



## PLANNING COMMITTEE

Notice of a Meeting, to be held in the Ashford Borough Council on Wednesday, 6th November, 2019 at 7.00 pm.

The Members of the Planning Committee are:-

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

Cllrs. Chilton, Clarkson (ex-officio), Clokie, Forest, Harman, Heyes, Howard,  
Howard-Smith, Krause, Ovenden, Shorter, Smith, Spain, Sparks, Ward, Wright

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 2<sup>nd</sup>

October 2019.

[https://ashfordextranet.moderngov.co.uk/documents/g3457/Public%20minutes%2002nd-Oct-2019%2019.00%20Planning%20Committee.pdf?T=11&\\$LO\\$=1](https://ashfordextranet.moderngov.co.uk/documents/g3457/Public%20minutes%2002nd-Oct-2019%2019.00%20Planning%20Committee.pdf?T=11&$LO$=1)

#### 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>18/00056/AS - Land between A2070 and Railway north of, Warehorne Road, Hamstreet,</b>   | 3 - 44    |
|     | Outline planning application for residential development for up to 50 dwellings including details of pedestrian and vehicular accesses onto Warehorne Road and pedestrian and cycleway access onto Ashford Road only.  |           |
| (b) | <b>18/01508/AS - Recreation Ground between Halstow Way and Noakes Meadow, Ashford, Kent</b>  | 45 - 100  |
|     | Proposed development of 17 apartments for affordable rent on part of an existing area of open green space off Halstow Way; comprising 6 no. 1 bedroom apartments, 7 no. 2 bedroom apartments; 4 no. 3 bedroom apartments and associated parking together with the relocation of the existing barrier to the Willow Centre and the creation of x 4 resident only parking spaces set within new soft landscaping to the north-east of 7 Halstow Way. |           |
| (c) | <b>19/00445/AS - Millgarth, The Hill, Charing, Ashford, TN27 0LU</b>   | 101 - 120 |
|     | Demolition of existing dwelling and erection of x2 dwellings   |           |
| (d) | <b>19/00941/AS - Peniel, Bethersden Road, Smarden, Ashford, Kent, TN27 8QU</b>   | 121 - 134 |
|     | Demolition of the existing dwelling, detached garage and storage buildings and replacement with 2 no. detached dwellings with associated landscaping and parking   |           |

Erection of Single Storey Rear Extension

**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

31 October 2019

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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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# Agenda Item 5a

Ashford Borough Council - Report of Head of Development Management and Strategic Sites  
Planning Committee 6<sup>th</sup> November 2019

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<b>Application Number</b>	18/00056/AS
<b>Location</b>	Land between A2070 and Railway north of Warehorne Road, Hamstreet, Kent TN26 2JR
<b>Grid Reference</b>	99790/33397
<b>Parish Council</b>	Warehorne
<b>Ward</b>	Weald South
<b>Application Description</b>	Outline planning application for residential development for up to 50 dwellings including details of pedestrian and vehicular accesses onto Warehorne Road and pedestrian and cycleway access onto Ashford Road only (all other matters reserved). Provision of informal recreation / ecological area to the north.
<b>Applicant</b>	Crabtree & Crabtree (Hamstreet) Ltd
<b>Agent</b>	Mr Steven Davies, Hobbs Parker Property Consultants, Romney House, Monument Way, Orbital Park, Ashford, Kent TN24 0HB
<b>Site Area</b>	6.2 hectares

(a) 102/65R (2 petitions)	(b) Warehorne - R Orlestone(adj) - R	(c) KH&T – X; KCC ECO – X; SW – X, KCC SuDS – X; PO (Drainage) – X; KCCDC – X; KCC Heritage - X; NHS – X; ESM(EP) – X; SSoS – X; Kent Police – X; CPRE – R; ABC Housing – X; NE – X; EA – X; Network Rail – X; Ramblers -;
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## Introduction

1. This application was initially reported to the Planning Committee on 5 June 2019 because it involved the erection of more than 9 dwellings and therefore is classified as a major development that requires determination by the Planning Committee under the scheme of delegation. The application was deferred by Members for the following reasons:

- **A more detailed traffic survey to be done between 7am and 7pm for the period of a week not during the school holidays and to look at traffic management and traffic flows arising from the development.**
- **Seek confirmation from Southern Water as to when the upgrading of the sewage works will take place and what these works will consist of.**
- **Amend the plans to show the northern boundary of the developable part of the site to the south in the exact location of the northern boundary of the site as shown under site allocation S57 of the Ashford Local Plan 2030.**
- **Agree to change the application description to state up to 50 dwellings.**
- **Look into the possibilities of providing alternative parking provision for Residents along Warehorne Road as a result of the loss of highway parking as a result of the traffic management measures proposed. This should look at including alternative parking provision along Warehorne Road.**

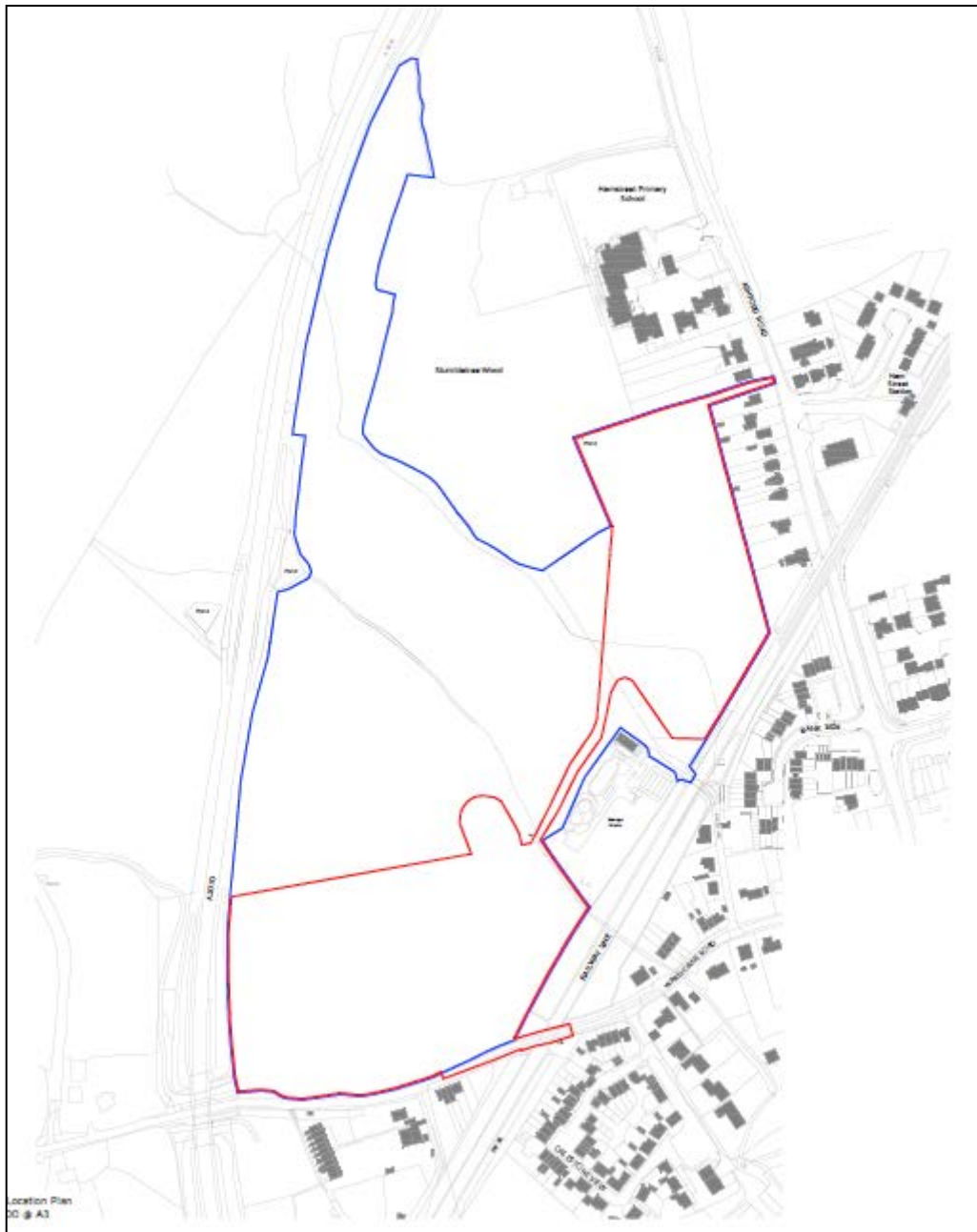
## **Site and Surroundings**

2. The application site covers an area of approximately 6 hectares (developable area approx. 3 hectares) immediately to the north, and accessed from, Warehorne Road (B2067). The application site itself lies within both the parishes of Warehorne & Orlestone (the developed part of the site within the former). The site comprises two, largely flat, arable fields which are separated by a watercourse which runs north to south through the site. The site is slightly elevated to Warehorne Road and set down between the railway line to the east and the A2070 to the west. The site is largely enclosed by mature hedgerow and there are trees along the railway embankment with further trees dotted over the western field. There is a small wooded area which borders the site to the north with more substantial areas of woodland beyond this.
3. To the south lies Warehorne Road with the village of Hamstreet to the south east (approx. 350m away). To the west is the A2070 bypass road with a number of residential properties and open fields beyond this. To the north-east is Hamstreet Primary School and the railway station. A small scale sewage treatment plant lies to the east of the site. The site is well served by both public and private transport infrastructure.
4. There are no public rights of way (PROWs) that run through the site although there is a network of PROWs to the west of the A2070. There are no designated wildlife sites / nature reserves within the application site or immediately adjoining it. The

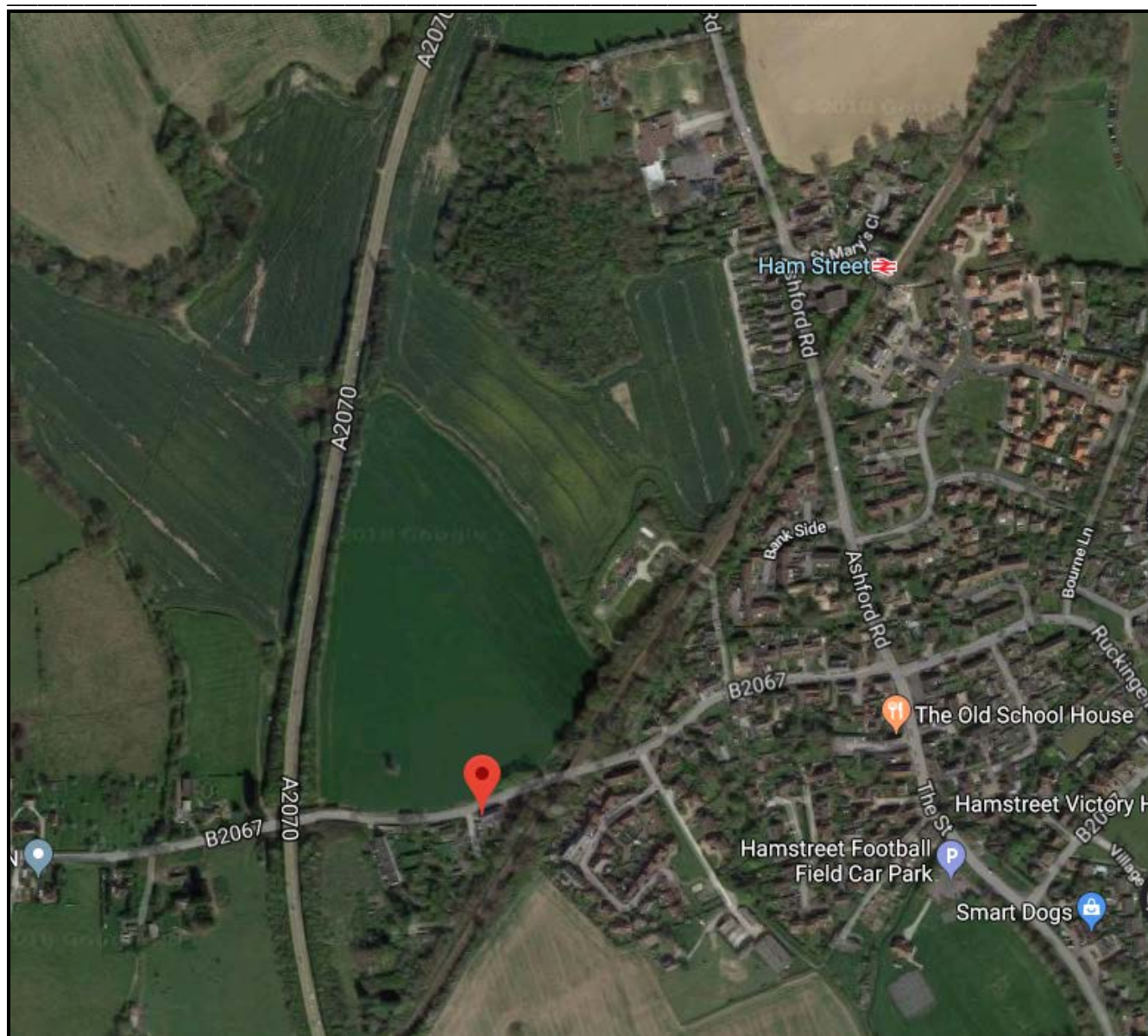


Dungeness, Romney & Rye Bay SSSI lies approx. 270m to the south of the site and the Orlestone Forest Local Wildlife site / Nature Reserve approx. 360m to the west of the site with the Orlestone Forest SSSI beyond this. Immediately to the north of the site (adjacent to the area of open space) is the Stumbletree Wood Ancient Woodland. The land is also not in an area of known contamination (although there could be contamination as a result of its agricultural use) or archaeological interest / potential. The site is classified as Grade 3 agricultural land.

5. A small part of the site, along the eastern edge, falls within flood zone 3 and a slightly more extensive area, again to the east, is in flood zone 2. The site in the main falls within an area of ground water vulnerability.
6. The entire site currently forms countryside described as the Old Romney Shoreline in the Landscape Character Area Assessment. The key characteristics of this are:
  - Undulating landforms
  - Open views to the Romney Marsh
  - Mixed land use
  - Higher wooded ground to the west
  - Numerous small settlements along the former shoreline
  - Distinctive stone churches as prominent features
7. The landscape analysis states that the condition is good and sensitivity high with the guidelines to conserve. Detracting features are the A2070 and the railway line.



**Figure 1 – Site location plan**



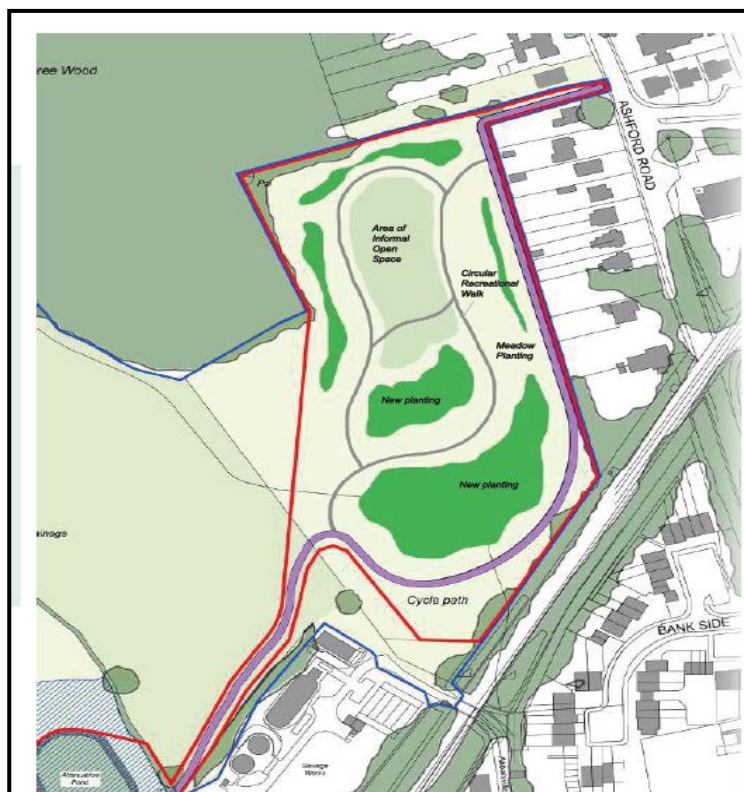
**Figure 2 - Aerial photo of the site**

## **Proposal**

8. Outline planning permission is sought for residential development with associated play area, attenuation pond and natural open space. The application has been amended since the scheme was first submitted to committee to show the developable area of the site exactly as that shown in policy S57. The application has also been amended to say up to 50 dwellings (17 units per hectare). Originally the application sought up to 70 dwellings.
9. The overall site area is approx. 6 hectares although this includes the large area of informal space which links to the site via the proposed pedestrian / cycleway. The

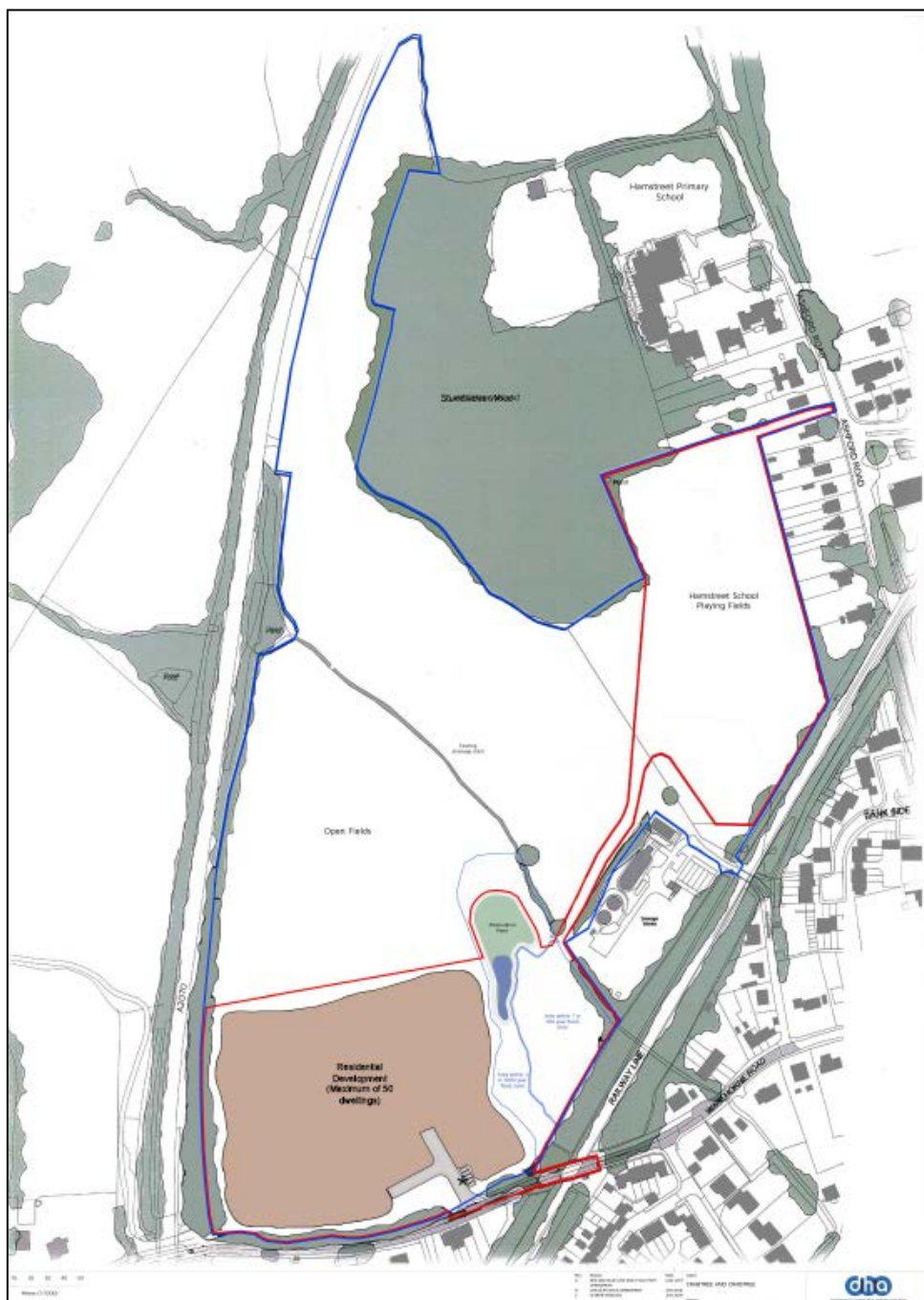
south eastern corner is within flood zones 2 & 3 although no built development is proposed in this area. The attenuation pond however would be.

10. The only matters for consideration under this application are the principle of residential development on the site for up to 50 dwellings, the means of vehicular / pedestrian access from Warehorne Road and pedestrian / cycleway access onto Ashford Road. There would be one vehicular access point into the site from Warehorne Road. A pedestrian / cycle link through the upgrade of an existing track is proposed to the north of the site providing access to Ashford Road. Matters including appearance, landscaping, layout, scale and access ways through the site are all reserved matters for consideration at a later date should outline planning permission be granted.
11. A 15m wide landscape buffer is proposed along the western boundary with the A2070. All perimeter planting is retained with the exception of approx. 125m of hedgerow along Warehorne Road to provide the access and sightlines to the site. This would be replaced behind the visibility splay. Considerable additional planting is proposed to bolster the perimeters of the site as well as throughout the site to soften its appearance and enhance ecological routes and features within the site.
12. The area of informal open space to the north is not a requirement of adopted policy S57, however, the land is within the applicants' ownership. It enables a pedestrian / cycle route to be provided from the dwellings through to Ashford Road exiting just to the south of the primary school. This land is proposed to provide a number of benefits other than enabling the pedestrian / cycle link. It would provide informal recreational opportunities with mown paths providing countryside walks. It would also enable significant areas of indigenous planting and landscaping and enhancing the ecological habitat on the site. It also acts as a buffer between the development site and sensitive Ramsar, SSSI, local wildlife sites ancient woodland and alleviates recreational pressure on these sites as a result of the development. This space was devised in consultation with Natural England. The indicative layout of the northern part of the site is set out in figure 3 below.



**Figure 3: Landscape treatment to northern half of the site (outside of the site allocation)**





**Figure 4: Site as a whole with amended red line to the northern boundary**

13. The initial documentation submitted in support of the application is in the original report that is appended.
14. Additional information has been submitted to address the reasons for deferral:

Amended site location plan

15. This shows the developable area of the site as per site allocation S57 and amendment to the description to refer to up to 50 dwellings. This is shown in figure 4 above and now shows the developable area of the site as per the site allocation.

#### Updated traffic survey

16. This was undertaken for a week between 7am and 7pm outside of school holidays. The main points are summarised below:

#### Original surveys

- The Automated Traffic Counter (ATC) submitted with the application initially was under taken adjacent to the site from 1st July 2016 for 1 week. There was also a manual traffic count undertaken at the junction of Warehorne Road and Ashford Road on 8 September 2016 between 0730-0930 & 1630-1830 to record the AM and PM peaks respectively. Both of these dates were in term time.
- The shuttle traffic lights at the bridge enables the provision of a continuous footpath from the site to the village as well as helping to ease congestion problems at the junction with Ashford Road.

#### Post submission surveys

Following deferral, in consultation with Kent Highways, it was agreed that two ATC surveys should take place on Warehorne Road either side of the railway bridge for 1 week again during term time. This commenced on 25 June 2019.

- Traffic flows of the proposed development based on TRICS (a nationally recognised tool for trip prediction). Based on 70 dwellings it was predicted the development would generate 37 two way trips during the AM & PM peaks which is not considered to be significant.
- Site visits undertaken to establish parking on Warehorne Road.
- The ATC to the east of the railway bridge was damaged during the survey period and as such the duration of this counter was extended into the following week to provide a full week of data. The ATC to the west of the bridge was not affected during the survey period.
- The ATC survey located at the point of the proposed access recorded average weekday flows of 143 eastbound and 142 westbound in the AM peak hour and 177 eastbound and 159 westbound in the peak hour. The average weekday 12 hour flows were 1534 eastbound and 1472 westbound. The table below compares the traffic flows along Warehorne Road arising from the 2016 and

2019 surveys and demonstrates that they are comparable. This endorses the data in the original Transport Statement.

