



## PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on Monday, 16th December, 2019 at 7.00 pm.

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The Members of the Planning Committee are:-

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

Cllrs. Chilton, Clarkson (ex-Officio), Clokie, Forest, Harman, Heyes, Howard, Howard-Smith, Krause, Ovenden, Shorter, Smith, Spain, Sparks, Ward and 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 6<sup>th</sup> November 2019

<https://ashford.moderngov.co.uk/documents/g3458/Public%20minutes%2006th-Nov-2019%2019.00%20Planning%20Committee.pdf?T=11>

### 4. Requests for Deferral/Withdrawal

**Note to Members of the Committee: The cut-off time for the meeting will normally be at the conclusion of the item being considered at 10.30pm.** However this is subject to an appropriate motion being passed following the conclusion of that item, as follows:

“To conclude the meeting and defer outstanding items of business to the start of the next scheduled Meeting of the Committee”.

### 5. Schedule of Applications

- |     |  |           |
|-----|--|-----------|
| (a) | <b>18/00644/AS - Land to the north of St Mary's Close and east of Ashford Road, Hamstreet, Kent TN26 2DX</b>   | 3 - 114   |
|     | Outline application to consider the access from Ashford Road only and the construction of up to 80 new homes, an up to 60 bed care home, approx. 60 car parking spaces adjacent to Ashford Road, SuDS, wetland and associated education centre/events space, pedestrian and cycle linkages, associated open space and football pitch and covered shelter, drainage infrastructure and new landscaping. |           |
| (b) | <b>18/00321/AS - Phase 2 Old Clockhouse Green, Canterbury Road, Challock, Kent</b>   | 115 - 196 |
|     | Change of use of land from agricultural to residential for the provision of 19 no. new dwellings, with associated, parking, landscaping and infrastructure.  |           |
| (c) | <b>18/01454/AS - Andrews Garage, Plain Road, Smeeth, Ashford, Kent, TN25 6RA</b>   | 197 - 246 |
|     | Demolition of Andrews Garage and the construction of 5 houses with associated parking, revised vehicular access and car barn.  |           |
| (d) | <b>19/01213/AS - Carlton Business Park, Carlton Road, Ashford, Kent</b>  | 247 - 268 |
|     | Removal of Condition 33 on planning permission 18/01843/AS relating to plot 3 (industrial units) in relation to hours of operation to allow 24 hour use of the industrial units  |           |
| (e) | <b>19/01112/AS - Station Road Car Park, Station Road, Ashford, Kent</b>  | 269 - 302 |
|     | Outline application for the erection multi-storey car park (five storeys and up to 500 spaces) over existing surface car park to consider access and scale   |           |

- (f) **19/01568/AS - Land between Belgic Court and 70 to 80, The Limes, Stanhope, Kent**

303 - 310

Erection of boundary fencing (retrospective)

**Note for each Application:**

- (a) Private representations (number of consultation letters sent/number of representations received)
- (a) The indication of the Parish Council's/Town Council's views
- (b) 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

10 December 2019

Queries concerning this agenda? Please contact Rosie Reid Telephone: 01233 330565  
Email: [rosie.reid@ashford.gov.uk](mailto:rosie.reid@ashford.gov.uk)

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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 6a

Ashford Borough Council - Report of Head of Development Management and Strategic Sites  
Planning Committee 16<sup>th</sup> December 2019

<b>Application Number</b>	18/000644/AS
<b>Location</b>	Land to the north of St Mary's Close and east of Ashford Road, Hamstreet, Kent TN26 2DX
<b>Grid Reference</b>	00129/34042
<b>Parish Council</b>	Orlestone
<b>Ward</b>	Weald South
<b>Application Description</b>	Outline application to consider the access from Ashford Road only and the construction of up to 80 new homes, an up to 60 bed care home, approx. 60 car parking spaces adjacent to Ashford Road, SuDS, wetland and associated education centre/events space, pedestrian and cycle linkages, associated open space and football pitch and covered shelter, drainage infrastructure and new landscaping.
<b>Applicant</b>	Hallam Land Management Ltd, 3 <sup>rd</sup> Floor, Portland Place, London W1B 1QH
<b>Agent</b>	Mr Owen Jones, LRM Planning Ltd, 22 Cathedral Road, Cardiff CF11 8LJ
<b>Site Area</b>	8.8 hectares

(a) 53/43R/2S/ 2+	(b) Orlestone - 2R  Warehorne - R	(c) KH&T – X; KCC BIO – X; SW – X, KCC SuDS – X; PO (Drainage) – X; KCCDC – X; KCC Heritage - X; NHS – X; KWT – X, EP – X; SSoS – X; Kent Police – X; EA – X; NE – X; NWR – X; KCC PROW – X; ABC Housing – X; SE – X; FC – X; WT – R; Ramblers -; CPRE - X
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## Introduction

1. This application was initially reported to the Planning Committee on 31<sup>st</sup> July 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:
  - **Consideration to be given to having two points of access to the development in the form of in and out arrangement.**
  - **Consideration be given to the location of the football pitch within the site.**
  - **Parking restrictions put in place on the main Ashford Road to prevent commuters using this area for parking.**
  - **Consideration be given to the S106 contributions in relation to provision within the parish.**

### Correction to appended report

2. Paragraph 44 refers to the site being located within the Old Romney Shoreline Settlements Landscape Character Area and sets out its characteristics. This is an error and the site lies within the Shadoxhurst Wooded Farmlands Landscape Character Area, the characteristics of which are clearly set out in paragraph 3 of the same report.

## Site and Surroundings

3. Please refer to 31<sup>st</sup> July 2019 committee report which is appended to this report as an Annex 1.

## Proposal

4. Please refer to 31<sup>st</sup> July 2019 committee report which is appended to this report as annex 1. The proposal remains as per the scheme originally reported to the planning committee but additional justification has been provided in order to seek to address the reasons for deferral made by the Members of that committee. The additional supporting information / justification is set out below:



Technical note to accompany the original Transport Statement to address reasons 1 & 3 of the deferral

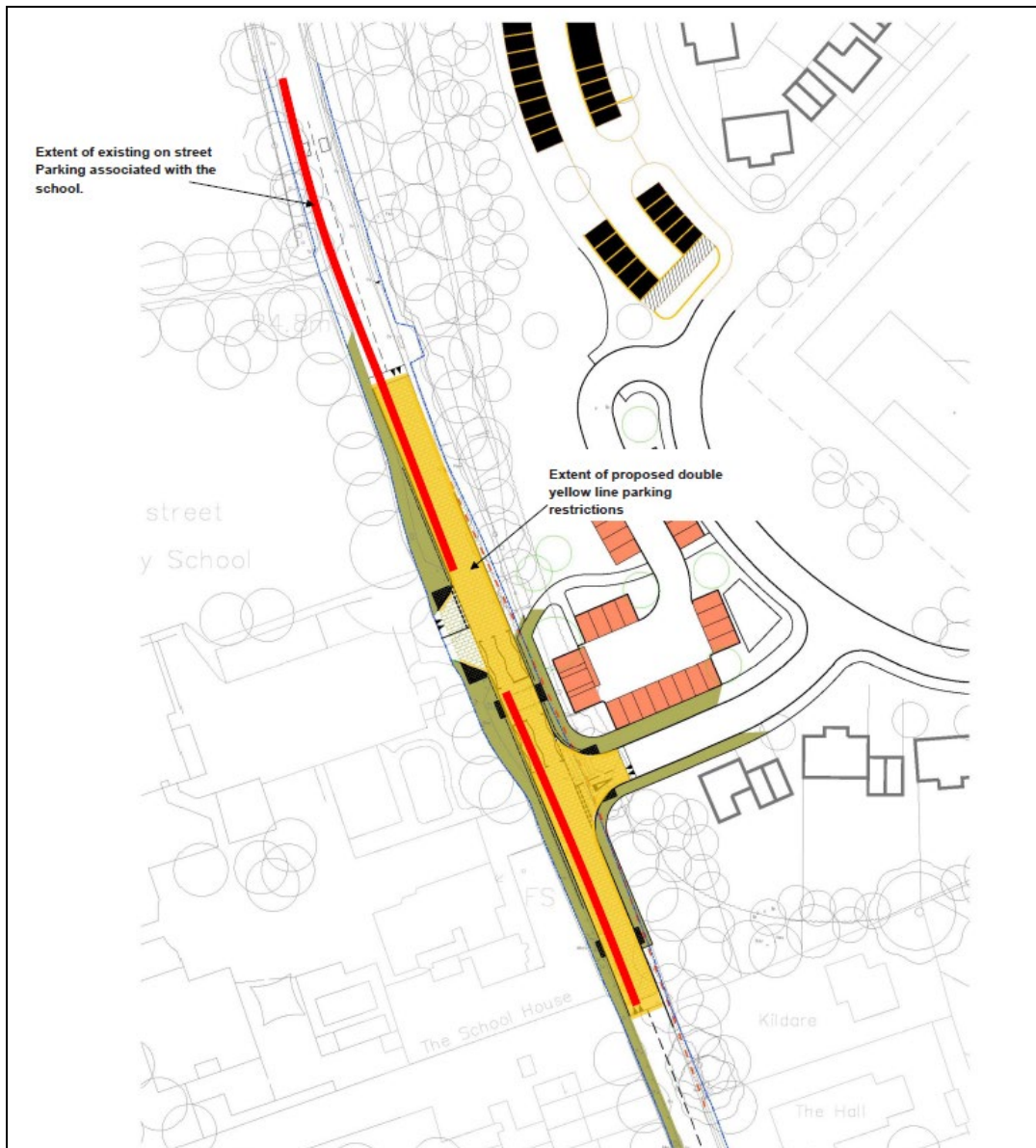
- The location of the access was considered in depth at the outset of the design process and was determined on the extent of the ancient woodland and the topography of the land.
- The access is in the position it is to have least impact on the existing trees fronting Ashford Road and which provide vital screening / mitigation.
- An access further north would have a significant impact on these trees as to provide the access and sightlines would require removal of the trees.
- The provision of an emergency access (or second access point) is no longer based on the number of units to be provided as it is stated in the Department of Transport approved document 'Manual for Streets':

*“The fire services adopt a less numbers driven approach and consider each application based on a risk assessment of the site and response time requirements”*

Kent Fire & Rescue services were contacted in June 2018 and confirmed that the proposed single point of access would be acceptable to serve the development. The design of the access arrangement has been subject to an iterative process with KCC as local highway authority who raise no objection on highway safety grounds with there being a single point of access.

