seek to improve local services/facilities. Together with the affordable housing, these can be secured by a S106 agreement.

140. Overall, for the reasons set out above, the proposed development is considered to comply with the requirements of the development plan and it is therefore recommended that planning permission is granted.

## **Recommendation**

### **Permit**

**(A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), in terms agreeable to the Head of Planning and Development, the Development Management Manager or the Strategic Development and Delivery Manager in consultation with the Director of Law and Governance, with delegated authority to either the Development Management Manager or the Strategic Development and Delivery Manager to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,**

**(B) Subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018**

1. Standard time condition
2. Development carried out in accordance with the approved plans.
3. Details and samples of materials including surface finish to driveway / parking.
4. Architectural details.
5. No flues, vents, stacks, extractor fans or meter boxes to be located on the primary elevation.
6. Landscaping scheme.
7. Details required to accompany the landscaping scheme.
8. Retention of existing hedgerows.
9. Tree protection measures.
10. Tree protection for new trees.
11. Details of boundary treatments.
12. Landscape management plan
13. Removal of permitted development rights.
14. Occupation as a single dwelling house only.

15. Ecological Design Strategy.
16. Landscape and Ecological Management Plan (LEMP)
17. Bat Sensitive Lighting Design / No additional External Lighting
18. Construction Management Plan/Hours of working.
19. Electric Vehicle Charging points.
20. Provision and retention of parking and turning
21. Provision and retention of garaging/carbarns.
22. No further alterations to car barns.
23. Provision and Retention of Bicycle Storage.
24. Contamination
25. Contamination - Reporting of unexpected contamination.
26. No infiltration of surface water drainage into the ground
27. No piling or any other foundation designs using penetrative methods.
28. Sustainable surface water drainage scheme.
29. Operation and maintenance manual for the proposed sustainable drainage scheme.
30. Verification Report pertaining to the surface water drainage system.
31. Details of the sewage treatment system.
32. Provision and retention of refuse collection facilities.

### **Note to Applicant**

1. S106
2. Working with the Applicant

### **Working with the Applicant**

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative 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 was provided the opportunity to submit amendments to the scheme/ address issues.
  - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
3. Indemnity required prior to refuse collection.
  4. Breeding Birds.
  5. No obstruction of the PROW.
  6. Environment Agency Advisory Notes.
  7. Kent Highways Informative Note.

## 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 18/00321/AS)

**Contact Officer:** Claire Marchant  
**Email:** [claire.marchant@ashford.gov.uk](mailto:claire.marchant@ashford.gov.uk)  
**Telephone:** (01233) 330739

Annex 1



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<b>Application Number</b>	18/01273/AS
<b>Location</b>	Land rear of 17 Townland Close, Biddenden
<b>Grid Reference</b>	85369/12625
<b>Parish Council</b>	Biddenden
<b>Ward</b>	Biddenden
<b>Application Description</b>	Erection of 12 dwellings with associated access and parking
<b>Applicant</b>	Leath Park Developments Ltd
<b>Agent</b>	Rachael Dickson, The JTS Partnership, 44 St Peter's Street, Canterbury CT21 2BG
<b>Site Area</b>	1.17 ha

(a) 80/39R	(b) R	(c) HE - KCC H&T X KCC (Econ) X KCC Bio X KCC F&WM X EP X StreetScene X
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## Introduction

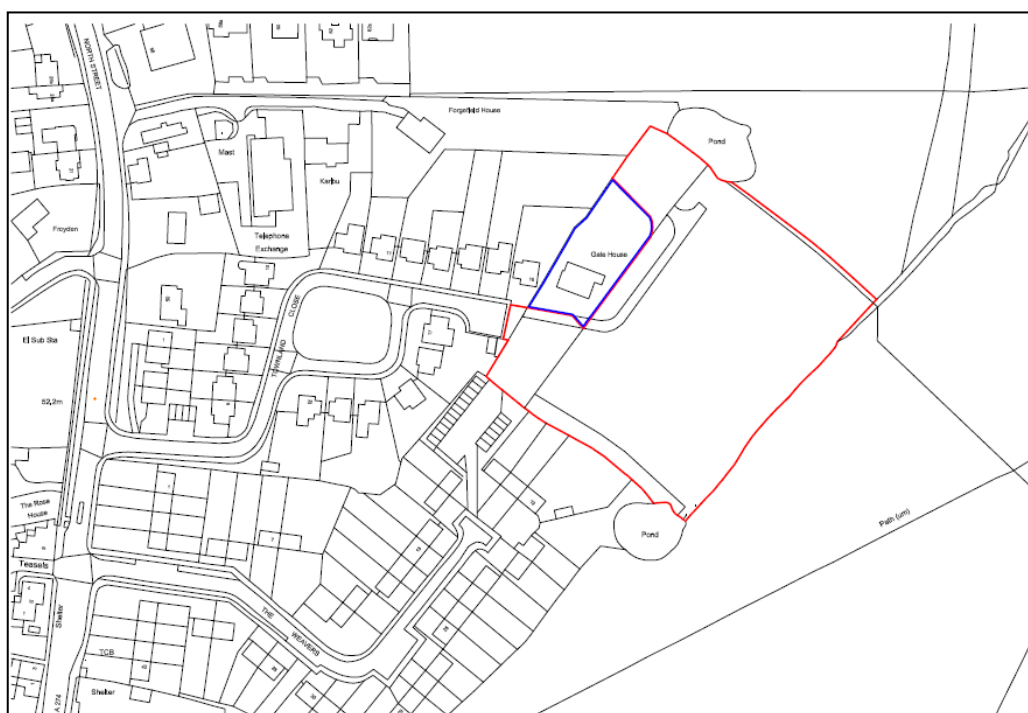
1. This application is reported to the Planning Committee because it is a major planning application.

## Site and Surroundings

2. This 1.17 ha site is situated immediately to the east of the village of Biddenden in the Biddenden and High Halden Farmlands Landscape Character Area which forms part of the Low Weald. Bordering the site to the west is Townland Close, a 'looped' cul-de-sac development of detached 20<sup>th</sup> Century housing with access

off North Street, a main road through the village. Another cul-de-sac, known as The Weavers, and also accessed from North Road, lies to the south west of the site. This estate is characterised by 1950s terraced and semi-detached housing, a number with gardens that back onto the application site. Beyond these cul-de-sacs to the west is the extensive Biddenden Conservation Area, with its large number of listed buildings. It includes North Street and the properties on the east side of North Street adjoining Townlands Close and The Weavers. To the north, east and south of the site is open countryside, characterised by fields with ditches/ hedges and trees to field boundaries, and a more substantial tree belt to the northeast of the site. A public right of way (PROW) extends across the fields to the south of the site. A recently built property, known as Gate House, occupies a large plot immediately to the west of the site and adjacent to 16 Townlands Close. It has a large garden to the rear which forms part of the application site. Gate House itself is in the same ownership as the application site.

3. The site is largely made up of a rectangular shaped field which slopes down gently towards the ditch on the SE boundary. It incorporates some additional undeveloped land to the front of Gate House, as well as part of its rear garden. Access into the site is from the turning head at the end of Townland Close. The boundaries to the site largely coincide with the field boundaries and are made up of hedgerow, trees and ditches. There are protected trees to both the NE and SW field boundaries. There are two ponds just outside the northern and southern corners of the site.



**Figure1: Site Location Plan**

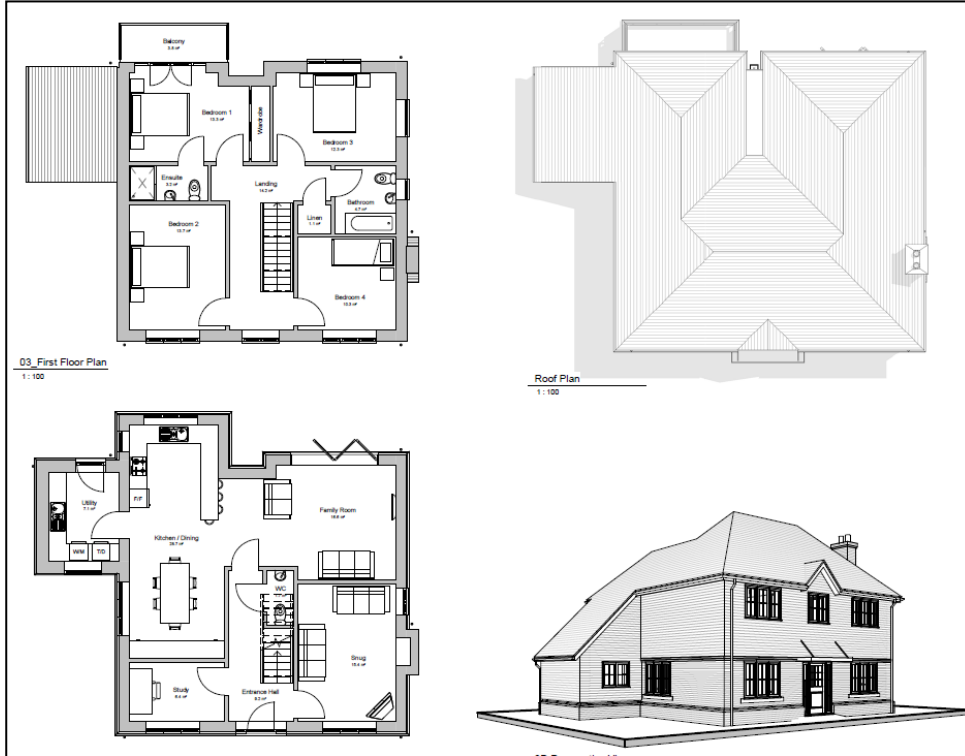
## Proposal

4. This full planning application is for residential development of 12 units.
5. The layout would extend the existing Townland Close cul-de-sac into the site with properties arranged around the shared surface routes and backing onto the site boundaries. The units are mostly large 4 and 5-bed detached properties, each with a detached double garage. There are 4 smaller 3-bed semi-detached units at the entrance into the site with tandem parking along each side elevation. These smaller properties make up the affordable housing component with the larger properties for market sale. The southern corner of the site is set aside as a 'habitat area' and the SE boundary of the site has a 'natural growth buffer' for much of its length with the back of the properties in The Weavers.
6. The units have a traditional two-storey form and design. The detached units are made up of two basic house-types; one 4-bed and the other 5-bed. All of these units have functioning chimneys. One house type incorporates a cat slide roof; all have brick plinth to front and side elevations. The semi-detached units have integrated bin storage in the front elevation.
7. The facing materials include a combination of brick and timber cladding or render with Kent peg tiles to roofs.



**Figure 2: Site layout plan**

**Figure 3a: House type 1 (4 bed) floor plans**



**Figure 3b: House type 1 elevations**





**Figure 4a: House type 3 (3 bed affordable) floor plans**



### **Figure 4b: House type 3 elevations**

The following documents have been submitted in support of the application:

#### Phase 1 Contaminated Land Assessment

This study has identified potential sources of contamination as follows: made ground from previous phases of construction and demolition and infilled land / ponds off-site. It advises further investigation to establish whether any remediation or mitigation is necessary.

#### Phase 2 Geo-environmental assessment

This report concludes that the site is made up of Weald Clay Formation and is not within a groundwater source protection zone. It identifies the nearest surface water feature as a pond located at the sites north corner within the site boundary and two tertiary rivers located along the sites north and east boundaries. Ground investigation identifies some evidence of contamination in the form of rear brick fragments. It concludes that no remedial measures are considered necessary.

#### Arboricultural Impact Assessment

This report concludes that the development would allow the most important trees, which are to field boundaries, to be retained. It identifies the most important trees as follows:

- T9, the mature oak tree in the north east corner of the site, which forms a prominent landscape feature
- The native tree lined hedgerow along the south east boundary which forms a strong natural boundary

Trees earmarked for removal include a 'U' class tree and a number of 'C' and 'B' grade tree groups. A hedgerow would also be removed.

#### Extended Phase 1 Habitat Survey

This report concludes that provided that the majority of hedgerows and tree lines are retained and enhanced it is reasonable to conclude that the local bat population would be unaffected by proposals and that commuting / foraging behaviours would continue unaffected. It identifies the dead tree on the northern boundary as having roosting potential and supports its retention from an ecological perspective identifying the need for further bat surveys should it be proposed for removal. The report advises a bat friendly lighting scheme and a full range of ecological enhancement. The report recommends further survey work to i) examine the presence / absence of reptiles and ii)

determine GCN population size noting how the results of this survey work could influence layout.

#### Ecological Assessment Report

Surveys confirm the use of boundary habitats by GCN and reptiles, with a GCN breeding pond located adjacent to the southern boundary pointing to the need for a license prior to commencement of the works.

#### Transport Statement

This report identifies good pedestrian / cycle access to the village centre and satisfactory bus provision. It is concluded that the proposed layout accords with prevailing standards and would provide a safe on-site road environment. The low numbers of vehicular trips associated with a development of this scale would not have a material impact on the operation of the local highway network

#### Flood Risk Assessment and Drainage Strategy

This report concludes that the site is in an area of low risk from flooding and that due to the underlying geology, filtration of surface water is unlikely to be viable. The surface water strategy is restricted discharge by gravity to the ditch to the south and the drainage network and attenuation has been sized to attenuate the flows from the site in the 110 year return period rainfall event inclusive of 40% climate change allowance. It points out that it may be feasible to utilise open attenuation subject to details design of levels and drainage of if the site layout is amended to permit. It assumes that the access road is not adopted and utilises permeable paving.

#### Additional information on drainage

This advises that an open attenuation basin has been ruled out due to the depth of the basin and the need for 1 in 4 slopes. If a permeable paving option is not utilised then an additional treatment device would be needed.