Comparison of 2016 and 2019 Weekday Data									
	2019					2016			
	ATC East Site		ATC West site			ATC West site		Manual Turning Count	
	from	to	from	to		from	to	Thursday 8th Sep 2016	
	Tue	Wed	Tue	Mon		Fri	Thu		
	25-Jun	03-Jul	25-Jun	01-Jul		01-Jul	07-Jul		
Eb	Wb	Eb	Wb	Eb	Wb	Eb	Wb		
0800-0900	149	170	130	164	143	142	146	186	
1700-1800	188	165	175	153	177	159	174	169	
0700-1900	1658	1730	1560	1555	1534	1472	N/A		
24hr	1965	1979	1859	1871	1816	1774	N/A		

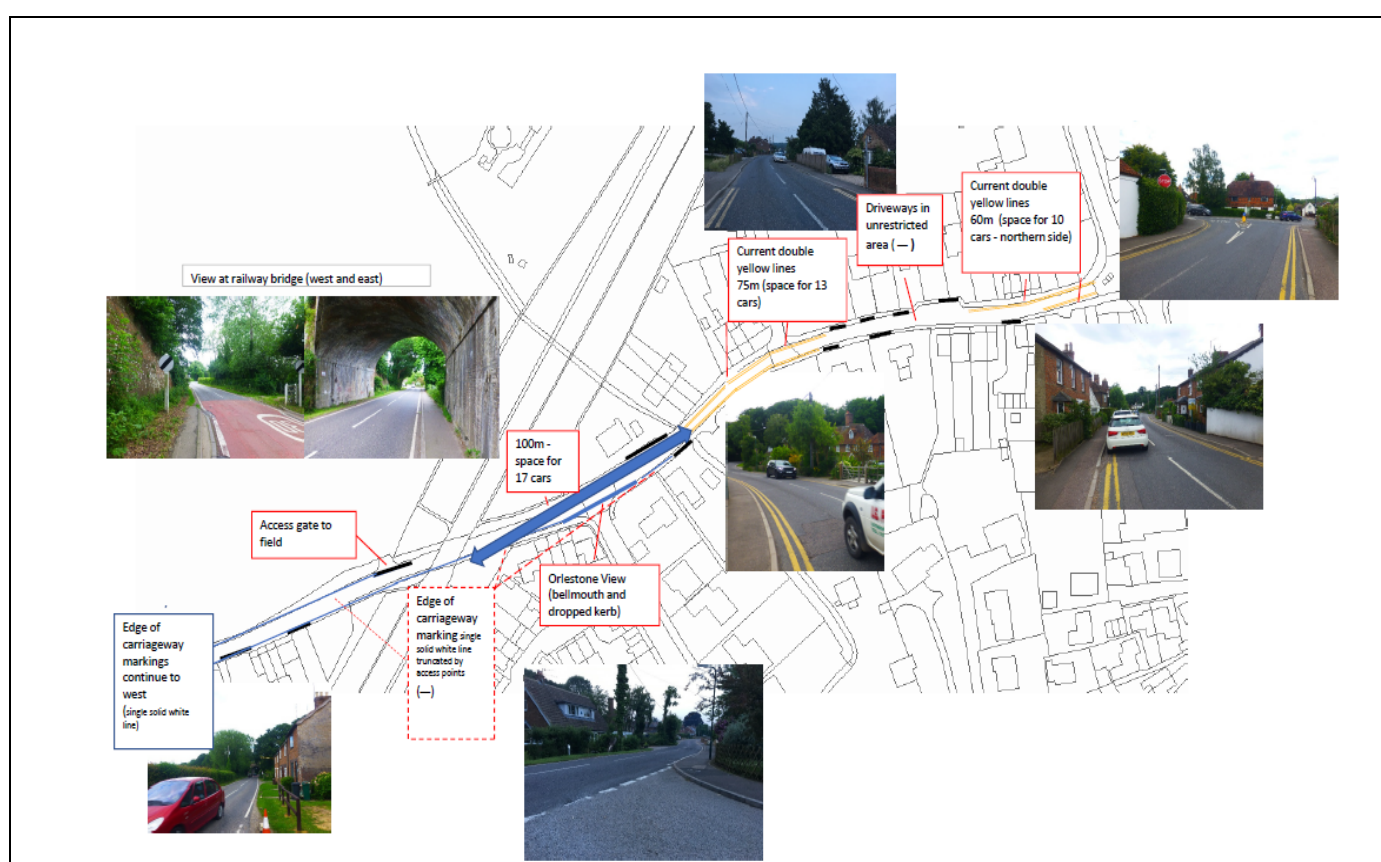
Table 2-1 : 2016 and 2019 traffic data

**Figure 5: Comparison of ATC figures taken in 2016 & 2019**

- In overall terms traffic movements along Warehorne Road are considered to be low with no more than 3 vehicles per minute travelling along the road in either direction during the AM & PM peaks.
- Results of the site visit showed there to be no parking along Warehorne Road in close proximity to the development site and the traffic lights proposed would not cause any loss of parking amenity.
- The rationale for the shuttle lights is to break up and manage platoons of traffic that are known to currently form along Warehorne Road. This will provide greater efficiency to the approach to the junction in the village centre. This is accepted by Kent Highways & Transportation.
- Double yellow lines either side of the signalled crossing will allow moving traffic in one direction (during the green phase to safely pass static traffic in the red phase. The short duration of green phases) in each direction will prevent platoons of undue length forming which can be currently the case.
- Existing driveways (which nearly all properties along Warehorne Road have) will provide passing space to reduce traffic disruption which is a common scenario along most roads. The signalled crossing would reduce long platoons of traffic movements eastbound into the village.



- The development site now includes 5 parking spaces off the access road into the site. Whilst there is no firm evidence that this is actually required it will act as an additional parking resource for residents of Warehorne Road.
- Kent Highways agree with the data in the Transport Statement and raise no objection subject to conditions.
- The drawing below shows the location of existing parking restrictions and driveways which provide vehicle passing points currently.



**Figure 6: Existing situation in respect of parking restrictions along Warehorne Road**

Confirmation from Southern Water regarding the upgrading of the sewage works

17. Network reinforcements will be funded through the New Infrastructure Charge and through SW Capital Works Programme. Southern Water and the developer will work together in order to review the delivery of the network reinforcement so it aligns with occupation of the units to ensure that there is capacity. SW will carry out detailed network modelling as part of the review. This will then establish the

extent of the works required (if any) and to design such works in the most economic manner to satisfy the needs of existing and future occupiers.

18. The overall time required depends ultimately on the complexity of the scheme needed to provide network reinforcement. SW seek to limit the timescales to 24 months from a firm commitment from the developer to commence construction on the site provided planning permission has been granted.
19. To address this SW usually suggest the imposition of the following condition:

*“Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development”*

Agree to change the application description to state up to 50 dwellings and amend the the northern boundary to the developable part of the site to the south in line with that shown in policy S57.

20. The applicant has agreed to this and the description of the application has been amended accordingly. The redline demarking the northern boundary of the developable part of the site to the south has also been amended to correspond to that shown in policy S57.

Alternative parking provision for residents along Warehorne Road as a result of the loss highway parking as a result of the traffic management measures proposed. This should look at including alternative parking provision along Warehorne Road.:-

21. This has been looked at thoroughly. The displacement of parking along Warehorne Road would be minimal and all but approximately 4 dwellings along the stretch of road from Ashford Road to the application site have off road parking to the rear.
22. The provision of replacement parking along Warehorne Road has been investigated however there is not sufficient land in the ownership of Kent Highways to provide this. In addition it would obstruct the footpath which links the site to the village.
23. 5 car parking spaces will be provided within the application site to compensate for any loss of on street parking. The exact location will be determined at the reserved matters stage but it will be as divorced from the rest of the development as possible and located as close to the crossing point as possible. This will make it undesirable for occupants of and visitors to the site to use. Parking within the site will meet the requirements of the adopted development plan with visitor parking well integrated into this.

## Planning History

24. There is no planning history relating to this site

## Consultations

Please refer to the 5 June 2019 committee report appended to this report. 1 additional letter of objection has been received since the application was reported to the planning committee which raised no additional issues to those already set out in the report.

**Kent Highways & Transportation** – no objection subject to conditions as the impact of the development is reduced following the reduction in the number of units from 70 to 50  
**(DMM comment:** No objection was raised to the scheme for 70 dwellings based upon highway improvements and subject to conditions)

## Planning Policy

25. 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).
26. 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).
27. The relevant policies from the Development Plan relating to this application are as follows:-

### **Ashford Local Plan 2030 (Adopted February 2019)**

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

SP7 - Separation of Settlements

S57 – Hamstreet, Land at Warehorne Road (site specific policy)

HOU1 – Affordable Housing

HOU3a – Residential Development in the rural settlements

HOU5 - Residential windfall development in the countryside

HOU6 – Self & Custom Built Development

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

ENV3a - 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

ENV15 – Archaeology

COM1 - Meeting the Community's Needs

COM2 – Recreation, Sport, Play and Open Spaces

IMP1 – Infrastructure Provision

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

### **Other Guidance**

Informal Design Guidance Notes 1- 4 2015

### **Government Advice**

National Planning Policy Framework 2018

Planning Policy Guidance

Technical housing standards – nationally described space standard

28. 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
- Chapter 15 - Conserving and enhancing the natural environment

## Assessment

29. The main issues for consideration are those that resulted in the deferral of the application and these are assessed below. All other material considerations which the planning committee considered in June are as per the appended report.

A more detailed traffic survey to be done between 7am and 7pm for the period of a week not during the school holidays and to look at traffic management and traffic flows arising from the development.

30. This was carried out during term time for a period of 1 week. The ATC eastbound was damaged during survey and the survey was extended. The westbound counter was undamaged. The data obtained was compatible with the data in the 2016 survey which was included in the initial Transport Statement that was submitted in support of the application. The survey was carried out in term time as requested by the planning committee. The results verify the findings of the 2016 survey which shows traffic flows along Warehorne Road to be low.
31. The traffic flows from the initial scheme for 70 dwellings showed that there would be 37 two way traffic movements in both the AM & PM peak periods. This was not considered significant given the low volumes of traffic movement along Warehorne Road. The application in its amended form reduces the amount of housing on the site by almost 30% which will result in a reduction in vehicle movements generated by the development also by almost 30% significantly reducing the impact of the development further in highway safety terms. This would reduce the two way movements in the AM & PM peaks to 26 from 37.
32. In terms of the signaled shuttle crossing, as set out in the report appended KH&T along with the signaling team raise no objection to this. It allows for the provision of a safe pedestrian footway from the site to the village. It also will improve the efficiency of traffic movement along Warehorne Road to avoid long platoons of traffic building up along Warehorne Road which can currently be the case. It will also improve the functioning of the junction between Warehorne Road and Ashford Road. Double yellow lines may be required (subject to a TRO) either side of the signaled crossing, however, there is not currently on street parking in this location so there would be no loss of on street parking resource in this location. The remaining double yellow lines (again subject to a TRO) are proposed across existing driveways to properties along Warehorne Road (which nearly all properties have) to clearly formalise and demark these passing points and ease egress from the driveways for the occupants of these properties. These may extend very

slightly either side of the driveway but any loss of on street parking would be negligible. Illustrative photographs of this are set out below:



**Figure 7: Indicative illustration of proposed double yellow lines across driveways to formalise passing bays**

33. Currently there are only 4 properties along Warehorne Road that do not benefit from off road parking.
34. As can be seen from the appended report there was no highway safety concern arising from the development when up to 70 dwellings were proposed. The reduction in units to 50 reduces even further the impact of the development in highway safety terms.
35. In respect of cumulative impact from this development and the development proposed to the north of St Mary's Close this was looked at in detail at the Examination in Public into the local plan when the suitability of these allocations were being looked at for inclusion in the local plan. The Planning Inspectors did not consider that the cumulative impact would result in the allocations being unacceptable in highway terms. It should be noted that in the NPPF the test for cumulative impact of traffic being unacceptable is where it can be demonstrated that there would be severe harm which is not the case here.
36. In light of the above it is considered that this reason for deferral has now been satisfactorily addressed.

Seek confirmation from Southern Water as to when the upgrading of the sewage works will take place and what these works will consist of.

37. As part of the consultation process for the application when it sought up to 70 dwellings Southern Water (SW) raised no objection subject to a condition requiring a drainage strategy detailing the means of foul water disposal to be submitted and approved prior to the commencement of development and thereafter implemented. They also requested a condition requiring foul and surface water drainage to be agreed in consultation with SW.
38. Southern water has confirmed that there is adequate capacity at the Waste Water Treatment Station to serve both this development and that at St Mary's Close.
39. In respect of foul water drainage Southern Water (SW) has confirmed that the developer is required to provide the sewerage facilities up to the nearest point of connection to the public sewer which runs along Warehorne Road and the eastern part of the application site. This connection requires the agreement of SW.
40. Under changes brought in by Ofwat over the charging regime, whereas prior to April 2018 the water companies would charge developers for any reinforcement works to the existing network directly attributable to the new demand, under the new and current charging regime they can only require the developer to directly pay for upgrades to the network up to the nearest point of connection.



41. Upgrades required between the manhole connection and the Hamstreet WWTW would be carried out / funded by SW. SW are required by law to carry out any improvements in the network from the closest point of connection and this is funded through the infrastructure costs per dwelling (connection charging regime) which is standard across the networks and are to cover all upgrades rather than the developer funding specific upgrades. Pursuant to the Water Act the developer enters into the connection agreement with SW in return for the payment of the connection charge. At this point SW are legally bound to undertake the necessary upgrade. SW has stated that the treatment works has capacity and won't need upgrading. Subject to the provision of such infrastructure upgrades then there would be sufficient capacity to service this development. Clearly such upgrades don't take place until there is planning permission in place and a firm commitment by the developer to commence construction on the site to avoid abortive works. Depending upon the extent of the network upgrade this dictates the time it takes to deliver but by law it must be delivered. This does not prevent the construction of the dwellings but may require a phased occupation so that the sewerage system at all times has the necessary capacity to serve the development.

42. To ensure that this is the case SW has requested a further condition in order to maintain their no objection to the scheme:

*"Occupation of the development is to be phased and implemented / occupied to align with the delivery by Southern water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development"*

43. In light of this I consider that this reason for deferral has been satisfactorily addressed.

Amend the plans to show the northern boundary of the developable part of the site to the south in the exact location of the northern boundary of the site as shown under site allocation S57 of the Ashford Local Plan 2030.

44. The applicant has amended the northern boundary of the developable area to the south to that as shown on the proposals map under policy S57 of the Ashford Local Plan 2030. As such this reason for deferral has been addressed.

Agree to change the application description to state up to 50 dwellings.

45. The applicant has amended the description to state up to 50 dwellings are being sought. No further consultation was undertaken as the impact of the proposed development in its revised form would have considerably less impact than that originally sought (up to 70 dwellings). As such this reason for deferral has been addressed.

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Look into the possibilities of providing alternative parking provision for residents along Warehorne Road as a result of the loss highway parking as a result of the traffic management measures proposed. This should look at including alternative parking provision along Warehorne Road.

46. As can be seen from the additional supporting information submitted to address the Planning Committee's reasons for deferral there would be minimal displacement (if any) of any on street parking resource to serve this development. As set out above double yellow lines are proposed across existing driveways to formalise passing points and ease egress from the driveways from occupants of the dwellings. Apart from possibly the need for double yellow lines either side of the signalled crossing no further parking restrictions are considered necessary to allow the safe and efficient operation of the signalled crossing point.
47. Notwithstanding this, additional parking along Warehorne Road has been looked at at Members' request. However, there is insufficient room for this to be provided on the public highway. Further, to try to provide this would also result in the obstruction of the pedestrian footway linking the development to the village.
48. There are currently 4 properties along Warehorne Road between the development site and the junction of Warehorne Road and Ashford Road without the benefit of off road parking. The application seeks to provide 5 parking spaces close to the access for the development for use by existing residents. At the reserved matters stage when the layout is to be considered these spaces will be located as conveniently as possible to serve existing residents and to make them inconvenient and undesirable for use by residents of the new development. Further at the reserved matters stage the layout will need to demonstrate on plot parking and well integrated and convenient visitor parking to meet the requirements of adopted local plan policy TRA3a which will mean there will be no pressure for the use of these spaces by occupants or visitors to the development.
49. It is considered that the applicant has addressed the Planning Committee's reason for deferral in this regard.

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

50. 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

51. The site allocation policy S57 (g) clearly states that it is required to provide appropriate contributions towards the provision, management and maintenance of related community facilities and infrastructure. These are set out in Table 1 below which sets out the heads of terms for the S106 Agreement.
52. 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.
53. At 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). 5% of the dwellings will be reserved for custom or self-build.
54. 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.
55. The development proposal gives rise to up to 20 additional primary school pupils during the occupation of the development and 14 additional secondary school pupils which KCC has identified can only be met through the enlargement of Hamstreet Primary school and the Norton Knatchbull school (Hamstreet does not have a secondary school but it is likely that some of the children on this development will attend the Norton Knatchbull school).
56. KCC has also requested contributions for the following:
  - Libraries – contribution towards additional book stock to serve the increased demand for borrowing arising from the development. This would go to meeting the additional demand upon the mobile library that visits Hamstreet.
  - Youth Services – contribution requested towards additional equipment for Kingsnorth outreach Youth Service to enable outreach provision. This is a priority service area for Kent Youth, enabling it to take the service to different localities, including Hamstreet. It is recognised that not all young people are able or want to come to a centre, but that does not mean they can't still take part. This is where street based youth work comes in. Youth workers go out and about and talk to young people about what they enjoy doing, engage

them in positive activities and address issues raised by working with local partner agencies.

- Community Learning - operates in a number of locations using a Hub and Spoke Model. The main centre for Community Learning in the Ashford District operates from the Ashford Gateway, with courses running from smaller facilities across the borough and further afield in Kent. At present, there are no Community Learning courses taking place in Hamstreet. Although Community Learning is actively promoting the use of flexible spaces across the county (for example, running programmes from community halls), it is not economically viable at present to invest this contribution in Hamstreet. Therefore, as the majority of TN26 residents access Community Learning via the Ashford Gateway, it would be most appropriate to direct the contribution to the Ashford Gateway centre as this is the most likely facility to serve the residents of Hamstreet.
- Social Care - the S106 contribution was requested towards upgrading the Community well-being hub at Braethorpe in Ashford. There is currently no social service facility or commissioned service operating from Hamstreet. It is not possible to offer the specialist services required by individual clients in every development location. One of Kent Social Service's priority areas is to maintain an individual's independence in their own environment. This includes investing S106 contributions in community facilities to improve their accessibility. A review of the Hamstreet Village Hall website advertises this as a fully accessible facility and would appear not to require further investment. If the Parish Council wish to re-build its village hall, and the project has a realistic timeframe for build and a budget in place, then KCC would be willing to look at investing the social services contribution in this to assist in the accessibility of such a facility.

57. Contributions under the Green Spaces SPD – Contributions are as per those set out in table 1 with almost all being spent within the village of Hamstreet with Council / Parish Council identified projects. The exception being the contributions towards strategic parks. No such facilities are available in Hamstreet hence the contribution requested for Conningbrook. Strategic parks by their very nature are there to serve all residents of the borough and beyond and hence will directly benefit the residents of this development.
58. NHS – Contributions towards the refurbishment / expansion of Hamstreet Surgery. There is currently limited capacity within existing general practice premises to accommodate growth in this area; this is supported within the local Ashford Primary Care Development Plan which has been developed by the GP contractors and adopted by the CCG. The need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice premises; this is highlighted in the CCG GP Estates

Strategy. General practice premises plans are kept under regular review as part of the GP Estates Strategy and priorities are subject to change as the CCG must ensure appropriate general medical service capacity is available as part of our commissioning responsibilities.

59. This development is expected to impact directly on the Ashford Rural Primary Care Network of practices, and in line with the Development Plan, the CCG would support the creation of increased capacity within Hamstreet Surgery as a priority project to absorb growth from planned housing developments. The practice will be required to develop a business case in order to mitigate the impact of the growth from additional development. The proposal is likely to include the internal reconfiguration of space to release additional clinical capacity within the building, for example, conversion of admin space to clinical.
60. Should any of the projects identified in Table 1 be subsequently amended then delegated authority is requested to amend the S106 agreement accordingly.
61. 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.
62. The Parish Councils have requested contributions towards a new village hall and state that they are in the process of costing up a project. Policy S57 does not require the delivery of, or contributions specifically towards, a new village hall or refurbishment of the existing. For such a contribution to be justified then it would need to be a policy requirement and it is not. In addition, a development of this size would not normally require such a contribution in addition to those outlined in Table 1. It may however be possible to forgo some of the community facility based contributions set out in Table 1, in this instance, for a contribution towards the village hall subject to this meeting the tests set out in the CIL Regulations. Currently without a fully costed project and evidence of a budget to deliver the project such a contribution would fail the test set out in Reg 123 of the CIL Regulations and should not be sought in this instance at the expense of other CIL compliant contributions required to offset the harm arising from the development.

**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>Affordable Housing</b>                      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 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</p>	40%	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</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 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>

	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>Self &amp; Custom Built Development</u></b></p> <p>No less than 5% of the dwellings to be custom self build.</p> <p>In accordance with policy HOU6</p>	5%	None	<p><b>Necessary</b> as would provide housing for those who are not able to otherwise self and custom build pursuant to Ashford Local Plan 2030 policy HOU6 and guidance in the NPPF.</p> <p><b>Directly related</b> as the housing would be provided on-site in conjunction with open market housing.</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.
4.	<p><b><u>Children's and Young People's Play</u></b></p> <p>Contribution towards an outdoor gym and play provision at Pound Lees recreation ground</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<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 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>



5.	<p><b><u>Informal/Natural Space</u></b></p> <p>Provision on site to the value set out in the adjacent column.</p> <p>(Amount dependent on the number of units provided on the site)</p> <p>To be maintained through a management company.</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>Contribution towards an outdoor gym and play provision at</p>	<p>£1,589 per dwelling for capital costs</p>	<p>Before completion of 75% of</p>	<p><b>Necessary</b> as outdoor sports pitches are required to meet the demand that would be generated</p>

	<p>Pound Lees recreation ground</p>	<p>£326 per dwelling for maintenance</p>	<p>the dwellings</p>	<p>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>Strategic Parks</u></b></p> <p>Contribution towards the seating and shelter provision around the lake at Conningbrook Country Park, as part of the public art project.</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</p>

				<p>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><b>Allotments</b></p> <p>Provision of running water at Hamstreet allotments</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for future maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p><b>Necessary</b> as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, COM3, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will</p>

				<p>use allotments 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><b>Cemeteries</b></p> <p>Contribution towards the upkeep of the cemetery at St Mary's church</p>	<p>£288 per dwelling for capital costs</p> <p>£1766 per dwelling for future maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as cemeteries are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, COM3, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will require cemeteries and the cemetery provided would be available to them.</p> <p>Fairly and reasonably related in</p>

				scale and kind 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.
10.	<p><b>Primary Schools</b></p> <p>Project: Towards Phase 1 expansion of Hamstreet Primary School</p>	<p>£3,324 per applicable house</p> <p>£831 per applicable flat</p>	<p>Half the contribution upon occupation of</p> <p>25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary.</b> The proposal would give rise to an additional 38 primary school pupils. There is no spare capacity at Hamstreet school and pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as children of occupiers will attend primary school 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</p>

				on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.
11.	<p><b><u>Secondary Schools</u></b></p> <p>Project:- Towards Phase 1 Norton Knatchbull 1FE expansion</p>	<p>£ 4115.00 per applicable house</p> <p>£1,029.00 per applicable flat</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> as no spare capacity at any secondary school in the vicinity and pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF</p> <p><b>Directly related</b> as children of occupiers will attend secondary school 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 secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>

12.	<p><b>Libraries</b></p> <p>Contribution for additional bookstock for the mobile library that serves Hamstreet.</p>	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<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>
13.	<p><b>Health Care</b></p> <p>Extension / refurbishment / upgrade of Hamstreet Surgery</p>	<p>£504 for each 1-bed dwelling</p> <p>£720 for each 2-bed dwelling</p> <p>£1,008 for each 3-bed dwelling</p> <p>£1,260 for each 4-bed dwelling</p> <p>£1,728 for each 5-bed dwelling</p>	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p><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.</p> <p><b>Directly related</b> as occupiers will use healthcare facilities and the facilities to be funded will be</p>

		dwelling or larger		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.
14.	<b>Community Learning</b>  Project:- Equipment for Ashford Gateway.	£34.45 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<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.  <b>Directly related</b> as occupiers will use the community learning and skills service.  <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.
15.	<b>Youth Services</b>  Project:- additional equipment at Kingsnorth outreach	£27.91 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on	<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



			occupation of 50% of the dwellings	in the NPPF. <b>Directly related</b> as occupiers will use the community learning and skills service. <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.
16.	<b>Social Care</b>  Project:- Community wellbeing hub upgrade at Braethorpe, Ashford	£77.58 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<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. <b>Directly related</b> as occupiers will use the community learning and skills service. <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.
17.	<b><u>Monitoring Fee</u></b>  Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary	<b>Necessary</b> in order to ensure the planning obligations are complied with. <b>Directly related</b> as only costs

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			thereof in subsequent years (if not one-off payment)	arising in connection with the monitoring of the development and these planning obligations are covered. <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.
Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the <a href="#">council web site</a> in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs. If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.				

## **Human Rights Issues**

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

## **Working with the applicant**

64. In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner as explained in the note to the applicant included in the recommendation below.

## **Conclusion**

65. In light of the above it is considered that the reasons for deferral of this application on 5<sup>th</sup> June 2019 have been thoroughly and robustly addressed. The proposal fully complies with the policies contained in the adopted development plan in particular S57. The proposal does not result in any unacceptable harm that would warrant refusal. The bringing forward of this site will make a significant contribution to the Council maintaining its 5 year housing land supply and therefore be in a stronger position to resist speculative developments on more unsustainable sites.
66. In light of the above it is recommended that outline planning permission is granted.