- As part of the development proposals double yellow line parking restrictions will be implemented along Ashford Road for the full extent of the proposed table top ramp area as shown in figure 1 below. The extent of this restriction will prohibit parking within close proximity to the school and the proposed development access. The extent of parking restrictions along Ashford Road are not proposed to extend beyond the table top ramp to the south of the site as this would adversely impact upon existing residents ability to park on the road which currently occurs. KH&T agree with this. The parking restrictions will cover almost the entire length of Ashford Road where parents currently park. The extent of the parking restrictions is considered sufficient to encourage parents to use the proposed car park which is close to the school with a safe crossing point across Ashford Road.
- Parking surveys that have been undertaken identified that commuter parking generally did not occur in close proximity to the school and as such will not be displaced as a result of the proposed parking restrictions.
- 64 space car park to be provided on site split between staff and parents. The provision has been based upon levels of parking currently taking place in the school car park and the parking surveys carried out along Ashford Road. The control of the parking will be through a barrier system for the staff parking facility (fob to activate the barrier) and the parent parking for drop off and pick up will be via a manually operated barrier controlled by the school caretaker.

- The current school car park will still be utilised for deliveries and minibuses.



**Figure 1 Extent of on street parent parking and proposed parking restrictions around the school**

Location of the playing pitch on the site – reason 2 for deferral

5. The committee minutes from the meeting held on 31st July 2019 suggest that the issue is a layout point i.e. where the football pitch would be positioned within the application site. This is of course a reserved matter at this stage. From the committee meeting itself the issue seemed to be the principle of providing the playing pitch itself within the application site and reflects both parish councils opposition to this aspect of the scheme.
6. Further details have been submitted to clarify the following matters:
  - It is not proposed that any management measures in respect of the pitch would be the responsibility of the parish council.
  - The playing pitch is a requirement of the adopted policy in order to provide a facility to support Hamstreet Primary Academy. The school have expressed their support for this.
7. A letter of support has been submitted by the trustees of the school and is set out in full below:

*“With reference to the proposed site on the land to the east of Ashford Road, Hamstreet, the ACE Learning Board of Trustees do support the development proposals which include the offer of a football pitch. This facility is recognised as a vital need for the following reasons:*

- *the existing soft outdoor PE space measures circa 2,100m<sup>2</sup> (0.21 ha); this equates to 6.85m<sup>2</sup> per pupil (assuming 307 pupils on roll aged 4-11).*
- *DfE Building Bulletin 103 advises that the minimum soft outdoor PE space should be 20m<sup>2</sup> per pupils aged 5-11; and so consequently there is an existing deficiency in the amount of soft outdoor PE space.*
- *DfE Building Bulletin 103 states that “Some schools will be on restricted sites and will not have enough outdoor space to meet requirements on site. In these situations pupils will need to be provided with access to suitable off-site provision”.*

*We are aware that there are sports pitches in the centre of the village but to access these is totally impractical and unsuitable to meet our needs. It is clear therefore that the provision of the playing field land opposite the school will contribute towards meeting the space requirements for Hamstreet Primary. Alongside the pitch, proposals have also been put forward for Hamstreet Primary to benefit from:*

- *A covered shelter by the new playing pitch*
- *Staff car park*
- *Drop off car park for parents*
- *Traffic calming outside the school and safe crossings to create a safer environment*
- *A woodland classroom*

*The Trustees support the current proposals and wish to see all of the facilities and improvements listed above provided.”*

Consideration be given to the S106 contributions in relation to provision within the parish – Reason 4 for deferral.

8. The applicant has no objections to the relevant identified community infrastructure obligations being directed to Hamstreet rather than Tenterden or Conningbrook Country Park. (**DMM: comment** – further justification has been provided in respect of developer contributions and this is set out in the section ‘Planning Obligations’ towards the end of this report).

## Planning History

**17/00010/EIA/AS** - Proposal for development of up to 80 new homes, up to an 80 bed care home, open space, playing field with associated changing facilities, small car park – Environmental Impact Assessment is not required.

## Consultations

9. Please refer to the 31 July 2019 committee report appended to this report.

Orlestone Parish Council (OPC) has submitted a further letter raising the following additional points:

- 32 spaces for parent drop off and pick up inadequate. OPC conducted its own survey for 30mins before and after school with the re being an average of 114 drop offs and 92 collections. Submitted survey states 30 drop offs and 25 collections (**DMM Comment:** The survey by the applicant looked at the busiest 5 minute period at drop off and pick up. OPC survey was for 30 minutes hence the difference. The issue relates

however to displacement parking on Ashford Road however and how it is compensated for)

- ABC's review of the local plan showed them to be very critical of KH&T. This was in relation to an application in Wye. This suggests that ABC should not rely on the views of KH&T (**DMM Comment:** This is not a material consideration in determining this application. KH&T are a statutory consultee and raise no objection to the application subject to the highway works shown and the imposition of conditions).
- The pedestrian controlled crossing will cause traffic to build up along Ashford Road.
- Supportive of the need for the school to expand but the traffic solution is not fit for purpose. Primary concern relates to the safety, education and well-being of the children in the village.
- All S106 should be spent in Hamstreet and money should be set aside for a new village hall (**DMM comment:** This is discussed later in the report under sub heading Planning Obligations).

**Neighbours:** - In addition to the above, 13 additional letters of objection, 1 letter of support and 2 general comments have been received since the application was reported to the planning committee. These reiterate the comments as set out in the original report and those raised by OPC above plus the following:

- Assurance is needed that the development will not divert the flow of water across the site towards the trees along the eastern edge of the site adjacent to St Mary's Close.
- School parking on the site inadequate and double yellow lines will push parking on Ashford Road to extremities (**DMM comment** – there is no parent parking on the existing school site).
- Need for a construction management plan to keep disruption to a minimum during the construction phase (**DMM comment:** A condition is proposed to cover this).
- Support the principle of the development but definitive plans will need further consideration (**DMM comment** – This is a matter dealt with at the Reserved Matters stage should outline planning permission be granted).
- The PROW which crosses the site crosses the adjacent railway at an ungated point which raises safety concerns (**DMM comment** – this is outside of the application site and outside of the applicants control. The responsibility lies with

Network Rail as statutory undertaker and they raise no objection to the application).

**Kent Fire & Rescue Service** – Raise no objection stating “I confirm that the means of access is considered acceptable regarding means of access for the Fire & Rescue Service”

## Planning Policy

10. 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).
11. 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).
12. 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