(In terms of securing access to the ditch for maintenance purposes, it is confirmed that the ditch will be maintained by a management company and regular maintenance will prevent the ditch from becoming silted up or ineffective. It also points out that this is a small length of ditch where access can be easily achieved for on-going maintenance by a management company, with the use of mini diggers)

## **Planning History**

84/00939/AS Outline planning permission for 5 units. REFUSED

04/00176/AS Outline planning permission for the erection of a detached dwelling with a garage including the demolition of an existing building. APPROVED (Gate House)

05/00856/AS Outline application for a detached house and garage at land adjacent to Gate House DISMISSED ON APPEAL

## Consultations

**Ward Member** – No comments have been received.

**Biddenden Parish Council** - objects to this application on the grounds that 45 houses are already being built on North Street. The application also allows for extension of the site and is encroaching on countryside.

**Weald of Kent Protection Society (WKPS)** objects as it is a greenfield site with the built-development extending well past the built confines of the village into open countryside. It would also detrimentally affect the residential amenity of the residents of Townland Close. The site is not included in the Ashford Local Plan 2019.

**Environment Agency** No comment as it falls outside their remit as a statutory consultee.

**Historic England** No comment.

**Southern Water** No objection subject to a condition requesting phasing of the development. This is required as there is an increased risk of flooding unless any required network reinforcement is provided by SW. SW and the developer will therefore need to work together in order to ensure that the delivery of the network reinforcement aligns with the proposed occupation of the development as it will need time to design and deliver any such reinforcement.

**KCC Flood and Water Management** acknowledges that an open attenuation feature is not viable at this site. They raise no objection subject to a condition securing a sustainable surface water drainage scheme.

**KCC Biodiversity** initially requested further information in respect of further surveys (reptiles and bats) and a reptile and GCN mitigation strategy. Following the submission of additional information, KCC is satisfied that the ecological mitigation strategy is acceptable. It raises no objections subject to a number of conditions to secure the implementation of the strategy, including who will have long term responsibility for management of the receptor site and how the management will be funded.

**KCC Highways and Transportation** initially raised some concerns but these have been removed following confirmation that the layout is to remain in private ownership. A number of conditions are recommended.

**KCC Economic Development** requests a contribution in respect of libraries. Although there is a primary and secondary school need arising from the development, due to the



CIL Reg 123 restriction, it is unable to pursue this at the current time. An informative is advised in respect of securing broadband.

**Street Scene and Open Spaces** has commented that the refuse swept path does not allow for collection of waste from plot 11 as a reverse manoeuvre to this plot is not acceptable. Ideally this development would be better suited with a circular roadway to allow all plots to be accessed in a forward gear.

**Environmental Protection** No objection subject to conditions.

**Neighbours** - 80 neighbours were consulted. 38 objections were received. 2 general comments were received which didn't raise any additional material considerations.

The letters of objection raise the following issues:

- The village already has allocated housing sites; doesn't need additional housing;
- The village lacks the resources to support another housing development;
- Damaging to rural landscape surrounding the village;
- Will not benefit residents of the village;
- Adverse impact on wildlife;
- Townland Close provides an unacceptable access – narrow with parked cars; children playing;
- Poor junction between Townland Close and North Street;
- The village is poorly served by buses – the bus from Biddenden to Maidstone is every 30 minutes but no buses run during rush hour (7:23 to 9:22);
- The development would result in more traffic;
- Overshadowing of 18 Townland Close;
- Loss of privacy to residents of Townlands Close;
- Harm to visual amenity from several public footpaths;
- Detrimental effect on quality of townscape
- Capacity of drains to accommodate the development
- Disruption during development to residents of Townland Close

## Planning Policy

8. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
9. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
10. The relevant policies from the Development Plan relating to this application are as follows:-

### **Ashford Local Plan 2030**

SP1 – Strategic objectives

SP2 – The strategic approach to housing delivery

SP6 - Promoting high design quality

HOU1 – Affordable housing

HOU3a – Residential windfall development within settlements

HOU5 – Residential windfall development in the countryside

HOU10 – Development in residential gardens

HOU12 – Residential space standards internal

HOU14 – Accessibility standards

HOU15 – Private external amenity space

HOU18 – Providing a range and mix of dwelling types and sizes

TRA3a – Parking standards for residential development

TRA5 – Planning for pedestrians

TRA6 – Provision for cycling

TRA7- The road network and development

TRA8 – Travel plans, assessments and statements

ENV1 – Biodiversity

ENV3a – Landscape character and design

ENV4 – Light pollution and promoting dark skies

ENV5 – Protecting important rural features

ENV9 – Sustainable drainage

ENV12 – Air quality

ENV15 – Archaeology

COM1 – Meeting the community's needs

COM2 – Recreation, Sport, Play and Open Spaces

COM3 – Allotments

COM4 – Cemetery provision

IMP1 – Infrastructure provision

IMP4 – Governance of public community space and facilities

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

**Supplementary Planning Guidance/Documents**

Affordable Housing SPD, 2009

Sustainable Drainage, October 2010

Residential Parking and Design Guidance, October 2010

Landscape Character, April 2011

Residential Space and Layout, October 2011

Public Green Spaces and Water Environment, July 2012

Dark Skies, July 2014

### **Informal Design Guidance**

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins

Informal Design Guidance Note 2 (2014): Screening containers at home

Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

### **Government Advice**

National Planning Policy Framework (NPPF) 2018

National Planning Policy Framework 2018

Planning Policy Guidance

Technical housing standards – nationally described space standard

12. Members should note that the determination must be made in accordance with the statutory Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF effectively provides that less weight should be given to the policies above if they are inconsistent with the NPPF (para. 213). The following sections of the NPPF are relevant to this application.

Relevant sections:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 10 - Supporting High Quality Communications
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

## **Assessment**

13. The main issues for consideration are:
- Principle of development
  - Landscape Impact/ Visual amenity
  - Impact on residential amenity
  - Highway Safety
  - Flood Risk / Drainage (surface and foul)
  - Biodiversity
  - Contamination
  - Housing mix / affordable housing
  - Other matters
  - Whether planning obligations are necessary

### **The principle of the development**

14. The Council can currently demonstrate a 5 year housing land supply and therefore the policies in the adopted Local Plan relating to the supply of housing are afforded full weight. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the adopted Development Plan unless material considerations suggest otherwise. Section 70 of the Town and Country Planning Act 1990 is concerned with the determination of planning applications with regard to the provisions of the development plan, so far as they are material and any other material considerations.
15. The Local Plan has validated the essential land use planning strategy adopted by the Council, as being the right strategy to apply, namely focusing growth in and near the built-up area of Ashford, as well as in the main rural settlements in the hierarchy, based on sustainability considerations and seeking to recognise the character and important qualities of the villages and the countryside. The land use planning strategy is sound and justified. Biddenden is considered to be one of the higher tier settlements.

16. In the rural area, larger scale development – in a rural context – is focused at the more sustainable and established rural settlements, those which have more services and facilities and a greater ability to absorb higher levels of new housing (i.e. Biddenden).
17. The Plan also proposes to allocate a significant number of housing allocations at medium sized rural settlements which will spread the responsibility for accommodating new housing growth in a sustainable way across the borough and focus new housing in a way that is proportionate and close to the services and facilities in the locality. This site is not an allocation.
18. The relevant policies for residential windfall development are Policy HOU3a (within settlements) and Policy HOU5 (in the countryside). As the site falls outside the built up confines of Biddenden, then Policy HOU5 applies.
19. Policy HOU5 is permissive of residential development ‘adjoining’ or ‘close to’ the existing built-up confines of a number of settlements listed in the policy providing it meets a number of strict criteria. Biddenden, as a larger more sustainable settlement, is included as a HOU5 village and the proximity of this site to its built-up confines requires the proposal to be assessed against the criteria in the policy. Only proposals that meet the criteria will potentially be considered appropriate for development.
20. These criteria are set out and considered below:

*a) The scale of development proposed is appropriate to the size of the settlement and the level, type and quality of day-to-day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in the Local Plan and committed development in liaison with service providers*

I am satisfied that this is the case. Biddenden is one of the more sustainable village settlements. It has a number of facilities, including a shop, pub and primary school.

*b) The site is in easy walking distance of basic day-to-day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services*

I am satisfied that this is the case.

*c) The development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider network without adversely affecting the character of the surrounding area*

KCC raise no objections to the proposal subject to conditions. I therefore consider that the proposed development satisfies this criterion. A development of 12 dwellings would not materially impact on the safe operating and functioning of the local highway network / junctions.

- d) *The development is located where it is possible to maximise the use of public transport, cycling and walking to access services*

The site is in easy walking distance of the village centre. North Street is a bus route and has footpaths to either side. KCC raise no objections to the proposal subject to conditions. I therefore consider that the proposed development satisfies this criterion.

- e) *The development must conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality*

I am not satisfied that development here would conserve and enhance the natural environment. The development would not impact upon heritage assets - see relevant sections below.

- f) *The development (and any associated infrastructure) is of a high quality design and meets the following requirements: -*

- i) *It sits sympathetically within the wider landscape*

I do not consider this to be the case - see section below on Landscape Impact.

- ii) *It preserves and enhances the setting of the nearest settlement*

I do not consider this to be the case - see section below on Landscape Impact.

- iii) *It includes an appropriately sized and designed landscape buffer to the open countryside*

This is not the case - see sections below on Landscape Impact.

- iv) *It is consistent with the local character and built form, including scale, bulk and the materials used.*

The development has little sense of place. See section on Visual Amenity.

- v) *It does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents.*

See section on Residential Amenity

- vi) *It would conserve biodiversity interest on the site and / or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1.*

See section on Biodiversity

21. In addition to the above, Policy HOU10 is also applicable as the development involves the partial redevelopment of the residential garden of Gate House. This issue is discussed in further detail below.
22. I therefore conclude that whilst the site is locationally sustainable it does not meet all of the criteria for residential development in the countryside identified in Policy HOU5. The proposal is therefore contrary to the development plan for the reasons set out in the remainder of this report.

### **Landscape impact/ Visual Amenity**

23. Policy ENV3a requires all proposals for development in the borough to demonstrate a particular regard to a number of landscape characteristics, proportionately, according to the landscape significance of the site. These include in particular: landform, topography and natural patterns of drainage.
24. Policy ENV5 seeks to protect important rural features including public rights of way.
25. Policy HOU5 sets out a list of criteria which must be met if the development is to be deemed acceptable on this site. These include that the development (and any associated infrastructure) is of high quality design and sits sympathetically within the wider landscape. It also requires that development preserves or enhances the setting of the nearest settlement and includes an appropriately sized and designed landscape buffer to the open countryside.
26. Policy SP6 promotes high quality design requiring consideration of a number of criteria including “character, distinctiveness and sense of place” and “Quality of public spaces and their future management”. Policy HOU5 also includes, as one of its required criteria, that the development is “consistent with local character and built form”.
27. The development of this site would represent a significant encroachment into open countryside. Where the site adjoins the village (on its western boundary) the village edge is characterised by low density development where the properties have good-sized gardens which back onto the application site currently forming, for the



greater part, a soft green buffer with open countryside. Only the properties known as Gate House and 16 Townland Close are significantly visible in views from open countryside to the east beyond the site but these views are broken up by the existing planting to the site boundaries.

28. The site falls within the Biddenden and High Halden Farmlands Landscape Character Area which forms part of the Low Weald. The overall guidelines for the area are to conserve and improve the landscape. The site is mostly laid to pasture. Its boundaries with open countryside are defined with hedgerows, trees and ditches with frequent small ponds. This pattern of landscape features forms part of the setting of the village and the wider landscape of the area.
29. There are a number of Public Rights of Way that extend from North Street, in the village conservation area, to the countryside to the east, reinforcing the historic connection between the historic village and open countryside. From these footpaths the rural setting of the village can be appreciated. One path extends east-west to the north of the site; the other at an angle (south-west to north-east) across the field to the east of the site. From these paths the application site forms part of the soft rural edge to the village, made more important by the gentle sloping nature of the site which allows more extensive views into the site from the east than would otherwise be had from a level site. The accessibility between the historic core and open countryside is thus an important one facilitated by the footpaths which connect North Street, within the conservation area, to the open countryside and the importance of the site in this relationship as part of the rural setting of the village.
30. The proposed development by extending the built edge of the village into open countryside would adversely impact upon the rural setting of the village and detrimentally affect its rural character, including views of the village from the footpaths. The proposed layout shows only a narrow landscape buffer with open countryside. I do not consider this to be sufficient to mitigate for the impact of the development, especially in the winter months when the boundary planting would be denuded. In this respect, the proposed development would be contrary to Policies HOU5 and ENV5. I do not consider that the proposed development would sit sympathetically within the wider landscape or preserve the setting of the village.
31. The development would be accessed from Townlands Close to the west, a 20<sup>th</sup> century looped cul-de-sac. It would effectively double the length of this cul-de-sac resulting in a poorly connected and sprawling layout, constituting an unsympathetic built extension to the village. The development comprises 8 large detached houses (4 and 5 bed), each with a double garage and large areas of hardstanding, arranged around a shared surface road together with 4 semi-detached houses at the entrance into the site. This is a suburban layout that makes little reference to the historic village and its sense of place or consistency of built

form and character. Indeed, the layout is contrived around bringing in the rear garden of Gate House. In this respect, I consider the proposal to be contrary to Policies HOU5 and SP6.

32. Furthermore, the layout / design fails to work in a number of respects. Plot 12 'backs' onto the main access road into the site and as a result provides a poor relationship with the street. The looser grain development between plots 10 – 12 includes areas of open space in no obvious ownership around the parking bays and access road; Units 6 – 11 are large units close to the boundary with open countryside where there is little space for meaningful boundary planting as mitigation.
33. This is not a tenure blind development in that it is made up of large detached houses (4 and 5 bed) for market sale and much smaller semi-detached properties (3 bed) for affordable rent. This lack of tenure blindness extends to the detailed design of the units: whilst there is a high specification elevation treatment / materials evident in all of the elevations of the properties for market sale, it is limited to the frontages of the affordable housing where it wraps the corner slightly only to be replaced by a much lower specification treatment for the majority of the side elevations and the rear elevation (see figure 3 and 4 above).
34. I therefore conclude that the proposed development would conflict with a number of policies in the local plan which seek to protect the landscape and rural features and achieve a high quality of design and layout. As a result, it would have an adverse landscape impact and be harmful to the visual amenity of the area.