## **Recommendation**

- (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) Grant Outline Planning Permission**

Subject to the following conditions and notes:

### **Standard**

1. Standard condition for submission of reserved matters
2. Standard time condition for outline application

### **Highways and Parking**

3. Parking and cycle parking
4. Details of the provision cycle parking facilities
5. Provision of site access prior to occupation of any dwellings
6. Provision of footway to be constructed on the northern highway verge between the application site and the signalled crossing.
7. Provision of other highway infrastructure / works (i.e. signalled crossing) and speed reduction measures / waiting restrictions as shown on drawing 11520-T-01 Rev P10 prior to occupation of any dwellings
8. Car barns / PD restrictions
9. Provision of final wearing course
10. Construction Management Plan
11. Visibility splays
12. Details of speed restriction measures and segregation of the pedestrian / cycleway and vehicular access onto Ashford Road including levels and sections through and details of road markings and barriers and final surface finish.
13. Details of highway infrastructure / services.
14. Provision of 5 segregated car parking spaces within the development to serve existing residents along Warehorne Road.
15. Details of final surface finish for roads, driveways, cycleways and footpaths and parking areas

## **Landscaping & Ecology**

16. Landscape management plan
17. Landscape buffer to A2070, ancient woodland and to northern boundary of the developable part of the site
18. Landscaping scheme for the whole site
19. Arboricultural Impact Assessment and Tree Protection Plan
20. Boundary treatments including boundary treatment to separate recreation / ecological area to the north of the site and the agricultural land to the west
21. GCN, Reptile, dormouse and water vole mitigation strategy
22. Bat sensitive lighting plan
23. Ecological management plan
24. Scrub and hedgerow clearance
25. Ecological enhancements
26. Adoption management plan
27. Retention of trees & hedgerows

## **Drainage & Disposal of Foul water and flooding**

28. SUDs layout
29. SUDs operation and maintenance manual
30. SUDs post completion Verification Report
31. Means of foul water disposal / upgrade of sewerage system
32. Phasing and implementation / occupation of the development to align with any network upgrades as may be required so that wastewater network capacity is available to drain the development.
33. No dwellings or built development (other than attenuation pond) in flood zones 2 & 3

## **Residential**

34. Space Standards – internal and external pursuant to policies HOU12 and HOU15.
35. Refuse storage details
36. Level thresholds
37. Electric car charging points

38. Water efficiency condition pursuant to policy ENV7
39. Dwellings used for C3 purposes only
40. Removal of PD rights for extensions and alterations and outbuildings
41. Dwellings to be 2 storey form only with any 2<sup>nd</sup> floor accommodation contained wholly within the roof
42. Architectural details for the dwellings

### **Others**

43. Housing Mix
44. Broadband
45. Contamination and remediation / verification report
46. Noise control measures / mitigation
47. Air quality mitigation measures
48. Archaeology
49. Levels / sections through the site
50. Standard approved plans condition
51. Standard enforcement condition

### **Notes to Applicant**

#### **1. 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 responded positively to matters raised in relation to 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.
2. S106 Agreement
  3. Protection of birds under the Wildlife Act / protected species and habitats directive
  4. Formal application to SW required to carry out public sewer connection. Attention drawn to comments made by SW dated 8 February 2018
  5. Broadband
  6. Requirement for highway consents

## **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 18/00262/AS)

**Contact Officer: Oliver Peel** – Telephone: (01233) 330278 – Email: [oliver.peel@ashford.gov.uk](mailto:oliver.peel@ashford.gov.uk)





<b>Application Number</b>	18/01508/AS
<b>Location</b>	Recreation Ground between Halstow Way and Noakes Meadow, Ashford, Kent
<b>Grid Reference</b>	00002 / 41609
<b>Parish Council</b>	None
<b>Ward</b>	Beaver (Ashford)
<b>Application Description</b>	Proposed development of 17 apartments for affordable rent on part of an existing area of open green space off Halstow Way: comprising 6 x1-bedroom apartments; 7 x 2-bedroom apartments, 4 x 3-bedroom apartments and associated parking
<b>Applicant</b>	Mrs Sharon Williams, Head of Housing, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL
<b>Agent</b>	Mrs Elizabeth Mitchell, Development & Regeneration Officer, Corporate Property & Projects, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL
<b>Site Area</b>	0.33ha

(a) 47/ 6 'R', 2 'X'	(b) -	(c) SACF 'X', Beaver Community Trust 'X', KHT 'X', KCC (Dev. Contribs.) 'X', KCC Flooding 'X', KCC PROW 'X', K.Pol. 'X', SW 'X', Ramblers 'X', ABC (Culture) 'X', ABC (Env. Prot.) 'X'
<u>Amends</u> 2 'R', 1 'X'	<u>Amends</u> -	<u>Amends</u> Ramblers 'X', ABC (Env. Prot.) 'X', SACF 'X', KHT 'X', K.Pol. 'X', KCC Flooding 'X'

## Introduction

1. This full application is reported to the Planning Committee because it is submitted by Ashford Borough Council and is a major application under the Council's scheme of delegation.
2. The scheme proposes residential development in the south-eastern corner of the Noakes Meadow recreation ground green space which is located in South Ashford just north of Brookfield Road. This green space is 2.21ha in extent and the corner subject of the application comprises 0.33ha of that space.
3. The proposal provides for;-
  - (a) a single 3-storey pitched roof building containing 17 apartments in a mix of sizes,
  - (b) a 32 space car park to serve the apartment building accessed from Halstow Way,
  - (c) a detached refuse and cycle store within the grounds of the apartment building as well as areas of proposed soft landscaping and for sustainable urban drainage, and
  - (d) the provision of a new hard surfaced path connecting Halstow Way with the Multi-use Games Area (MUGA) located within the wider green space
4. During the course of the application, the applicant has considered representations from consultees and points that I have raised. The scheme has been amended in the following manner;-
  - (i) Provision of an off-site group of parking spaces on Halstow Way (located clear of the entrance barrier into the Sure Start Willow Centre car park) to service existing homes at No. 1, 3, 5 & 7 Halstow Way. These homes currently have no on-plot or off-plot parking resource leading to informal parking at the edge of the carriageway in Halstow Way. The amended proposal is designed to provide a replacement parking resource for those homes in a way that would help keep the carriageway from being reduced in width by on-street parking.

These amendments have been the subject of reconsultation.

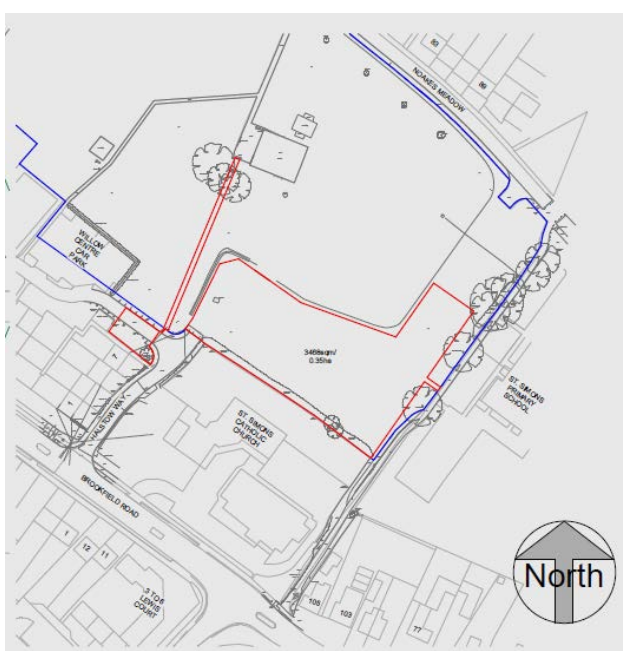
- (ii) Agreement to a soft landscaping scheme outside of the red-line application site but otherwise close to its boundary wall and railings northern and western boundaries to the wider green space. The intention of this landscaping being to avoid any interruption of an existing 600mm x 2m deep landfill gas trench backfilled with aggregate located adjacent to the development but otherwise

working with on-site soft landscaping to create a visually softening green edge to the development that would work well with the remaining green space beyond. The land is in the ownership / control of the applicant – edged in blue on the site plan - and so the precise details of the scheme can be the subject of a planning condition. The applicant has amended the computer generated images of the development to help illustrate the visual impact of such planting. Further details are given elsewhere in the report.

These minor changes to the scheme have not required reconsultation.

## Site and Surroundings

5. The application site is located in the south-eastern corner of the Noakes Meadow recreation ground open green space. The green space is 2.21ha in extent and the corner subject of the application comprises 0.33ha. The application sites therefore comprises 14.99% of the wider green space.
6. The wider green space is bordered by Noakes Meadow to the north-east, Public Right of Way (PROW) AU38 to the east, St. Simon's Catholic Primary School immediately to the east of the PROW, St. Simon Stock Catholic Church and homes No. 1, 3, 5 & 7 Halstow Way to the south, the Sure Start Willow Centre to the south-west and houses at Allen Field to the north-west. **Figure 1** below shows the application site in the context of the wider green space. Halstow Way is adopted highway providing a vehicular connection for the Sure Start Willow Centre and No.1, 3, 5 & 7 Halstow Way to Brookfield Road.



**Figure 1:** the application site and its immediate context

7. A Multi-Use Games Area (MUGA) occupies the centre of the wider green space. **Figure 2** below shows:-

- (i) the site,
- (ii) the MUGA and how it is embedded within the wider green space, and
- (iii) how the green space is presently framed by existing development.



**Figure 2:** aerial view of the site and the wider green space of which it is part

8. As Figure 2 shows, the wider green space is primarily open laid to grass with largely open boundaries, with a mature tree near to the MUGA, a mature tree on the western side near the Allen Field homes and regularly spaced mature trees along the PROW to the east. On the Noakes Meadow northern edge, the Council has planted a line of regularly spaced trees. A path across the green space links the car parking area at the Willow Centre with Noakes Meadow and a spur from this path provides the only hard surfaced connection to the MUGA.
9. It is important to appreciate the location of the development within the wider neighbourhood as per **Figure 3** below. To the north of Noakes Meadow and located further to the west of the PROW is Ashford Oaks Primary School and its playing fields. To the north of this is land allocated for residential development (Site S13) in the Ashford Local Plan (ALP) 2030 comprising the former South Ashford County Primary School.
10. Immediately to the east of the PROW is 'Victoria Quarter' being the 160 home redevelopment of the former Page 48 College site: this scheme is under



construction as is residential development identified in the ALP (Site S12). The PROW continues to the north of both of these sites and connects with Jemmett Road. The eastern side of Victoria Park is a short distance further north. Connection is also possible from the neighbourhood PROW network to homes bordering the Watercress Fields public open space.

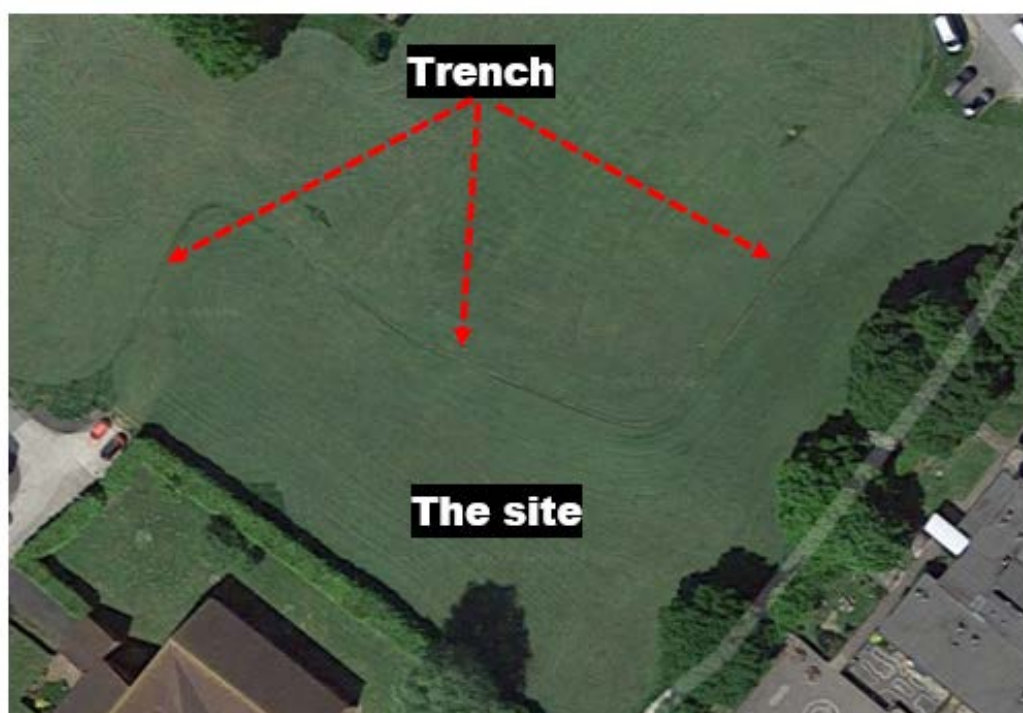


**Figure 3:** the wider neighbourhood context

11. There are no listed buildings, tree preservation orders or landscape designations within or adjacent to the application site and it is not located within a conservation area. The site is located within Flood Zone 1.
12. The locality has an interesting relatively recent history that is pertinent to the proposal.
13. There is evidence of a brickworks in open fields in this area of the town in the early part of the 20<sup>th</sup> century and that resultant ponds and excavated areas were subsequently infilled with inert and domestic refuse between 1955 and 1958 by the then Ashford District Council. The applicant states that

Investigation Reports commissioned in support of the application confirm that there were no ground workings recorded within the application site and also that the landfill activity carried out in this period did not extend to within the application site. Eight homes with garaging facilities were constructed in the 1960s on part of the site restored from landfill.

14. However, in the 1990s these were demolished due to a combination of subsidence problems and concerns about the impacts of land gas from the historic landfill activity. As part of the remediation scheme forming part of that demolition, a gravel trench with venting ducts was put in around the landfill site in order control the potential migration of subterranean gasses associated with that former use of land. The trench is just visible on the ground as a minor depression in the grass. **Figure 4** below shows the trench and the relative to the proposed apartment building.



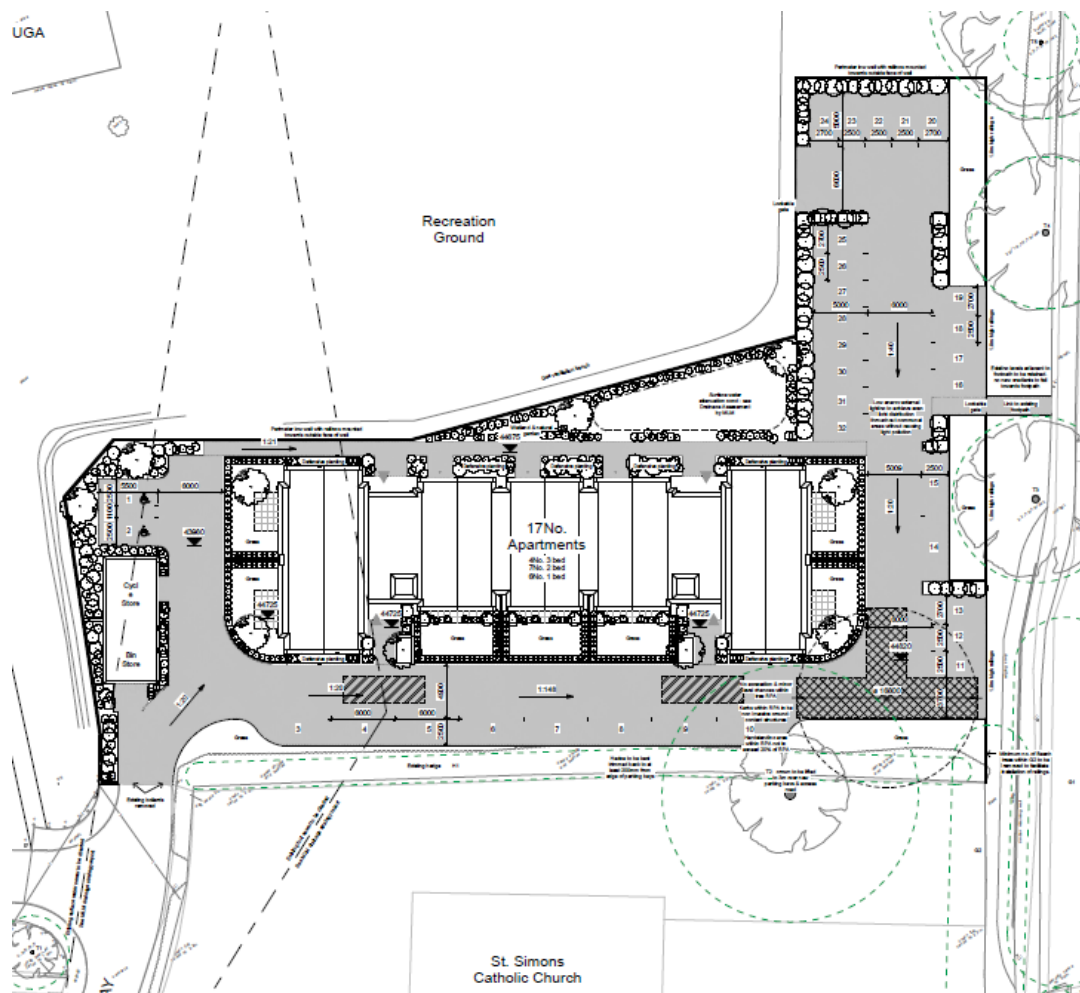
**Figure 4:** the existing gravel trench with venting ducts & location relative to the application site

## Proposal

### Layout

15. The application proposes an apartment block with vehicular access from Halstow Way. A couple of parking bays for persons with disabilities would be located on the western side of the site adjacent to a bin and cycle store building. An access drive, alongside which some parking spaces would be provided, would be created on the southern side of the site leading to a larger

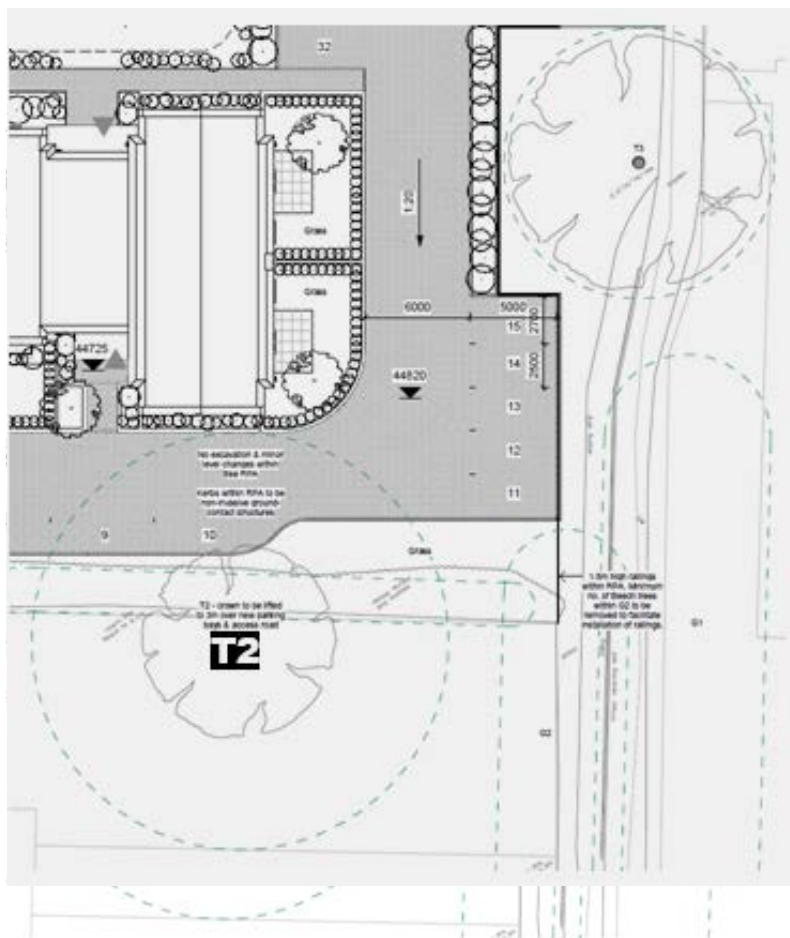
residents' parking area located on the western side of the site near to the boundary with PROW AU38. **Figure 5** below shows the layout.



**Figure 5:** the proposed layout

16. The location of the apartment building on the site is one that had repositioned from an early pre-application iteration of the scheme. The apartment building has been moved northwards in order to take the building clear of Tree T2's root protection area (RPA) located just within the boundary of the adjacent Roman Catholic Church, as **Figure 6** below illustrates.
17. The applicant identifies that measures would be undertaken to ensure that the hard surfacing involved with the internal access drive and parking bays would not have an adverse impact on the RPA of tree T2. The plans indicate that it would have its crown lifted to 3m over the parking bays and access road. As Figure 6 also shows, in a similar manner, the approach to the eastern side of the car park would be one avoiding encroachment on the RPAs of trees on that boundary.





**Figure 6:** the relationship to off-site trees

Mix and tenure

18. The applicant states that as part of feasibility considerations the number of homes envisaged for the scheme was reduced from 21 to 17 as a response by the client for fewer 1-bed apartments as part of the housing mix. The mix of the 17 apartment scheme is set out in **Figure 7** below. The split of 1, 2 and 3-bed apartments is suggested by the applicant as catering for a broader mix including couples and families.

	21 flat scheme	17 flat scheme
1 bed / 2 person flats	14 x 2	6 x 2
2 bed / 4 person flats	7 x 4	7 x 4
3 bed / 5 person flats	0 x 5	4 x 5
<b>No. of people housed</b>	<b>56</b>	<b>60</b>

**Figure 7:** the finalised housing mix (right hand column)



19. The apartments would be in the ownership of Ashford Borough Council with all homes being offered for affordable rent.

Design

20. In terms of design, the applicant identifies that the proposed apartment building would adopt a modern style and;-

(a) would largely be comprised of quality buff brick that would be broken down into gables bays with relief panels of textured brickwork and contrasting grey render to circulation cores,

(b) would have a series of pitched roofs finished in artificial slate behind a brick parapet with PVs incorporated into the roof design,

(c) would utilise areas of textured brickwork formed from courses of projecting stretchers with a graduating effect created by increasing the spacing between the courses for each storey,

(d) would have ground floor apartments given their own recessed entrances adding visual interest and articulation to the facades,

(e) would have recessed balconies to upper floors that would incorporate a section of full height louvered privacy screening with the balconies giving overlooking of public areas, and

(f) would have generally simpler side elevations but ones still considered by the applicant to provide good overlooking of the entrance from Halstow Way and the main residents' car park on the western side of the site.

21. **Figure 8** below shows the proposed north-east frontage facing into the wider green space and PROW AU38 to the east.



**Figure 8:** the north-east frontage

22. The south-west elevation is identified as having been designed in recognition that as the 'rear' it would still be visible from the approach northwards along Halstow Way. It is shown in **Figure 9** below. The façade is indicated as:-
- (a) having more pronounced wings and balcony modules that are considered to help articulate the building and break up its rectangular emphasis,
  - (b) being more private, especially for the centrally located flats in the building, and
  - (c) having balconies that would be recessed within gable projections giving 2<sup>nd</sup> floor apartments a distinctive visual 'hat' with subtle soffit lighting proposed to add interest.



**Figure 9:** the south-west elevation

23. The applicant has provided CGI renderings of the building extracts from which are shown below as **Figures 10 & 11** with larger images as **Annexes 1 & 2**.



**Figure 10:** CGI rendering of north-east elevation facing green space scheme showing projecting brickwork and circulation cores



**Figure 11:** CGI rendering of south-west facing elevation showing the two wings, recessed balconies & centrally located flats with gable features

### Parking

24. The car park serving the apartment building would comprise 32 spaces which the applicant considers exceeds the ALP 2030 requirement by 4 spaces. The applicant states that the extant Residential Parking and Design Guidance SPD, 2010 does not require 0.2 visitor parking spaces per dwelling within private car courts such as is proposed. Therefore, it is suggested that the 4 additional spaces form a flexible resource for visitors.
25. The applicant comments that the strict allocation of each parking space to a specific apartment is not generally implemented on Ashford Borough Council's own housing schemes: it is suggested as being difficult to enforce, less flexible in terms of how varying demand is met over time and an approach that fails to maximise the use of available spaces throughout the day.
26. In terms of the intensification of vehicular use of Halstow Way, amended plans have been submitted proposing x 4 off-carriageway additional parking spaces located to the north of No. 7 Halstow Way to be secured for resident only use by provision of a lockable rising bollard. The plans have been the subject of reconsultation. The applicant also identifies that extended waiting restrictions on Halstow Way could be introduced.
27. The proposed car park serving the apartment block would be permeable surface block paved and would be broken up by soft landscaping and trees. Paving would be kept clear of root protection areas of the mature trees alongside PROW AU38. A combination of privacy hedging and mid-height brick walls would be provided to create a screen for private gardens. A communal garden would be provided to the north-east of the building around a proposed surface water attenuation pond: this area would be informally laid out with natural and wetland plants and incorporate bird and bat boxes. A short stretch of footpath and gate is identified as connecting the parking area with PROW AU38. The site is identified as being able to take possible provision of rotary driers.

### Cycling

28. A building combining cycle store and refuse bin store is proposed on the western side of the site south of parking spaces for those with disabilities. The external refuse store is proposed near to the site entrance removing the need for an indemnity arrangement for access by a refuse freighter should KCC not wish to adopt the new access to be created within the site.

### Loss of open space & connectivity improvements

29. The applicant's supporting statement deals with the loss of open space and references proposed improvements to the remaining open area in addition to standard developer contributions. The opportunity to improve the quality of the open space boundary and the adjacent PROW AU38 through informal supervision and overlooking from residential frontage is cited in support of the scheme.
30. A new footpath connecting Halstow Way and the MUGA would complete the axis partly created by the path to the MUGA from Noakes Meadow. It is suggested that this would create a more coherent layout of benefit to the wider community.

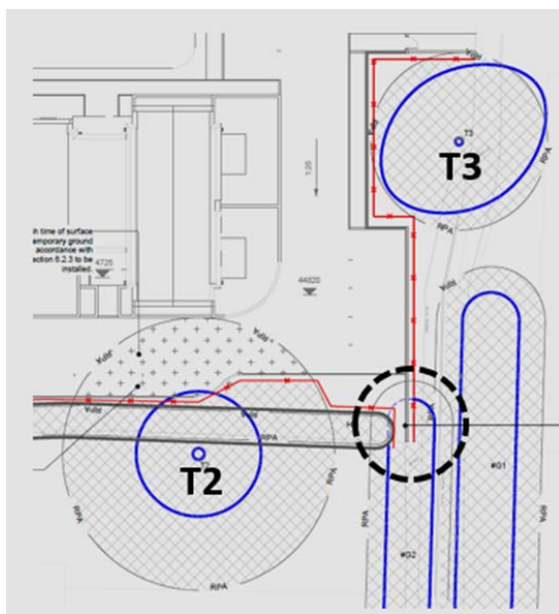
### Supporting documents

31. A suite of documents accompany the proposed plans and supporting statement. These are listed and summarised below;-

#### Arboricultural Impact Assessment (AIA)

AIA 1 - The development proposals and current site layout would result in the loss of a small portion of 1 group. A small number of trees within G2 to allow the installation of the proposed boundary railings will require removal. A low wall with metal railings is proposed from the car park south into the group which will result in the excavation of the existing soil significantly within the RPA's of these trees in turn making their retention unfeasible.