S31 – Hamstreet, Land north of St Mary’s Close

HOU1 – Affordable Housing

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 2019

Planning Policy Guidance

Technical housing standards – nationally described space standard

13. 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

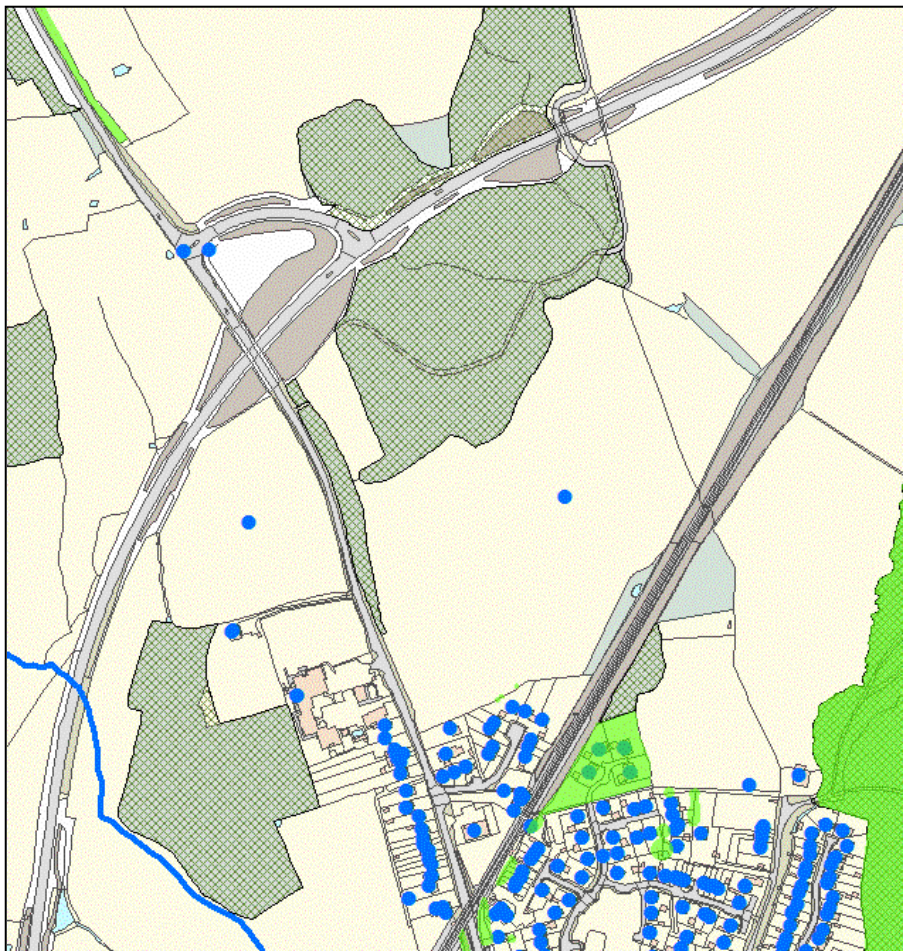
14. The main issues for consideration are those that resulted in the deferral of the application and these are analysed below. All other material considerations which the planning committee considered on 31st July 2019 are as per the appended report. Although not a reason for deferral, the need for the care home element of the scheme was raised by some members of the planning committee and this is addressed in this assessment after the reasons for deferral.

### Consideration to be given to having two points of access to the development in the form of an 'in and out' arrangement.

15. Following Members request that having 2 points of access to the site be considered, the applicant has sought advice on the feasibility of this and whether it is possible to achieve, necessary and acceptable in highway safety terms. As can be seen from the points set out in the proposals section the applicant has thoroughly examined whether it would be possible to provide 2 points of access into / out of the site. It is concluded that this cannot be achieved in a safe manner without causing unacceptable levels of harm.

16. The Technical Note produced by the applicant's highway consultant states that the location of the access was considered in detail and in consultation with Kent Highways prior to the submission of the planning application. The location was ultimately determined for a number of justifiable reasons these being:

- In order to avoid any harm to the ancient woodland (afforded the highest level of protection in the NPPF and local plan as it is a finite and depleting resource) as well as to avoid the removal of trees fronting Ashford Road which provide a substantial and critical form of screening to soften the impact of the development. Figure 2 below shows the extent of the ancient woodland cross hatched in green.



**Figure 2: Extent of the ancient woodland along the frontage of the site and to the west of it.**

- The topography of the land. The site slopes down considerably from north to south and the point where the access is proposed is relatively level.
17. The local plan policy allocation S31 only requires 1 point of access to this development. The provision of a further access point to the site would result in 3 vehicle access points (2 to the site and 1 to the school) in very close proximity which may in itself be more harmful to highway safety in respect of users of Ashford Road.
18. In addition to the above the requirement for an emergency access to serve a development exceeding 50 dwellings (as set out in the now superseded Design Bulletin) is no longer a requirement in the now approved document Manual for Streets (approved by the department of transport). The document clearly states that need for emergency access points is no longer number driven but based on a risk assessment of each site and response times by Kent Fire and Rescue

(KF&R). KF&R has confirmed that a single point of access is acceptable for this development. In addition KH&T has raised no objection to a single point of access in highway safety terms.

19. In conclusion, the current proposed access point is deemed both safe and practical. A second access point to provide an in / out arrangement has been looked at but is not possible to provide without causing unacceptable levels of harm. As there is no policy of fire / highway safety need for the provision of a second access point the significant harm this would create could not be justified and indeed if proposed may well constitute grounds to recommend refusal of the application.

20. It is considered that this reason for deferral has been thoroughly looked at and addressed.

Consideration be given to the location of the football pitch within the site.

21. The provision of a youth football pitch to Football Association standards for use by the Academy and the wider community is a clear requirement of policy S31a) of the Local Plan 2030. This policy has been thoroughly considered by the Planning Inspectors at the recent Examination in Public and the policy was deemed sound with this requirement and others.

22. Whilst one of the reasons the application was deferred was to reconsider the location of the football pitch, the discussion and the concerns of Orlestone Parish Council centred on the actual need for this facility. The actual location of the football pitch within the application site is not for consideration at this stage and will be a matter for consideration at the reserved matters application stage should outline planning permission be granted.

23. In terms of the need for this facility, the letter from the Trustees of the Academy, clearly sets this out. The letter states that the school currently falls significantly short of outdoor space as set out in DFE Building Bulletin 103. This requires 20 sq.m per pupil, whilst at present the school has just under 7 sq.m per pupil. The same bulletin clearly states that on restricted school sites, where this standard cannot be met, pupils will need to be provided with access to suitable off-site provision.

24. KCC as the local education authority has also written a letter in respect of the need for the football pitch on this site. This states that the school site is 1.3 hectares and is not large enough to allow for any expansion of the school. Policy S31 of the adopted local plan requires the provision of the football pitch and car parking in order to free up land within the curtilage of the school for future expansion. Without such provision the school will not be able to expand in order

to meet the needs arising from this development as well as the 50 houses which the Committee has resolved to permit at Warehorne Road.

25. In terms of existing facilities to provide outdoor play for pupils of the school it was raised at the planning committee as to why use couldn't be made of existing facilities within the village. The Academy and KCC has looked at this and discounted this option for very legitimate reasons. There are sports pitches approximately ½ a mile away to the south of the school. To expect children to walk there and back would significantly encroach into curriculum time with around 30 minutes lost on each occasion. Using public pitches comes with its inherent problems of ensuring it is clear of litter and dog mess as well as not always being available for use as it could be legitimately in use by members of the public. New parents clearly wouldn't be happy with this scenario as they are of the understanding that the new pitch and car park will be provided immediately opposite the site with a clear a safe crossing point. There is also a safeguarding issue in respect of children leaving the school site to walk ½ a mile to the public playing fields.
26. Currently the Academy is 1.5 form entry (FE). In order to expand to 2 FE the issue of the amount of outdoor space needs to be addressed. Without expanding, the Academy will not be able to accommodate the children of either site allocation in Hamstreet. The expansion of the school is therefore important to allow the delivery of these development sites which will make a significant contribution towards the Council maintaining a 5 year Housing Land Supply. Design Bulletin 103 is clear that offsite facilities must be suitable. The pound leas pitches are clearly not. A pitch directly opposite the school with a safe crossing point would be considered suitable. The provision of this sports pitch would also provide significantly enhanced outdoor play facilities over those that currently exist thereby improving the health and wellbeing of both existing and future pupils.
27. Bulletin 103 clearly states that on restricted school sites where this standard cannot be met pupils will need to be provided with access to suitable off-site provision. It is for this reason that the provision of a football pitch to serve the school during school hours and the community outside of these times was made a policy requirement on this site which has been deemed to be sound during the Examination in Public into the local plan.
28. The provision of the football pitch is essential for the expansion of the school and the delivery of the 2 allocated sites in Hamstreet. Delivery of allocated sites will help the Council to maintain its 5 year housing land supply and therefore be in a much stronger position to resist speculative developments that come forward on less sustainable sites.

29. It is considered that the applicant has robustly justified the need for the football pitch, with there being no satisfactory alternative solution, and as such it is considered that this reason for deferral has been addressed.

Parking restrictions put in place on the main Ashford Road to prevent commuters using this area for parking.

30. Figure 1 above clearly shows the extent of parent parking that is currently taking place along Ashford Road at school pick up and drop off times. It also shows that parking restrictions will be put in place along the entire length of the raised table. This will prevent parking from parents in close proximity to the school which is currently the case. It will as a result encourage parents to use the drop off / pick up parking area to be provided on the site. This facility will be well advertised by the school and will be controlled by a manual gate operated by the school caretaker during the drop off and pick up times. The 32 spaces are considered sufficient to offset any loss along Ashford Road as a result of the restrictions. This will provide a closer and more convenient facility for parents rather than parking along Ashford Road. The 32 spaces for staff will be controlled through a fob operated barrier system thereby preventing its use by commuters.
31. Parking surveys undertaken identified that commuter parking generally did not take place close to the school as evidenced by its wide use by parents of children at the school. The parking restrictions are unlikely to directly displace any current commuter parking on Ashford Road. It has been suggested that parking restrictions should be extended beyond the raised table. If this were to happen there would still be commuter parking along Ashford Road but outside of these areas. It would also displace an existing on street parking resource for residents of and visitors to Hamstreet (to the south of the raised table) which would not be desirable. Perhaps even more critically measures can only be put in place to offset any harm arising from the proposed development. Commuter parking is an existing issue in Hamstreet and parking restrictions as part of this application to try to resolve any existing problems would not be a lawful requirement as planning conditions and obligations cannot be used to address any existing issues but only to offset any harm arising from the development. Further the parking restrictions would be subject to a Traffic Regulation Order (TRO). There is no guarantee that extended parking restrictions beyond the raised table could be justified and therefore form part of the TRO. As such to impose a condition requiring this would not be reasonable as compliance would be outside of the applicant's control.
32. It is considered that this reason for deferral has therefore been satisfactorily addressed.