### **Impact on residential amenity**

35. The NPPF and adopted development plan both require that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
36. Policy HOU12 requires developments to meet Nationally Described internal space standards.
37. Policy HOU15 requires developments to provide external amenity space in accordance with the Council's standard.
38. Policy HOU10 concerns development of residential gardens (Gate House).
39. The closest property is Gate House which would be 'wrapped' by the development on three sides. Whilst the relationship between Gate House and Plots 11 and 12 is an uncomfortable one in visual terms (see above), I do not consider that it would be harmful to the residential amenity of the existing residents. Plot 11 would take

in part of the garden of Gate House. Whilst this is not respectful of local character and built form in this instance, there is no residential amenity issue as Gate House would continue to have a garden in excess of the standard and the new unit would not be overbearing/result in any overlooking of Gate House.

40. The proposed development meets Nationally Described Space Standards for internal space and provides outdoor space in accordance with national and local planning policy.
41. I consider that the proposed layout would not be harmful to residential amenity.

### **Highway safety**

42. It is not intended that the road would be adopted and on this basis KCC Highways is satisfied that the access and layout is workable and would not be detrimental to highway safety. The proposal makes sufficient provision for parking in accordance with the standard.
43. No objections are raised in this respect subject to a number of conditions.

### **Flood Risk / Drainage (surface and foul)**

44. The site falls within flood zone 1 where there is minimal risk from flooding. Due to site conditions, the applicants have concluded that open attenuation is not possible, a view that is shared by the KCC Flood and Water Management. The proposed surface water strategy relies on restricted discharge by gravity to the ditch to the south. It assumes that the access road utilises permeable paving (and is not therefore adopted by KCC Highways but to be built to an adoptable standard). KCC F&M have raised no objections subject to conditions to secure a detailed sustainable surface water drainage scheme.
45. A concern initially raised by the KCC F&M related to the proximity of development to the ditches but the applicants have indicated that the ditches would, in fact, be managed by the management company, which would also manage the habitat area and permeable paving. The management company would use small diggers to access harder to reach areas. No objection is raised on this basis.
46. Southern Water has identified that there would be an increased risk of flooding unless network reinforcement is provided by them and have requested a phased approach to the development and an appropriate condition to secure this.
47. In light of the above, I consider that subject to conditions the proposal will not result in any adverse flood risk and that drainage can be adequately accommodated on site.

### **Biodiversity**

48. Policy ENV1 seeks to conserve and enhance biodiversity.

49. The site is of medium / high ecological value. KCC Biodiversity is satisfied that the submitted documents provide details of mitigation to ensure the ecological interest of the site is maintained. Conditions are requested in respect of securing the mitigation set out in the Ecology Mitigation Strategy; ecological management and enhancement.
50. Based on the information submitted and the responses received from KCC, I am satisfied that the LPA had fulfilled its duty to appropriately assess the development under Regulation 9(5) of the conservation of Habitats and Species Regulation 2010. Subject to conditions, the proposed development is not considered to result in any adverse impacts to matters of ecological importance in accordance with the relevant policies set out in European and UK law as well as in the adopted development plan and NPPF.

### **Contamination**

51. There are a number of sources of potential contamination. There was previously an agricultural building in the northern corner of the site (now the back garden of Gate House and inside the application site) which was accessed along a track just outside the southern boundary of Gate House. The agricultural building and track have been removed and the land made good, but the contamination study has identified these as a potential source of contamination from these previous phases of construction and demolition and infilled land / ponds off-site.
52. In addition to the above, a railway line previously passed north – south to the east of the site and the buffer zone for this line for potential contamination clips the NE corner of the site. The applicants undertook intrusive investigation at this corner of the site as part of their Contamination Assessment.
53. Environmental Protection is satisfied with the investigation that has been carried out and raises no objections subject to conditions.

### **Housing mix / affordable housing**

54. In respect of affordable housing, under policy HOU1 of the adopted Local Plan, this would require the development to provide 40%. The 40% would need to consist of 10% of total number of units as Affordable/Social Rented and 30% of the total number of units as Affordable Home Ownership Products of which 20% of the total number of Affordable Home Ownership Product units shall be shared ownership. The affordable housing element would be secured as such in perpetuity through the S106 Agreement.
55. This proposal makes provision for just 4 affordable housing units (35%) which is contrary to policy. The failure to provide affordable housing in accordance with the policy is a reason for refusing this application.

56. Policy HOU14 requires 20% of all new build homes to be built in compliance with building regulations part M4 (2) as a minimum standard. This would be secured in the legal agreement.
57. Policy HOU18 of the adopted local plan seeks to achieve a range and mix of dwelling types and sizes in developments of over 10 units. All 8 units for private sale are large detached units with either four or five bedrooms whereas the smaller units are all affordable housing. I do not consider this to be a good mix on this site.
58. In light of the above I consider the proposal fails to provide affordable housing in accordance with the policy. I also raise objections to the housing mix in terms of the lack of smaller units for private sale.

### **Other matters**

59. The proposed development would create an economic benefit from construction, with employment for contactors, local tradespeople, their spending in the local area and in the supply chain. Whilst for a temporary period this would have some benefit.
60. The increase in the local residential population would increase expenditure in the local economy as this would comprise some people who have moved from elsewhere. However, no evidence has been submitted to suggest that local shops are struggling through a lack of custom.

### **Whether planning obligations are necessary**

61. 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:
  - (a) necessary to make the development acceptable in planning terms,
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development
62. The planning obligations in Table 1 have been assessed against Regulation 122 and for the reasons given consider 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. As the applicant has not entered into a S106 Agreement with the Council then this constitutes a reason for refusal in this case. Clearly, should an acceptable S106 Agreement be provided as part of the appeal then the Council would not contest this reason for refusal.

63. As a proposal for 10 or more dwellings the development would trigger a requirement to provide 40% affordable housing split into the mix as set out in the report. 20% of the dwellings shall be built to higher accessibility standards (Part M4 (2) of the Building Regulations). KCC have requested contributions towards additional book stock for libraries, youth, social care and community learning.
64. The Council have identified projects for offsite contributions in accordance with the Public Green Spaces and Water Environment SPD although some projects are still yet to be confirmed.
65. The NHS Canterbury and Coastal and NHS Ashford Clinical Commissioning Groups has not, as yet, requested S106 contributions. Confirmation is being sought as to whether they would like to see a contribution towards the extension / improvement of the Ivy Church surgery in Tenterden and this will be reported at planning committee if a response has been received.
66. Should projects not be identified for some of these potential contributions or indeed some projects get amended then delegated authority is requested to amend the S106 agreement accordingly.

**Table 1**

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
1. <b>Affordable Housing</b> Provide not less than 35% of the units as affordable housing, comprising 10% affordable / social rent and 30% Affordable Home Ownership Products (including a minimum of 20% shared ownership in the locations and with the floorspace, wheelchair access (if any), number of bedrooms and size of bedrooms as specified.  The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in	35%	Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.	<p><b>Necessary</b> as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1 &amp; HOU1 of the Local Plan 2030, the Affordable Housing SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>

	accordance with the registered provider's nominations agreement.			
2.	<p><b><u>Accessible Housing</u></b></p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p> <p>In accordance with policy HOU14 part a).</p>	Provide on-site 20% of all units.	Prior to first occupation of any dwelling to be built in accordance with the standard.	<p><b>Necessary</b> as would provide accessible housing pursuant to SP1, HOU14 of Local Plan 2030 and guidance in the NPPF.</p> <p><b>Directly related</b> as accessible homes for those with reduced mobility would be provided on-site.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>
3.	<p><b><u>Children's and Young People's Play</u></b></p> <p>Off-site contribution towards outdoor gym equipment in play area</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	Before completion of 75% of the dwellings	<p><b>Necessary</b> as children's and young people's play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Ashford Local Plan policies COM1, COM2, IMP1 &amp; IMP2, Public</p>



				<p>Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use children's and young people's play space and the play space to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
	<p><b><u>Community Learning</u></b></p> <p>Towards additional IT and equipment for additional learners from the development</p>	<p>£34.46 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> for community learning space available to meet demand that would be generated (and pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1 and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use the community learning and skills service.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the</p>

				amount calculated, is based on the number of dwellings.
5.	<p><b><u>Informal/Natural Space</u></b></p> <p>Contribution towards multipurpose path around Gordon Jones playing field</p>	<p>£434 per dwelling for capital costs                  £325 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p><b>Necessary</b> as improvements to the informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Ashford Local Plan policies COM1, COM2, IMP1 &amp; IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use informal/natural green space and the space to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
6.	<p><b><u>Outdoor Sports</u></b></p>		<p>Before</p>	<p><b>Necessary</b> as outdoor sports pitches are required to meet the demand that</p>

	<p>Offsite provision at Gordon Jones playing field to bring all sports pitches up to a good standard and increase playing capacity.</p>	<p>£1,589 per dwelling for capital costs  £326 per dwelling for maintenance</p>	<p>completion of 75% of the dwellings</p>	<p>would be generated and must be maintained in order to continue to meet that demand pursuant to Ashford Local Plan policies COM1, COM2, IMP1 &amp; IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
<p>7.</p>	<p><b><u>Social Care</u></b>  <u>Towards extra care accommodation within the borough</u></p>	<p>£146.88 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> for social care available to meet demand that would be generated and pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1 and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use the community learning and skills service.</p>

				<p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount calculated, is based on the number of dwellings.</p>
8.	<p><b><u>Strategic Parks</u></b></p> <p>Contribution to picnic areas, tables, seating and associated landscaping at Conningbrook</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p><b>Necessary</b> as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Ashford Local Plan policies COM1, COM2, IMP1 &amp; IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

<p>9.</p>	<p><b>Libraries</b></p> <p>Towards additional bookstock for the mobile library service attending in Biddenden</p>	<p>£48.02 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use library books and the books to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount calculated, is based on the number of dwellings.</p>
<p>10.</p>	<p><b>Youth</b></p> <p>Towards additional resources for youth service locally in Tenterden</p>	<p>£65.50 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> for youth services space available to meet demand that would be generated (3.6 clients) and pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1 and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use the community learning and skills service.</p>

				<b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount calculated, is based on the number of dwellings.
11.	<b>Health Care</b>  Extension, refurbishment and/or upgrade of Ivy Court Surgery, Tenterden	£504 for each 1-bed dwelling £720 for each 2-bed dwelling £1,008 for each 3-bed dwelling £1,260 for each 4-bed dwelling £1,728 for each 5-bed dwelling or larger	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<b>Necessary</b> as additional healthcare facilities required to meet the demand from additional occupants that would be generated pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1 and guidance in the NPPF.  <b>Directly related</b> as occupiers will use healthcare facilities and the facilities to be funded will be available to them.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.
12.	<b><u>Monitoring Fee</u></b>  Contribution towards the Council's costs of monitoring compliance	£1000 per annum until development is completed	First payment upon commencement of development and on	<b>Necessary</b> in order to ensure the planning obligations are complied with.

	with the agreement or undertaking.		the anniversary thereof in subsequent years (if not one-off payment)	<p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.</p>
<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 <u>council web site</u> 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

67. 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 their 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

68. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

## Conclusion

69. Applications should be determined in accordance with the adopted development plan unless material considerations suggest otherwise. Whilst this development would deliver 12 units of housing, including 35% affordable housing and have some economic benefits during the construction phase, these benefits are far outweighed by the negative impacts of the proposal.
70. The proposed development, whilst sustainable in terms of its location, would introduce development into an edge of village site encroaching on open countryside thereby harming the rural setting of the village which is experienced from the public footpaths in the vicinity of the site. The development would fail to provide sufficient affordable housing in accordance with the policy or provide an appropriate range and mix of units.
71. The proposed development would conflict with a number of policies in the local plan that seek to protect the landscape, rural features and achieve a high level of visual amenity and that the harm caused would significantly outweigh any limited benefits of the scheme. It would also fail to provide 40% affordable housing in accordance with the policy and provide a poor range and mix of dwelling types and sizes. On this basis the proposal represents an unsustainable and harmful development of the site.



**Resolved:**

**REFUSE to grant permission on the following grounds:**

- (1) The proposal would be contrary to Policies SP1, SP2, SP6, HOU1, HOU5, HOU10, HOU14, HOU18, ENV3a, ENV5, COM1, COM2, COM3, COM4, IMP1 and IMP2 of the Ashford Local Plan 2030 and the National Planning Policy Framework and would therefore represent development contrary to interests of acknowledged planning importance which are not considered to be outweighed by the benefits of the development cited by the applicant, for the following reasons:-
- (a) The proposed development would have a significant adverse visual impact on land forming part of the Low Weald National Landscape Character Area and the Biddenden and High Halden Farmlands Landscape Character Area (LCA), impacting upon its rural character that forms an important component of the setting of Biddenden and views of the village from the public rights of way. This is due both to the extent of encroachment into open countryside and the way the site slopes down towards open countryside which increases its prominence in the wider landscape, and to its undeveloped state. The erection of dwellings and infrastructure on the site would unacceptably urbanise and domesticate this important undeveloped area to the detriment of the visual amenity of the area. The proposal would also be highly visible from the public rights of way thereby exacerbating the visual harm. The proposal represents unsustainable development which would detract from the character and appearance of the countryside and visual amenity of the area.
  - (b) The proposed development would extend the existing looped cul-de-sac known as Townlands Close resulting in a poorly connected and sprawling form of development which would be inconsistent with local character and built form in this part of the village which is characterised by 'tight' modern cul-de-sac development off North Street. This would be at odds with the prevailing form and grain of this part of the village and would further exacerbate the visual harm identified in reason a) above.
  - (c) The proposed development fails to provide a range and mix of dwelling types and sizes with all units for private sale being large detached units with either four or five bedrooms and the affordable housing confined to smaller units. This mix results in a non-tenure blind development which is exacerbated by the poorer elevational treatment to the affordable homes where the quality materials/treatment do not extend to all elevations unlike in the

homes for private sale. This would be socially and environmentally unsustainable causing harm to the area.