AIA 2 - The current layout proposals and envisaged installation techniques would see the retention of all but some of the trees in G2 on site as part of the development with 1 no trees (T11 – located off-site further to the south) being dead. Trees T1 and T2 are recommended to have their crowns lifted to 3m to provide an acceptable relationship with the development. The image below shows this small area of loss ringed in black with trees T2 and T3 annotated for clarity.



AIA 3 - The proposed development will only have a minimal impact, providing the mitigation measures outlined in this report are adhered to.

AIA 4 - In summary, the Assessment concludes that the impact of the works on the existing site trees is negligible and they will continue to provide arboricultural and amenity value to the site and surrounding area

#### Daylight & Sunlight Amenity (Neighbouring) Study (DSAS)

DSAS 1 - analysis in accordance with Building Research Establishment's Report 209 "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" (2011 2nd Edition) has been carried. This guidance is regarded as industry standard.

DSAS 2 - 13 neighbouring residential properties within a reasonable proximity to the development and warranting inclusion within the study.

DSAS 3 - the results confirm that all neighbouring main habitable room windows far surpass the BRE diffuse daylight and direct sunlight tests and the conclusion reached is that there is no daylight and sunlight related reason why planning permission should not be granted for this scheme.

#### Drainage Assessment (DA)

DA 1 - The site lies in Flood Zone 1 and is at low risk of flooding from all sources. Proposed buildings would be set above existing levels with external levels designed to fall away from buildings to mitigate against any potential surface level flooding.

DA 2 – The development would result in an impermeable area and an increased volume of surface water to be discharged from the site.

DA 3 - Surface water run-off would be attenuated on-site with a controlled discharge rate off-site to an existing surface water sewer on site. The rate would be 2 l/s with method of on-site attenuation in accordance with techniques set out in Council's adopted Sustainable Drainage SPD 2010.

DA 4 - It is proposed to discharge the foul water from the development into the existing public foul water sewer to the north of the site (via gravity).

DA 5 -The existing foul water sewer will be required to be diverted. The proposed development will increase flow into the public foul water sewer by a maximum of 0.79 l/s. Foul water connection location subject to full detailed design and receipt of feasibility study from Southern Water to confirm appropriate connection point with adequate capacity.

DA6 - The existing footpath to the south east of the site currently floods during heavy storms. This is considered to be due to surface water run-off from existing site cascading onto the footpath. The proposed development would comprise permeable paving and new building roof drainage collecting 58% of rainfall over the site. Through a combination of on-site attenuation and then controlled discharge to the existing public surface water sewer run-off to the footpath would be reduced.

DA7 - The proposed apartment building would be set above surrounding levels, therefore in the unlikely event of failure of the surface water drainage systems, water would not be expected to adversely affect the development. The risk of flooding from surface water is therefore considered to be low.

#### Geotechnical & Contamination (Phase 1 and 11) Assessment Report (GCAR)

GCAR 1 - The ground investigation confirms the underlying soils to comprise a shallow and laterally discontinuous horizon of made ground overlying generally stiff to very stiff Weald Clay Formation deposits.

GCAR 2 - The shallowest depths to groundwater recorded during drilling within percussion boreholes ranged between 2.0m and 6.3m below ground level. Groundwater was generally recorded at depths of between 0.48 and 2.79m below ground level within the standpipes during the monitoring visits carried out.

GCAR 3 - It is recommended that medium volume change potential is taken into account in terms of foundations designed against shrinkage and heave. Excavations beneath the water table will require groundwater control to maintain adequately dry working conditions and excavation stability. The

control of groundwater may also need to be addressed in the structural design where basement structures are proposed and in terms of excavations beneath the water table.

GCAR 4 - The site does not lie within an Environment Agency Source Protection with regard to the quality of groundwater that is abstracted for potable supply. The site historically comprised part of a brick works with a kiln previously present on site. A landfill site was present immediately to the west.

GCAR 5 - A Detailed Quantitative Risk Assessment has been carried out. Lab testing of topsoil and made ground soils has not recorded any significantly elevated concentrations of the contaminants tested for against. Should the proposed end use of the site change (the use tested was for 'elder care centre') then it might be necessary to carry out localised remedial works such as for residential development with gardens.

#### Phase III Site Investigation Report (SIR) (updated 2019)

SIR 1 – The contamination risk assessment has indicated that the made ground soils beneath the site are impacted with petroleum hydrocarbons and asbestos. Investigations completed at this stage indicate that impacts are probably localised to two discrete areas.

SIR 2 - Further investigations are recommended to confirm the extent of impacted areas. Careful controls will need to be in place for any asbestos material removal from site. Work should only be undertaken by competent persons and should be detailed in a Plan of Work as detailed in CARSOIL guidance.

SIR 3 - At this stage, on the basis of the testing completed, development layout and locations of contaminated soils, no specific clean cover requirements are anticipated for areas of communal gardens/open space.

SIR 4 - Gas monitoring has identified elevated carbon dioxide above 5%. The results of the monitoring and conceptual understanding of the ground model on site indicate that basic ground gas protection measures should be adopted for buildings constructed on site, in accordance with BS8485:2015 (Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings), assuming site conditions CS2 which requires 3.5 points of protection. That protection must comprise at least two elements and may be selected from a range of floor slab, ventilation and membrane options.

SIR 5 - It is imperative that the integrity of the existing vent trench is not compromised and if so that a replacement is installed. It is recommended that the existing trench is carefully inspected and replaced if necessary to ensure that it has been maintained



and is still considered fit for purpose.

#### Feasibility Study (FS)

FS1 - It is assumed, as per client communication, that the loss of open space may be acceptable in planning terms when balanced against possible improvements to remaining open space.

FS 2 - It is understood that a study has been carried out and shows that the area outside the windows of St. Simon Stock Church would need to be considered.

#### Parking Survey (PS)

PS1 - The survey results demonstrate that the Willow Centre car park is well utilised across the working day, with peak capacity reached at 12:30. On Halstow Way itself, vehicles are encroaching onto the double yellow line restrictions currently in place during the daytime.

#### Addendum on Energy and Water Efficiency and amended scheme

32. In August 2019 the applicant confirmed that a variety of energy and water efficiency measures would be explored during the more detailed design of the scheme in accordance with general guidance in the NPPF for achieving sustainable development with the aim being to maximising water and energy efficiency. It is indicated that:-

*'Measures that are viable, will not impose excessive costs upon the development and its future occupants and which can be proven to contribute to the Borough's carbon neutral ambition will be implemented.'*

33. **Energy efficiency:** a 'fabric first' approach to construction would be followed, maximising the performance of the components and materials used in the building fabric, before considering the use of renewable technologies, which the applicant states can be expensive, may have high embodied energy and may not be used efficiently by the occupants. Energy efficiency measures would include:

- Effective airtightness and ventilation strategies
- Optimising solar gain and natural ventilation
- Optimising U-values for thermal elements (i.e. limiting transmission)
- Reducing the effects of thermal bridging
- Use of low energy lighting, heating and ventilation systems
- Photovoltaic panels serving the landlord's supply, depending on effectiveness of roof orientation
- Electric car charging points



- Secure cycle storage
- Dedicated recycling storage areas inside and outside the units

34. **Water efficiency:** the applicant states that technologies such as rainwater or greywater harvesting can be expensive, requiring underground tanks, pumps and regular maintenance; and if used for flushing WCs can be unpopular with the end user due to water discolouration. It is considered that there are simpler but still effective ways to achieve water efficiency including:

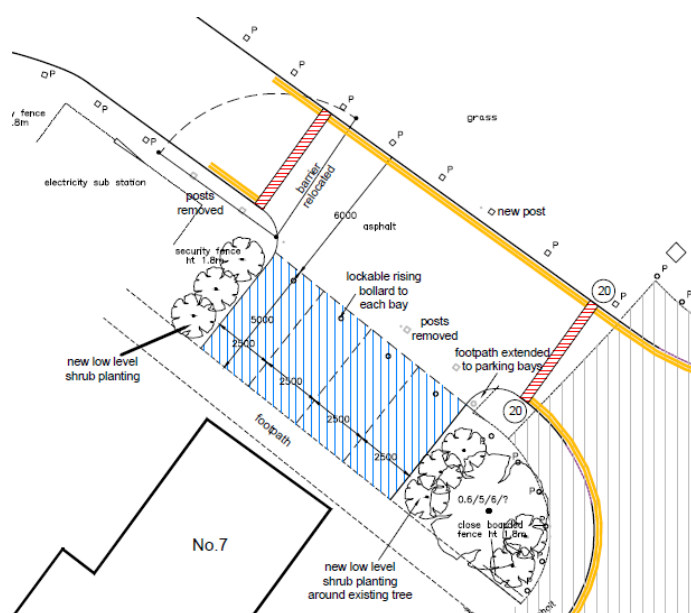
(i) Water consumption reduction beyond Building Regulation requirement of 125 litres to 115 litres per person through the installation of showers rather than baths, and the specification of appliances, taps, showers and toilet flushes, and

(ii) Water butts for domestic use to ground floor gardens

35. The scheme remains substantially the same as when first deposited although the applicant has revised the proposal through the submission of amended plans to respond to points raised by consultees alongside more general finessing. The changes are as follows:-

(i) minor changes to the dimension of some parking spaces to address points raised

(ii) provision of the group of off-carriageway parking bays to the north of No. 7 Halstow Way shown as **Figure 12** below



**Figure 12:** proposed off-carriageway parking spaces hatched blue

(iii) cycle storage detail to provide for a semi-vertical rack system and enable sufficient space for the required cycle storage to serve residents and through either fob or suited key access would be secure. There are no security bollards proposed, those that exist will be removed as part of the access proposals from Halstow Way.

(iv) EV charging and detailed lighting to be addressed through planning condition. CCTV is not currently being proposed to install but can be considered further including just the provision of infrastructure to allow fitting at a future date.

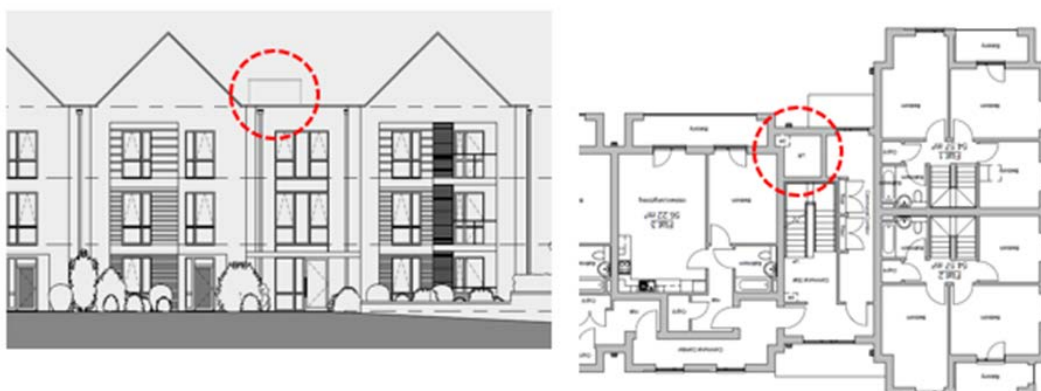
(v) A residents' parking permit scheme to be created for new car park given the proximity to the Willow Centre and known pressures on parking locally.

(vi) Access to the building to be via a controlled door-entry system and through the wall post boxes will be installed adjacent to main entrances to ensure against unnecessary access to circulation areas.

(viii) The updating of the Site Investigation Report and Remediation Method Statement to take into account comments made by Environmental Services.

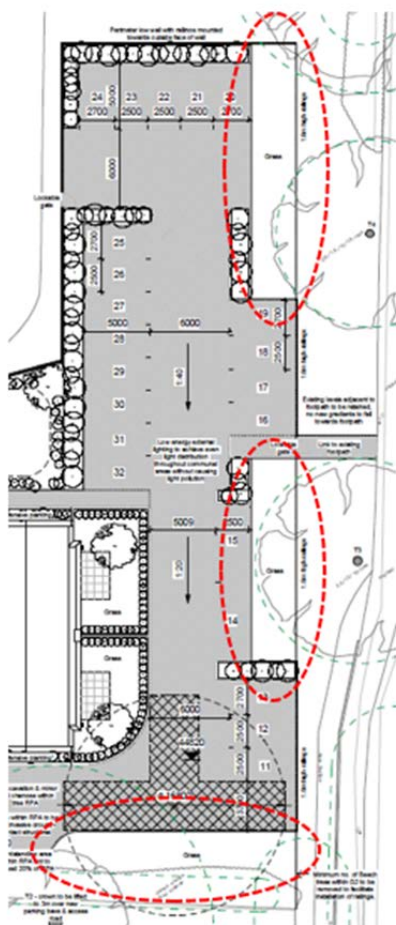
(ix) The residents' car park to be installed with low energy lighting.

(x) The lifts in each circulation core to be provided with overruns on the roof as now shown on the elevations with extract shown in **Figure 13** below.



**Figure 13:** one of the two lift overruns required to the roof of the building

(x) 1.8m high railings to enclose areas to be retained free of development under the canopies to mature trees between the eastern side of the car park and PROW AU38 as ringed in red on **Figure 14** below.



**Figure 14:** enclosure of existing areas of grass on the eastern side of the residents' car park

## Planning History

## Consultations

**Ward Members:** No comments received from Cllr Suddards. Cllr Ward has not made any comments and is a Member of the Committee.

**South Ashford Community Forum:** The Forum indicates awareness of concerns from the community in terms of history and previous use of the site, parking and access and loss of open space and comments on each as follows;-

Site history – the site investigation reports are noted and the Forum is satisfied that the recommendations will mitigate risk arising from the history of the site. The recommendations of the Council's EHO should be adopted.

Parking & access – the proposition for dropped kerbs to be provided for existing homes on Halstow Way and introduction of waiting restrictions are ones that the Forum consider should be in place before construction commences.

Loss of open space – the Forum supports residents that object to the loss of open space. However, the overbearing need for affordable accommodation in Ashford is accepted as is the fact that South Ashford exists in its present form because of local authority housing development in the area. The loss is therefore accepted by the Forum subject to there being a substantial improvement to the quality of the remaining space. The Forum express a desire for community consultation on the proposed improvements.

**Beaver Community Trust:** No objection to the development but raise issue with the risk associated with the extra traffic along Halstow Way which is suggested as being very busy and extra traffic generated by the development will make it a dangerous junction. The Trust suggest laying speed humps along part of the road where additional parking spaces are going to be placed with 20mph signs also suggested to further help reduce the risk of accidents.

**KCC Highways & Transportation (KH&T):** Following amended plans raise no objection.

KH&T initially raised a number of issues including;-

- (i) further information on cycle storage,
- (ii) the need for tracking plots within the site for homes for a fire engine, and,
- (iii) the provision of off-street parking for the 4 dwellings on Halstow Way to enable 2-way traffic unhindered by on-street parking with such parking then prevented through the installation of waiting restrictions through double yellow lines to be installed at ABC's cost and therefore enforced by ABC.

Following the receipt of the tracking plots and amended plans that detail the proposed provision of off-carriageway spaces for homes on Halstow Way, KCC have further commented on;-

- (iv) minor layout changes required to the width of certain parking spaces,
- (v) the need for further fine details of the proposed cycle storage, and,
- (vi) the suggestion that EV charging points should be provided in the communal residents' car park at a rate of 10%.

[HoSDD comment: Item (iv) has been dealt with through submission of a revised layout. Item (v) can be dealt with by planning condition. Item (vi) can be dealt with by planning condition: my analysis further below deals with this. The number of charging points to be provided at the

Planning Authority to determine.]

**KCC Economic Development:** no objection subject to contributions to be secured by s.106 agreement / condition. KCC updated its request in that light of changes to CIL Regulations 01/09/19 removing 'pooling restrictions' and make the following requests:-

- (i) libraries – additional book-stock
- (ii) high speed broadband
- (iii) libraries
- (iv) community learning
- (v) youth services
- (vi) social care
- (vii) primary & secondary education

[HoSDD comment: Item (ii) can be dealt with by planning condition]

**KCC Flood & Water Management:** Identify that ABC's SPD requires that sites located south of the M20 should aim to achieve a maximum discharge rate of 4 litres per second per hectare. The proposal is considered a small development that can achieve low green-field run-off rates and it is suggested that advances in technology and flow controls suggest that a 2 litres per second per hectare rate could be achieved as a minimum. That reduction is recommended.

**KCC Public Rights of Way:** Identify that AU38 passes adjacent to the site and has historically suffered from flooding. KCC raise two points:-

(a) The flooding of part of AU38 resulted in KCC constructing a stone path alongside the existing tarmac surface in 2015. Concern is expressed that the development might increase flooding of the PROW and measures are requested to be put in place to prevent that off-site flow of water.

(b) An index-linked sum of £4000 is requested to be secured through s.106 agreement to upgrade the surface of AU71 in the wider vicinity of the proposed development.



[HoSDD comment: In respect of (a), the proposal would provide for sustainable urban drainage within the site and that, in my view, could resolve the localised flooding of AU38 that has previously occurred and which necessitated the KCC construction as shown above. KCC PROW confirm no further works are proposed to this area. In respect of (b), AU71 is located a considerable distance further to the west of the development and is shown at the left hand side of the image further above. I do not consider that a reasonable connection can be made in relation to the impacts arising from the development necessitating funding of improvements to that part of the public rights of way network and so it would not meet the legal tests set out in the CIL Regulations and is not taken forward in Table 1 further below.]

**Kent Police:** Initially raised issues needing to be discussed in terms of Secured by Design. Having reviewed the amended plans, request the attachment of a planning condition dealing with:-

- (a) management policy for parking bays, EV charging points, deliveries and visitors to reduce the opportunity for crime, anti-social behaviour and conflict. A comment is made that there is a significant shortage of natural surveillance from active windows to help provide security for parked vehicles.
- (b) Cycle hoops would lack natural surveillance so should be moved to a better performing location, covered by CCTV or be provided with enhanced security.
- (c) Drawing 1001 shows security bollards but no detail is provided and the amendments given no reasoning as to their need.
- (d) No details of lighting and CCTV have been provided.

**Southern Water:** Comment in respect of sewer records showing that a public foul and surface water sewer may cross the site and that this might impact upon the layout and/or require diversion.

**Ramblers' Association:** Comment that it is disappointing to see the proposal on the recreation ground but support the KCC PROW comment in respect of ensuring drainage from the site does not impact on AU38.

**Ashford Borough Council Environmental Services:** Initially raised issues relating to the Site Investigation Reports submitted by the applicant in that the conclusions relate to a layout that has since been amended and therefore the Investigation reports need to be re-run on the basis of the scheme being applied for. Following the receipt of updated reports, raise no objection subject to planning conditions.

**Ashford Borough Council Cultural Services:** Request the following off-site contributions:-

	Total capital contribution for off-site provision	Total commuted maintenance sum for the development	TOTAL CONTRIBUTION capital & maintenance combined
Sport - outdoors	19,696.98	4,041.04	23,738.02
Informal/natural	5,379.79	4,028.65	9,408.44
Play	8,044.90	8,218.44	16,263.33
Allotments	3,198.13	818.13	4,016.25
Strategic Parks	1,809.79	582.60	2,392.40
Cemeteries	3,520.42	2,181.67	5,702.08
<b>Totals</b>	<b>41,650.00</b>	<b>19,870.52</b>	<b>61,520.52</b>

Cultural Services request that all of the requested contributions are combined so that meaningful improvements can be made towards a wider project for Noakes Meadow to provide informal play, sport, ecological and open space improvements. The contribution is to be part of a wider investment project towards public open space at Noakes Meadow to offset the loss and value of public open space.

Cultural Services make the following comments on the proposed layout;-

- (a) a gate in the northern boundary would improve connection between the development and the adjacent open space.
- (b) SUDs could be better designed and integrated within the open space to enhance the character, aesthetics and biodiversity benefits of both the development and the remaining open space although management would have to remain with the development.
- (c) The boundary treatment of the eastern edge is not ideal and a more logical edge that is not designed seemingly to avoid root protection areas of trees would be supported.

**47 Residents consulted; 6 objections and 2 general comments** to the plans as deposited with **2 objections and 2 general comments** received following consultation on amended plans. In summary, the following points are made;-

- (a) The Daily Mail is running a campaign to save parks from being built on. The application site is part of a recreation ground. In the summer it is alive with families enjoying the grass. The site should stay as it is. Residents walk their dogs and children from the school play here. The space is valuable and there are old trees here.
- (b) How high would it be? There are no buildings nearby over 2-storeys in height.

(c) The football court is well-used and this is the only green that residents have: flats 'would be a joke'. Ashford is located in countryside so there is no need to 'swipe up' all green areas in the immediate area. Victoria Park should not be the only green space for residents.

(d) The history of the site means that it is surely not suitable to build upon. Decomposition is still giving off methane gas as can be seen when heavy rainfall causes flooding in some areas of the site and gas can be seen bubbling to the surface.

(e) The site sits astride a stream that was diverted and piped underground from beside 105 Beaver Lane – the stream is believed to be fed from a spring originating from behind houses in Beaver Lane and can be seen in maps of the district from the 50s / 60s.

(f) It is sad that the Council can only build affordable homes by using community green spaces. All builders should be providing such homes on development sites.

(g) Are these dwellings to be sold off to Housing Associations or are these to be private sale apartments?

(h) There is too much development going on in and around the area and Ashford need upgraded industry so would be buyers can afford homes and not 'rely on state handouts'.

(i) Beaver Lane is already busy and this proposal will add more traffic, possibly 28 more vehicles, which is a concern to residents. The Willow Centre is in agreement but indicates it is not to blame for traffic generation as staff and clients for the nursery are instructed not to park in Halstow Way and that requirement is clear to the KCC staff who now work at the site following designation as the central hub for children's services for the south-east of the County.

(j) There are problems with parking in the area brought about by the Catholic Church which has seen an increase in its congregation but not car parking arrangements and the Church regularly let the Church Hall for weddings and other gatherings: the Willows Centre has been asked by the Church to allow use of the Centre's car park but has had to refuse to avoid breach of the lease of the land with the Borough Council.

(k) Concern is expressed that, if allowed, the proposal would set a precedent to build on the remainder of the recreation ground.

(l) An assurance is needed that Noakes Meadow is not used for construction traffic.

(m) Notwithstanding the amendments, there is nothing in the report from MLM regarding the diverted stream or the causes of flooding that still takes place along the footpath, despite the works that have been undertaken.



(n) KCC Highways has not taken into consideration the number of traffic movements that are generated by the Willow Centre Nursery and the KCC offices which now occupy the first floor of the Centre. Also within the Highways report there is no reference to the close proximity of the traffic lights at the junction of Brookfield Road and Beaver Lane. If the proposals go ahead, Halstow Way should be widened to accommodate the extra traffic.

## Planning Policy

36. 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).
37. 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).
38. The relevant policies from the Local Plan relating to this application are as follows:-

### **Ashford Local Plan 2030**

SP1	Strategic objectives
SP2	The strategic approach to housing development.
SP6	Promoting high quality design.
HOU1	Affordable Housing
HOU3a	Residential windfall development within settlements
HOU12	Residential space standard internal.
HOU14	Accessibility standards
HOU15	Private External Open Space
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.
TRA8	Travel plans, assessment and statements.
ENV1	Biodiversity.
ENV6	Flood Risk.
ENV7	Water efficiency.
ENV8	Water quality, supply and treatment.
ENV9	Sustainable drainage
ENV12	Air Quality
COM1	Meeting community needs
COM2	Recreation, Sport, Play and Open Spaces
IMP1	Infrastructure provision

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

**Supplementary Planning Guidance/Documents**

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Residential Space and Layout SPD 2011(now external space only)

Sustainable Design and Construction SPD 2012

Public Green Spaces and Water Environment SPD 2012

**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

40. 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.
41. The following sections of the NPPF are relevant to this application:-
- Paragraph 11 - Presumption in favour of sustainable development.
  - Paragraph 47 - Determination in accordance with the development plan.
  - Paragraph 59 - 76 - Delivering a sufficient supply of homes.
  - Paragraphs 91 - 95 - Promoting healthy and safe communities.
  - Paragraphs 102 - 107 - Promoting sustainable transport.
  - Paragraphs 117 - 121 - Making effective use of land.
  - Paragraphs 124 - 132 - Achieving well-designed places.
  - Paragraphs 148 - 165 - Meeting the challenge of climate change and flooding
  - Paragraphs 170 - 177 - Conserving and enhancing the natural environment.
  - Paragraphs 174 - 177 - Habitats and biodiversity.
  - Paragraphs 178 - 183 - Ground conditions and pollution.

### **Assessment**

42. The key issues for consideration are;-
- (a) The principle of residential development

(b) Whether the loss of green space and off-site mitigation is acceptable

(c) The design quality of the scheme and its visual impact on the locality & housing mix

(d) The acceptability of the proposed relationship with existing residential and non-residential uses nearby

(e) Highway impacts, car parking & cycle provision

(f) Contamination

(g) Other planning issues such as affordable housing, flooding, surface water drainage, residential accessibility and space standards, ecology and biodiversity, water consumption, relationship to air quality and climate change

(h) The need to mitigate the needs arising from the development

43. I deal with each in the sub-sections below.

(a) The principle of residential development

44. Policies SP1 of the ALP 2030 identifies that from a housing perspective, a strategic objective is to provide a mix of housing types and sizes to meet the changing housing needs of the Borough's population including the provision of affordable homes. The proposal would accord with that objective.

45. Policy SP1 also deals with other matters and makes reference to the importance of sense of place - including spaces around/between buildings - and how that creates contributes character alongside supporting uses through appropriate physical infrastructure. Although green spaces are not directly mentioned, Policy SP1 is concerned with the delivery of 'The Vision' as it is set out in the ALP 2030.

46. 'The Vision' identifies the importance of green spaces to serve expanding populations with references to their protection and expansion as well as the creation of two new strategic parks at Ashford. At face value, a diminution of such green spaces would therefore be contrary to 'The Vision' as it would not protect the existing baseline provision. However, in my opinion, it would be reasonable to allow, as a principle, for occasional loss arising from development proposals otherwise consistent with the ALP 2030 on the proviso that mitigation proposals to off-set that loss are appropriate in terms of quality, quantum and location and thus meet needs as required by Policy COM2. This is a central issue to this particular proposal and I return to it further below.