Consideration be given to the S106 contributions in relation to provision within the parish.

33. This is set out below and demonstrates that all contributions where possible will be spent in Hamstreet and those that aren't will be spent on services closest to the residents of Hamstreet should they need to access these. In light of the justification set out below it is considered that this reason for deferral has been adequately addressed.

**Planning Obligations**

34. 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

35. 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.

Housing

36. 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 appended 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.

Kent County Council contributions

37. **Education** - The development proposal gives rise to up to 22 additional primary school pupils during the occupation of the development and 16 additional secondary school pupils which KCC has identified can only be met through the expansion of Hamstreet Primary Academy and Chilmington Secondary School respectively (Hamstreet does not have a secondary school but it is likely that

some of the children on this development will attend the Chilmington Secondary School).

KCC has also requested contributions in respect of the following:

38. **Library contribution** – 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.
39. **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 this centre.
40. **Youth Services** – the S106 contribution was requested towards additional equipment at Tenterden 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.
41. **Social Services** – the S106 contribution was requested for the Tenterden Day Care Centre. There is currently no social service facility or commissioned service operating from Hamstreet. 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. Hamstreet Village Hall was looked at, but the website advertises this as a fully accessible facility and would appear not to require further investment. It is understood that the Parish Council has a desire to rebuild the village hall. If this was a project with 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.

Contributions under the Green Spaces SPD

42. 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.
43. Contributions are as per those set out in table 1 and to all be spent within the village of Hamstreet with ABC & Parish Council identified projects. The exception being the contributions towards strategic parks. No such facilities are available in Hamstreet hence the contribution is requested for Conningbrook. Strategic parks by their very nature are there to serve all residents of the borough and beyond and hence will benefit the residents of this development.
44. Informal open space is to be provided on site as is the junior football pitch, classroom facility and shelter which are covered in the S106 Agreement.

NHS

45. Seek 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 their commissioning responsibilities.
46. 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.



The management / maintenance and community use agreement.

47. The football pitch and shelter, classroom / discovery centre & school car parking areas are all a requirement of the S106 agreement. In respect of the football pitch, Orlestone PC has been approached to see if they wish to take on responsibility for this which they have confirmed they do not. As the pitch will be for use by the primary school and the wider community then it will fall under the responsibility of the management company who will be also responsible for the upkeep of public open space on the site. How exactly the use will be divided between the school and the community and management / maintenance responsibilities will be through a detailed management plan to be secured as part of the S106 Agreement. The provision of the football pitch along with the other school related facilities is a requirement of adopted Local Plan policy S31.

Village Hall

48. 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 S31 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 either a specific policy requirement, or supported by specific evidence of need arising from this development which cannot be accommodated (pursuant to policy COM1), and it is not. A development of this size would not normally require such a contribution in addition to those outlined in Table 1. It has been suggested to forgo the social care contribution, which is supported by a submitted request from the social care provider (KCC) and is to be directed towards facilities in Tenterden, however even if this were diverted, the level of contribution would not be significant at £77.58 per dwelling. All contributions required under the Green Spaces SPD are very specific in respect of the provision of facilities on site and would not be justifiable to forego in favour of a contribution to a village hall as this would not meet the specific needs identified in the SPD.

49. In addition to the above, without a fully costed project, evidence of a budget to deliver the project and a realistic timeframe for delivery then any contribution would fail the tests set out in Reg 122 of the CIL Regulations and should not be sought in the absence of clear harm arising from the development.

50. If the committee are of the view that they wish to see contributions to a village hall therefore, a clearly-presented and costed justification for this is required, otherwise it cannot lawfully be required. If contributions are provided to a village hall in lieu of some of those set out in Table 1, this would fail the CIL regulations as set out above. Further, if the new village hall is not delivered within a set

period of time (normally 5 or 10 years) then the monies must be returned to the developer.

51. In light of the above it is considered that this reason for deferral has been satisfactorily addressed as far as it can be.

**Table 1**

Planning Obligation			Regulation 122 Assessment	
	Detail	Amount(s)	Trigger Point(s)	
1.	<p><b><u>Affordable Housing</u></b></p> <p>Provide not less than 40% of the units as affordable housing, comprising 10% affordable / social rent and 30% Affordable Home Ownership Products (including a minimum of 20% shared ownership in the locations and with the floorspace, wheelchair access (if any), number of bedrooms and size of bedrooms as specified.</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement.</p>	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, HOU12, HOU15 &amp; HOU18 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>
2.	<b><u>Accessible Housing</u></b>	Provide on-site 20%	Prior to first	<b>Necessary</b> as would provide

	<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>	of all units.	occupation of any dwelling to be built in accordance with the standard.	<p>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 serviced dwelling plots to be marketed for sale to self or custom builder/s unless otherwise agreed with the Council.</p> <p>In accordance with policy HOU6</p>	5%	In accordance with the criteria in policy HOU6	<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 policies SP1 &amp; 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> <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>
4.	<p><b>Children's and Young People's Play</b></p>	On site provision to		

	Provision on site and managed / maintained by the Management Company	the equivalent value of £649 per C3 dwelling for capital costs  and £663 per C3 dwelling for maintenance	Prior to the occupation of 75% of all C3 dwellings	<p><b>Necessary</b> as children's and young people's play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Ashford Local Plan policies SP1, S31 (j), 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.	<b><u>Informal/Natural Space</u></b> Provision on site of a minimum of 0.39 hectares (based upon 80 dwellings) and managed and	On site provision to the equivalent value of £434 per C3 dwelling	Laid out and provided prior to occupation of 50% of all residential units.	<b>Necessary</b> as improvements to the informal/natural green space is required to meet the demand that

	maintained by a Management Company.	for capital costs and £325 per C3 dwelling for maintenance		would be generated and must be maintained in order to continue to meet that demand pursuant to Ashford Local Plan policies SP1, COM1, COM2, IMP1 & IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.  <b>Directly related</b> as occupiers will use informal/natural green space and the space to be provided would be available to them.  <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.
6.	<b><u>Outdoor Sports</u></b>  Provision of junior football pitch on site and associated shelter to Football Association Standards and associated shelter. To be managed and maintained by the Management Company.	On site provision equivalent to the following costs £1,589 per C3 dwelling for capital costs  £326 per C3 dwelling	Laid out and provided prior to occupation of 50% of all residential units.	<b>Necessary</b> as outdoor sports pitches 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 SP1, S31(a), COM1, COM2,

		for maintenance		<p>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>
7.	<p><b>Strategic Parks</b></p> <p>Contribution towards the seating and shelter provision around the lake at Conningbrook Lakes Country Park, as part of the public art project.</p>	<p>£146 per C3 dwelling for capital costs</p> <p>£47 per C3 dwelling for maintenance</p>	<p>Prior to the occupation 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 SP1, COM1, COM2, IMP1 &amp; IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use strategic parks and the facilities</p>

				<p>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>
8.	<p><b>Allotments</b></p> <p>Provision of running water at Pound Lees allotments, Hamstreet.</p>	<p>£258 per C3 dwelling for capital costs</p> <p>£66 per C3 dwelling for future maintenance</p>	<p>Prior to occupation of 75% of all residential units.</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 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>
9.	<p><b>Cemeteries</b>                  Contribution towards the Improvement to and upkeep of the cemetery at St Mary's church, Hamstreet</p>	<p>£288 per C3 dwelling for capital costs                  £176 per C3 dwelling for future maintenance</p>	<p>Prior to the occupation of 75% of the C3 dwellings</p>	<p><b>Necessary</b> 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><b>Directly related</b> as occupiers will require cemeteries and the cemetery provided would be available to them.</p> <p><b>Fairly and reasonably</b> related in 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</p>

				period is limited to 10 years.
10.	<p><b>Secondary Schools</b></p> <p>Towards the provision of an additional 2FE at the new Chilmington Secondary School</p>	<p>£4687 per C3 house</p> <p>£1,172 per C3 flat</p> <p>£0 for any 1 bed C3 dwelling with less than 56m<sup>2</sup> gross internal area</p>	<p>Half the contribution prior to occupation of 25% of the C3 dwellings and balance prior to occupation of 50% of the C3 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 of the C3 dwellings 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 C3 dwellings and because no payment is due on small 1-bed C3 dwellings or care home accommodation (C2 units) specifically for the elderly.</p>
11.	<p><b>Primary Schools</b></p> <p>Project: Towards the expansion of Hamstreet Primary Academy</p>	<p>£3,324 per C3 house.</p>	<p>Half the contribution prior to occupation of 25% of the C3 dwellings</p>	<p><b>Necessary.</b> The proposal would give rise to an additional 38 primary school pupils. There is no spare</p>

		<p>£831.00 per C3 flat</p> <p>£0 for any 1 bed C3 dwelling with less than 56m<sup>2</sup> gross internal area</p>	<p>and balance prior to occupation of 50% of the C3 dwellings</p>	<p>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>.</p> <p><b>Directly related</b> as children of occupiers of C3 dwellings 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 on the number of C3 dwellings and because no payment is due on small 1-bed C3 dwellings or care home (C2) accommodation specifically for the elderly.</p>
12.	<p><b>Community Learning</b></p> <p>Contribution towards Tenterden Adult Education Centre to provide IT, equipment and additional services</p>	<p>£34.45 per C3 dwelling</p>	<p>Half the contribution prior to occupation of 25% of the C3 dwellings and balance prior to occupation of 50% of the C3 dwellings</p>	<p><b>Necessary</b> for community learning space available to meet demand that would be generated (and pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1 and guidance in the NPPF.</p>