- (d) The proposal fails to provide an acceptable level of affordable housing contrary to the development plan and resulting in a socially unsustainable form of development by failing to meet the housing needs of the borough
- (e) The necessary planning obligation has not been entered into in respect of the list below so that the proposed development is unacceptable by virtue of failing to mitigate its impact and failing to meet demand for services and facilities that would be generated and the reasonable costs of monitoring the performance of the necessary obligations:
- i. 40% Affordable housing
  - ii. Libraries
  - iii. Sports – outdoors
  - iv. Informal/natural
  - v. Play space
  - vi. Strategic Parks
  - vii. Health care infrastructure
  - viii. Community learning
  - ix. Youth services
  - x. Social care

### **Working with the Applicant**

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative 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.

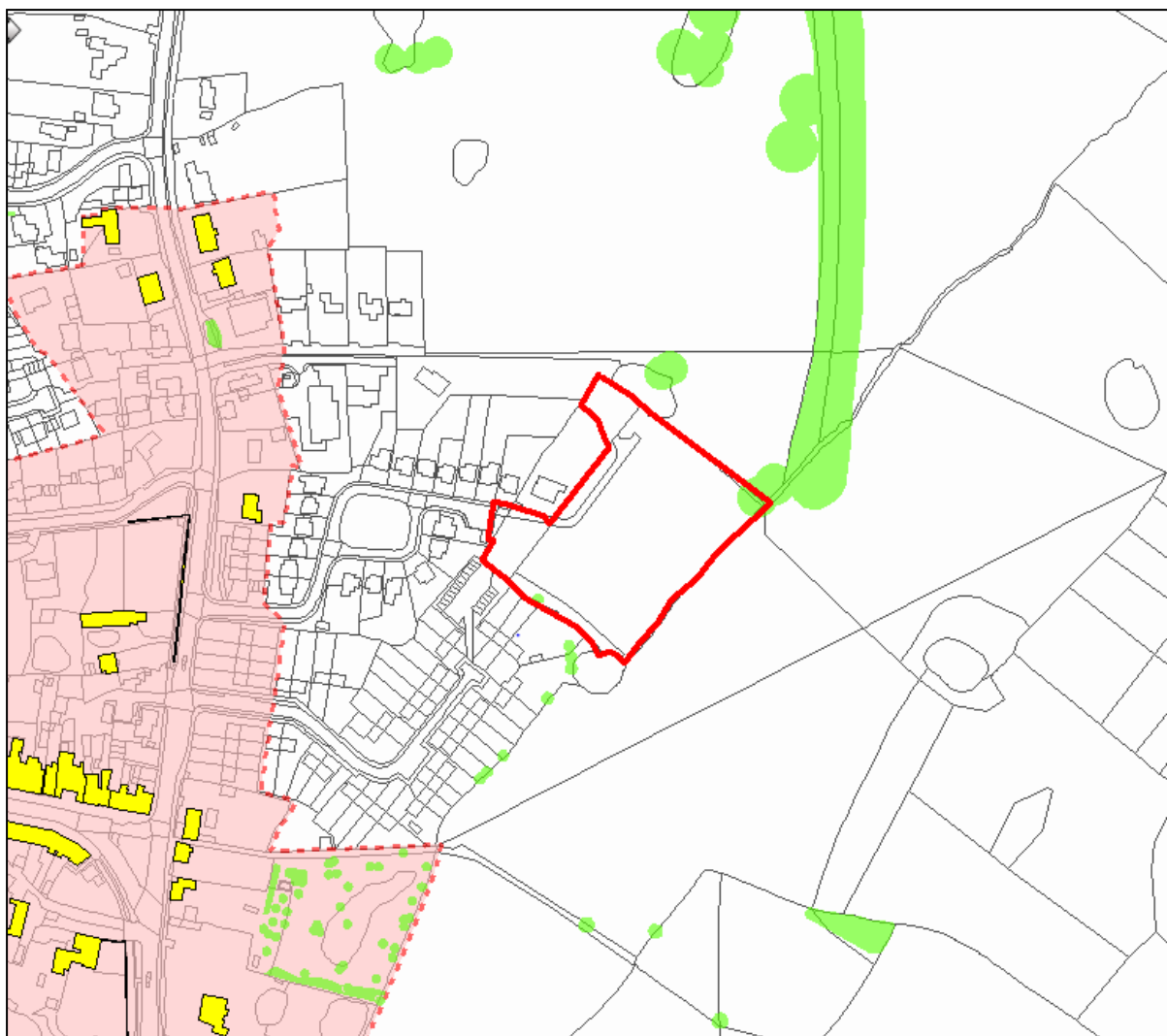
In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- 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 18/01273/AS)

**Contact Officer:** Katy Magnall  
**Email:** [katy.magnall@ashford.gov.uk](mailto:katy.magnall@ashford.gov.uk)  
**Telephone:** (01233) 330259



Annex 1

<b>Application Number</b>	19/00064/AS
<b>Location</b>	Tudor Cottage, Calleywell Lane, Aldington, Ashford, Kent, TN25 7DU
<b>Grid Reference</b>	606336.9/137352.3
<b>Parish Council</b>	Aldington
<b>Ward</b>	Saxon Shore
<b>Application Description</b>	Construction of new dwelling with revised access and detached garage
<b>Applicant</b>	Mr Skinner, Tudor Cottage, Calleywell Lane, Aldington, Ashford, Kent, TN25 7DU
<b>Agent</b>	JPD Architecture Ltd, Tower farm House, Faversham Road, Ashford, Kent, TN25 4HT
<b>Site Area</b>	0.24 ha

#### 1<sup>st</sup> Consultation

(a) 4/14R; 1/S; 1+	(b) Parish Council R	(c) KCC (PROW) x; KH&T +; KCC (Bio) +
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#### 2<sup>nd</sup> Consultation

(a) 22/14R	(b) Parish Council R	(c) KH&T +; KCC (Bio) +
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#### 3<sup>rd</sup> Consultation

(a) 22/10R	(b) Parish Council R	(c) KH&T +
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## Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member, Councillor Harman.

## Site and Surroundings

2. The site is not within any areas of special designation, although it is within East Stour Valley landscape character area. The site forms part of the northern section of garden area of Tudor Cottage, a detached property abutting Calleywell Lane to the north of the village of Aldington. There is a small ribbon of residential development to the north of the site along Calleywell Lane with open countryside beyond to the south before linking to the village. Symnel Cottage is a Grade II listed dwelling on the adjacent site to the north, with the listed building located approximately 60m from the proposed dwelling.
3. The site is level, set within a large curtilage with a well-established boundary defined by a timber post and rail fence with a row of mature pines. These are protected by TPO No. 15,2018 for their group value. The group as a whole consists of 16 No. pines, 10 of which are on the application site with 6 trees on the adjacent neighbouring plot of Symnel Cottage. A single cedar tree is also included in the TPO, but is not within the application site (this tree is at the entrance further along the lane to the south adjacent at the entrance of Tudor Cottage).
4. Public Right of Way AE449 passes along the outside of the northern boundary of the site, which is defined by a post and wire fence.

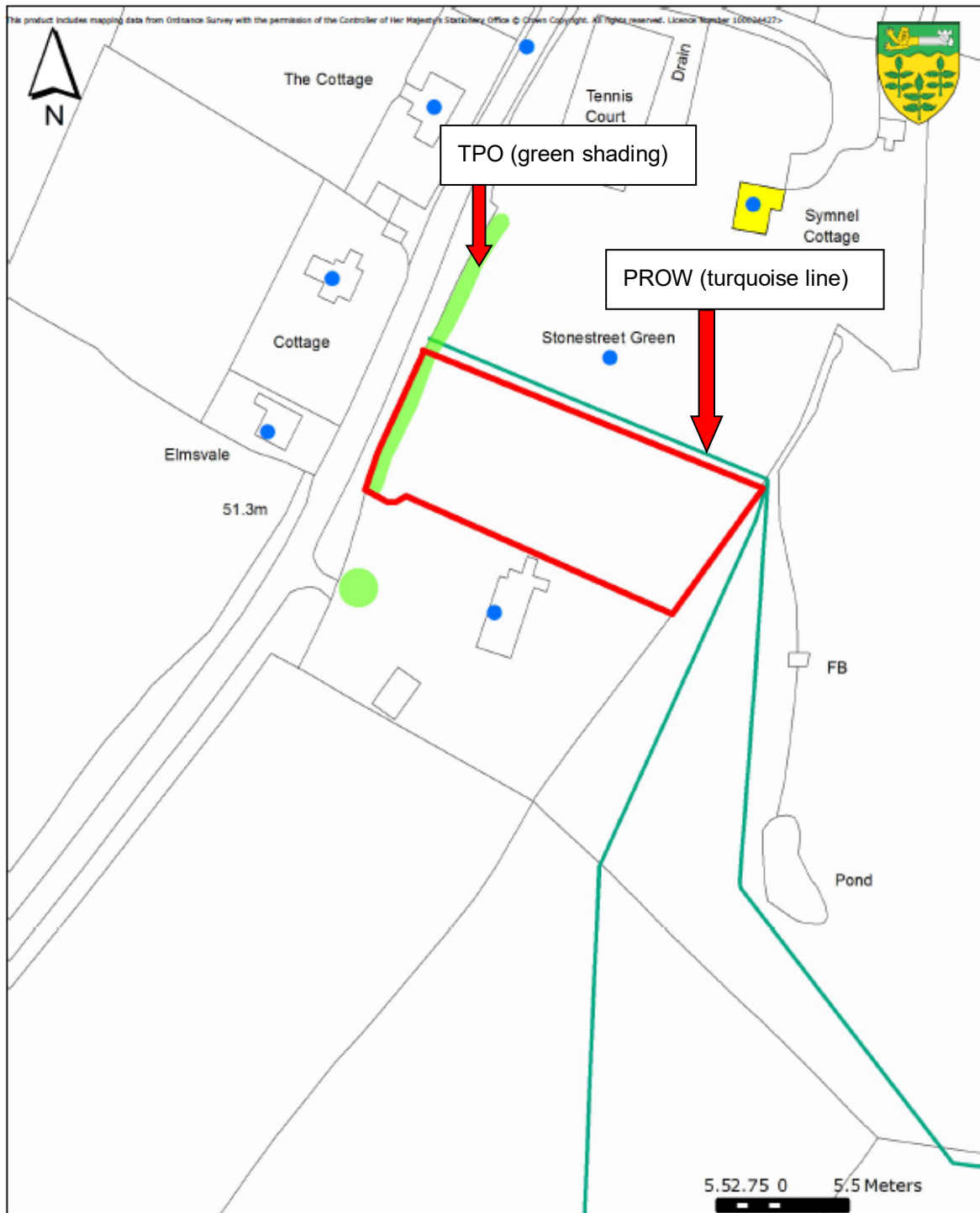


Figure 1 – site plan





Figure 2 - Proposed Site

## Proposal

5. Full planning permission is sought for the erection of a detached two storey four bedroom house, a detached two bay garage with a room in the roof (to provide an additional bedroom and shower room) and an access drive off Calleywell Lane.

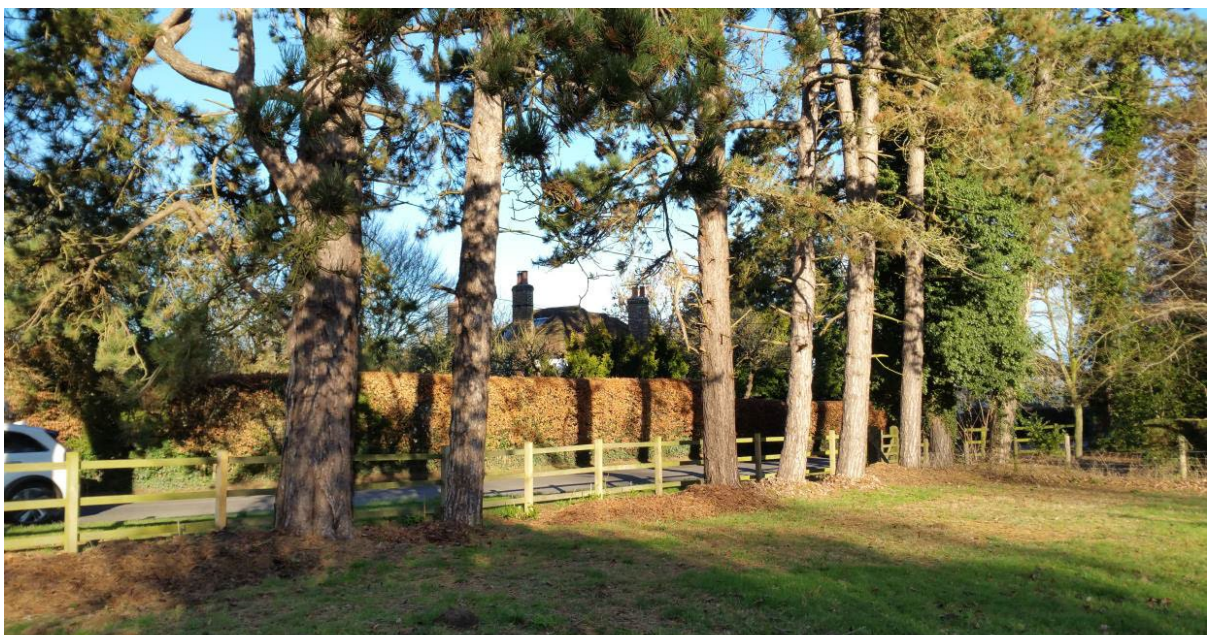


Figure 3 - Boundary with Calleywell Lane



- The drive positioning would utilise an existing gated section of the boundary fence and necessitate the removal of one small pine. It would be of a raised no-dig design and surfaced in porous asphalt.



**Figure 4 - Site plan**

- The dwelling would have a pitched and half hipped Kent peg tile roof, white render at first floor and red multi stock bricks at ground floor with white timber doors and windows.