47. The site is not allocated for development in the ALP 2030. However, Policy HOU3a allows residential windfall development within existing settlements providing it can be satisfactorily integrated. Ashford is a listed settlement and so includes the town centre and its suburbs: the application site falls within Ashford.
48. Policy HOU3a is subject to certain compatibility / impact assessment provisos including character / density / amenity / highways / infrastructure / safe pedestrian access / use displacement.
49. The assessment sections below address the requirements of this Policy alongside other topic-based specific Policies of the ALP 2030. Providing the development can be satisfactorily integrated then it would meet the test of principle set out in Policy HOU3a.

(b) Whether the loss of green space and off-site mitigation is acceptable

50. The land forms a relatively small part of the wider existing green space and as identified above, the loss of this part to an apartment block is a key issue to consider. As Members will know, the change of use of playing fields to development land has been a matter of national public concern historically, resulting in statute to ensure that such losses are justifiable. Further, as a local resident highlights, there are similar recent concerns in respect of the loss of public parks.
51. The first issue to consider is whether the proposal involves the loss of a playing field.
52. The land is not a 'playing field' which is defined in Article 10 (2) (para z) of the 1995 Order (as subsequently amended by SI: 1996 No.1817) as:-  
  
*'a whole site encompassing at least one playing pitch'*
53. The term 'Playing pitch' is defined in the Order as:-  
  
*'a delineated area which, together with any run-off area, is of 0.4 hectares or more, and which is used for association football, American football, rugby. Cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Gaelic football, shinty, hurling, polo or cycle polo'.*
54. Clearly, there is no delineated pitch within the red-line application site either in whole or part. Within the whole of the Noakes Meadow green, while the existing centrally located MUGA could be put to use for purposes of 'association football' its area, including run-off area, is significantly below the

- 0.4ha threshold used in the definition. There is no other playing pitch within the whole site.
55. Accordingly, the proposal would therefore neither lead to the loss of use of a land being used as a playing field nor prejudice the use of land being used as playing field for the purposes of the 1995 Order (as amended). This is important for the purposes of consultation and decision making.
56. Statutory Instrument: 1996 No.1817 also deals with playing fields last used and remaining undeveloped within the previous 5 years prior to the making of an application for development. There is no evidence that the application site was used within this time period as a playing field in the terms specified in the Order and I am not aware of any such more historic use either. The application site is also not allocated in the up to date development plan for use as a playing field.
57. Bringing all of the above together, there is therefore no requirement for the Council to consult with Sports England in respect of the application proposal and no requirement to consult the Secretary of State pursuant to the Town and Country Planning (Consultation) (England) Direction 2009 in relation to the Recommendation to permit the application further below. The issue of the loss of part of the existing green open space therefore remains one for the Council to conclude in terms of its acceptability in planning terms.
58. That procedural issue established, Policy HOU3a needs to be considered. It seeks to avoid significant harm to, or loss of, public land that contributes positively to the local character of the area.
59. Public green spaces embedded in residential surroundings in this part of Ashford typically were shaped by post-war local authority housing conventions and highway layout approaches of the time. The result is that green spaces of various sizes, houses often with open plan frontages grouped around such spaces and apartment buildings with an open plan hinterland are all common components of the neighbourhood. As the SACF acknowledge, the decision by the local authority to develop the area in the first instance to meet housing needs, helped shape the appearance, layout and character of this part of south Ashford. Furthermore, the unexpected need to demolish homes at Noakes Meadow due to subsidence and landfill gas issues and the subsequent reinstatement of the land to open space use led to Noakes Meadow becoming, in an unforeseen way, one of the largest green neighbourhood spaces in this part of Ashford.
60. In terms of the Policy HOU3a 'harm' test, I am mindful that the application proposal would result in only a small (14.99%) reduction of the overall public green space. I do not consider that this would, in itself, constitute significant harm through loss. Furthermore, the proposed development would also not remove an area of

the site currently put to a specific public space function to the detriment of the well-being of the local community; the opposite is true as the application site is simply open grassland and therefore used in the same way by people as they use the majority of the wider site.

61. In terms of the Policy HOU3a 'positive contribution' test, I consider it would be reasonable to conclude that while Noakes Meadow, as a large public open space, certainly makes a contribution to local character, a 14.99% loss would not diminish that its place-making role. Essentially, it would still remain a large space. However, its present character is one with some weakly defined edges and a lack of enclosure on its southern side by built form. Built form is important in terms of the provision of active frontage (windows and doors) and surveillance of the space as a result ('eyes on the street' and human activity). The absence of active frontage therefore has an impact on the safety (and the perception of safety) of residents moving through the space, using play facilities within the space, lingering within it using grassland for informal recreation or walking adjacent to it along the tree-lined PROW AU38.
62. The hedgerow rear to the Catholic Church provides an attractive green boundary to that plot. However, the Church building does not strongly enclose the Noakes Meadow green space due to its position on the plot and, in any event, is a use that does not result in a building with active frontage/surveillance benefits.
63. Likewise, the Willow Centre car park provides a similar soft landscaped edge that helps avoid a visually incongruous boundary relationship with Noakes Meadow but otherwise offer no active frontage/ surveillance benefits. The Willow Centre buildings are close only to the south-western corner of Noakes Meadow.
64. The layout of the homes at Halstow Way and at Brookfield Court to the west present inactive gable ends to Noakes Meadow separated from the open space by the carriageway and the Willow Centre car park.
65. Accordingly, I conclude that the residential development proposal would have benefits to the way that Noakes Meadow would be physically enclosed by a use of land that would help give active frontage and surveillance to that space, as well as to the PROW running alongside the site, with beneficial improvements to the safety and well-being of residents. Those benefits are ones that I consider would help contribute to the character of the remaining public open space.
66. For the avoidance of doubt, in reaching this conclusion, I have considered that the application proposal is also one that besides such benefits would still ensure that Noakes Meadow would have a continued role as one of the larger typologies of open green that complement, alongside smaller spaces, to the

creation of character in this part of south Ashford. Retaining diversity in the type and size of public open spaces is one I consider central to the ALP 2030 'The Vision' and Policy SP1. My conclusion on acceptability should not be viewed as setting any general precedent for change of public open space to development or for large open spaces to be progressively changed successive development applications to a generic small spaces.

67. Notwithstanding the benefits arising from residential development addressing the southern boundary of the space, the proposal would result in a small loss needing to be compensated. Subject to funding for a range of improvements being secured (which could include for a greater variety of experiences for those using the space alongside enhancements such as new planting) I conclude that the character of Noakes Meadow as a positive large open space serving the local community would be retained in accordance with Policy HOU3a and further enhanced. I deal with the issue of combining s.106 contributions to assist with such improvements further below.

(c) The design quality of the scheme and its visual impact on the locality & housing mix

68. The building would occupy a corner location and the built form response would be appropriate to that context. The building's overall rectangular proportions - derived from the quantum of development needed to be viable and the need for two circulation cores - would be broken up and articulated by a combination of:-
- (i) the two 'wings',
  - (ii) the use of strong gable roofs helping create a particularly strong visual motif to the scheme on both the south and north elevations,
  - (iii) the treatment of the roof and external finish to circulation cores,
  - (iv) the provision of large windows, recessed balconies and expressed feature brickwork decoration giving vertical emphasis.
69. In terms of vertical scale, I have no objection to the 3-storey approach to the building. In my view that approach sits well with the aforementioned corner context that has no 2-storey homes immediately adjacent to it, the provision of a strong active frontage to the Noakes Meadow open space and PROW AU38 helping overlooking and perception of safety of both environments and the rectangular proportions of the building. In respect of the latter, in my view a 2-storey approach would create less pleasing proportions and reinforce a building with horizontal emphasis. It would also have an impact on scheme viability and thus provision of much needed affordable homes.
70. I am also mindful that along the PROW AU38 pedestrian and cycle movement axis, the redevelopment of the former College site (Policy S12) includes both 3 and 4-storey buildings and **Page 76** nearby former Ashford South School site



(Policy S13) envisages a broadly similar approach to density and scale to achieve a cohesive environment, in which case some 3-storey buildings would be likely to be included if an application comes forward within the Plan period. Given the merits of providing residential development in a location that offers good connections to neighbourhood everyday uses and the Town Centre and Ashford International by a number of means other than the car, I consider that further supports the 3-storey approach taken.

71. The proposed tree-lined path connecting the central MUGA in Noakes Meadow is also supported as it would connect people with place and space.
72. Fine details such as precise facing brick, cladding materials, roofing materials, balcony details, soffit lighting can all be dealt with by planning condition as can the fine detailing of the boundary wall and railing hard boundary that are proposed to be softened by proposed planting inside and outside that boundary as well as parking court bollard lighting.
73. In conclusion, my view is that the design approach taken is thoughtful, the quality of the scheme is high and the development would not appear incongruous in the locality and so would meet the requirements of Policies SP1, SP6 and HOU3a of the ALP 2030.
74. In terms of housing mix, Policy HOU18 of the ALP 2030 identifies that schemes in excess of 10 dwellings will be required to deliver an appropriate range and mix of different sized homes to meet local needs. The proposed mix includes 1, 2 and 3-bed homes for affordable rent. In the context of a relatively small development, that mix is one that I consider is acceptable and accords with Policy HOU18.

(d) The acceptability of the proposed relationship with existing residential and non-residential uses nearby

75. The layout of the site ensures that the apartment building would be separated from the Church to the south by the retained boundary hedgerow and tree planting, parking and vehicle circulation areas within the application site and then ground floor garden terraces around the southern elevation of the building. This relationship would create a building to building relationship of approximately 21m and therefore would minimise any perception of overlooking of the rear gardens to the Church by new homes.
76. The primary school located further to the east of PROW AU38 would be approximately 30m distant on a building to building basis thus avoiding any overlooking concerns and trees adjacent to the PROW and vegetation to the school boundary would ensure that views to the grounds of the school would be heavily obscured. The combination of the two would create an acceptable relationship in my opinion.

77. The nearest 2-storey home, No. 7 Halstow Way, would be approximately 35m distant on a building to building relationship and has a blank flank wall. There would be no overlooking issues arising from the relationship that is proposed.
78. In conclusion, I consider that the relationship of the proposal to the surrounding uses would be an acceptable one and accord with Policies SP1 and HOU3a of the ALP 2030.

(e) Highway impacts, car parking & cycle provision

79. Kent Highways and Transportation do not consider that the proposal raises any issues of highway safety / highway capacity / need for highway infrastructure improvements subject to securing the provision of the required on-site parking spaces and providing parking facilities for 1-7 Halstow Way in a different manner to the on-street parking that currently takes place. The latter is proposed by the applicant in the amended plans submitted and through the making of a Traffic Regulation Order car parking restrictions can be put in place and enforced. The proposal is therefore acceptable in highway terms and accords with Policies SP1, HOU3a and TRA7 of the ALP 2030.
80. The application site is 'suburban'. A total of 32 spaces are proposed. The starting position of Policy TRA3(a) for this location is one that requires the following minimum provision according to home typology;-

<u>Type</u>	<u>Number</u>	<u>TRA3(a)</u>	<u>Provision</u>
1-bed flat	6	1 spaces per home	6
2-bed flats	7	2 spaces per home	14
3-bed flats	4	2 spaces per home	<u>8</u>
		Total	28

81. The proposal therefore exceeds the requirements of Policy TRA3(a). The council's extant Residential Parking and Design Guidance SPD 2010 does not require 0.2 visitor parking spaces per dwelling provision within private car courts such as that proposed. Notwithstanding,  $17 \times 0.2 = 3.4$  spaces and therefore, the 4 additional spaces that the applicant has worked into the scheme would provide a flexible resource that car borne visitors can use. The proposal therefore accords with Policies TRA3(a), SP1, SP6 and HOU3a of the ALP 2030.
82. Secure cycle storage would be provided in the curtilage building located on the western side of the site which would be subdivided internally between cycle and refuse bin storage. Policy TRA6 of the ALP 2030 requires 1 space per flat. The proposed vertical storage arrangement would provide for the 17 spaces required and so the proposal accords with Policies TRA6, SP1 and SP6.

(f) Contamination

83. The applicant's Geotechnical, Contamination and Investigation studies have not suggested any issues that would dictate that the proposed use would be inappropriate in terms of contamination provided suitable remediation measures and verification thereof are put in place and the integrity of the existing landfill gas trench is not compromised and is inspected to make sure it has not compromised. The Council's Environmental Protection Officer has reviewed the updated documentation supplied in support of the proposal and raises no objection subject to planning conditions. I therefore conclude that there are no contamination issues that would be an impediment to the proposed development.

(g) Other planning issues such as affordable housing, flooding, surface water drainage, residential accessibility and space standards, ecology and biodiversity, water consumption, relationship to air quality and climate change

84. In respect of affordable housing, for the purposes of Policy HOU1 of the ALP 2030 the site is located within the identified 'Ashford Town' (Zone A) area. For apartments, no affordable housing provision is required. The Council's proposal, delivering 100% affordable rented homes, is therefore a betterment of the policy position and is supported.
85. Turning to flooding, the site is located in Flood Zone 1 and therefore the use is appropriate and one that itself should not be affected by flooding issues and will not exacerbate off-site flooding risks. The proposal is therefore acceptable in terms of Policy ENV6 of the ALP 2030.
86. Policy ENV9 of the ALP 2030 deals with sustainable drainage. In terms of dealing with surface water drainage, the proposal is for a mixture of permeable paving together with an on-site attenuation pond embedded in soft landscaping on the northern side of the site with controlled discharge of surface water off-site at 2 l/second/ha. In terms of this rate, I note the suggestion by KCC as LLFA that this rate may be able to be bettered through technological advances. The applicant's proposed use of an above ground attenuation pond together with permeable paving would be appropriate to the context of the site and be in accordance with the preferences stated in the Council's adopted Sustainable Drainage SPD.
87. Although Policy ENV9 of the ALP 2030 requires that smaller sites should achieve a maximum discharge rate of 2 l/second/ha, this rate is qualified as relating to sites 'less than 0.25ha'. The application involves a 0.33ha greenfield site and thus, strictly speaking, is required to discharge surface water at a maximum 4 l/second/ha or 10% below current greenfield rates for the existing 1:100 storm event, whichever is the lower. Therefore, the proposal cannot be required to better 2 l/second/ha. Page already, would better the minimum

requirement of the ALP 2030. Obviously, if at detailed design stage the scheme can be finessed further to provide a lower discharge rate then that would obviously be welcomed. I propose that KCC's point is set out as an informative and tested further through the fine detail of a SUDs scheme to be the subject of a planning condition.

88. In terms of the occasional flooding suffered by PROW AU38, whether there is any substance in the issue raised by consultees in respect of a possible spring fed subterranean stream being the cause is an unknown. The applicant's agent has responded that although a review of historical maps has not revealed evidence of the stream, this is a matter that can be looked at in greater detail as part of detailed SUDs design. Although a dry crossing of the stretch that has been previously affected has been put in place by KCC, it would obviously be preferable to eradicate this disruption to users and so this commitment is welcome.
89. On the basis of the above, the SUDs proposals accord with good practice and Policy ENV9 as well as overarching Policies SP1 and SP6.
90. Turning to residential accessibility, Policy HOU14 requires 20% provision of homes to Building Regulations M4 (2) standards which broadly reflects the previous Lifetime Homes standards enabling a home environment that can be adapted to meet changing mobility needs. Furthermore, a proportion of homes is required to be built to the more specialised M4 (3b) wheelchair accessible Building Regulations standard. The applicants proposition is as follows:-
- (i) M4(2) – flats 3, 9 & 11
  - (ii) M4(3b) - flat 10
91. Given that the proposals exceed the minimum 20% figure and cater sensibly at this site for the specialised requirements of M4(3b), I consider that the proposals accord with the requirements of Policy HOU14.
92. In terms of residential space standards, the proposals (1 bed/2 person flats at 54.6sqm min GIA, 2 bed/4person flats at 72.7sqm min GIA & 3 bed/5 person flats at 109sqm GIA) would exceed the Nationally Described Space Standards set out in Policy HOU12.
93. The scheme would make appropriate provision of private external open space through a combination of good sized balconies and terrace/gardens to ground floor flats and so is acceptable in providing private amenity space. I am mindful that the development would be located adjacent to the public open green space therefore providing a large amenity space for occupiers effectively 'on the door-step'. The proposal therefore would meet the requirements of Policy HOU15 of the ALP 2030.

94. In respect of ecology and biodiversity, the site is open grassland and does not raise any issues of mitigation or translocation of species. The crown lifting of off-site trees overhanging the proposed parking areas is a matter that should not be undertaken during the bird nesting season obviously. In terms of biodiversity, the scheme involves enclosure of grassland within the root protection areas of the off-site trees and so low level shrubs and planting can be carried out in those areas with visual benefits but not high level planting reducing views to the PROW AU38. In addition, soft landscaping is proposed around the SUDs attenuation pond as well as within the application site wall and railing boundary as well as on land beyond. Besides the visual softening benefits of that soft landscaping, through the careful selection of species it has the potential to assist biodiversity: for example, bee friendly planting could be considered to help with pollination. Policy ENV1 of the ALP 2030 requires that biodiversity should be conserved or enhanced and I consider that the proposal would help both and so is acceptable.
95. Policy ENV7 of the ALP 2030 establishes the policy requirement to meet the optional element of the Building Regulations dealing with water efficiency. The Council secured this provision through the evidence presented to the Local Plan Inspectors of the importance of the issue. The requirement is estimated water consumption of no more than 110 litres per person per day.
96. The applicant has identified a proposed betterment of the standard Building Regulations requirement of 125 litres per persons with a suggested 115 litres per person through the installation of showers rather than baths. However, this falls a little short of the requirement of Policy ENV7. I propose that this is dealt with by a planning condition so that the scheme can be finessed further when moving to construction stage detail to ensure compliance. On that basis, the scheme can be made to comply with Policy ENV7 of the ALP 2030.
97. In terms of air quality, Policy ENV12 of the ALP 2030 requires major development proposals to;-
- (a) promote a shift to the use of sustainable low emission transport to minimise the impact of vehicle emissions on air quality,
  - (b) be well located in terms of facilitating walking, cycling and public transport, and,
  - (c) avoid of significant diminution to air quality.
98. In terms of (a), the requirement for minimum levels of on-site parking is a policy requirement of the ALP 2030 as per my analysis further above. Nevertheless, the scheme would provide for a number (I consider that 3 would be appropriate representing just under 20% provision) of electric vehicle charging points and car parking spaces which can be designed to be future proofed to

enable further provision as the increased switch to EV's takes place. Both can be covered by planning condition. In respect of (b), the site is within walkable distance of local shops, bus stops and the town centre and Ashford International are both within walking and cycling distance and therefore performs well in giving movement choice. Lastly, in terms of (c) there is no evidence to suggest that the relatively modest nature of the proposed 'major development' would lead to a significant diminution of air quality triggering submission of an Air Quality Assessment (and possible off-setting measures). Accordingly, in my opinion the proposal would accord with Policy ENV12.

99. In respect of climate change, the aforementioned measures such as providing for EVs alongside the applicant's intention to address issues of airtightness and ventilation, optimising solar gain and natural ventilation, limiting wasteful thermal transmission through the building fabric, use of low energy lighting, heating and ventilation systems, exploration of the provision of photovoltaic panels serving the landlord's supply would all assist in reducing emissions from the building in use.
100. There is no NPPF nor planning policy requirement for carbon neutrality for new residential development in the ALP 2030 (Policy ENV11 deals only with non-residential uses in terms of a 'BREEAM' rating) and so that cannot be insisted upon or form a planning condition capable of being defended. I would obviously support betterment of the Building Regulations, especially as the scheme is a Council building proposal. The fact that the applicant is already cognisant of the issues concerned in moving to detailed construction design should planning permission be granted is one that I consider gives comfort that the scheme can be designed thoughtfully with sustainability and climate change in mind. I propose to deal with this by an Informative.

(h) Mitigating the needs arising from the development

101. The issue of providing replacement parking facilities for 1-7 Halstow Way and the funding of a TRO to restrict the on-street car parking outside those properties that currently exists needs to be secured by the obligations as set out in Table 1 alongside a s.106 monitoring fee.
102. As the request for ABC contributions from Cultural Services identifies, the needs generated by the 17 apartments would require mitigation: given the nature of the development, that mitigation would necessarily need to be off-site. Save for relatively small contribution requests for cemeteries and allotments, the other requests all relate to space and so in my opinion could be targeted towards improvements to the Noakes Meadow space helping both to mitigate the needs arising from the development as well as improving the function and visual quality of the space for the wider neighbourhood. Given that the Council is both the applicant and landowner I am prepared to accept

in this instance the request from Cultural Services to combine the request into a single capital & maintenance contribution to be spent at Noakes Meadow as per the proposed £61,520.52 Head of Term in Table 1 further below.

103. In respect of KCC contributions towards primary and secondary provision, the KCC's approach is that the small 1-bed flats in the scheme would be less than 56 sq.m GIA and so not be required to make a contribution to deal with this area of mitigation. The applicant has confirmed that while x 4 of these flats would be 54.6 sq.m, x 2 would be slightly over this at 56.2 sq.m. I have updated KCC in this respect and build into Table 1 and Recommendation (A) flexibility to conclude with County colleagues as to whether those x 2 flats would trigger an additional per flat contribution that would increase the total to be secured by planning obligation.
104. Subject to the obligations set out in Table 1 being secured through an agreement pursuant to s.106 then I consider that the proposal is acceptable and would accord with Policies SP1, HOU3a, COM1 and IMP1 of the ALP 2030.

### **Planning Obligations**

105. Regulation 122 of the Community Infrastructure Levy, as amended by the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019, states 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
106. 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**

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1. Page 84	<p><b>KCC: Libraries</b>                      Additional local bookstock for Ashford library</p>	<p>£55.45 per dwelling                      (£942.65 in total)</p>	<p>Prior to the occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as no spare bookstock available to meet the demand generated and pursuant to the adopted ALP 2030 policies SP1, HOU3a, COM1 and IMP1, the KCC Guide to Development Contributions &amp; the Provision of Community Infrastructure and guidance in the NPPF.</p> <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</b> related in scale and kind considering the extent of the development and because amount calculated based on the number of</p>



				additional dwellings.
Page 85	<p>2. <b>KCC: Community Learning</b>                  Contribution towards IT and equipment for Ashford Gateway and its satellite courses</p>	<p>£34.45 per dwelling                  (£585.65 in total)</p>	<p>Prior to occupation of 25% of the dwellings</p>	<p><b>Necessary</b> as enhanced services required to meet the demand that would be generated and pursuant to ALP 2030 Policies SP1, HOU3a, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use community learning services 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 the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
	<p>3. <b>KCC: Youth Service / Early Help</b>                  Contribution towards equipment to enable outreach services in the</p>	<p>£65.50 per dwelling                  (£1,113.50 in total)</p>	<p>TBA</p>	<p><b>Necessary</b> as enhanced youth services needed to meet the demand that would be generated and pursuant</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 86</p>	<p>vicinity</p>			<p>to ALP 2030 policies SP1, HOU3a, COM1, IMP1 and KCC's document 'Creating Quality places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use youth services and the services 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 has taken into account the estimated number of users and is based on the number of dwellings.</p>
<p>4.</p>	<p><b>KCC: Social Care</b>                  Towards the provision of extra care housing in Ashford Borough</p>	<p>£146.88 per dwelling                  (£2,496.96 in total)</p>	<p>TBA</p>	<p><b>Necessary</b> as enhanced facilities and assistive technology required to meet the demand that would be generated pursuant to ALP 2030 Policies SP1, HOU3a, COM1 and IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use community facilities and assistive</p>

				<p>technology services and the facilities and services 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 has taken into account the estimated number of users and is based on the number of dwellings.</p>
Page 87	<p><b>KCC: Primary Education</b>                  Provision of new primary places at a new school in the planning group</p>	<p>£1,134.00 per applicable flat</p> <p>(the number of 'non-applicable' flats below 56 sq.m GIA to be resolved with KCC being either 4 or 6 in total)</p>	TBA	<p><b>Necessary</b> as no spare capacity at any primary school in the vicinity and pursuant to ALP 2030 Policies SP1, HOU3a, COM1 and IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as children of occupiers will attend primary school 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</p>

				amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings.
6. Page 88	<b>KCC: Secondary Education</b> Provision of new secondary places in Phase 2 of the new Chilmington Green secondary School	£1,172.00 per applicable flats  (the number of 'non-applicable' flats below 56 sq.m GIA to be resolved with KCC being either 4 or 6 in total)	TBA	<p><b>Necessary</b> as no spare capacity at any secondary school in the vicinity and pursuant to ALP 2030 Policies SP1, HOU3a, COM1 and IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as children of occupiers will attend secondary school 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 secondary school pupils and is based on the number of</p>

				dwellings and because no payment is due on small 1-bed dwellings.
7.	<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) as a minimum standard</p>	Provision of 3 flats to M4 (2) standard	Prior to occupation of any dwelling comprised within the Development	
8.	<p><b>Wheelchair User Dwellings</b></p> <p>Maximum of 7.5% of affordable dwellings to be built in compliance with M4(3b) – wheelchair accessible.</p>	Provision of 1 flat to M4 (3b) standard	Prior to the occupation of any dwelling comprised within the Development	
9.	<p><b>ABC: Noakes Meadow improvements</b></p> <p>A sum to be used for a project for Noakes Meadow to;-</p>	£61,520	TBA	<b>Necessary</b> to meet the demands generated by the development through improvements to the quality and functionality of this public open space and to off-set the loss of existing public