				<p><b>Directly related</b> as occupiers will use the community learning and skills service.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount calculated, is based on the number of C3 dwellings.</p>
13.	<p><b>Youth Service</b></p> <p>To provide additional equipment at Tenterden Youth Service to enable outreach provision</p>	£27.91 per C3 dwelling	Half the contribution prior to occupation of 25% of the C3 dwellings and balance on occupation of 50% of the C3 dwellings	<p><b>Necessary</b> for youth services space available to meet demand that would be generated (3.6 clients) and pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1 and guidance in the NPPF.</p> <p><b>Directly related</b> as the children of the C3 occupiers will use the community learning and skills service.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount calculated, is based on the number of C3 dwellings.</p>
14.	<p><b>Social care</b></p> <p>Provision of adult social care at Tenterden Day Centre.</p>	£77.58 per C3 dwelling	Half the contribution prior to occupation of 25% of the C3 dwellings and balance prior to occupation of	<p><b>Necessary</b> for social care available to meet demand that would be generated and pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1 and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will</p>

			50% of the C3 dwellings	<p>use the community learning and skills service.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount calculated, is based on the number of dwellings.</p>
15.	<p><b>Libraries</b></p> <p>Contribution towards additional book stock for the Hamstreet mobile library.</p>	£108.32 per C3 dwelling	Half the contribution prior to occupation of 25% of the C3 dwellings and balance prior to occupation of 50% of the C3 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>
16.	<p><b>Health Care</b></p> <p>Project: extension, refurbishment and/or upgrade of Hamstreet Surgery</p>	<p>£504 for each 1-bed C3 dwelling</p> <p>£720 for each 2-bed</p>	Half the contribution prior to occupation of 25% of the C3 dwellings and balance	<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</p>

		<p>C3 dwelling                  £1,008 for each C3 3-bed dwelling                  £1,260 for each C3 4-bed dwelling                  £1,728 for each C3 5-bed dwelling or larger</p>	<p>prior to occupation of 50% of the C3 dwellings</p>	<p>the NPPF.</p> <p><b>Directly related</b> as occupiers will use healthcare facilities and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.</p>
17.	<p><b><u>Management / maintenance Plan / community &amp; school use agreement</u></b></p> <p>Provision of an agreed management / maintenance plan &amp; community / school use agreement for the football pitch and associated buildings, the outdoor classroom building and the carpark to ensure who is responsible for the running, upkeep, management and maintenance and to ensure an</p>	N/A	<p>Prior to the commencement of any development either on or off the site</p>	<p><b>Necessary</b> as these facilities are a requirement of policy S31 of the Local Plan 2030 to meet the needs of Hamstreet Primary School and 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</p>

	acceptable dual use is provided for Hamstreet Primary School and the wider community.			<p>use healthcare facilities and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.</p>
18.	<b>Provision of car parking facilities with a minimum of 60 spaces and outdoor classroom facility</b>	N/A	Prior to the first occupation of any of the C3 dwellings on the site or the implementation of any parking restrictions along Ashford Road associated with this development.	<p><b>Necessary</b> as these facilities are a requirement of policy S31 of the Local Plan 2030 to meet the needs of Hamstreet Primary School and 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 the school will use these facilities and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in</b></p>

				<b>scale and kind</b> considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.
19.	<b><u>Monitoring Fee</u></b> Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.	£1,000 per annum until development is practically completed	First payment prior to commencement of development and on the anniversary thereof in subsequent years	<b>Necessary</b> in order to ensure the planning obligations are complied with. <b>Directly related</b> as only costs arising in connection with the monitoring of 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.
<p>Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value, unless otherwise agreed in writing. The Council's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p>				



Provision on the site of an up to 60 bed care home

52. Whilst the care home to be provided on the site was not a reason for the deferral of this application by the planning committee concerns were raised over the need for this facility. Whilst the provision of this facility on site is not a requirement of policy S31, the supporting text to this policy does allow for such a facility to be provided on the site subject to their being a demonstrated need. The reason the care home was not a requirement of the policy was because it would not have been reasonable to require such provision particularly if there was no identifiable need.
53. As stated in the original report to the planning committee, the care home would be a maximum of two storey in height and is currently indicatively shown to the east of the site. The care home at present is speculative with no specific end user identified. It would however need to be built to national space standards for such facilities. The facility would also be needed to be registered with KCC and meet their care home standards in The Kent Social Care: Accommodation Strategy (2014). This document identifies the growing need for care home provision to meet the needs of an ageing population. The application seeks to establish the principle of a care home on the site so it is not yet known whether this will be built to accord with Dementia Care Standards as this will be determined by the operator and detailed at the reserved matters stage.
54. In terms of need the NPPF requires the delivery of a mix of housing to meet current and future demographic trends and with an aging population this will be a growing need for specialist care. The Strategic Housing Market Assessment (SHMA), which is a background document to the adopted local plan, deals with all kinds of housing provision including Registered Care Housing (C2 Use Class). The projected growth in the elderly age groups (over 75) in Ashford between 2011-2031 is 463. This was previously estimated in other studies at 326. This would equate to the provision of 23 care home bed spaces per annum over this period in order to meet the need. This is a minimum figure that is likely to rise through the plan period. The provision of an up to 60 bed care home on this site would go some way to meeting this ever growing need. This figure does not include demand for assisted living / extra care facilities which are classed as C3 dwellings where a care package is provided.
55. There is clear evidence of need to support the provision of C2 care home accommodation, and as such the principle can be considered acceptable against supporting paragraph 4.61 of the local plan which does not require there to be evidence of a specifically localised need. Further care home bed spaces count in respect of calculating the Council's 5 year housing land supply.

56. In light of the above it is considered that there is a clear need for the provision of care home facilities in the borough. Hamstreet is a sustainable village with a wide range of amenities and good public transport links which makes the settlement suitable to accommodate this facility. Further to provide the facility on this allocated site reduces the pressure for provision on unallocated greenfield sites adjacent to the sustainable villages.

57. It was raised that Hamstreet already has care home facilities at Cotton Hill which is opposite the memorial Hall. This is a Council run facility which provides for assisted living. In essence the facility comprises individual dwellings (use class C3) which are warden controlled. This is quite different from a care home facility (use class C2) where the accommodation does not comprise individual dwellings and where there is a far greater element of care. The care home facility would cater for residents of Hamstreet and the wider surrounding area. It is considered that there is a demonstrable need; the position of the care home is in a sustainable location and being a maximum of two storeys in height can be integrated well with the remainder of the development. It is therefore considered both appropriate and policy compliant to provide this facility within the allocated development site.

## **Human Rights Issues**

58. 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**

59. 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

60. In light of the above it is considered that the reasons for deferral of this application on 31st July 2019 have been thoroughly and robustly looked into and so far as possible satisfactorily addressed. The proposal fully complies with the policies contained in the adopted development plan in particular S31. 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 unallocated and unsustainable sites.
61. The provision of a care home on the site will go towards meeting the identified need for such facilities over the duration of the plan period. It is located in a highly sustainable location and can be well integrated within the development. By locating this facility within the site allocation will reduce pressure on unallocated greenfield sites to accommodate such care provision within the borough. It will also provide a very different form of care facility to that currently operating from Cotton Hill.
62. 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 as detailed in table 1, in terms agreeable 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 Head of Planning and Development, 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 adding additional planning conditions or deleting conditions, and deleting planning obligations in the event that no relevant project is identified) as she 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 (residential & care home)
4. Details of the provision cycle parking facilities (residential & care home)
5. Provision of site access prior to occupation of any dwellings / care home
6. Provision of highway infrastructure / works (i.e. pelican crossing and footpath improvements and speed reduction measures as shown on drawings JNY8972/15 Rev F & JNY8972/17 prior to occupation of any dwellings / care home.
7. Car barns / PD restrictions relating to garage doors
8. Provision of final wearing course
9. Construction Management Plan
10. Visibility splays for the new access to the site
11. Details of highway infrastructure / services including an adoption, services and street lighting plan
12. Provision of the car parking for the school prior to occupation of any dwellings
13. Final surface finish for all roads, car parks, footpaths and cycleways, parking courts and private drives / parking areas.