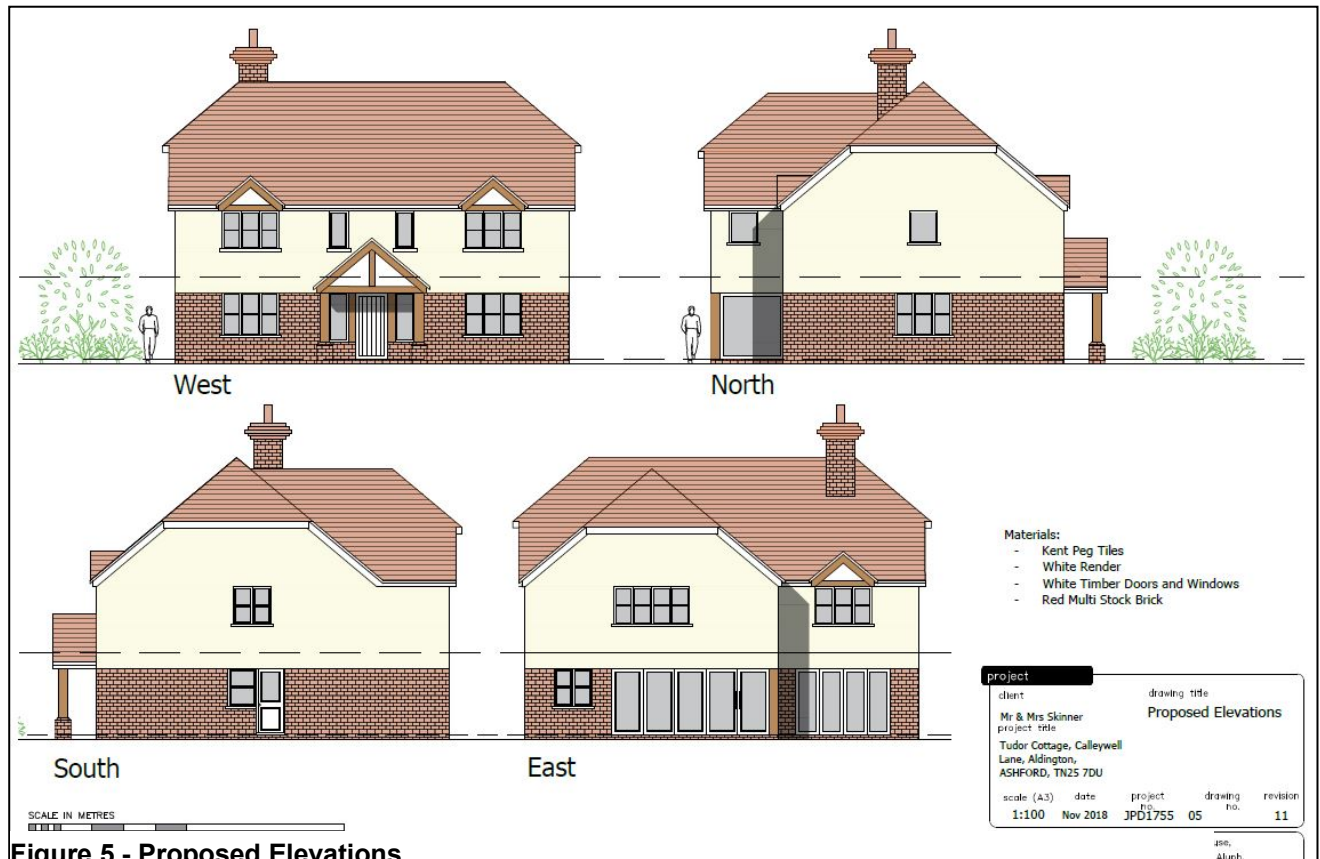


Figure 5 - Proposed Elevations

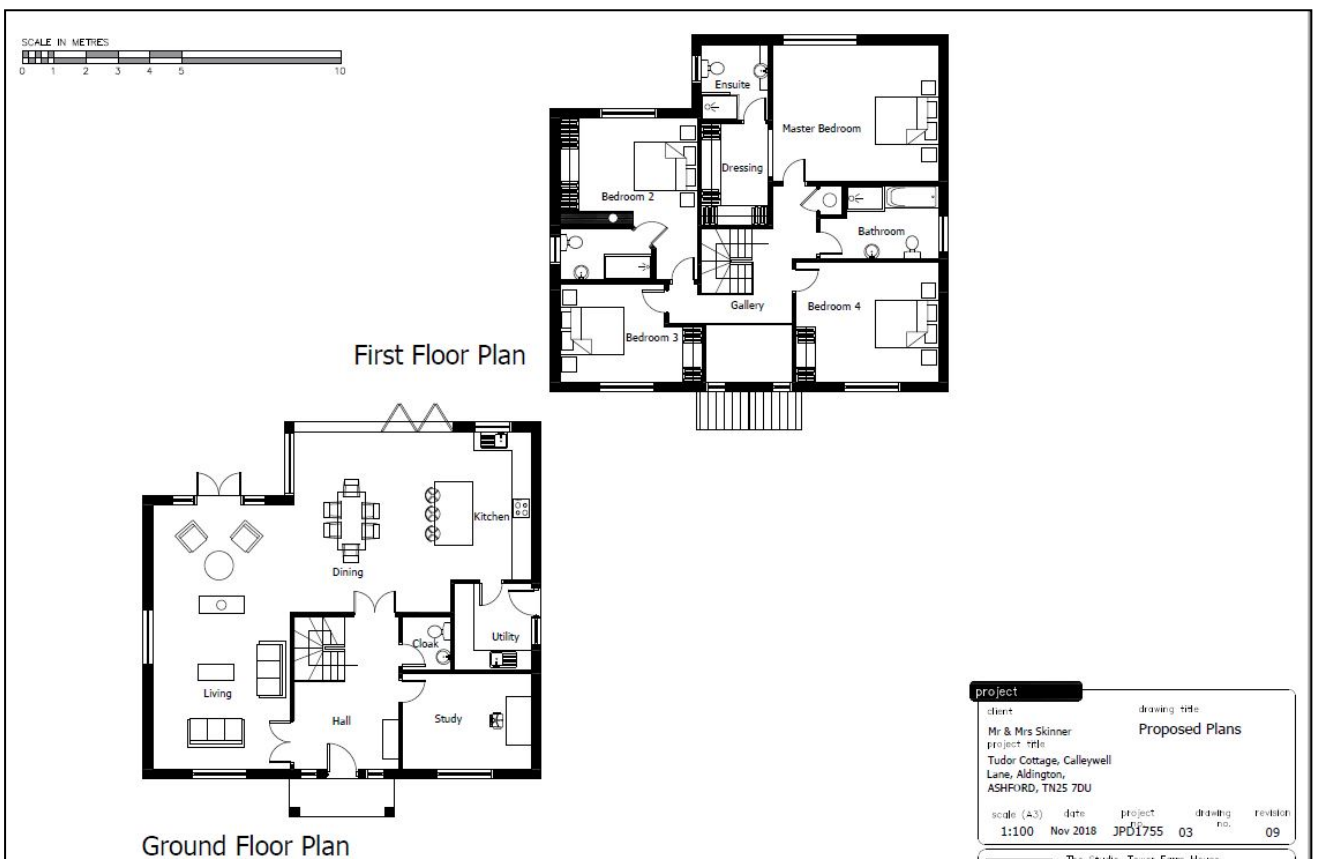


Figure 6 - Proposed Floor Plans

8. The dwelling would be comprised of an open plan living/kitchen and dining area with a utility room, cloakroom and study at ground floor level. Four bedrooms, two of which would have ensuite facilities, and a family bathroom would be provided at first floor level.
9. The garage would have two open parking bays with a pitched half hipped roof and use materials to match the main dwelling. A habitable room would be provided in the roof including a bedroom and a shower room.

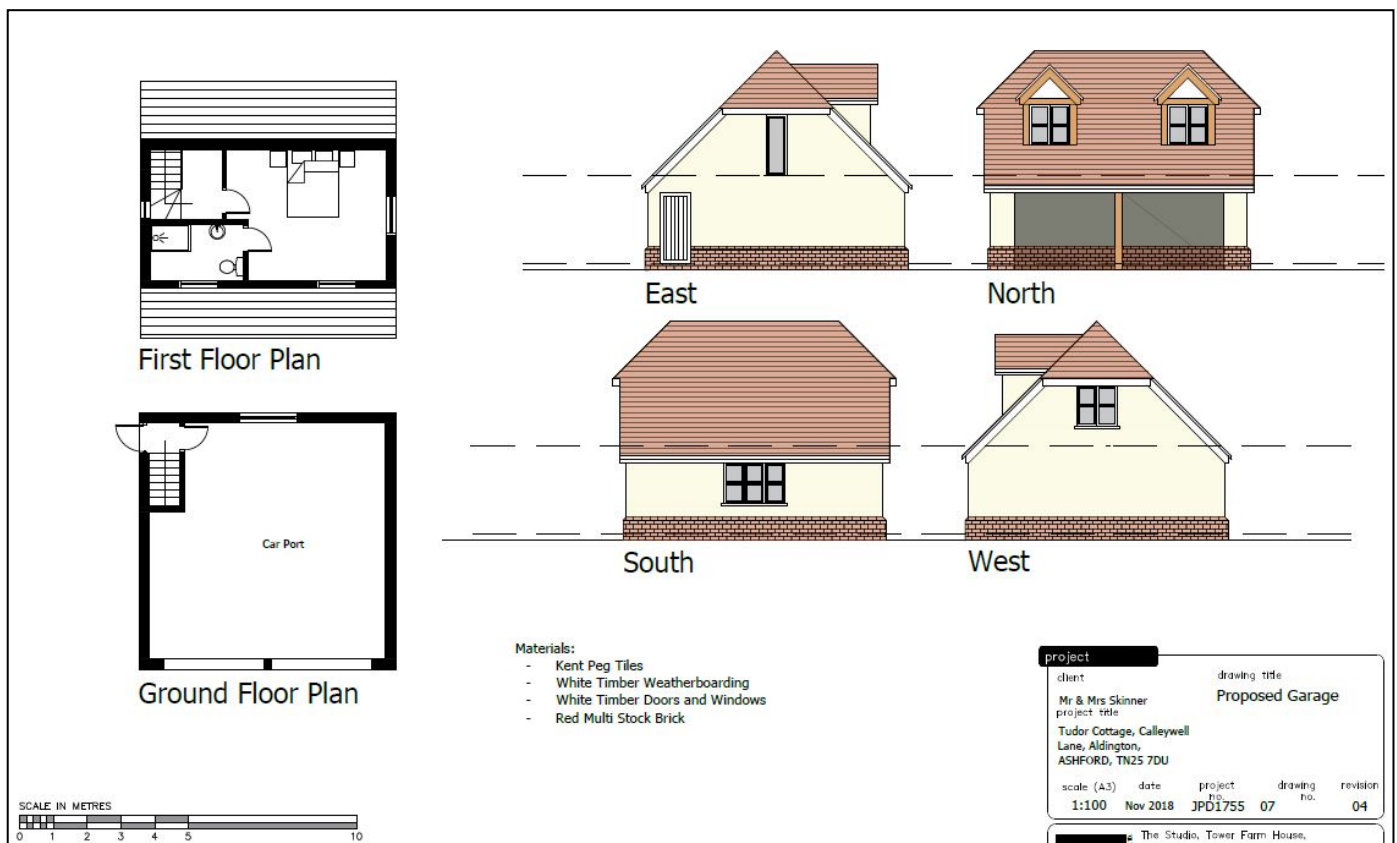


Figure 7 - Proposed Garage

## Planning History

17/00023/AS	Single storey rear extension with roof terrace.	PERM	21/02/2017
17/00404/AS	Demolition of existing garage and erection of new garage	PERM	27/04/2017

## Consultations

### First round of consultation with original plans

**Ward Member** - The former Ward Member, Cllr Martin originally requested that the application be decided by the Planning Committee. Cllr Harman is the current ward member and has endorsed this request.

**Aldington Parish Council** – Object to the application on the following grounds:

- The application site is located outside of the built confines of Aldington and does not comply with Borough Council Planning Policy TRS2 of the current Local plan or with the forthcoming Policy HOU5 of the Ashford Local Plan 2030. In addition the application does not comply with any of the conditions set out in paragraphs 78 and 79 of the National Planning Policy Framework.
- The Parish Council note that Public Right of Way AE449 is close to the boundary of the application site therefore any plans should conform with Policy TRS18 which sets out to protect and enhance the PROW.
- No detail of the re-positioned access is given within the documentation, the site is subject to Tree Preservation Order 15 of 2018 protecting the pine trees to the road frontage of the site. The existing gateway is the PROW and would not provide sufficient width for any vehicle and given that the proposal is for a septic tank for foul sewerage this would entail lorries being required to park on the highway with restricted visibility to service the tank.
- The proposed dwelling is set in front of the line of existing properties and therefore closer to the road.
- The proposed design is not in keeping with those in close proximity.
- The proposed entrance/exit from the site is partially obscured by a bend in the road resulting in a potential hazard to road users as this length of road is subject to the National speed limit.
- There is no pedestrian walkway from Stonestreet Green to the village of Aldington which will result in extra vehicular movements.

**KCC Highways and Transportation** – Consulted; No comments provided at this time.

**KCC PROW** – No objection. Informative suggested to keep PROW clear of obstruction.

**KCC Ecological Advice Service** – Advised that Great Crested Newt surveys, along with any necessary mitigation be submitted prior to determination of the planning application. No bat concerns providing external lighting guidance adhered to and condition suggested. No reptile concerns providing precautionary measures advice adhered to and a condition suggested. No breeding bird concerns providing precautionary guidance adhered to and informative suggested. No badger concerns

providing pre-commencement check is secured via a condition. Recommendations made for ecological enhancements to be incorporated into the site via a condition.