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 90</p>	<p>(i) provide informal play, sport, ecological and open space improvements to help meet the needs generated by the development, and,</p> <p>(ii) offset the loss of / value of the part of the existing public open space to be developed as apartments through improvements benefitting the local community</p>			<p>open space directly arising from the development in accordance with ALP 2030 Policies SP1, HOU3a, COM1, COM2 and IMP1, the Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers of the development will use the improved public open space and the space will be made 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, the loss of part of the existing public open space and the benefits to be derived to the occupiers of the development through the remaining public open space being improved.</p>
<p>10.</p>	<p><b>Creation of on-carriageway parking restrictions in Halstow Way</b>                  Funding the costs of making a TRO to introduce parking restrictions in order to remove the</p>	<p>£ TBA</p>	<p>TBA</p>	<p><b>Necessary</b> to ensure that the impacts of the development on highway capacity and safety can be mitigated through restrictions on existing parking</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 91</p>	<p>on-street parking that occurs close to the frontage of No's 1-7 Halstow Way and prevent any obstruction to the proposed off-carriageway spaces to serve those properties and the TRO's subsequent implementation</p>			<p>behaviour on Halstow Way due to the lack of off-road parking for No's 1, 3, 5 and 7 Halstow Way.</p> <p><b>Directly related</b> as occupiers of the proposed development would use Halstow Way to access the residents' car park and so benefit from the highway capacity and safety benefits on that street.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the highway impacts arising from the development that need mitigation with the occupiers of the development benefitting from the proposed mitigation.</p>
<p>11.</p>	<p><b>ABC: Provision of replacement car parking resource north of No. 7 Halstow Way</b>                  Providing the replacement parking resource to serve No's 1-7 Halstow Way and relocating the</p>	<p>Not applicable – direct provision by the Council</p>	<p>Prior to any TRO coming into operation or prior to the occupation of the first</p>	<p><b>Necessary</b> to ensure that the impacts arising from the development and the consequential need to make a TRO to restrict current on-street parking</p>

Page 92	barrier to the west thereof		dwelling in the building whichever is the sooner.	<p>activity are mitigated through the provision of alternative off-road parking for the exclusive use of No's 1, 3, 5 and 7 Halstow Way.</p> <p><b>Directly related</b> as the need for the provision of an alternative to on-street parking arises from the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> through provision of x 4 replacement parking spaces to serve the properties concerned in lieu of the on-street car parking that presently occurs due to the absence of restrictions.</p>
12.	<b>ABC: Monitoring Fee</b>	£1,500 one off payment	Upon commencement of development	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <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</p>



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				of the development and the obligations to be monitored
<p>KCC items 1 – 6 above are to be <b>index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment</b> (Oct-16 Index 328.3) and are valid for 3 months from the date of KCC's updated representation letter dated 19/09/2019 after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.</p>				
<p>Notices must be given to the Borough Council at various stages in order to aid monitoring. All Borough Council contributions are index linked in order to maintain their value. <u>The Borough Council's and County Council's legal costs in connection with the deed must be paid.</u></p> <p><b>If an acceptable deed is not completed within 3 months of the Planning Committee's resolution, the application may be reported back to the Committee and be refused.</b></p>				

## Human Rights Issues

107. 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

108. 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

109. Providing the development can be satisfactorily integrated into the neighbourhood then it would meet the test of principle set out in Policy HOU3a of the ALP 2030 and would accord with the delivery of ‘The Vision’ in the Plan by Policy SP1. I am satisfied that the proposal can be so accommodated.
110. The proposal does not trigger consultation with Sports England nor referral to the Secretary of State in relation to a Recommendation to permit. The loss of public open space would represent only a small 14.99% reduction of the overall Noakes Meadow public open space. The space is a large one in this part of south Ashford. It results from a combination of layout conventions when housing was first developed and the sites’ historic use for landfill with subsequent demolition of post-war housing to the north of the application site.
111. The development of the corner of the site would have a number of benefits to the southern boundary to the space and the safety of people within it and moving alongside it on PROW AU38: the latter is an important route towards the Town Centre. The provision of active frontage is achieved on all sides of the apartment building. The importance of a diverse range of public open spaces is important and the proposal would not significantly diminish Noakes Meadow’s role as a large space in the wider neighbourhood. The loss of the space would need to be mitigated.
112. The design approach is thoughtful and would achieve a high quality design with visual interest. The scale of the development is one that can be accommodated given the corner site layout ensures minimal disruption

to the landscape qualities of adjacent land. The development would not result in overlooking or incompatibility issues and would meet the requirements of Policies SP1, SP6 and HOU3a of the ALP 2030.

113. The housing mix is varied and would deliver 100% affordable housing for affordable rent. The mix accords with Policy HOU18.
114. Replacement car parking in lieu of the on-street parking that currently takes place on Halstow Way is proposed. As a result, the proposal would be acceptable in highway safety and capacity terms. The proposal exceeds the parking requirements of Policy TRA3a. Cycle and refuse storage proposals are acceptable.
115. There are no contamination, flooding, biodiversity and ecology impediments. Soft landscaping can yield biodiversity enhancements. A SUDs scheme will be required and through finessing may be able to further exceed the requirements of Policy ENV9. The proposal meets accessibility standards and would give good private spaces for occupiers. The proposal provides for provision of EV charging points and a future proofing strategy can be secured by planning condition. There is legislative requirement for delivery of a carbon neutral development but the applicant is cognisant of the need to maximise sustainable design/ construction and use.
116. The development needs to make s.106 obligations to mitigate its impacts. Contributions requested by Cultural Services are agreed to be combined to assist in bringing forward improvements to Noakes Meadow.

## **Recommendation**

- (A) **Subject to resolution with KCC Developer Contributions in respect of education contributions relating to x 2 1-bed flats due to their proposed GIA applicability, and**
- (B) **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 Strategic Development and Delivery in consultation with the Director of Law and Governance, with delegated authority to the Head of Strategic Development and Delivery 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) **Permit**

**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 agreement with the applicant**

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Materials to be agreed
4. Code of Construction practice
5. Hours of construction
6. Wheel washing, site set-up and contractor paring arrangements
7. Access and highways
8. Measures to prevent the discharge of surface water onto the highway
9. Provision and retention of parking and turning areas
10. EV charging points and future proofing strategy
11. Provision and retention of secure cycle parking and bin storage
12. Remediation, verification and dealing with any unexpected contamination
13. Foul water sewerage disposal details
14. Sustainable surface water disposal scheme
15. Tree protection measures
16. Arboricultural Method Statement
17. Details and hard and soft landscaping works within and beyond the site
18. Landscape management arrangements
19. Water use of dwelling no more than 110 litres per person per day.
20. Fine details of construction, boundary walls and railings and bollard lighting in the residents' car park
21. Monitoring
22. List of approved drawings and documents

**Note to Applicant**

1. S106
2. Working with the Applicant
3. KCC as Leading Flooding Authority advise that through technological advances the surface water discharge rate of 2/ltrs/second/ha should be able to be bettered and the applicant is invited to do explore this matter further in moving to a

detailed SUDs scheme to be submitted for approval pursuant to planning condition.

4. The applicant is advised that Policy ENV7 of the ALP 2030 requires a maximum water consumption of no more than 110 litres per person per day and this standard subject of planning condition needs to be met.
5. The applicant is expected to explore a range of measures at detailed design stage to ensure that the development minimises its impacts on climate change and should seek to create a carbon neutral development.
6. Southern Water advise that sewer records show that a public foul and surface water sewer may cross the application site and might impact upon the layout and/or require to be diverted. The applicant should discuss the matter further with Southern Water.

### **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 provided with pre-application advice,
- the applicant was provided the opportunity to submit amendments to the scheme/ address issues, and
- 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 //AS)

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**Telephone:** (01233) 330 334

Annex 1









<b>Application Number</b>	19/00445/AS
<b>Location</b>	Millgarth, The Hill, Charing, Ashford, Kent, TN27 0LU
<b>Grid Reference</b>	595582 / 149772
<b>Parish Council</b>	Charing
<b>Ward</b>	Charing
<b>Application Description</b>	Demolition of existing dwelling and erection of 2 dwellings
<b>Applicant</b>	Mr P Kang
<b>Agent</b>	Mr Ian Woodward-Court, Plainview Planning Ltd
<b>Site Area</b>	0.15 hectares

(a) 18/9/R

(b) Parish Council X

(c) CPRE X

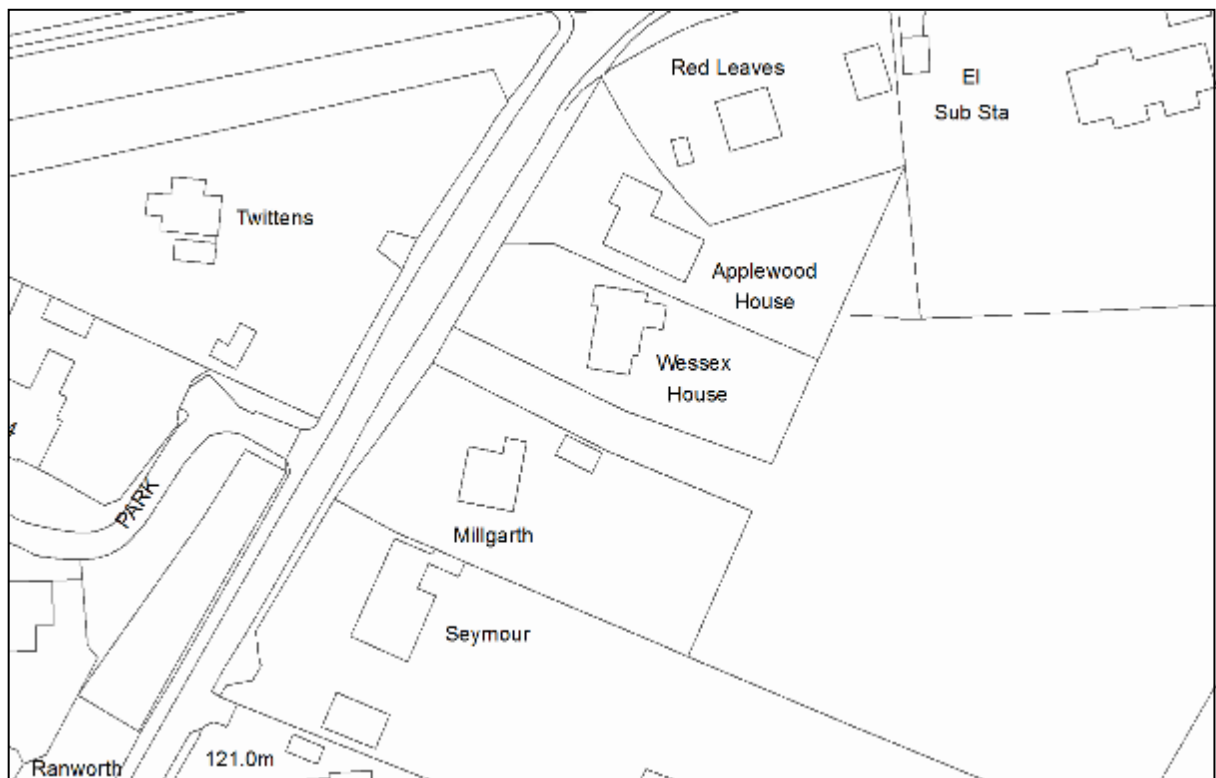
## Introduction

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

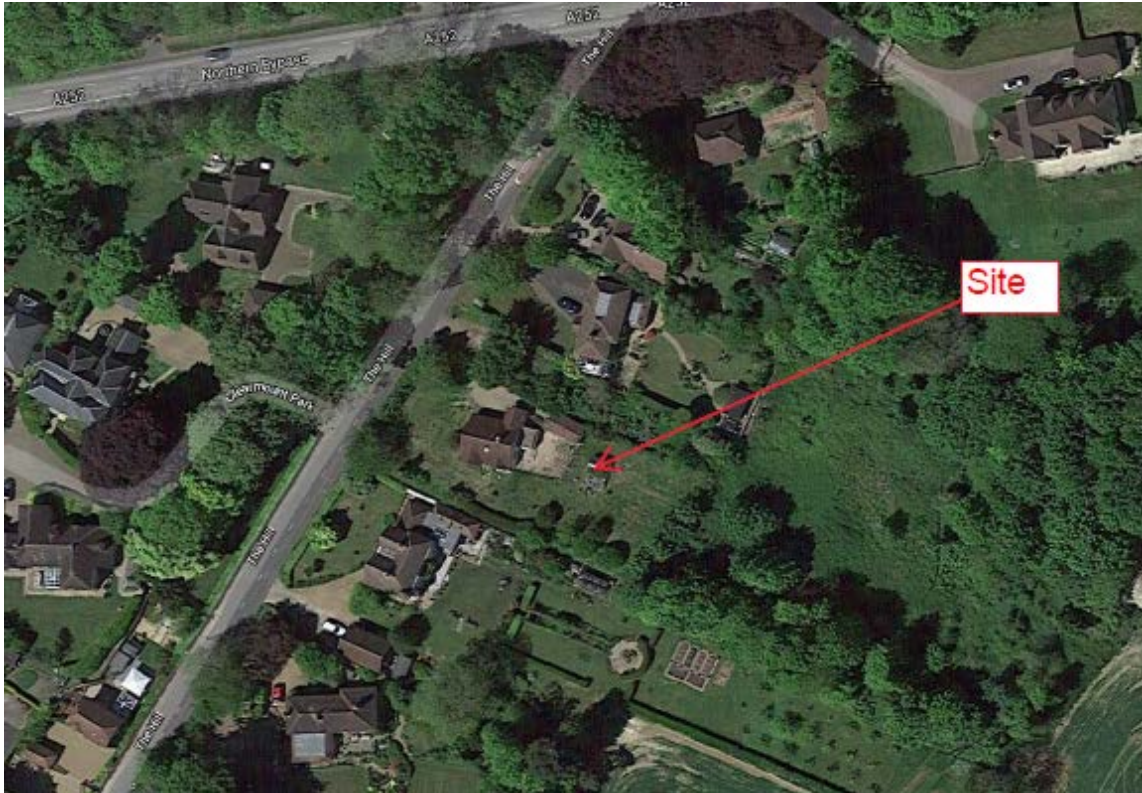
## Site and Surroundings

2. The application site comprises an existing bungalow and detached garage that is located on the eastern side of The Hill, close to the junction with Charing Hill (A252).
3. The Hill is characterised by large, detached, predominantly 2 storey, dwellings of varying architectural styles set apart from each other and back from the road in substantial, spacious plots. There is an abundance of vegetation along either side of the road, with most properties fronted by lawns, trees, shrubbery and mature hedges. The properties on the eastern side of The Hill back on to the countryside.
4. The site is located on the edge of the village of Charing, which has a train station and bus service, school, shops, public house, village hall and other local amenities. The Hill falls away from the Charing Hill into the village centre; therefore there are land level changes between each of the plots.

5. The site is accessed from the existing driveway on the northern side and has off road parking at the side for multiple vehicles.
6. The site is within the Charing Farmlands landscape character area and is adjacent to, but not included within, the North Downs Area of Outstanding Natural Beauty (AONB). A Public Right of Way (AW38) is located to the south-east of the site.
7. The trees to the rear of the site are covered by TPO 11, 2018; however no trees are protected within the site itself.



**Figure 1: Site Location Plan**



**Figure 2 - Aerial Photograph of Site**

## **Proposal**

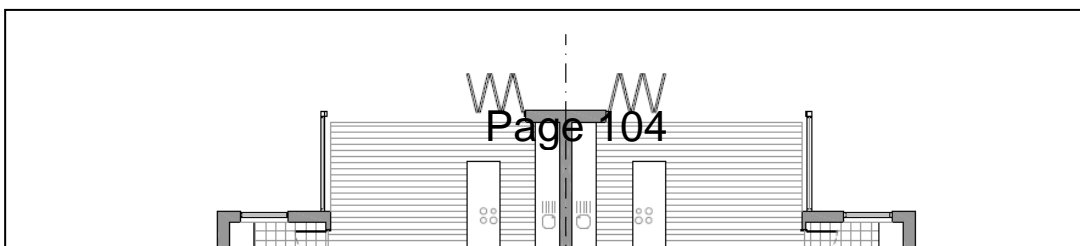
8. Planning permission is sought for the demolition of the existing dwelling and the erection of a pair of semi-detached dwellings. The proposed dwellings would be finished in red multi stock brickwork, white timber cladding, Kent peg roof tiles and white uPVC windows / doors.
9. The proposed new dwelling, sited adjacent to Wessex House is referred to as 'Unit 1' throughout the report and the proposed new dwelling sited adjacent to Seymour is referred to as 'Unit 2'.
10. The proposed dwellings would both be laid out with an open plan kitchen/dining room, utility room, living room and W.C on the ground floor and 4 double bedrooms (2 of which would be en-suite) and a family bathroom on the first floor; however Unit 1 would include a home office as well.
11. Unit 2 would have a front entrance door facing the main road, whereas Unit 1 would be accessed from an entrance to the side of the building adjacent to Wessex House.
12. The general design and form of the proposed development would be similar in appearance to the single detached dwelling that was granted

under planning permission 19/00610/AS (renewal of planning permission 16/01392/AS) when viewed from the main road, with the exception of the removal of the main chimney, replacement of the garage doors and the rearrangement of some of the ground and first floor windows. The proposed development would, therefore, give the impression of being a single detached house.

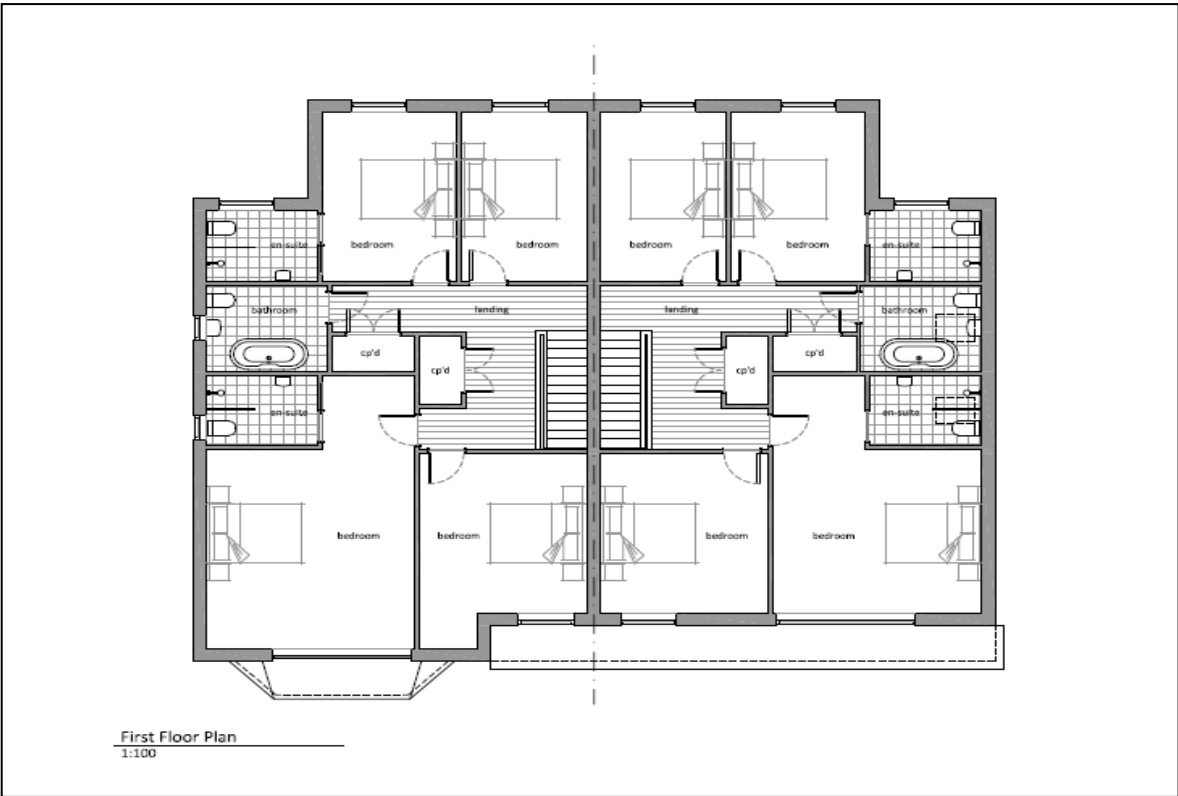
13. The proposed development would include parking at the front of the site for 3 cars per dwelling with a single re-positioned entry/exit point towards the middle of the site. The block plan, floor plans and elevations are set out in Figures 3-6 below. Figure 7 shows the single replacement dwelling which has an extant planning permission.



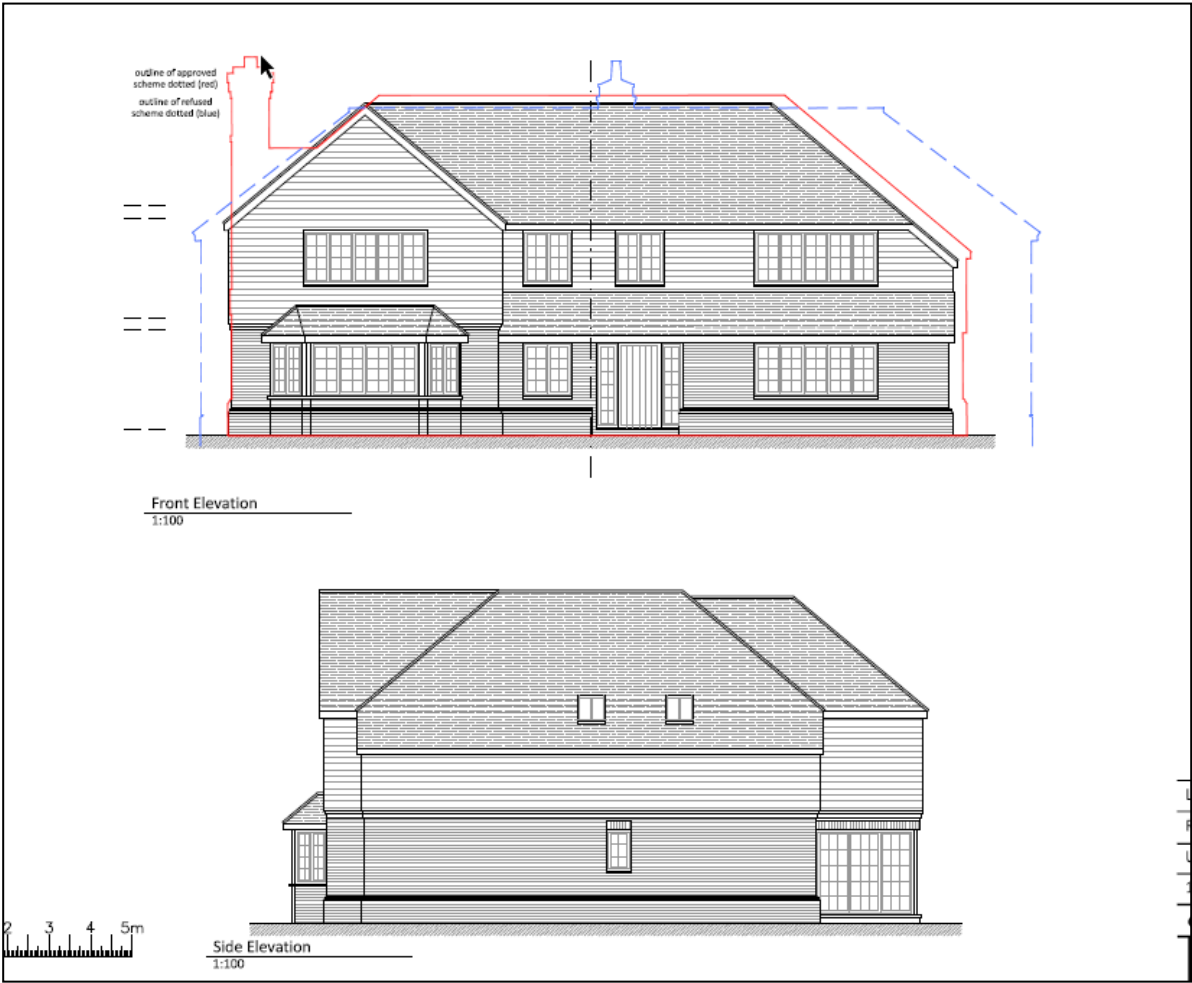
**Figure 3: Proposed Site Layout**







**Figure 5 - Proposed First Floor Plans**



**Figure 6 - Proposed Front and Side Elevations**



**Figure 7 - Approved Front and Rear Elevations under Planning Permission 16/01392/AS and 19/00610/AS**

## **Planning History**

### **Millgarth**

**16/01392/AS** – Full planning permission granted for demolition of existing dwelling and erection of 2 storey 5 bedroom dwelling with new vehicle crossovers and parking.

**18/00662/AS** - Full planning permission refused for demolition of existing dwelling and erection of 2 x dwellings. This application was dismissed at appeal.

**18/01808/AS** - Full planning permission refused for demolition of existing dwelling and erection of 2 x dwellings. This application was dismissed at appeal.



**19/00610/AS** - Full planning permission granted for demolition of the existing dwelling and erection of 1 x 5-bedroom dwelling (resubmission of the original approved under application reference 16/01392/AS).

### **Land rear of Millgarth**

**14/01111/AS** - Outline planning application refused for the erection of 4 dwellings. This application was allowed at appeal.

**17/01376/AS** - Reserved matters application granted for details of access, appearance, landscaping, layout, and scale pursuant to outline permission granted under 14/01111/AS.

**18/00421/AS** - Full planning permission refused the erection of 8 dwellings. This application was dismissed at appeal.

**18/01531/AS** - Full planning permission granted for erection of 5 no. dwellings with car ports.

## **Consultations**

**Ward Member:** The Ward member has requested that the application be determined by the planning committee.

**Charing Parish Council:** The parish council recommends refusal on the application for the following reasons:

1. The site should include affordable housing as the over site is for 10 houses due to the linked site;
2. The proposed dwellings are out of character with the surrounding properties as this area is within the ANOB;
3. The proposed car parking areas are out of keeping.