### **Landscaping & Ecology**

14. Landscape management plan
15. 30m landscape buffer to ancient woodland with no built development or gardens in this buffer
16. Landscaping masterplan and detailed scheme for the whole site
17. Arboricultural Impact Assessment and Tree Protection Plan
18. Boundary treatments
19. Dormice mitigation measures
20. Bat sensitive lighting plan
21. Ecological mitigation / management plan
22. Scrub and hedgerow clearance
23. Ecological enhancements
24. Adoption management plan
25. Retention of trees & hedgerows

### **School / community facilities**

26. Detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field / football pitch and full reports and recommendations in respect of the above to ensure delivery of the pitch to Sport England standards
27. Provision of the classroom / discovery centre prior to occupation
28. Removal of PD rights for fencing around the football pitch
29. No external lighting – permanent or mobile for use in connection with the football pitch

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

30. SUDs layout
31. SUDs operation and maintenance manual
32. SUDs post completion Verification Report
33. Means of foul water disposal / upgrade of sewerage system prior to occupation
34. Details of drainage for the junior football pitch

### **Residential dwellings / Care home**

35. Space Standards – internal and external pursuant to policies HOU12 and HOU15 (residential dwellings only)
36. Refuse storage details (both)
37. Level thresholds (both)
38. Electric car charging points (both)
39. Water efficiency condition pursuant to policy ENV7 for dwellings
40. Care home to achieve BREEAM ‘very good’ standard with at least a 40% improvement in water consumption against the baseline performance of the building.
41. Dwellings used for C3 purposes only
42. Care home to be used for C2 purposes only
43. Removal of PD rights (both)
44. Details of walls, fences and other means of enclosure to be submitted and approved and thereafter carried out (both)
45. Dwellings and care home to be 2 storey in form, scale and height
46. Architectural details for dwellings and care home

### **Others**

47. Housing Mix
48. Broadband
49. Contamination
50. Noise control/ mitigation measures for dwellings and care home
51. Air quality mitigation measures
52. Upgrading of PROW through the site and provision of associated street furniture
53. Archaeology

54. Levels / sections through the site / earthworks
55. Standard Plans condition
56. Standard enforcement condition

#### Notes to applicant

1. Working with applicant
2. S106 Agreement
3. Protection of birds under the Wildlife Act.
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

#### **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 responded positively to matters raised in relation to then application.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/00644/AS)

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



## Annex 1

Ashford Borough Council - Report of Head of Development Management and Strategic Sites  
Planning Committee 31st July 2019

<b>Application Number</b>	18/000644/AS
<b>Location</b>	Land to the north of St Mary's Close and east of Ashford Road, Hamstreet, Kent TN26 2DX
<b>Grid Reference</b>	00129/34042
<b>Parish Council</b>	Orlestone
<b>Ward</b>	Weald South
<b>Application Description</b>	Outline application to consider the access from Ashford Road only and the construction of up to 80 new homes, an up to 60 bed care home, approx. 60 car parking spaces adjacent to Ashford Road, SuDS, wetland and associated education centre/events space, pedestrian and cycle linkages, associated open space and football pitch and covered shelter, drainage infrastructure and new landscaping.
<b>Applicant</b>	Hallam Land Management Ltd, 3 <sup>rd</sup> Floor, Portland Place, London W1B 1QH
<b>Agent</b>	Mr Owen Jones, LRM Planning Ltd, 22 Cathedral Road, Cardiff CF11 8LJ
<b>Site Area</b>	8.8 hectares

(a) 53/29R/1S	(b) Orlestone - R Warehorne - R	(c) KH&T – X; KCC BIO – X; SW – X, KCC SuDS – X; PO (Drainage) – X; KCCDC – X; KCC Heritage - X; NHS – X; KWT – X, EP – X; SSoS – X; Kent Police – X; EA – X; NE – X; NWR – X; KCC PROW – X; ABC Housing – X; SE – X; FC – X; WT – R; Ramblers -; CPRE - X
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## Introduction

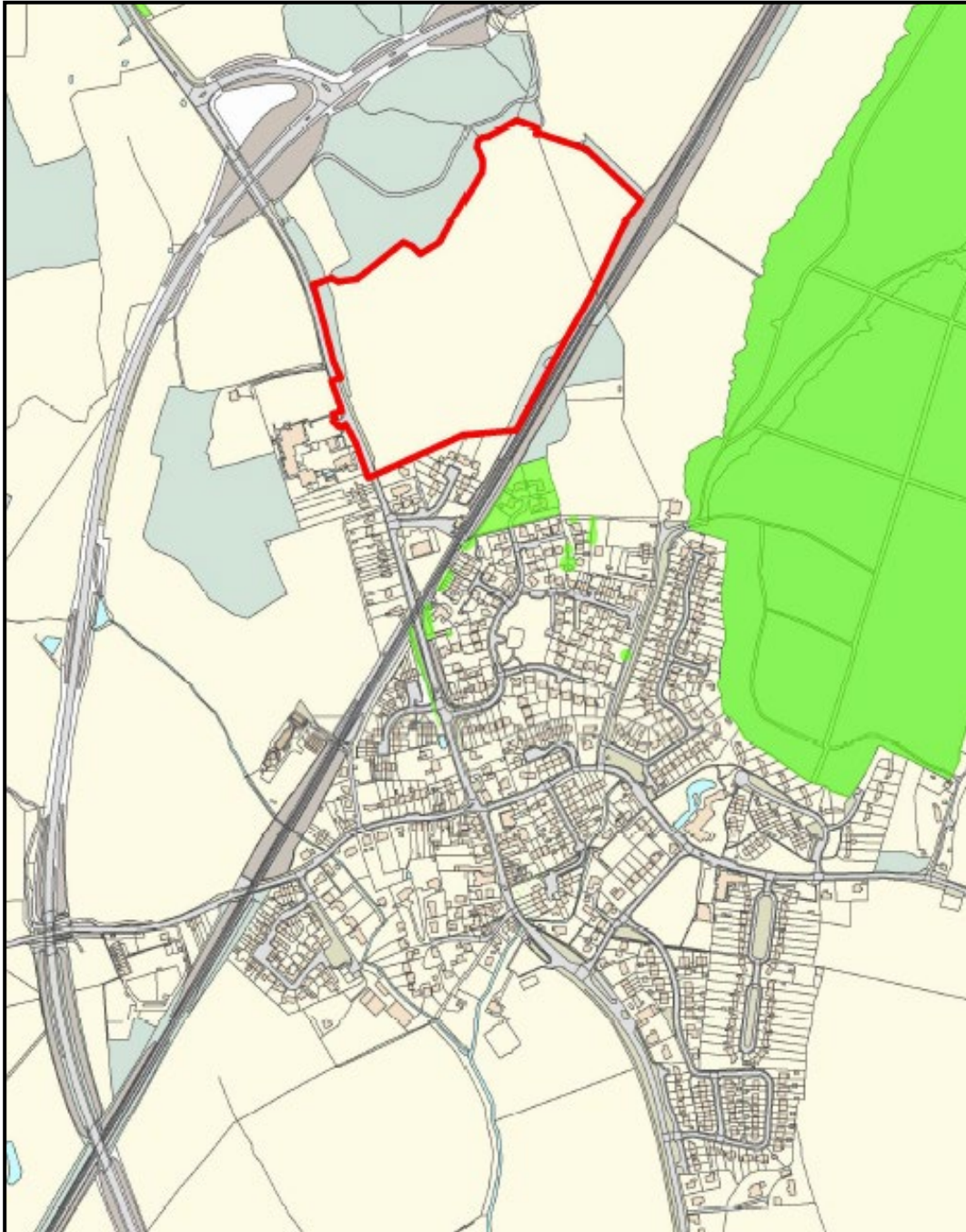
1. This application is reported to the Planning Committee because it involves the erection of more than 9 dwellings and therefore is classified as a major

development that requires determination by the Planning Committee under the scheme of delegation.

## Site and Surroundings

2. The application site covers an area of approximately 8.8 hectares immediately to the north of St Mary's close, a small cul-de-sac of residential properties. To the west is Ashford Road, a B classified road which would provide vehicular access into the site and beyond this is Hamstreet Primary School. To the east of the site is the Ashford to Hastings railway (raised above the site on a bund / embankment). To the north is Huntbourne Wood which is an area of ancient woodland and beyond this the A2070. A slither of this ancient woodland extends into the site along the western boundary. There are 3 trees to the southern boundary with St Mary's Close that are protected by virtue of a Tree Preservation Order (TPO). The southern boundary is also identified as a contaminated land buffer. The site lies within flood zone 1.
3. The site is used for arable farming and is Grade 3 agricultural land. The site comprises a single field that slopes from the North West down to the south west. The overall change in levels across the entire site is approx. 10m.
4. There is a public right of way (AE585) that runs through the north eastern corner of the site. This is the only public right of way that affords views into the site. There are no designated wildlife sites / nature reserves within the application site or immediately adjoining it. The Dungeness, Romney & Rye Bay SSSI lies approx. 900m to the south of the site. The far north eastern part of the site falls within an area of Ground Water Vulnerability.
5. The site lies immediately adjacent to the northern edge of the village of Hamstreet. The site is well served by both public and private transport infrastructure and is well related to local amenities. The application site lies wholly within the parish of Orlestone and close to the boundary with Warehorne.
6. The site comprises land within the countryside described in the Landscape Character Area SPD as the Shadoxhurst Wooded Farmlands. The key characteristics of this area are:
  - Mixed farmland and field patterns influenced by an extensive woodland framework
  - Strong sense of enclosure with woodland and hedgerows.
  - Field ponds and narrow streams / narrow ditch lined roads.

7. The landscape analysis states that the condition is good and sensitivity moderate with the guidelines to conserve and reinforce. Detracting features are the A2070 and the railway line.



**Figure 1** – Site location plan



**Figure 2** - Aerial photo of the site and site as existing

## Proposal

8. Outline planning permission is sought for the erection of up to 80 dwellings, an up to 60 bed care home, approx. 60 car parking spaces adjacent to Ashford Road, SuDS, wetland and associated education centre/events space, pedestrian and cycle linkages, associated open space and football pitch with covered shelter, drainage infrastructure and new landscaping with revised access to Hamstreet Academy Primary School. The only matters for consideration at this stage are the principle of the development, the quantum of development and uses proposed and the access to the site from Ashford Road. All other matters relating to landscaping, layout, scale, appearance and access ways through the site are all reserved

matters for consideration at a later date should outline planning permission be granted.