**Neighbours** - 4 neighbours initially consulted; 14 objections; 1 support; 1 general comment

### Objections

#### Principle

- Outside built-up confines map that has been defined through public consultation and Parish Council.
- Unsustainable location.
- Village confine line 430m up the hill, first 375m has no footway.
- Isn't close to or adjoining to the existing built-up confines.
- The site is part of hamlet of 'Stone Street Green' which is made up of 8 cottages, one of which is listed and is marked on modern day Ordnance Survey maps, and therefore the site is not located in Aldington.
- Small rural community composed of houses separated by fields and orchards and infill such as this is inappropriate.
- The National Planning Policy Framework (NPPF) resists "garden grabbing", suggesting that plans should set out policies to resist "inappropriate development of residential gardens", a point which is reflected in the definition of previously developed land which pertains only to "land in built up areas such as residential gardens". The site is not located within a built up area, but within the countryside for planning purposes.
- Aldington has already seen an excessive amount of development in recent years and the village infrastructure is inadequate.
- Inadequate bus service.
- Roads are inadequate as narrow, winding and badly maintained.
- The site is not within a safe walking distance of the village given that there are no footways and the site is within a 60mph speed limit.
- There is not a safe route to walk to the playground or village shop; accordingly driving is required on every occasion.
- The proposed house would be in front of the building line.
- Large area behind proposed dwelling hints that there might be an intention to apply for a second house at a later date. This would be even more out of character with the existing settlement.
- Aldington Primary School is 1250m away and at capacity.
- Village cannot cope with any more population.

#### Access and Highways

- There is not a current access; it is fully fenced along the roadside.
- The required visibility splays cross both highway and third party land.

- A good proportion of the visibility splay within the ownership of Symnel Cottage is extensively planted at a height much greater than 0.9 metres and also a public footpath sign obscures views.
- Increase in traffic.
- No notice has been served to KCC Highways.
- Calleywell Lane narrow and two-way traffic would be affected.
- Access would be on a bend with poor forward visibility.
- Existing driveways are already hazardous due to fast traffic and bend in the road.
- Very large agricultural vehicles and HGVs use the lane.
- Traffic on the lane has increased greatly in last few years, following the large housing developments on the old prison site south of Aldington, new housing at Celak Close and Badgers Close and the Lionsgate housing and Quarry House retirement developments, both at the top/village end of Calleywell Lane.

#### Trees

- The black pines fronting Calleywell Lane are protected by virtue of TPO No 15 2018. Although an 'Arboricultural report' has been submitted this does not clearly identify the extent of the Root Protection Areas (RPAs), so it cannot currently be demonstrated that there would be no harm to RPAs as a result of the proposed new access even if a no-dig solution is being suggested  
**[Officer comment – RPA plan now provided by drawing 08 rev 3]**

#### Visual amenity

- The design is not appropriate to the locality.
- Proposed dwelling is too large.
- Will not enhance the setting.
- Poor design with dormer windows, prominent gables and oppressive and intimidating feel.
- Proportions out of scale.
- Integral garage adds to the bulk.
- Out of character with nearby properties.
- Dwelling would extend nearly the full width of the narrow 26m wide plot.
- Siting is further forward to the highway than many of the other properties along the same side of Calleywell Lane.
- 5 bedroom house is overdevelopment of the site. The only other one is Tudor Cottage.
- Does not conserve and enhance the natural beauty of the area.
- Symnel Cottage next door is grade II listed and its setting would be harmed by proposed dwelling.
- No Heritage Statement provided **[Officer comment – not considered a requirement due to adequate spacing with listed building]**.
- Northern boundary shown as trees when it is actually a fence. Details of planting species should be provided.

#### Residential amenity

- New dwelling will interrupt neighbour's rural views.
- Too Close to Tudor Cottage and Symnel Cottage.

#### Other

- Land should be kept for sheep grazing as there is a shortage in the area.
- The site was a productive orchard and is suitable for grazing. Taking agricultural land out of production is against the interest of future generations.
- Will set a precedent if approved and country lane could become a residential street.
- No economic, social or environmental benefits.

#### Support

- There is a need for affordable housing in the Aldington area, such as will be provided by the proposed development.

#### Commenting

- Footpath should not be obstructed or solid boundary treatments run alongside them.

#### **Second round of consultation**

Following 1<sup>st</sup> set of amended drawings - dwelling design amendments and a detached garage rather than an attached one.

**Aldington Parish Council** – Same objections as previously with the following additional grounds for objection:

- There is no safe pedestrian access to local amenities, the verges are deep necessitating walking in the road which has poor visibility and subject to national speed limit.
- The revised layout still shows the proposed building to be in front of the neighbouring properties.
- The proposed building is not in keeping with the street scene as it is of modern design and much larger volume.
- The proposed access is between trees subject to a Tree Preservation Order, the Arboriculture report suggests a no dig driveway in accordance with BS5837 with a weight limit of 3 tonnes which would necessitate service and delivery vehicles having to park on the highway with restricted visibility due to bends in the road from both directions.
- The public footpath on the proposed site layout is shown on the wrong side of the hedge.

- The application states re-positioned existing access, there is no existing access to the plot from the road.
- The visibility splays do not appear to have taken into account that the tree line is on the boundary which will necessitate encroachment on to the highway before a clear view can be obtained.
- It is believed that the grass verge where the vehicle crossing is proposed is not owned by the property owner but by Kent Highways.

**KCC Ecological Advice Service** - Further advice was provided following the submission of a Great Crested Newt Survey and a mitigation strategy. KCC advised that sufficient survey information has been submitted to inform an outline mitigation strategy. As such, the GCN outline mitigation strategy detailed within the *Outline Mitigation Strategy* letter will have to be implemented and a European protected species licence granted from Natural England (NE). A condition is requested to this effect.

**KCC Highways and Transportation** – Consulted; no comments.

**Neighbours** – 22 consulted, 14 objections received with the following additional concerns;

- House now appears bigger than first version. Five double bedrooms and a ‘dressing room’ that could be used as a single bedroom amounts to six bedrooms.
- Detached garage with bedroom and bathroom creates a building with a domestic appearance. Could become a detached annexe or a separate dwelling in the future.
- Affordable housing needed in Aldington, not executive homes.
- Design is more urban than rural.
- Impact on setting of listed building needs to be carefully considered.
- Mitigation planting should be considered due to the loss of this site.
- Close boarded fence not suitable for rural setting.
- Dwelling would be 2m higher than adjacent GII listed Symnel Cottage.
- “Re-positioned access” in description incorrect.
- Notice not served on owners of land within visibility splays.
- Great Crested Newt Survey information insufficient [**Officer comment** – now complete].

### **Third round of consultation**

Following 2<sup>nd</sup> set of amended drawings - dwelling design amendments and repositioned access.

**Aldington Parish Council** – Same objections as previously with the following additional grounds for objection:



- The siting of this proposed property will contravene Policy HOU10 in that it will significantly affect the visual separation and the existing pattern of development which at present is made up of older style properties whilst this is of a new design.
- The proposed dwelling would appear to contravene criteria b) of Policy HOU5 in that the site is in excess of 1200 metres of the local school, in excess of 860 metres from the nearest bus stop and 750 metres from the post office, additionally criteria d) as the location does not provide a safe walking access to local services as there is no footpath and the road is subject to the National Speed Limit of 60mph and the bus service is inadequate.
- The mention of an existing entrance in the amended application is misleading in that it is a pedestrian gateway with no existing vehicle access.
- To achieve the stated revised plan, they applicant will still need to gain permission to remove at least one tree that is subject to a TPO as well as remove existing hedgerow and gain KCC highways permission build a new entrance drive across the existing soft verge boundary which appears to contain drainage works.

**KCC Highways and Transportation** –Initially no comments provided as the proposal is not for a new access onto a classified road. However, upon request, comments were provided on a series of various amended plans showing revised access locations and advice was provided on visibility splays. KCC concluded they have no objection provided visibility splays are maintained and completed prior to the use of the site commencing. A bound surface should be used for the first 5 metres and provision of adequate measures to prevent discharge of surface water onto the highway are suggested to be secured by conditions.

**CPRE** – The plans appear to be fundamentally flawed as they are proposals for a new dwelling on a greenfield site in an isolated location, without meeting any of the exemption criteria. The application is therefore contrary to NPPF para 55 [para 79 in the July 2018 revision], and to Policy HOU5 of the Local Plan. It is also entirely impractical for the applicant to be proposing a new access onto a 60mph open countryside rural road through trees that define the character of the area and have TPOs to reflect this. The applicant's ability to resolve this issue is clearly limited by lack of ownership. And there are covenants that could be enforced preventing development. This puts some additional doubt on whether the application should have been validated. The land ownership and covenant issues make this an unsound application. **[Officer comment** – land ownership has been confirmed with submission of a Certificate A. Legal covenants are covered in separate legislation and are not a material planning consideration]. Furthermore the applicant has made no effort to design a sympathetic way to the other isolated dwellings visually connected to the application site. Indeed the revised plans are doubly inappropriate on design, scale and height and massing. This application represents entirely inappropriate and unsympathetic development in the countryside, would be contrary to national and local planning policy and should be refused.

**Neighbours** – 22 consulted, 10 objections received raising the following additional concerns;

- No evidence submitted to justify the reduction in sight lines.
- Disappointed new access position involves removal of one TPO tree.
- Not all the TPO trees have been shown on the plans [**Officer comment** – this has been amended and all trees are now shown].
- Boundary trees along footpath labelled on plans to be reduced in height. These belong to neighbour who won't consent to their reduction.

## Planning Policy

10. The Development Plan comprises the new Ashford Local Plan to 2030.
11. The relevant policies from the Development Plan relating to this application are as follows:-

### **Ashford Local Plan to 2030**

SP1 – Strategic Objectives

SP6 – Promoting High Quality Design

HOU5 – Residential Windfall Development in the Countryside

HOU10 – Development of Residential Gardens

HOU12- Residential Space Standards Internal

HOU15 - Private External Open Space

TRA3a - Parking Standards for Residential Development

ENV1 – Biodiversity

ENV3a – Landscape Character and Design

ENV6 – Flood Risk

ENV9 – Sustainable Drainage

### **Supplementary Planning Guidance/Documents**

Landscape Character SPD

Residential Parking SPD

Residential Space and Layout SPD

Dark Skies SPD

Sustainable drainage (SuDs) SPD

### **Government Advice**

National Planning Policy Framework (NPPF) 2018

12. 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.

### **Assessment**

11. The main issues for consideration are:

- Principle
- Visual amenity
- Residential amenity
- Highway safety and parking
- Drainage
- Ecology and trees

### **Principle**

12. The site for the new dwelling is outside the built confines of Aldington and therefore falls to be assessed under policy HOU5.
13. Policy HOU5 is permissive of residential development 'adjoining' or 'close to' the existing built-up confines of a number of settlements listed in the policy providing it meets a number of strict criteria. Aldington, as a larger more sustainable settlement, is included as a HOU5 village and the proximity of this site to its built-up confines requires the proposal to be assessed against the criteria in the policy. Only proposals that meet the criteria will potentially be considered appropriate for development.

14. These criteria are set out and considered below:

*a) The scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available in the nearest settlement, and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development, in liaison with service providers.*

The proposal is for residential development adjoining or close to the existing built up confines of Addington, which is one of the listed settlements and the proposal is therefore acceptable with this aspect of the policy.

*b) The site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services –*

Paragraph 6.58 refers to 800m as being generally accepted as easy walking distance in order to be considered sustainable. The first 390m from the site along Calleywell Lane does not have a footpath until the entrance with Quarry House where a public footpath is provided along the remaining 200m of Calleywell Lane to Roman Road. Whilst no footpath is provided for the first section of the walk, it is not considered a long, difficult or unduly unsafe walk and the pedestrian facilities into the village are therefore considered adequate. The range of services can easily be accessed by foot with the nearest shops in the village centre approximately 670m from the site and the primary school is approximately 1200m from the site. There are bus stops, a public house, a recreation ground, an eco-centre and a village hall all within easy walking distance on public footpaths with street lighting. The site is therefore not within an isolated rural area in HOU5 and NPPF terms and would comply as an edge of settlement location.

*c) The development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area –*

See highway safety section.

*d) The development is located where it is possible to maximise the use by public transport, cycling and walking to access services –*

See paragraph 15 above.

*e) Conserve and enhance the natural environment and preserve and enhance any heritage assets in the locality –*

See visual amenity section.

*f) The development (and any associated infrastructure) is of a high quality design and meets the following requirements:-*

- i) it sits sympathetically within the wider landscape,*
- ii) it preserves or enhances the setting of the nearest settlement,*
- iii) it includes an appropriately sized and designed landscape buffer to the open countryside,*
- iv) it is consistent with local character and built form, including scale, bulk and materials used,*
- v) it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,*
- vi) it would conserve biodiversity interests on the site and / or adjoining area and not adversely effect the integrity of international and national protected sites in line with Policy ENV1 –*

See visual amenity and ecology and trees sections below.

15. The site is therefore not isolated in terms of HOU5 either by location or visually and lies within a sustainable location for the purposes of this policy.
16. The proposal is also considered against policy HOU10 for redevelopment of a residential garden. This policy allows for complete or partial redevelopment of residential garden land provided the proposed development complies with the Council's external space standards as set out in Policy HOU15 and;
  - a) Windfall Housing Policy HOU3a or HOU5 (as relevant);
  - b) It does not result in significant harm to the character of the area including the surrounding grain and built pattern of development, the prevailing building density, line, frontage width, building distance from the road, existing plot sizes and visual separation between dwellings; and,
  - c) It does not result in significant harm to wildlife corridors and biodiversity habitats.
17. This is discussed in more detail in the visual amenity, residential amenity and ecology and trees sections below.
18. Therefore subject to no other unacceptable harm as discussed below, the principle of the development can be considered acceptable.