**Campaign to Protect Rural England (CPRE):** Object for the following reasons:

- This is a sensitive hillside site on the Kent Downs AONB escarpment;
- The whole area is in the immediate setting of the AONB;
- The land immediately behind is now covered by a Woodland TPO reference 18/00011 which is relevant to the landscape setting of the application site;
- Do not agree with applicant's assertion that there are no heritage or biodiversity interests in the area. It is in the setting of the AONB and forms the setting for the grade 1 listed Archbishop's Palace and other listed buildings and conservation area of the village;
- The impact and scale is set not only by the front elevation but also by the occupation and use.

**Neighbours:** 14 neighbours consulted; 9 letters of objection received with the following comments;

- The site is not suburban; it is on the edge of a rural village;
- Traffic speeds along this stretch of road;
- No other pairs of properties along the road;
- Out of character with the character, density and type of dwelling on The Hill;
- The site is too close to the junction for the additional number of vehicles;
- Increased risk of traffic accidents;
- The site is in the setting of the AONB;
- If approved, the white timber cladding should be replaced with white render;
- Any additional cars, including visitors, will be parked on The Hill;
- The site is linked to the land at the rear and should be considered with this in mind;
- Over-development;
- There are minimal boundary gaps;
- The existing garden is being sacrificed to allow an extra dwelling at the site;
- Loss of green frontage to facilitate access;
- The site is clearly visible from the AONB and PROW network;
- Overbearing impact;
- Increase noise and disturbance from additional movements;
- Increased light pollution;
- All surrounding properties have garages, but none are proposed for the new dwellings;
- The properties are being squeezed on the site;
- No refuse collection points have been shown on the site plan
- Loss of landscaping due to parking;
- The gaps between all the houses are a valuable part of the character
- The density is more than the surrounding plots;
- Loss of front garden area;
- Cramped development;
- Millgarth site is now smaller than the site that received planning permission 16/01392/AS as part of the garden was sacrificed to achieve 18/01531/AS.
- The provision of a fence down the middle of the site will urbanise the site;
- Two different owners, on either side of the vertical divide, seen from the street, will have different window treatments, planting schemes, standards of maintenance, decorative finishes and placing of aerials/satellites etc;
- The services in the village are being overstretched by major developments;
- Charing primary school is at capacity for its present buildings;
- Detrimental impact on the community;
- The proposed pair of semi-detached properties take up a greater proportion of the site than the 5 bed house previously approved as part of the site has been given over to planning permission 18/01531/AS;
- Timber cladding is out of character;
- The dining room floor to ceiling windows would overlook the neighbours;
- The turning area is limited;

## Planning Policy

14. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden

& Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30.

15. 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).
16. The relevant policies from the Development Plan relating to this application are as follows:-

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

SP1 – Strategic Objectives

SP2 – The Strategic Approach to Housing Delivery

SP6 – Promoting High Quality Design

HOU3a – Residential Windfall Development within Settlements

HOU10 – Development of Residential Gardens

HOU12 – Residential Space Standards Internal

HOU15 – Private External Space Standards

ENV1 - Biodiversity

ENV3b – Landscape Character and Design in the AONBs

ENV4 – Light Pollution and Promoting Dark Skies

ENV7 – Water Efficiency

ENV9 – Sustainable Drainage

TRA3a – Parking Standards for Residential Development

TRA6 – Provision for Cycling

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

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

Landscape Character SPD

Residential Space & Layout SPD

Residential Parking SPD

Sustainable Drainage SPD

Dark Skies SPD

## **Government Advice**

### National Planning Policy Framework (NPPF) 2018

18. 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 NPPF.
19. At the heart of the NPPF is a presumption in favour of sustainable development and the mechanism for applying this is set out at paragraph 11. The three dimensions of sustainability given in paragraph 8 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 9 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.
20. Paragraph 127 of the NPPF requires that decisions should ensure developments:
  - Function well
  - Add to the overall quality of the area for the lifetime of that development
  - Are visually attractive in terms of:
    - Layout
    - Architecture
    - Landscaping
  - Are sympathetic to local character/history whilst not preventing change or innovation;
  - Maintain a strong sense of place having regard to:
    - Building types
    - Materials
    - Arrangement of streets
  - Optimise the potential of the site to accommodate an appropriate number and mix of development
  - Create safe places with a high standard of amenity for future and existing users

## **Assessment**

21. Local Plan Policy HOU3a relates to residential windfall development within settlements and includes Charing.
22. Supporting paragraph 5.53 to policy HOU3a states that the built up confines of a settlement is defined as: “the limits of continuous and contiguous development forming the existing built up area of the settlement, excluding any curtilage beyond the built footprint of the buildings on the site (e.g. garden areas)”.
23. Supporting paragraph 5.54 to policy HOU3a goes on to state: “This definition may, however, include sites suitable for 'infilling' which is the completion of an otherwise substantially built up frontage by the filling of a narrow gap, usually capable of taking one or two dwellings only”.
24. Policy HOU10 states that development proposals involving the complete or partial redevelopment of residential garden land will be permitted provided the proposed development complies with the Council’s external space standards. In addition, this policy states that proposals should also comply with the requirements of policy HOU3a; they should be in keeping with the character of the area and not result in harm to wildlife corridors or biodiversity habitats.
25. The application site is considered to form part of the built up confines of Charing as the site forms part of ribbon development on the edge of Charing. The site is, therefore, within the limits of continuous and contiguous development forming the existing built up area of Charing village. As such, the site is considered to be in a sustainable location on the edge of Charing with a continuous dedicated pedestrian footpath from the site into the village.
26. The principle of additional residential development in this location is acceptable and would comply with the aims and objectives of national guidance and local policy subject to there being no overriding planning harm.

## **Visual Amenity**

27. The Hill is characterised by large, detached, predominantly 2 storey, dwellings of varying architectural styles set apart from each other and back from the road in substantial, spacious plots.
28. The general design and form of the proposed development would be similar to the single detached dwelling that was granted under planning permissions 16/01392/AS and 19/00610/AS when viewed from the main road as shown in Figure 7 above), with the exception of the removal of the main chimney, replacement of the garage doors and the

rearrangement of some of the ground and first floor windows. With this in mind, it is considered that the proposed development would not have any further significant visual impact on the character and appearance of the street scene and surrounding area over and above what has already been approved at the site and remains extant.

29. In terms of the layout of the proposed development and, specifically, the gaps to the shared boundaries at either side, it should be noted that the building would be slightly smaller in width than the single detached dwelling that was granted under planning permissions 16/01392/AS and 19/00610/AS; therefore any argument in terms of the lack of perceived spaciousness or cramped appearance would, in my view, be unreasonable. It is acknowledged that the plot sizes of the proposed dwellings would still be smaller than the surrounding properties and, as such, would have some effect on the established pattern of development in the area which was highlighted by the Planning Inspector for applications 18/00662/AS and 18/01808/AS as a concern. However, it is considered that a ground of refusal on this basis could not be substantiated given the fact that the design and form of the proposed development has been amended to be in line with a previously consented scheme. This part of the proposal is, therefore, considered acceptable, on balance, and it is noted that the planning permission to the rear of Millgarth has also altered the development pattern in the immediate area to some extent as well.
30. Planning permissions 16/01392/AS and 19/00610/AS included an 'in and out' driveway with 2 designated car parking spaces at the side, together with a fairly significant area of hardstanding. The current proposal includes a more formal parking layout for 6 vehicles in order to comply with the adopted parking standard in TRA3a. That said the laying of hardstanding is permitted development and it should be noted that new planting would be provided at either side of the new access points in the form of ornamental shrubs, specimen shrubs and mixed native hedgerow. Subject to this planting being provided at an acceptable maturity level it is considered that this would complement the surrounding street scene and provide an element of screening of the parking area.
31. The hard surfacing at the front of the site would include a permeable resin bound gravel that is appropriate in terms of its appearance, particularly given the fact that a number of other nearby properties have gravel finishes. Whilst the Planning Inspector for applications 18/00662/AS and 18/01808/AS found these schemes to be unacceptable, the following was noted: "Had I been minded to allow this appeal, both this planting and the surfacing of the parking area could have been the subject of a condition".
32. With regards to the material finish of the proposed dwellings the applicant has confirmed that they would be finished in a mixture of brickwork, white timber cladding and Kent peg roof tiles. A number of representations have been received in relation to the proposed use of white timber cladding and that, specifically, this would not being in

keeping with the immediate surrounding properties which feature white render. However, there are properties further into the centre of Charing that have white timber cladding exteriors and it is considered that this material would add to the mixed street scene along The Hill in an acceptable manner. Furthermore, white timber cladding is characteristic of a number of rural properties within the Kent countryside (see Figure 6).



**Figure 8 – Proposed Elevations under Refused Application Reference 18/00662/AS**



**Figure 9 - Proposed Elevations under Refused Application Reference 18/01808/AS**

33. It is acknowledged that there have been several planning applications on this site to date that have been considered unacceptable. Most recently, the Planning Inspector for applications 18/00662/AS and 18/01808/AS highlighted that the applicant had a realistic fall-back position due to planning permission 16/01392/AS, which has since been renewed for a further 3 years under planning permission 19/00610/AS. Whilst this is clearly still the case for the applicant, it is considered that the proposed development would now have an acceptable impact on the visual amenity of the surrounding area, on balance.
34. The Planning Inspector for applications 18/00662/AS and 18/01808/AS also highlighted that the NPPF is clear that making more effective and efficient use of land should not be at the expense of local character and that there is no shortage of housing in Ashford. However, as previously pointed out, the design and form of the proposed development has been amended to be in line with a previously acceptable scheme and it is considered that refusal grounds on the plot sizes and extent of the proposed parking/driveway alone would not be substantiated.
35. With regards to the AONB setting, it is acknowledged that the proposed development would be visible from the surrounding landscape and PROW network; however the current proposal would not have any further significant impact than which has already been granted at the site under planning permissions 16/01392/AS and 19/00610/AS. The proposal would have no adverse impact on the streetscene, immediate landscape or the AONB to the north. I consider the proposed development acceptable in terms of visual amenity.



36. Future Residents

37. The proposed development would comprise two 4 bedroom / 8 person dwellings across 2 storeys, which would comply with / exceed the minimum gross internal floor areas set out in the nationally described space standards and policy HOU12. All individual rooms also meet / exceed the required standards.
38. The garden area would measure approximately 28m in depth which exceeds the requirements under policy HOU15 and the Council's Residential Space and Layout SPD which state that for houses, the private garden area should be at least 10m deep x the width of the dwelling.
39. With the above in mind it is considered that a satisfactory living environment would be provided within the proposed development.

40. Existing residents

41. The main properties that would be affected by the proposed development would be Wessex House to the north and Seymour to the south, both of which are detached two-storey dwellings
42. The overall footprint and general layout is similar to that approved under planning permission 19/00610/AS; therefore I am of the opinion that there would be no grounds to refuse the application in terms of loss of daylight/sunlight or outlook to either neighbouring property.
43. Unit 1 would include the main entrance door and one window serving a W.C on the side elevation at ground floor level and 2 windows serving a bathroom and en-suite bathroom at first floor level. Unit 2 would only include one window serving a W.C on the side elevation at ground floor level. It is recommended that all of the windows be conditioned so that they are obscure glazed and high level opening so as to prevent any unnecessary overlooking.
44. Units 1 and 2 would both now feature floor to ceiling side windows to the kitchen/dining room; however these windows would be set in from both sides of the site and adequate boundary planting would increase levels of privacy. This could be the subject of an appropriately worded condition. Further as they are ground floor windows they will not cause unacceptable overlooking in any event
45. The rear elevation would include 6 rear facing windows at first floor level; however, it should be pointed out that planning permissions 16/01392/AS and 19/00610/AS included 3 large rear facing windows and the overall proportion of glazing would not be dissimilar.
46. In light of the above I consider that the residential amenity of existing and future residents is acceptable.

## **Highway Safety and Access**

47. The proposed development would include parking at the front of the site for 3 cars per dwelling in line with policy TRA3a.
48. Planning permission 19/00610/AS included an 'in and out' driveway with 2 designated car parking spaces on the driveway and a large area of hardstanding. Although the current proposal includes a more formal layout, it is considered that suitable planting could help mitigate against this, as well as the use of appropriate surfacing for the driveway area, such as gravel. Both of these matters could be addressed by way of a condition. In addition the current property could turn its entire front garden over to hardstanding (provided it is permeable or drains within the site) without the need for planning permission.
49. A single re-positioned entry/exit point would be provided towards the middle section of the site, which is acceptable subject to adequate sight lines being achieved. This matter could be also dealt with by way of a planning condition.

## **Human Rights Issues**

50. 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**

51. 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**

52. Balancing the issues identified above, I consider the development to comply with the requirements of Local Plan and Central government guidance as a whole. The proposal raises no adverse issues in terms of visual harm, harm to residential amenity or harm to highway safety that would warrant refusal. Further the proposal would make a modest

contribution to the windfall requirement of housing needed to maintain the Council's 5 year housing land supply. In light of this it is recommended that planning permission is granted.

## **Recommendation**

### **Permit**

#### **Subject to the following conditions:**

- 1) Implementation within 3 years
- 2) Approved plans
- 3) Wheel washing
- 4) Parking for site personnel
- 5) Sample materials to be submitted for approval – pre-commencement
- 6) Details of retaining walls to be submitted for approval – pre-commencement
- 7) Obscure glazing – all first floor side windows
- 8) Visibility splays to be submitted for approval – pre-commencement
- 9) Parking as provided
- 10) Hard surfacing as specified
- 11) Sustainable drainage
- 12) Details of boundary treatment/landscaping to be submitted
- 13) Refuse storage
- 14) Biodiversity enhancements
- 15) Removal of PD rights (Classes A to E)
- 16) Available for Inspection

#### **Note to Applicant**

- 1) Working with applicant – approval
- 2) Informative regarding Highways approval for works to highway

## **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 //AS)

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<b>Application Number</b>	19/00941/AS
<b>Location</b>	Peniel, Bethersden Road, Smarden, Ashford, Kent, TN27 8QU
<b>Grid Reference</b>	588165 141428
<b>Parish Council</b>	Smarden
<b>Ward</b>	Smarden
<b>Application Description</b>	Demolition of the existing dwelling, detached garage and storage buildings and replacement with 2 no. detached dwellings with associated landscaping and parking
<b>Applicant</b>	Mr Dodd and Ms Minter
<b>Agent</b>	Price Whitehead
<b>Site Area</b>	0.16 hectares
(a) 2 /3R & 7S	(b) Parish Council – X (c)

## Introduction

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

## Site and Surroundings

2. The application site is located within a rural area to the south of Smarden village. The site is located approximately 950m from the southern edge of Smarden village. The site is therefore classed as open countryside and is located outside the village confines of Smarden. The site is located in the Low Weald Haffenden Quarter Farmlands Landscape Character Area and the key characteristics of the landscape are flat to gently undulating landform, mixed land use, varied field pattern, hedgerow enclosed pasture with oak hedgerow trees, traditional timber framed buildings and converted farm Buildings.
3. The pattern of development along Bethersden Road to the south of Smarden is predominantly linear. The building typology is very mixed, with detached and semi-detached bungalows, chalet bungalows and two storey dwellings. The site is part of sporadic non-continuous ribbon development to the south of the built confines of the village.

- The application site contains a detached bungalow with a steeply pitched roof, and a detached timber double garage and workshop building to the rear of the house. To the front of the house is a small enclosed front garden. Vehicle access and a drive to the side / north of the house provides access to the rear garage / parking area.



**Figure 1 - Site location Plan**

## **Proposal**

- Demolition of the existing dwelling, detached garage and storage buildings and replacement with 2 no. two-storey detached dwellings with associated landscaping and parking. The dwellings would have a linear layout with frontage onto Bethersden Road. The existing vehicle access would be used for Plot 1 and a new vehicle access is proposed for Plot 2. Parking for 3 cars would be provided at the front of each house. The houses would have a traditional appearance finished in facing brickwork, tile hanging, weatherboarding and clay roof tiles.



Figure 2: - Proposed block plan

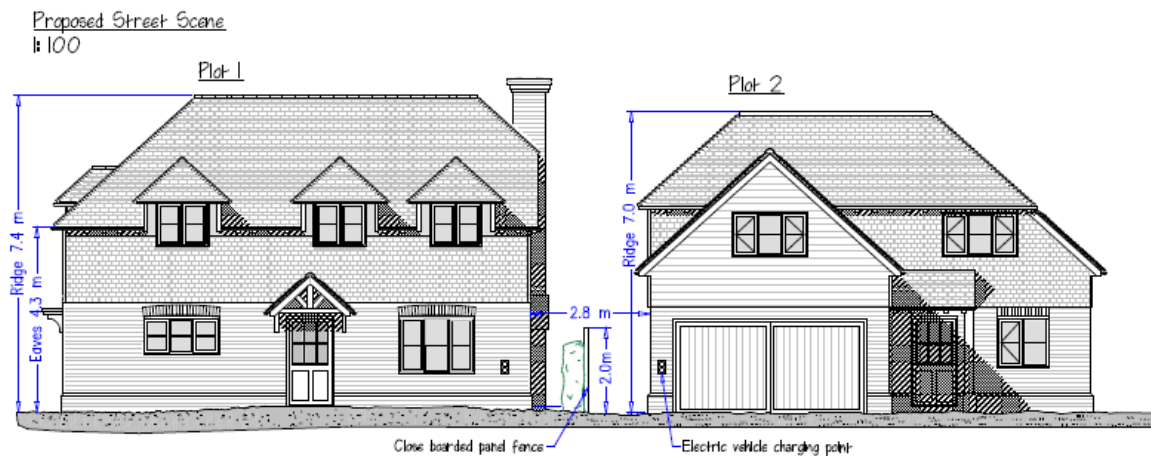


Figure 3:- Streetview

## Planning History

No relevant planning application history for this site.

## Consultations

**Ward Member:** Cllr Mullholland has requested that the application be determined by the planning committee.

**Parish Council:** Raise no objection provided an overlooking dormer window has frosted glass.

**KCC Ecology** – Request further information regarding great crested newt mitigation area.

**Shenley Farms Aviation:** Commenting - The development is in close proximity to the aerodrome and noise associated with aviation activity will be apparent.

**Neighbours:** 2 neighbours originally consulted. 3 objections and 7 letters of support have been received as summarised below:

### Support:

- Visual improvement
- Infill rather than greenfield
- Family housing is needed
- More housing would benefit the school and pre-school

### Objections

- Not enough space on the site for two houses.
- Additional traffic.
- Additional noise.
- Enough housing development already in Smarden and there is no need to for additional development here.
- This is an incongruous form of development contrary to the established character and pattern of development along Bethersden Road and would be harmful to the visual amenity of the area.

## Planning Policy

6. 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).
7. 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).



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

SP1 – Strategic Objectives

SP2 – Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

HOU5 - Residential windfall development in the countryside

HOU10 – Development of Residential Gardens

HOU12 - Residential space standards internal

HOU14 – Accessibility standards

HOU15 - Private external open space

TRA3a - Parking Standards for Residential Development

TRA6 – Provision for Cycling

TRA7 - The Road Network and Development

ENV1 – Biodiversity

ENV3a – Landscape Character and Design

ENV4 – Dark Skies

ENV9 - Sustainable Drainage

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

**Supplementary Planning Guidance/Documents**

Residential Space and Layout SPD 2011 (now external space only)

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD

Dark Skies SPD

National Planning Policy Framework (NPPF) 2019

10. 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:-
11. Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available .... and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
12. Paragraph 78 of the National Planning Policy Statement advises to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
13. Paragraph 79 states planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
  - a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
  - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
  - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
  - d) the development would involve the subdivision of an existing residential dwelling; or
  - e) the design is of exceptional quality
14. Section 12 of the NPPF refers to achieving well-designed places. As such the creation of high quality buildings and places is fundamental to what the planning process should achieve. Good design is a key aspect of sustainable development, creates better places to live and helps to make development acceptable to communities. It is therefore clear that design expectations is

essential for achieving this. Paragraph 127 states the following in relation to good design. It specifies that decision should ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- Establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive welcoming and distinctive places to live work and visit.
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks, and
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

#### National Planning Policy Guidance (NPPG)

15. Technical housing standards – nationally described space standards

## **Assessment**

### **Housing Policy**

16. The application site is located in the open countryside approximately 950m from the southern edge of Smarden village. There are no roadside public footpaths connecting the site to the nearest settlement. There is no street lighting and traffic speeds along this section of Bethersden Road are 40 mph.
17. This application falls to be considered under policy HOU5 of the Local Plan 2030 which covers proposed windfall housing developments located outside the built up confines of settlements, i.e. in the open countryside. Policy HOU5 is set out in two sections:
- Proposals for residential development adjoining or close to the existing built up confines of specified (sustainable) settlements (including Smarden).
  - Residential development elsewhere in the countryside.

18. The pre-text to policy HOU5 sets out the locational criteria which needs to be met in order for a site to be considered under the first section of HOU5 and requires new housing development to be easily and safely accessible on foot to the village facilities. In this regard paragraph 6.58 sets out suitable maximum walking distances and states:
19. *'Although some reliance on the private car is inevitable in rural locations, the availability of good public transport links, cycling and walking routes can help to reduce that reliance and enable better accessibility to services that may only be available in higher-order rural settlements or Ashford itself. Basic day to day services such as a grocery shop, public house, play / community facilities and a primary school should be within a generally accepted easy walking distance of 800 metres in order to be considered sustainable, although the specific local context may mean a higher or lower distance would be a more appropriate guide'.*
20. The application site is located 1.1km from the local pub, 1.45km to the primary school, 1.3km to the village butchers shop and 1.6km to a recently approved community hall / shop.
21. Given the distance to the nearest services, and more importantly the absence of a safe pedestrian roadside public footpath along Bethersden Road between the site and Smarden village, the proposal would be contrary to the first section of policy HOU5 which requires new housing to be located in sustainable locations in terms of access to the nearest settlement/services.
22. The agent has demonstrated slightly shorter distances between the site and Smarden but this route would make use of PROW AW195 which is a rural footpath crossing fields and, is not considered to be an acceptable everyday route for access to the village. PROW AW195 is not lit and would not be a suitable route during the winter / wetter months. Notwithstanding this the route via AW195 would still be more than 800m as required under policy HOU5.
23. Given the above the application site is not considered to be a sustainable or suitable location for additional housing and would be contrary to policy HOU5.
24. In terms of assessment under the second part of HOU5 the proposal must meet at least one of the criteria set out in the policy. The proposal would not meet any of the relevant criteria in the second part of policy HOU5 for the following reasons:
  - The proposal is not for an essential need for a rural worker.
  - The proposal does not involve a heritage asset.
  - The proposal does not involve the re-use of redundant or disused buildings.
  - The proposed design is not considered to be truly outstanding and innovative.
  - This is not a one for one replacement dwelling

25. The proposal would also be contrary to policy HOU10 (Development in Residential Gardens) as policy HOU10 requires housing developments to be located in sustainable locations in accordance with policy HOU5.
26. Given the above assessment and location of the site the proposal would be located in an inappropriate and unsustainable location for new housing contrary to policy HOU5 and HOU10. The proposed development would result in additional housing in an unjustified and unsustainable location in the countryside where there would be a reliance on the private motor car for access to shops and day to day services.

### **Design**

27. The proposal seeks to replace a modest three bed bungalow with 2no. two-storey 4 bed houses.
28. The footprint of each house would be significantly larger than the neighbouring properties and there would be minimal spacing (approx. 2.25m) between the two houses and minimal spacing between the each house and shared boundary, approximately 2m for Plot 1 and 1.3m for Plot 2. The minimal spacing coupled by the additional height and bulk of the two-storey houses would create a cramped form of overdevelopment that would not sit comfortably on this rural plot and would therefore cause detrimental visual harm to the character of the streetscene and rural setting. The density of the proposed development is therefore not considered to be appropriate for the size / width of the application site and would be out of keeping with the density of the smaller linear pattern of development along the east of Bethersden Road immediately adjacent the application site.
29. In addition, concern is raised regarding the overall design of the proposed development. Plot 2 would have a central flat roof crown which is indicative of the overdevelopment of this site and would constitute a contrived and poor standard of design.
30. The front of the site would be dominated by hardstanding by car parking and hardstanding for parking / turning areas. Whilst this is not wholly uncharacteristic of the surrounding area it would represent a visual detraction over the current landscaped front garden. The design and layout would therefore fall to enhance the character of the area as required by policy SP6 and the aims and objectives of the National Planning Policy Framework.
31. Concern is also raised regarding the fenestration arrangement on the front elevation of Plot 1, in particular the irregular fenestration style and lack of cohesion and positioning of the dormer and ground floor windows.
32. The houses would have a traditional appearance and would generally reflect the character of the area and natural / traditional material samples could have been secured by condition had the scheme been considered acceptable. The acceptability of the materials does not overcome the demonstrable visual harm identified above.

33. Overall, the proposal would constitute a poorly designed, incongruous, dominant and cramped form of overdevelopment for this rural plot, contrary to design policy SP6, HOU5 and HOU10 and the aims and objectives of the National Planning Policy Framework.

### **Residential amenity**

34. The proposal seeks to replace a modest three bed bungalow with 2no. two-storey 4 bed houses that would be located significantly closer to the shared boundary than the existing house. There would undoubtedly be some additional impact on the adjoining residential properties compared to the current situation.
35. Plot 2 would be set in 1.3m from the shared boundary and would have a cat-slide roof adjacent to the boundary which would help to reduce the bulk and scale of the development when viewed from the adjoining property (Melville). Melville has bedroom and living room windows (at ground floor level) facing towards the application site and it is considered that the scale and proximity of the proposal to the shared boundary would represent an overbearing and oppressive form of development detrimental to the residential amenity of the occupants of this dwelling.
36. Plot 1 would be set in approximately 2m from the shared boundary and at two-storeys in height and with a depth of over 12m, it is considered that the proposal would appear unacceptably overbearing and oppressive when viewed from the neighbouring property located to the north of the site (4 Buffalo Cottages). This property has a first floor bedroom window in the flank elevation facing towards the proposed house at Plot 2. This is the only bedroom window serving the bedroom. Given the scale and proximity of Plot 1 to the shared boundary it is considered that the proposal would result in an unacceptably overbearing and oppressive form of development to the detriment of the residential amenity of the occupants of this property.