9. In respect of the indicative layout that has been provided, to the front / centre of the site it is proposed there be the additional parking for the school opposite as well as a designated 'common / green' which can accommodate a juniors football pitch.
10. The parking would be in 2 sections, the first being a designated parents drop off / pick up point positioned close to the proposed pelican crossing and the second adjacent to this providing parking for staff of the school. The 'common / green' would be for use by the school during school hours and local residents of the development outside of school hours. Adjacent to the common would be a standalone contemporary timber shelter building.
11. The care home (up to 60 beds), with its dedicated parking and private gardens, is proposed along part of the eastern boundary of the site. There would then be essentially 3 clusters of residential development with the bulk of this to the north of the site along with a wetland area. The care home along with the housing would be a maximum of two storeys in height. The dwellings would comprise 1, 2, 3, 4 & 5 bed units with the majority being 3 – 3 bed units. The care home would be within Class C2 of the use classes order (residential institutions) and would not contain individual dwelling units within Class C3.
12. The wetland area would be located in the area designated as Ground Water Vulnerability and the only built form of development proposed in this area would be a pathway to go around the wetland area. A 30m wide buffer is shown to the north and part of the west of the site in order to avoid adverse impacts on the areas of designated ancient woodland. It is proposed all boundary planting will be retained with the exception of that which has to be removed to allow access and the necessary sightlines.
13. Traffic calming, with a raised table along with vehicle activated speed signs and road markings are proposed to slow traffic. A pelican crossing is proposed to provide safe access to the school / village. Ashford Road would also be narrowed along the length of the raised table to 6.2m to slow traffic and alert them to the crossing. It would also enable wider pedestrian footpaths to be provided around the school. The speed limit outside of the school is 30mph.
14. There is an existing PROW which runs through the site that would be upgraded and signage and street furniture provided.



18. In support of the application, a number of documents have been submitted which set out the applicant's position and have been summarised below:-

### Planning Statement

- Site is identified in the emerging Local Plan for residential development to contribute to meeting the requirement of approx. 16,000 homes between 2011-2031.
- The Local Plan is now at an advanced stage. The housing strategy identifies this site coming forward for development in 2019/2020 hence the submission of the application at this stage.
- The application has been prepared to address policy S31 of the emerging plan.
- The benefits of this proposal are:
  1. Range / choice of market housing to meet current shortfall in housing supply
  2. The provision of 40% affordable housing to meet local needs
  3. New youth football pitch and changing rooms / storage facility for use by the school and community
  4. Provision of a common / green
  5. 60 space car park for use by the school and to serve the green / sports pitch
  6. Traffic calming along Ashford Road to create a pedestrian priority zone and new crossing point from the parking to the school
  7. Enhancement of the PROW that runs through the site
  8. Wetland area for biodiversity / amenity space
  9. Woodland planting and provision of a classroom / Woodland Discovery Centre. The latter will be owned and managed by the school and will be for the use of the school and the public.
  10. To the north and west of the site a swathe of public amenity space as well as providing a buffer to the ancient woodland
  11. Equipped children's play space

## 12. Areas of public open space

- There are no adverse impacts arising from the development that substantially and demonstrably outweigh the benefits

### Design & Access Statement

- Sets out the context of the site and surroundings, the proposal as well as the national and local policy framework.
- The proposal would bring a mix of 2, 3, 4 & 5 bedroom houses and a small number of 1-2 bed bungalows (up to 80 in total) with 40% of these being affordable and tenure blind. It is envisaged that the majority of these dwellings (approx. 80%) would be 1, 2 or 3 bed units. These will comprise a mix of dwelling types including detached, semi-detached, small clusters of terraced housing and bungalows. The dwellings will be 2 storey in height.
- A care home is also proposed on the site. This again would be two storey in height, take up 0.5 hectares of the site and have a floor plan circa 1200sq.m
- Establish a new northern entrance to the village through traffic management and pedestrian priority. And decluttering the entrance to the school and the site.
- Provide a range of facilities for the school and the wider community.
- Provide robust green infrastructure
- Consultation undertaken with local stakeholders prior to submission
- Summarises the remainder of the supporting reports and surveys
- Swept path analysis demonstrates the site can be serviced by refuse vehicles, emergency service vehicles and HGV.
- Landscaping is a reserved matter although an illustrative master plan has been submitted which shows perimeter landscaping preserved and bolstered, a 15m wide landscape buffer between the site and ancient woodland, new greenspaces for recreation, school use and biodiversity enhancements and planting throughout the site.

### Geo-Environmental Phase 1 Desk Study (contamination)

This report concludes:



- As the site is agricultural land and may contain some contaminants as a result of fertiliser and pesticide use etc. (low risk rating).
- Potential for contamination from the adjacent railway line and embankment (low risk rating).
- A2070 & B2067 are close to the site and could have resulted in some contamination (low risk rating).
- Disused brickworks approx. 10m to the south of the boundary (low risk rating)
- Sewage works approx. 350m to the south-east (low risk rating)

Overall it is considered that the risk of contamination on the site is low and any further investigation / remediation can be controlled by condition.

#### Flood Risk Assessment

- Site lies within Flood Zone 1 and therefore is at low risk from fluvial flooding.
- Storm / surface water treated as close to the point of collection as possible through soakaways, porous paving etc. Following this water will be collected and discharged at a controlled rate to the surrounding watercourses. Surface water to be dealt with through use of onsite SUDs.
- Foul drainage to connect to the existing sewerage network with agreement from SW.
- Proposal will treat surface water drainage on site ensuring discharge rates do not exceed greenfield rates and will ensure no greater risk of flooding is created to the surrounding land or downstream from the development.

#### Service Supply Statement

- Site lies on the edge of the village. The site is well located for utilities in respect of gas, electricity, fresh and foul water as well as broadband and telephone.

#### Noise assessment

- Assesses the impact on the development from noise. Identifies that the A2070 (carries relatively high volumes of traffic including HGVs during the day) and Ashford Road are the most significant noise sources. The site in the main lies

within Noise Exposure Category (NEC) B meaning there is no reason why the development should not proceed on noise grounds.

- Mitigation can be used to keep noise levels within all dwellings to an acceptable standard (passive ventilation systems, double glazing, careful attention to internal layouts and site layouts, landscape buffers etc.)
- The development would not generate unacceptable noise for the surrounding areas.

### Air Quality Assessment

- Air quality impact assessment carried out to assess the impact of the development during both the construction phase and operational stage.
- During the construction stage dust releases are likely to occur although this can be mitigated through good onsite management meaning the effects will be negligible. Operational traffic is not anticipated to significantly affect local air quality given the scale of the development.
- The existing air quality is well within the limits of suitability for residential amenity and as such future residents of the development would not be adversely affected.

### Affordable Housing Statement

- Community's need for affordable housing is a material planning consideration.
- 40% of dwellings will be affordable housing in line with HOU1.
- The tenure split as required by HOU1 will be adhered to.
- Affordable Housing provision can be secured by condition.

### Statement of Community Involvement

- The applicants engaged in public consultation prior to the submission of the application with key stakeholders and the local community. This included a workshop in July 2017 and a public consultation event in November 2017. The latter was attended by approx. 100 people. This resulted in some support for the scheme as well as some objections. Objections mainly related to the need for the development and congestion on Ashford Road. Another comment was on need for further recreational space / sports pitches. Other concerns related to impact

on existing housing, drainage, ecology, pedestrian routes etc. These have been taken into account.

- This process positively influenced both the layout and the design of the development. Comments raised have either been addressed or have influenced the scheme. This has included working with key stakeholders to improve the highway arrangements on Ashford Road in response to the highway authority and Hamstreet Academy Primary School.
- The outline planning application will allow the Council to undertake public consultation and take into account these views in formulating a recommendation on the proposal.

#### Draft S106 Heads of Terms

- Suggests that the heads of terms should cover affordable housing; education; community services; public open space & transportation.

#### Agricultural Land Classification

- Following a desktop study and soil survey it identifies the land to be subgrade 3b and therefore only of moderate quality. 3B is the lowest classification with Class 1 being the best and most versatile agricultural land.

#### Ecological Impact Assessment

- The proposal would not have any negative impact on statutory sites of International, European and National importance or non-statutory local wildlife sites. With an appropriate buffer in place will ensure no harm to the ancient woodland.
- Bats – ground level tree inspection and activity surveys undertaken. Bat activity was generally low with low numbers of bats recorded. Western boundary identified as an important commuting route.
- Dormice – An EPS license needed to carry out the development due to effect on dormice however mitigation is proposed that will enable compliance
- Breeding birds – No rare species identified. Perimeter planting to be retained / bolstered meaning nesting opportunities protected
- Great Crested Newts – Habitat suitability Index assessment of 4 ponds in the vicinity undertaken. Their potential to support GCN ranged from average to

poor. Survey of pond 1 on the site found no GCN. Other ponds were either dry or no access was available. Unlikely site will contain GCN.

- Ecological mitigation / enhancement measures will ensure no unacceptable harm to matters of ecological interest.