## Visual Amenity

19. The site forms part of the cultivated garden area belonging to Tudor Cottage. The proposed dwelling would infill this open space between the two neighbouring dwellings, one of which is Grade II listed building Symnel Cottage. The dwelling would be approximately 10m from Tudor Cottage to the south and approximately 60m from Symnel Cottage to the north.
20. There is an irregular pattern of residential development along Calleywell Lane and there is no prevailing built form, pattern or strong building line. The plot is large and well spaced from adjoining dwellings, which occupy plots of varying sizes. The size and siting of the proposed dwelling can be well accommodated on the site whilst retaining good spacing and openness around it so that it doesn't appear visually cramped. The scale, bulk, form and design of the dwelling proposed is in keeping with the context of the surrounding area made up of dwellings in plots of varying sizes in an edge of settlement, semi-rural setting. It would not appear incongruous or unsympathetic. The proposed garage is subordinate to the dwelling and sits comfortably in relation to it and when viewed from the road.
21. Whilst neighbours and the Parish Council have expressed concerns regarding the character of the dwelling, it is considered the overall scale, design and form of the dwelling will help to ensure the dwelling assimilates into its surroundings in a sympathetic manner.
22. The proposal therefore complies with Policy HOU10 as it does not result in significant harm to the character of the area including the surrounding grain and built pattern of development, the prevailing building density, line, frontage width, building distance from the road, existing plot sizes and visual separation between dwellings.
23. Whilst there have been some neighbour concerns regarding the impact on the setting of the listed building, the proposed new dwelling would be set 60m away from the neighbouring Grade II listed building and as such has no impact on its setting.
24. The existing mature trees along the front boundary are to be retained (apart from the removal of one tree) offering a good level of natural screening and helping to preserve the character of the lane. A planting scheme can be secured by a condition to ensure landscaping for the site is appropriate and also to mitigate against the loss of one tree.
25. The proposed dwelling would be visible from the public right of way that runs parallel with the northern boundary of the site. The path currently has an open feel due to the low wire fence and planting along this boundary and the open

views across the garden of Tudor Cottage. A high hedge forms the other boundary along the footpath with Symnel Cottage. The proposed dwelling will not unduly affect the footpath due to sufficient spacing (approx. 17m) from the footpath. However, to retain the open feel and views along the boundary with the public right of way, a condition will be added to ensure appropriate boundary planting and also a condition to ensure any additional fences and walls are controlled to ensure the footpath retains its open feel rather than being enclosed.

26. In conclusion, I am therefore satisfied that the proposed dwelling can be accommodated on the site without causing any harm to the visual amenity of the area and it would preserve the natural environment and the landscape setting of the site.

### **Residential Amenity**

27. The new dwelling would be located approximately 10 metres from the nearest dwelling to the south (Tudor Cottage) and 60m from Symnel Cottage to the north. The separation distance from the neighbouring dwellings would ensure that the development would not appear overbearing or oppressive. The only first floor side window facing towards Tudor Cottage serves an en-suite and would be obscure glazed to ensure no overlooking.
28. The internal amenity spaces comply with the nationally described space standards and the Council's Residential Space Standards required under policy HOU12.
29. The external amenity space around both the new dwelling and Tudor Cottage complies with HOU15 and also HOU10. This ensures a high standard of amenity for future residents both in the garden area of the proposed new dwelling and also Tudor Cottage with the loss of some of its area of garden.
30. In light of the above, I do not consider there would be any undue harm to the residential amenity of existing and future residents.

### **Highway Safety and Parking**

31. With regard to parking, the Council's policy TRA3a, a dwelling of four bedrooms should have the provision of 3 parking spaces. Whilst parking spaces have not been shown on the block plan, the application form states four are to be provided. This is adequate parking provision and in accordance with policy TRA3a and can easily be achieved and secured in perpetuity by condition.

32. Calleywell Lane is an unclassified road. Whilst the access is not in current everyday use, there is evidence of an access at this point with an area of hardstanding and a gate in the fence. Notwithstanding this, the plans demonstrate that an access can be accommodated here with adequate visibility splays that cross highway maintainable land. An access to serve a single dwelling would not represent an over intensive use on this rural lane to warrant refusal on highways safety grounds. The NPPF test is severe harm
33. A condition could be imposed to ensure provision and maintenance of the visibility splays shown prior to the use of the site commencing, use of a bound surface for the first 5 metres of the access from the edge of the highway and provision of measures to prevent the discharge of surface water onto the highway.
34. I am therefore satisfied that there would be no unacceptable harm caused to highway safety as a result of the development.

### **Drainage**

35. The site lies within flood zone 1 and is not at risk from fluvial or tidal flooding. There are no surface water drainage problems associated with the site. A SUDs condition will ensure there is no greater surface water run-off over the existing situation.
36. Whilst the application form states sewage will be disposed of to a septic tank, it was later agreed to use a package treatment plant or connection to the mains sewer. A condition will be added for details of this to be submitted and approved.

### **Ecology and Trees**

37. The application was accompanied by an ecology report to indicate if there would be any negative ecology impacts from the development. No negative impacts have been found subject to a number of precautionary measure and mitigation conditions required for Great Crested Newts, bats, reptiles, breeding birds and badgers. Ecological enhancements for the site could also be secured by a condition.
38. One of the pine trees protected by the group TPO is proposed to be removed to allow the access drive to be provided. This is the smallest of the pine trees and its loss would not significantly harm the group value to a level that would warrant refusal of the application. Its loss is therefore considered acceptable subject to a condition for mitigation planting elsewhere within the site.



39. The RPA plan adequately demonstrates the no-dig drive would not encroach into the root protection areas of the remaining trees to a harmful degree and this aspect of the proposal is therefore acceptable regarding the preservation of the trees.
40. No other significant vegetation is proposed to be affected throughout the site and a planting scheme can be sought via a condition. This would include proposed planting along the boundary with the footpath which is currently lined with low level plants that are in their early stages of growth.
41. The proposal complies with policy HOU10 regarding development of residential gardens as it does not result in significant harm to wildlife corridors and biodiversity habitats.

## **Human Rights Issues**

42. 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 their 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**

43. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

## **Conclusion**

44. In view of the above assessment there is no overriding harm which would warrant refusal of the application and the proposal complies with policies HOU5 & HOU10 in particular. The dwelling would be situated outside the built-up confines of the village of Aldington, but is within walking distance of the village and its services. It is therefore sustainably located. The size, siting and design of the dwelling is acceptable and no harm to the residential amenities of the occupants of any adjoining properties would result. Adequate parking is proposed and the site will be served by a safe vehicular access, therefore the

provision of a new dwelling would not result in any highway safety issues. There is no demonstrable harm to ecology, trees and the proposal raises no drainage issues. As such, the proposal would comply with the local plan policies and therefore I recommend planning permission is granted.

## Recommendation

### 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. The areas shown on the drawing number 02 rev 17 as vehicle parking space, garages and turning shall be provided before the first occupation of the dwelling hereby approved and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to these reserved parking spaces.

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

4. Visibility splays as shown on drawing 1149-SK01 Rev E within which there shall be no obstruction in excess of 1.05 metres in height above the carriageway edge shall be provided at the access before the development commences and the splays shall be so maintained at all times.

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

5. The access details shown on the approved plans shall be completed prior to the commencement of any other works authorised by this permission and the access shall thereafter be maintained.

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

6. A bound surface shall be provided for the first 5 metres of the access from the edge of the highway prior to the commencement of any other works authorised by this permission and shall be so maintained at all times.

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

7. The driveway of the approved development shall be constructed to a no-dig design in accordance with the No Dig Drive Detail submitted 18/07/19.

**Reason:** To protect the existing trees on the site.

8. 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 Policy ENV9.

9. The dwelling shall not be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

10. The first floor bathroom window opening on the southern elevation shall be fitted with obscured glass (privacy level/grade 3 or higher) and shall be non-opening up to a minimum height of 1.7 m above internal floor level. This specification shall be complied with before the development is occupied and thereafter be retained.

**Reason:** To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties.

11. The ecological mitigation measures outlined in the submitted Outline Mitigation Strategy letter, PJC, 24th July 2019, shall be implemented prior to any works commencing on site. The mitigation strategy shall be implemented as approved unless varied by a European Protected Species (EPS) license issued by Natural England. On completion of the works a letter from the ecologist shall be submitted to and agreed in writing by the Local Planning Authority confirming that the Great Crested Newt mitigation has been implemented as detailed within the submitted plan.

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

12. Within 3 months of works commencing a “bat sensitive lighting plan” for the site boundaries shall be submitted to and approved in writing by the local planning authority. The lighting strategy shall:
- a) Take into account measures as described at paragraph 4.1.13 of the Preliminary Ecological Appraisal;
  - b) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
  - c) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory (including details of light spill which shall not exceed 1LUX on and outside the red line boundary of the site). All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

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

13. Prior to work commencement, the following vegetation clearance scheme shall be carried out to ensure no harm occurs to reptiles during the proposed development :
- Two log piles shall be installed in a suitable area and away from the works area to provide alternative habitat for reptiles if present;
  - Any cutting of the vegetation and removal of rubble and compost heaps or longer grassland, should be undertaken during the active season for reptiles (April to early October inclusive) in any given year;
  - The works area should be mowed using hand held machinery only (to 15cm height minimum), during sunny conditions in order to force the animals out of the area;
  - A second cut should be given to ground level, 2 days following the first cut, during sunny conditions;

- The height of vegetation should be kept lower than 5cm until the start of the works;
- If any reptiles are observed during development, works have to stop immediately and the applicant must contact their ecologist for further advice.

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

14. Prior to the commencement of development, a pre-commencement badger check shall be completed as outlined within the submitted ecological report and submitted to, and approved in writing, by the Local Planning Authority. If badgers are found to be present on site, then a full mitigation strategy shall be submitted to and approved in writing by the LPA. All works shall proceed in accordance with the approved scheme of mitigation.

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

15. Prior to the first occupation of the dwelling, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals within it and shall thereafter be retained.

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

16. A landscaping scheme for the site (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 above foundation level. 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.

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

17. All existing trees and hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All trees and hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any trees or parts of hedges or hedgerows removed or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall

be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

**Reason:** To ensure the continuity of amenity afforded by existing trees and hedges or hedgerows.

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

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

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Class A, of Part 2 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

20. 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.

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

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

## Note to Applicant

### 1. Working with the Applicant

#### Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative 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:

1. 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. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.  
Trees are likely to contain nesting birds between 1st March and 31st August inclusive. Trees are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
3. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development. No hedging or shrubs should be planted within 1.5 metres of the edge of the Public Path. The granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

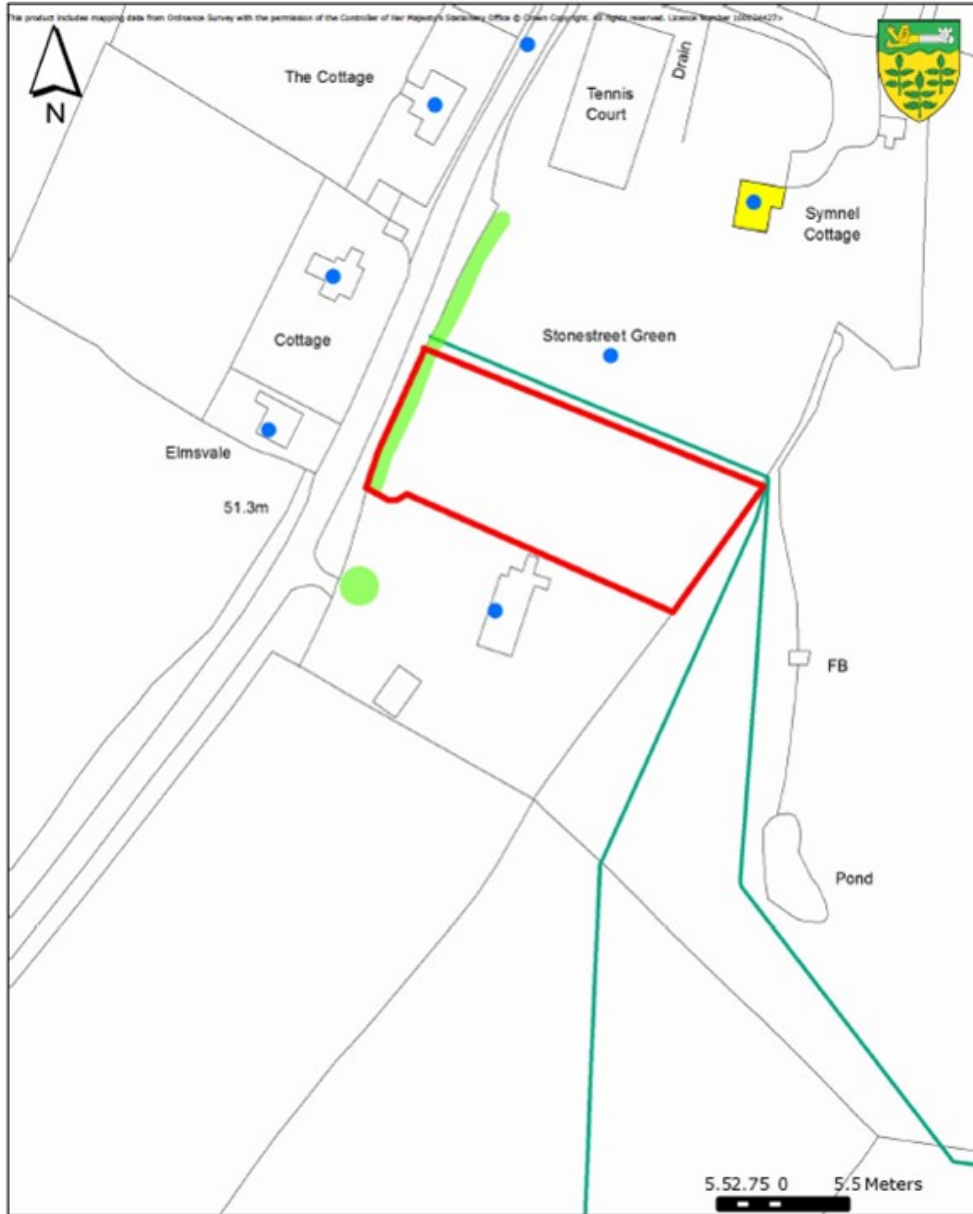
## Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](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 19/00064/AS)

**Contact Officer:** Sarah Edwards  
**Email:** sarah.edwards@ashford.gov.uk  
**Telephone:** (01233) 330403



Annex 1



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<b>Application Number</b>	19/00871/AS	
<b>Location</b>	61 Bryony Drive, Kingsnorth, Ashford, Kent, TN23 3RF	
<b>Grid Reference</b>	01444/39140	
<b>Parish Council</b>	Pluckley	
<b>Ward</b>	Park Farm South Ward	
<b>Application Description</b>	Single storey rear extension; first floor & front extension over garage.	
<b>Applicant</b>	Mr W Munyemweri	
<b>Agent</b>	Mr C McMullon, Sevenscroft Ltd, 277 Canterbury Road, Kennington, TN24 9QW	
<b>Site Area</b>	0.03 ha	
(a) 5/-	(b) S	(c) -

## Introduction

1. This application is reported to the Planning Committee at the request of the ward member, Councillor Wedgbury.

## Site and Surroundings

2. The application site comprises a two storey link detached property within the Park Farm area of Ashford. The site is within a cul de sac with a number of similar styled properties, blocks of flats and communal parking. The property is "linked" by a double garage serving the application site which sits between (and physically attached to) the application site and the neighbour at No 60. There are also two parking spaces in front of the garage. Parking within the entire cul de sac is uncontrolled other than parking for the flats.
3. It is of note that planning permission was granted in 2016 in retrospect for the change of use of areas of land to the rear of the site to be included as part of the residential gardens of both the application site and the neighbour at No 60.
4. A site location plan is attached as an annexe to the report.