### **Other matters**

37. The proposed dwellings would benefit from rear gardens which would comply with policy HOU15 and the proposed internal living accommodation would comply with the National Technical Standards, which are also set out under policy HOU12.
38. Parking and on-site turning would be provided in accordance with policy TRA3a of the Local Plan and on-site turning areas would allow vehicles to enter and access the site safely in forward gear.
39. The proposal would result in the loss of two small trees which are not considered to offer significant visual amenity to the surrounding area due to the size, type and location of the trees. Had the application been considered acceptable mitigation tree planting could have been secured by condition.

40. The submission includes an ecological report and bat and great crested newt surveys which indicates there would be no significant negative ecology impact subject to mitigation and enhancement measures which could have been secured by condition had the scheme been acceptable overall.

## **Human Rights Issues**

41. 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**

42. 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**

43. The services and facilities in the nearest settlement of Smarden are located over 1 km from the site and due to the absence of roadside pedestrian footpaths and street lighting there would not be a safe / easy pedestrian route to Smarden as required by policy HOU5. As such the development would constitute an unsustainable form of development in the countryside contrary to policy HOU5 and HOU10 and would fail to comply with any of the exception criteria, also outlined under paragraph 79 of the NPPF. There would be an over reliance on the private motor car to access basic day-to-day services within Smarden and the wider area and it is not considered that the development would therefore be sustainably located.
44. The proposal would constitute an overdevelopment of the site and a cramped form of development on this plot in the rural area where development is generally well spaced and sporadic. It would give rise to a visually dominant and incongruous form of development detrimental to the character of the surrounding area, street scheme and countryside contrary to design policy SP6, HOU5 and HOU10 and the aims and objectives of the National Planning Policy Framework.
45. Given the scale and proximity of the proposed development to the shared boundaries the proposal would result in an unacceptably overbearing and

oppressive form of development to the detriment of the residential amenity of the neighbouring properties.

46. The economic and social benefits of one additional house on this site is not considered to outweigh the demonstrable harm identified above.
47. Therefore, for this reason, I consider that planning permission should be refused on this basis as the development would be contrary to policies SP1, SP6, HOU5, HOU10 and ENV3a of the Local Plan and the guidance contained within the NPPF.

## **Recommendation**

### **Refuse**

The proposal is contrary to policies SP1, SP6, ENV3a, HOU5 and HOU10 of the Ashford Local Plan 2030, the Council's Landscape Character SPD 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 reasons:

- The proposed development, which lies outside of the built confines of any identified settlement, with no overriding justification having been submitted, would give rise to unsustainable new housing in the countryside which would result in the over reliance on the private modes of transport to access basic everyday shops and services, contrary to the core principles of the Local Plan and the National Planning Policy Framework which seek to promote sustainable development in rural areas and avoid isolated homes in the countryside.
- The proposal would constitute a poorly designed, visually dominant and cramped form of overdevelopment of this rural plot which would be incongruous and out of character with the rural character of the area detrimental to the character and appearance of the countryside and surrounding area and harmful to visual amenity.
- The proposal by reason of the scale, depth, height and proximity to the shared boundaries of the neighbouring dwellings, would result in an unacceptably overbearing and oppressive form of development to the detriment of the residential amenity of the adjoining neighbouring properties located to the north and south of the site.

### **Note to Applicant**

1. 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/agent was updated of any issues after the initial site visit;
- Was provided with pre-application advice;
- 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 19/000941/AS)

**Contact Officer:** Andrew Jolly

**Email:** [andrew.jolly@ashford.gov.uk](mailto:andrew.jolly@ashford.gov.uk)

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<b>Application Number</b>	19/01341/AS	
<b>Location</b>	11 Bornefields, Ashford, Kent, TN23 3RF	
<b>Grid Reference</b>	00121/41177	
<b>Parish Council</b>	Central Ashford	
<b>Ward</b>	Beaver Ward	
<b>Application Description</b>	Erection of Single storey rear extension	
<b>Applicant</b>	Ashford Borough Council	
<b>Agent</b>	RDA Consulting Architects, Evegate Park Barn, Evegate, Smeeth	
<b>Site Area</b>		
(a) 7/1R	(b)	(c)

## Introduction

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

## Site and Surroundings

2. The application site relates to a two storey semi-detached dwelling located within the confines of central Ashford. The site is situated within a residential street with a number of similar styled properties.
3. A site location plan is attached as an annexe to the report.

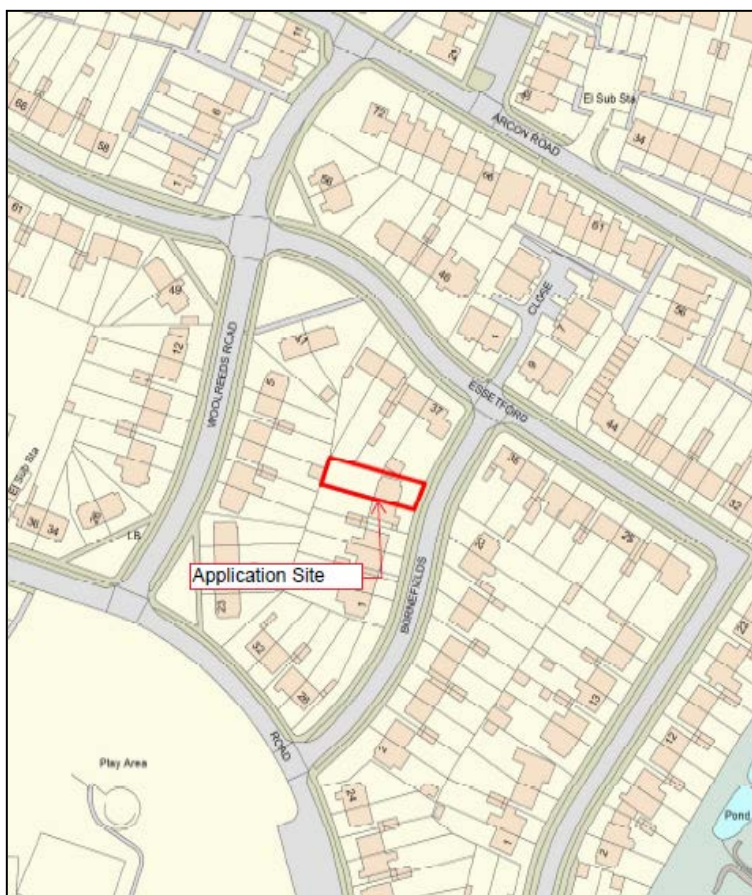


Figure 1 - Site Location Plan

## Proposal

4. Full planning permission is sought for a single storey rear extension to provide an additional bedroom and the internal adaptation of the ground floor layout to provide an ensuite bathroom, all at ground floor level. The roof would have a mono-pitch extending as an overhang to the side to provide a covered area for the parking of mobility vehicles. The extension would have a render finish and a felt roof. The overhang would be partly open with the remaining elevation having cement fibre weather boarding on timber studwork.
5. The development is necessary for the particular needs of the occupant who is disabled.

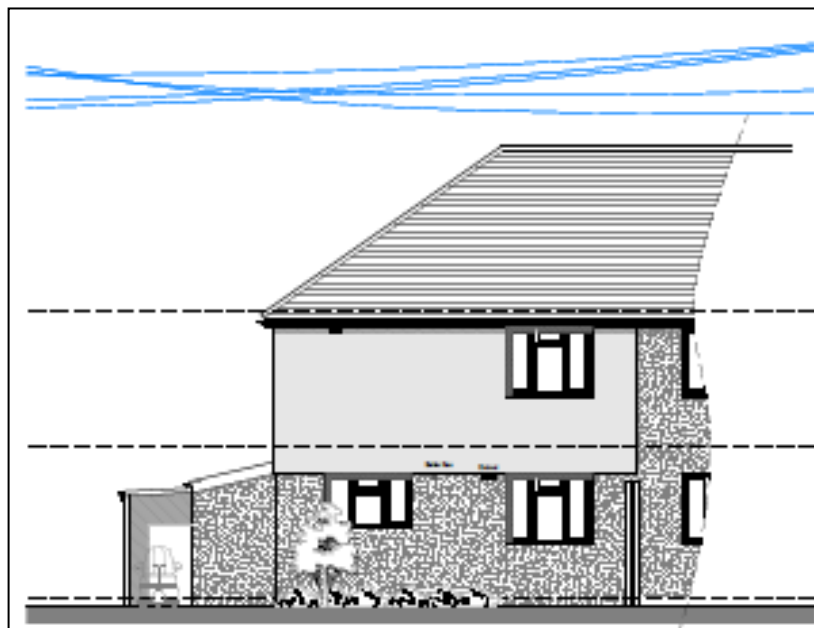


Figure 2 Existing Rear Elevation

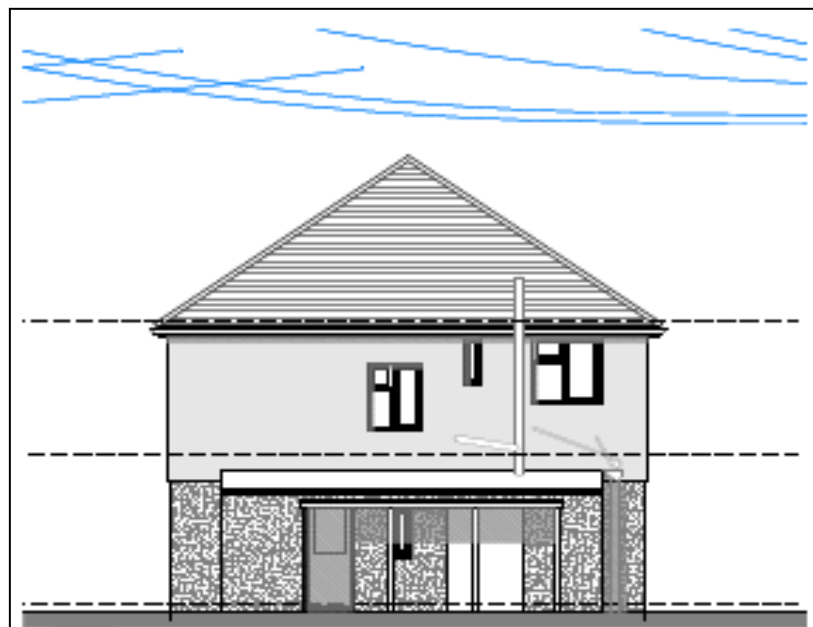


Figure 3 - Existing Side Elevation

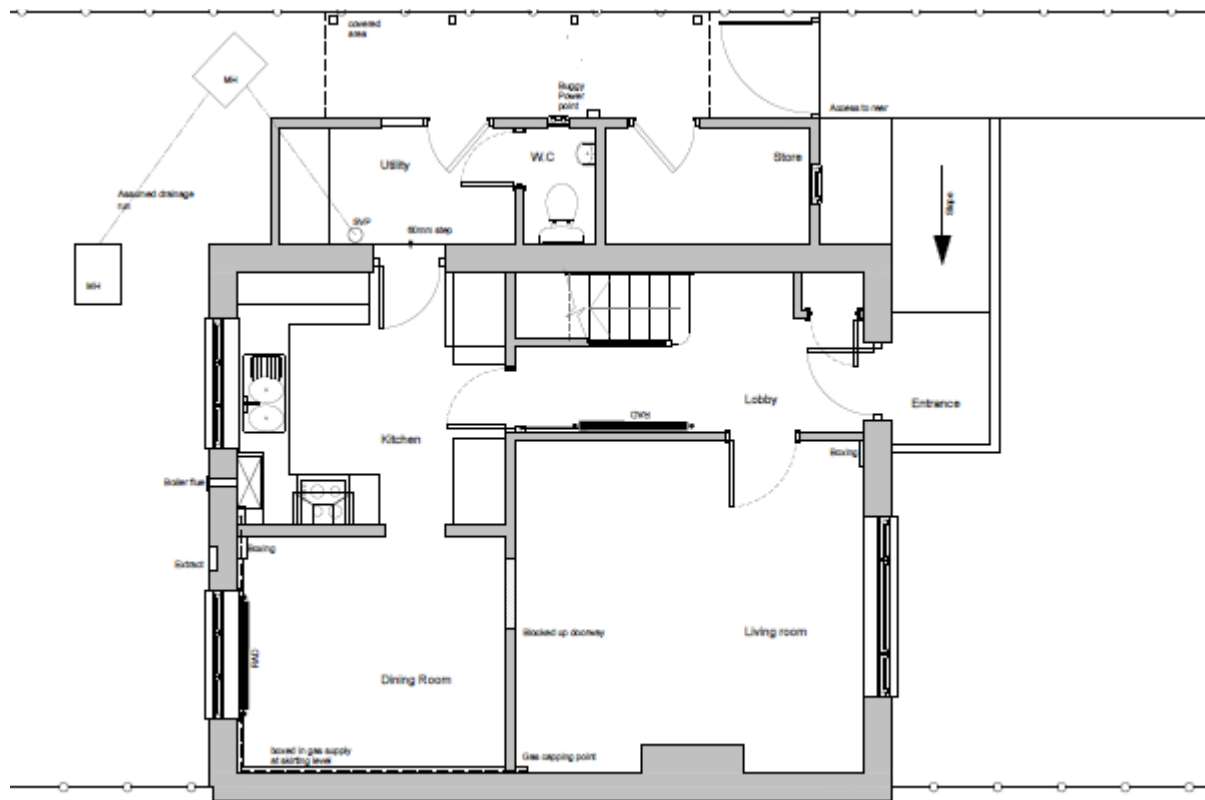


Figure 4- Existing Floor Plan

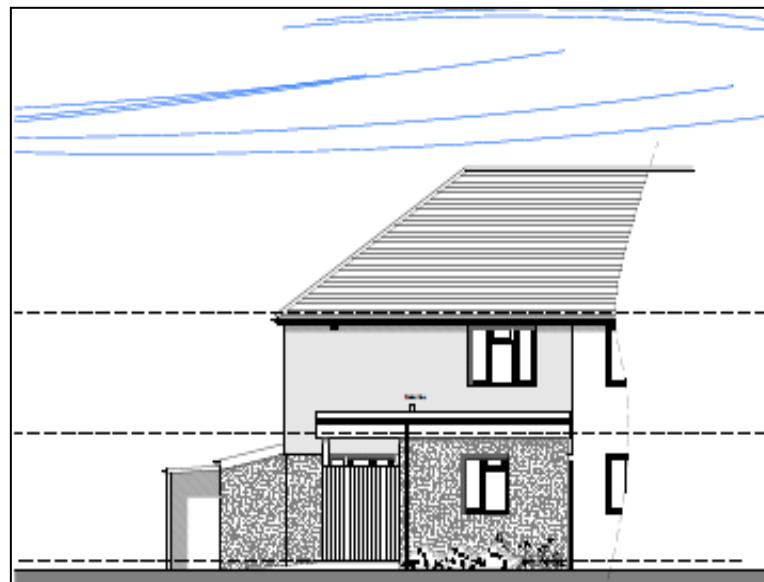


Figure 5 - Proposed Rear Elevation

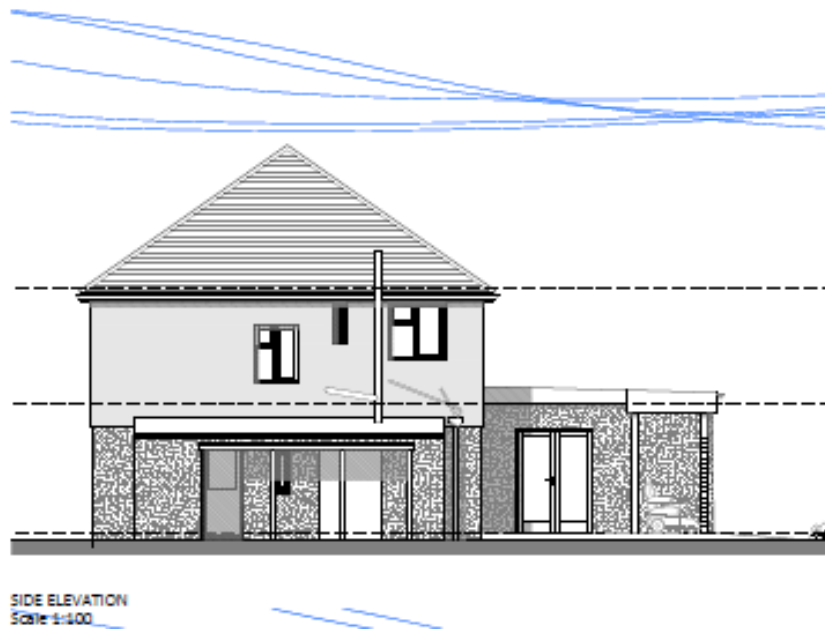


Figure 6 - Proposed Side Elevation

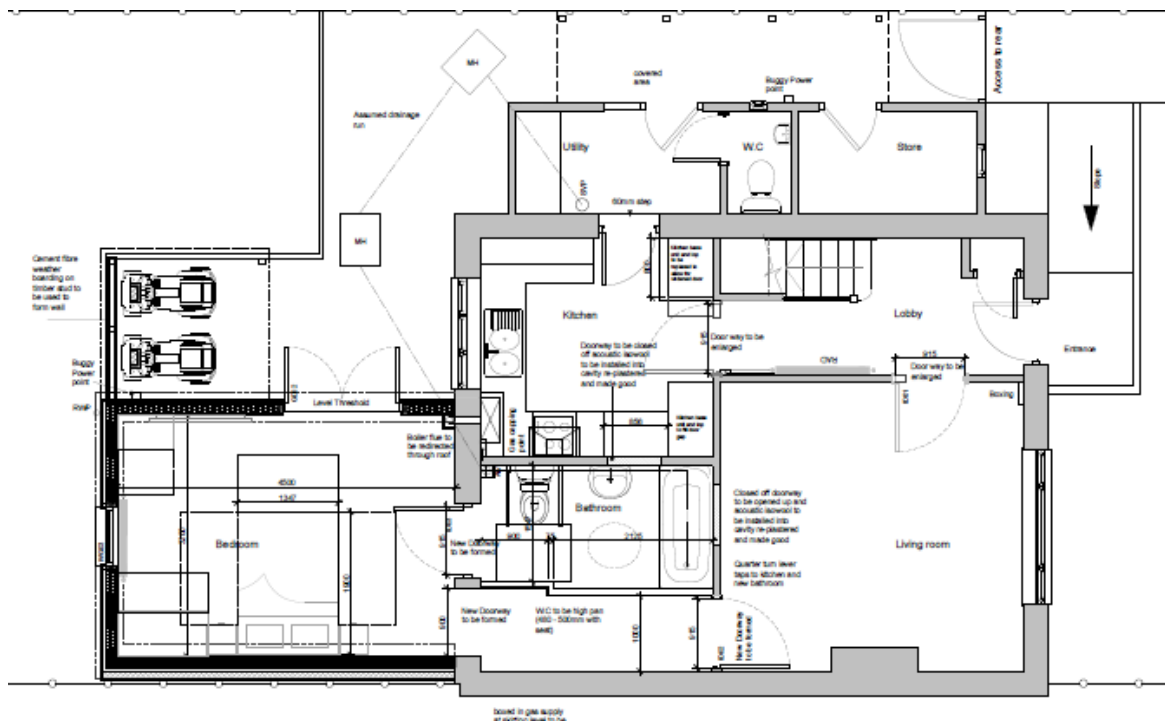


Figure 7 Proposed Floor Plan

## Planning History

5. There is no relevant planning history

## Consultations

**Ward Members:** No comment has been received.

**Parish Council:** N/A

**Neighbours:** 7 neighbours consulted; 1 objection received from the adjoining neighbour raising the following concerns:

- The proposed extension would block out the existing natural light into the dining room;
- The footings would disturb the fence line;
- The positioning of the scaffolding on the neighbouring property. They request a meeting with the council and builders before the application is agreed.  
(**DMM comment:** The second 2 matters are not material planning considerations being civil matters between the parties concerned.)

## Planning Policy

6. 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).
7. 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).
8. 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



#### HOU8- Residential Extensions

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

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

SPG 10 – Domestic Extensions in Urban and Rural Areas.

#### **Government Advice**

##### National Planning Policy Framework (NPPF) 2019

10. 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:-
11. Paragraph 48 states in relation to the stages of preparing a Local Plan that:
- “Local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”

##### National Planning Policy Guidance (NPPG)

#### **Assessment**

12. The main issues for consideration are:
- Visual Amenity
  - Residential Amenity

### **Visual Amenity**

13. Whilst the extension has a shallower roof pitch than the main dwelling, given its modest scale, extending 4.8m from the dwelling's rear elevation with a maximum height of 3.1m, it would sit comfortably on the rear elevation. The materials would both match and complement the existing dwelling. The development would not be harmful to the visual amenity of the locality.

### **Residential Amenity**

14. I have taken into account the concerns raised by the neighbouring property at 9 Bornefields. The proposed extension would be located adjacent to a 6ft boundary fence separating both properties. In any event there are no windows on this side of the extension. In turn, when applying the Building Research Establishment's standards for assessing light impact, whilst the extension would result in a small breach, given the scale and single storey nature of the extension, the development would not adversely affect the outlook from the dining room window of the neighbouring property nor represent overbearing development.
15. In light of the above, the proposed single storey rear extension would not cause harm to residential amenity.

### **Human Rights Issues**

16. 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**

17. 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**

18. The objective of the development is to provide a further bedroom and covered area for the parking of mobility vehicles to accommodate the particular needs of the occupant of the dwelling. There would be no harm to visual or residential amenity.
19. For the reasons above, I therefore recommend that the application is approved as it would accord with Development Plan policies and there are no overriding material considerations to suggest otherwise.

## 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. The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied without the prior written permission of the Local Planning Authority.

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

3. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

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

4. 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.

**Working with the Applicant** In accordance with paragraph 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,
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- by adhering to the requirements of the Development Management Customer Charter.

In this instance:

- 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**

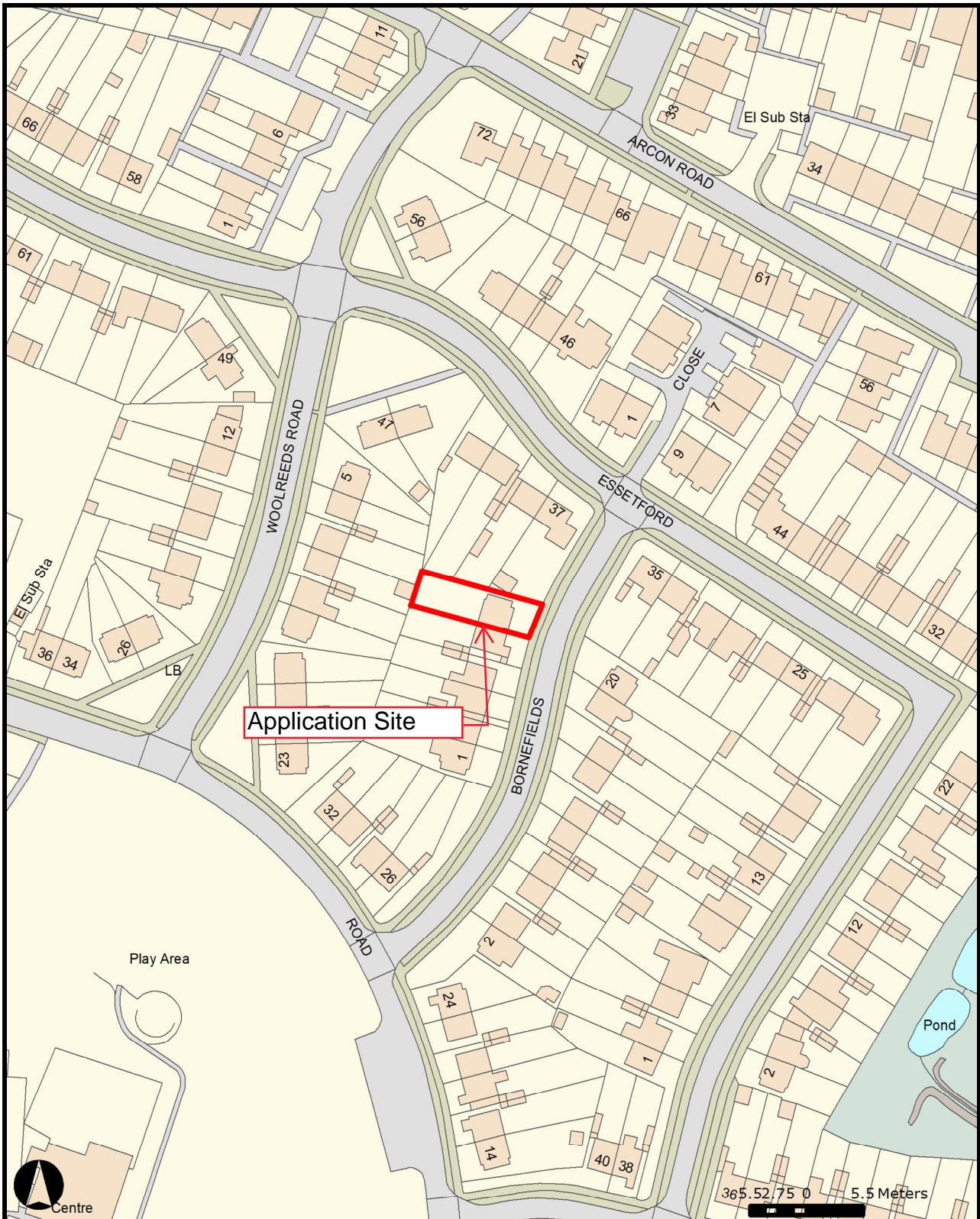
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# Ashford Borough Council



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