Figure 1 - Site location plan

## Proposal

5. Full planning permission is sought for a single storey flat roof rear extension, a first floor extension over the existing garage to the side which is also to project forward but remain recessed by 0.5m from the front elevation of the dwelling. To both the front and rear of the side extension there would be 2 pitched roof dormer windows positioned towards the upper part of the roof slope. It is also of note that whilst the roof form to the front and rear in the main is of a pitched roof design, to keep the ridge line low a flat roof element has been introduced. The development will provide a further bedroom and en-suite bathroom at first floor level creating a 5-bedroom property and an increased footprint of living accommodation at ground floor level afforded by the rear extension.



Figure 2 - existing front/rear elevations

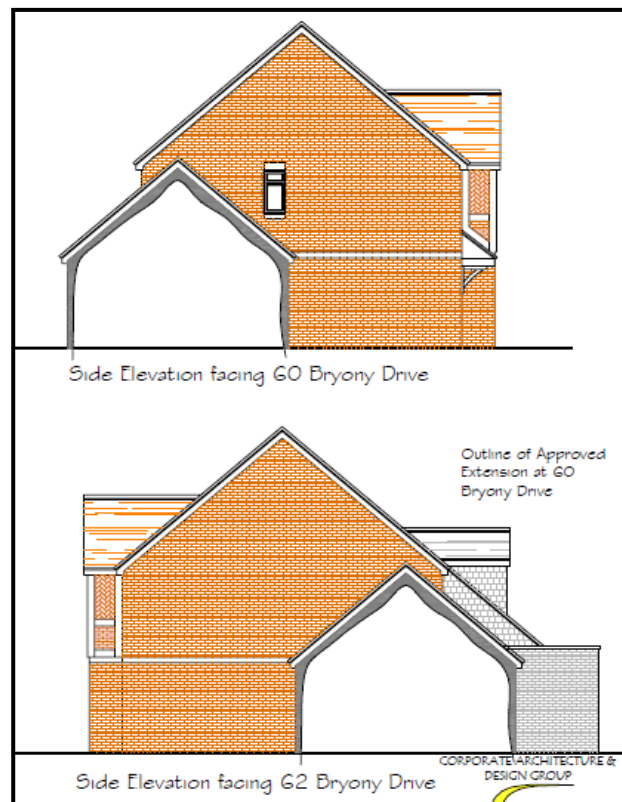
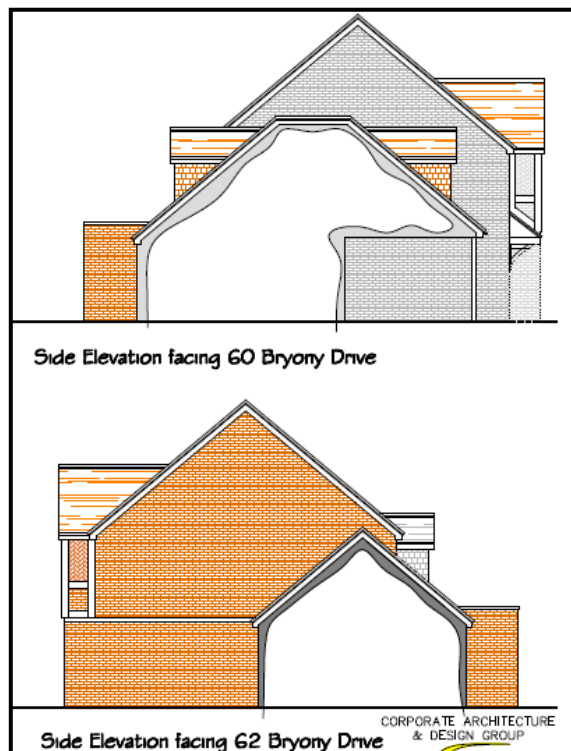




Figure 4 - proposed elevations

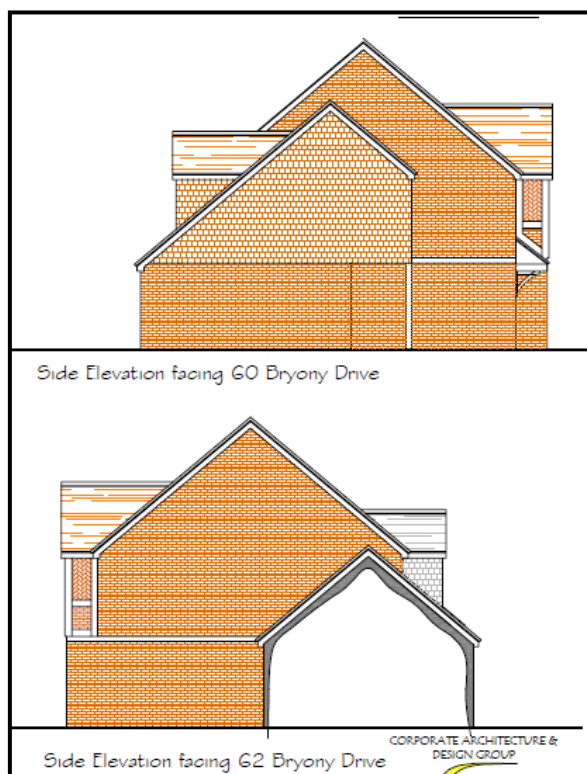


6. This application follows an earlier refusal of planning permission (19/00287/AS) which was also for a first floor extension and single storey rear extension. The reason for refusal was that the siting, design and appearance of the first floor extension would be detrimental to the visual amenity of the street scene due to infilling of the gap between the two properties and the subsequent loss of perceived spaciousness in the area. The proposal, if permitted elsewhere, would result in significant visual harm and undesirable extensions that infill the breaks between detached properties creating an unacceptable terracing effect. It is of particular note that the development subject of the refusal did not involve the creation of any new development further forward of the current building line of the garage. However, the development was higher than the existing garage roof with a full 2 storey eaves.



**Figure 6 - FOR COMPARISON - previously proposed front/rear elevations**





**Figure 7 - FOR COMPARISON - previously proposed side elevations**

7. The earlier application showed an extension of an overall height of 7.5m to infill the gap between the properties. Whilst this current application shows the overall height of the extension reduced to 6m, in order to accommodate the change in height, the garage will now extend further forward than the current situation only 1m shy of the front elevation of the property, yet abutting the front elevation of the neighbour.
8. Three off-road parking spaces will be provided; two within the driveway in a tandem arrangement and a third immediately in front of the property in parallel to its front wall on an area of land which is currently a front garden/lawn area and, as a result, together with a hedge, would need to be removed to make way for the space.

## Planning History

DC	FA	16/01500/AS	Proposed change of use of amenity land to residential garden area & new garden wall.	PERM	13/12/2016
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DC	FA	19/00287/AS	Single storey rear extension & first floor extension over garage.	RR	09/05/2019
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## Consultations

**Ward Member:** Request for the application to be determined by committee.

**Parish Council:** support and welcome changes since previous refusal but comment that a tiled ridge should be seen at the end of the flat roof above the bedroom when viewed from the front and rear of the dwelling. Request informative added regarding hours for construction.

**Neighbours:** 5 neighbours consulted; no representations received

## Planning Policy

9. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
10. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
11. The relevant policies from the Development Plan relating to this application are as follows:-

### **Ashford Borough Local Plan 2030**

SP1 - Strategic Objectives

SP6 – Promoting High Quality Design

TRA3a – Parking Standards for Residential Development

HOU8 – Residential Extensions

SPG10 – Domestic Extensions in Urban and Rural Areas

Residential Parking SPD

## Assessment

12. The main issues for consideration are:

- Visual amenity
- Residential amenity
- Highway Safety

### Visual Amenity

13. Turning first of all to the single storey rear extension. Whilst this would be of a flat roof design, it is of modest proportions with matching materials. Therefore this element of the proposal would not be considered harmful to the visual amenity of the street scene.
14. Turning now to the first floor and front extensions. Whilst it is acknowledged that the height of this extension has been reduced in height by 1.5m since the previously refused application, this has resulted in a requirement to extend the built development forward by 3.7m. This would result in the infilling of the gap between the two properties and, in this case, bringing the entire garage area forward completely filling the area which is currently open hardstanding. This would be particularly evident when viewing the site from the south when entering the cul de sac.
15. In order to accommodate this reduction in overall height, it has been necessary to provide a flat roof above the new bedroom/en-suite. This would result in a 2.2m width of flat roof to form a crown between the two properties which would be out of keeping with the other properties in the area and would introduce an incongruous roof design, one of which is discouraged in the Council's Supplementary Planning Guidance for extensions to dwellings. To accommodate the necessary headroom within the roofspace there are 2 dormer windows to the front and rear. Whilst these are of a pitched roof design they do not sit comfortably within the roofslope and add to the bulk and massing of the extension.
16. Furthermore, the removal of the front garden area to accommodate a parking space would result in a loss of landscaped area which helps to soften the development, the loss of which would be detrimental to the visual amenity of the locality.
17. Taking everything into consideration, the first floor and front extension would, by virtue of its scale and massing, compounded by the insertion of dormer windows, reduce the perceived spaciousness in the street scene due to the

loss of the existing break between the two properties above the existing ridge level of the garages. The resultant infilling would result in a loss of spaciousness in the area and, if permitted elsewhere, would result in significant visual harm and undesirable extensions that would infill breaks between detached properties to create an unacceptable terracing effect. In turn, extending the parking area to include the front of the property resulting in the loss of the formal landscaped front garden with the creation of a further hard surfaced area and parking in its place, would be visually harmful to the street scene where there is a dominance of hard surfacing and very little landscaped areas to provide light visual relief. The development would therefore fail to comply with the aims and objectives of Development Plan policy and the adopted SPG.

### **Residential Amenity**

18. Turning first to the rear extension, given the single storey nature of this aspect of the development, there would be no harm caused to residential amenity.
19. Whilst two dormer windows are proposed on the rear elevation of the first floor extension, given the existence of the single storey rear extension (which is served only by rooflights) serving the neighbour at No 60, there would be no immediate views into the most private garden area of No 60. Given this, and the siting of the first floor extension between the two properties and not extending beyond the rear building lines, I am satisfied that there would be no harm caused to residential amenity due to overbearing development or harmful overlooking.

### **Highway Safety**

20. Adopted policy TRA3(a) – parking standards for residential development – dictates that in suburban and rural locations, three spaces would be required for a property of this size. Whilst the submitted plans show three spaces can be provided, and therefore meets the criteria of policy TRA3(a), the provision of one of those spaces would result in the loss of the front garden area serving the application site. The concerns relating to this loss are considered within the Visual Amenity section above.

### **Human Rights Issues**

21. 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 their 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**

22. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

## **Conclusion**

23. The objective of the development is to provide a further bedroom, bathroom and living accommodation. However, the siting, design and appearance of the extension, along with the removal of the landscaped area would be detrimental to the visual amenity of the street scene for the reasons outlined in the report above.
24. There would be no harm to highway safety as a result of the development.
25. For the reasons above, I therefore recommend that the application is refused as it would be contrary to relevant Development Plan policies and there are no overriding material considerations to suggest otherwise.

## **Recommendation**

### **Refuse**

#### **Subject to the following reasons:**

The proposal is contrary to Policies SP1, SP6 and HOU8 of the Ashford Local Plan to 2030, Supplementary Planning Guidance Note 10 and Central Government guidance contained in the National Planning Policy Framework and would therefore be contrary to interests of acknowledged planning importance for the following reason:

- The proposed first floor and front extensions, by virtue of their siting, design and appearance, and resulting bulk, scale and massing, would be detrimental to the visual amenity of the street scene due to the infilling of the gap between the two properties and the subsequent loss of perceived spaciousness in the area. The proposal, if permitted and repeated elsewhere, would result in significant visual harm and undesirable extensions that infill the breaks between detached properties to create an unacceptable terracing effect. The removal of the formal

landscaped garden with car parking directly in front of the dwelling would also be harmful to the visual amenity of the area.

### **Working with the Applicant**

In accordance with paragraph 38 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and, by adhering to the requirements of the Development Management Customer Charter.

In this instance

- The applicant was informed/ advised how the proposal did not accord with the development plan, that no material considerations are apparent to outweigh these matters and provided the opportunity to amend the application.
- 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 19/00871/AS)

**Contact Officer:** Sally Hodgson  
**Email:** [sally.hodgson@ashford.gov.uk](mailto:sally.hodgson@ashford.gov.uk)  
**Telephone:** (01233) 330724

Annex 1