#### Heritage Desk Based Assessment

- Site considered for its archaeological importance / potential. Site in an area of relative paucity of archaeological. No further archaeological work needed at this stage.

#### Arboricultural Report

- Looks at the impacts of the development on existing trees and woodland
- The development will result in the loss of a few low category (Categories C & U) trees because of their poor condition or small size. All significant boundary tree cover is retained and protected.
- Significant new planting is proposed to the boundaries and within the site
- A construction exclusion zone will be created around the RPAs of retained trees through use of heras fencing / ground protection

#### Transport Statement

- Proposed access to the site with Ashford Road would be 6m wide and then narrowing to 5.5m within the site. This is sufficient in order to allow 2 large vehicles to pass.
- Traffic calming measures are proposed which include a table top ramp which will extend 79m north of the site access and 38m to the south. It will also extend part way into the site. These measures will be supported by vehicle activated speed signs south bound into the 30mph limit. These measures will significantly reduce vehicle speeds.
- With the above measures in place more than robust sightlines of 2.4m x 60m can be achieved. The measures also include narrowing Ashford Road down to 6.2m over a distance of approx. 177m from St Mary's close to the top of the raised table to the north. This will not only help to reduce vehicle speed but will allow for the widening of the footways adjacent to the school and along Ashford Road. Double yellow lines and zig zag lines will be provided to restrict on street parking here.

- The above have been subject to a Stage 1 Road Safety Audit.
- The proposed layout of the application site includes 2 new parking areas each comprising 32 spaces, one for parents and one for staff. There would also be a coach drop off point. The former will meet the needs following survey results which showed 30 vehicles in AM period and 25 in the PM period. A pelican crossing is proposed to gain safe access from the parking areas to the school.
- The combined development at the maximum of 80 dwellings and a 60 bed care home (using TRICs) is predicted to generate 48 two-way trips in the AM peak and 54 two-way trips in the PM peak.
- An analysis has been undertaken (which includes the impacts on highways from application 18/00056/AS – up to 70 dwellings on land north of Warehore Road) and concludes that the scheme will not have a detrimental impact on the local highway network and will not adversely affect the operation of the existing junctions. Both will continue to operate well within their capacities. The proposals to remove the on street parking along Ashford Road as a result of this development will have a positive impact on the free flow of traffic along this road.
- The site is sustainable in terms of its location in respect of accessing public transport and local amenities.

#### Landscape & Visual Appraisal

- Assessed the impact of the proposed development in the landscape and its impact upon the visual amenity of the area.
- States that the site and surroundings comprise a medium scale landscape which due to its undulating and wooded nature reveal little opportunity for views in an immediate to mid view depth.
- The landscape is not designated for its beauty or environmental importance. The LCA assessment categorises the sensitivity of this landscape / countryside as having medium sensitivity to change. The overall impact on the landscape character of the area will be limited.
- The development will undoubtedly result in a significant change to the site but the impacts are localised and limited when viewed in the wider landscape. Once landscaping establishes the impact of the development will be lessened further.
- The site is well screened and only receptors immediately adjacent to the site, or the PROW which runs through the site, will have viewing opportunities of the development. The viewpoints will be primarily from the PROW, a short portion of Ashford Road by the site entrance, residents of St Mary's Close, school users,

railway users and motorists passing along Ashford Road. These views will lessen as planting within the site and to the boundaries matures.

- Middle distance views typically view the site in conjunction and in the context of the existing village and are largely screened by intervening vegetation, topography and built development.
- There were no discernible views of the site at long range.

### Odour Report

- Deals with the potential for odour from the WWTW adversely impacting upon the residents of the new development.
- Site is approx. 300m to the north east of the WWTW. No complaints have been received by ABC in respect of smells from residents living within this distance of the site.
- Predominant wind direction is from the south west. Only 8.8% of the year would winds blow directly across the site.

## Planning History

**17/00010/EIA/AS** - Proposal for development of up to 80 new homes, up to an 80 bed care home, open space, playing field with associated changing facilities, small car park – Environmental Impact Assessment is not required.

## Consultations

**Ward Members:** One of the ward members (Cllr Sparks) is a member of the planning committee. No written comments have been received from the other ward member Cllr Ledger.

**Orlestone Parish Council:** Object raising the following issues

- cumulative impact of development, 270% increase since 1960
- inadequate infrastructure: NHS, highways, drainage, sewerage,
- harm to the landscape character
- increase in traffic congestion
- harm to the character of the area
- no need for sports pitches

- light pollution from floodlighting
- increase in surface water flooding risk
- unsustainable development
- alternative site preferred to south of village

They have requested planning contributions towards a new village hall.

**Warehorne Parish Council (adj):** Object raising the following -

- increase in traffic congestion

They have requested planning contributions towards a new allotment, tennis courts, pond, tree planting and play equipment.

**Kent Highways and Transportation:** Initially made the following comments and requested the following additional information:

- Vehicle tracking for an 11.4 metre long refuse
- suggest single yellow lines
- parking spaces for the school do not meet minimum size standards of 2.5 metres in width by 5 metres in length and the two disabled bays should be 3.6 metres in width
- a secondary emergency access is normally required as the proposals are in excess of 50 dwellings, the views of Kent Fire and Rescue should therefore be sought by yourselves in relation to this application.

*Re-consultation:* no objection following the submission of additional information and plans submitted to address the above, subject to condition. The pedestrian crossing and improvements on Ashford Road can be achieved subject to further details at the detailed design stage.

**KCC Flood & Water Management:** No objection subject to conditions for a detailed drainage scheme, its implementation and maintenance and verification report, and have made the following comments:

- proposal of a swale to convey surface water to a large attenuation basin at the north of the site is feasible
- should restrict run off rates 4 litres a second to adhere to the Sustainable Drainage SPD

- require a minimum setback of 5m to 8m if incorporating existing field ditches or ordinary watercourses
- facilitate the maintenance of existing watercourses
- closed fence-lines to the rear of properties bordering a watercourse should be avoided
- Proposed drainage design is acceptable

**Project Office (Drainage)** – no objection and previous comments by KCC SuDS have been noted and the latest set of calculations appear to take full consideration of the requirements to test / model designs. Suggest conditions for a full sustainable drainage strategy is required.

**Environment Agency:** - no comments to make on this planning application as it falls outside of their remit as a statutory consultee.

**Southern Water:** no objection, subject to conditions for foul and surface water disposal, and have made the following comments:

- would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area
- additional local infrastructure required
- long term maintenance of the SUDS facilities
- arrangements for adoption by any public authority or statutory undertaker
- adequacy of the proposals to discharge surface water to the local watercourse
- design of drainage should ensure that no land drainage or ground water is to enter public sewers network
- located approximately 400 metres from Hamstreet waste treatment works and endeavours to operate its sewage and sludge treatment works efficiently and in accordance with best practice to prevent pollution
- designating an appropriate buffer zone around the treatment works within which development sensitive to odour is excluded

**Natural England:** no objection, would not have significant adverse impacts on statutorily protected sites or landscapes.



**Network Rail:** no objection and have made the following comments, so does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future
- all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary
- storm/surface water must not be discharged onto Network Rail's property
- details of vibro-compaction/displacement piling plant
- maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres
- use suitable tree species

**KCC's Ecological Advice Service:** no objection, subject to conditions for dormice mitigation measures, 15m buffer to ancient woodland, Ecological Mitigation Plan (EMP), lighting and ecological enhancements.

**KCC Public Rights of Way and Access Service:** no objection, subject to a condition for the upgrading of the surfacing to the existing public footpath that crosses through the site.

**KCC Developer Contributions:** no objection subject to planning obligations for primary and secondary schools, community learning, youth service, libraries, social care. They also suggest conditions access to education and community facilities and 1 wheelchair adaptable home.

**KCC Archaeology:** no objection subject to conditions for a field evaluation and further archaeological investigation as required, and have made the following comments:

- the site of the application has broad potential for prehistoric and later activity
- the early OS maps suggest a small holding within the centre of the site, also noted as part of the Historic Farmstead Survey.

**Housing:** no objection and has made the following comments about the requirements:

- an expectation of 40% affordable housing under emerging policy HOU1
- comprising 10% of the total dwellings should be made available for affordable or social rent, so the expectation is that eight of the 32 affordable units must be for affordable rent and 24 for affordable home ownership (of which 16 must be for shared ownership with the remainder a low-cost home-ownership product agreed by the Development Partnership Manager within the authority)
- request that for the affordable/social rent properties two x one-bed, four x two-bed and two x three-bed properties be made available for this purpose
- would prefer houses but would entertain two of the two-bedroom properties being flats in this instance
- expect the properties to meet the Nationally Prescribed Space Standards. In the case of the 2-bed properties we would expect four bed spaces to be provided and in the case of the 3-bed properties we would expect five bed spaces to be provided
- the affordable housing composition should be integrated into the development to ensure a balanced tenure, neutral mix on the development rather than being positioned as a cluster of properties on the development

**Environmental Health:** no objection, subject to conditions in relation to a scheme to protect the dwellings from Hamstreet Bypass, Ashford and Romney Marsh Railway, ventilation for thermal comfort, electric charging points, hours of construction, lighting and noise, air quality, dust and noise mitigation during construction, sewage disposal, unexpected contamination and have made the following comments:

- require an air quality assessment

*Re-consultation (following receipt of the air quality assessment):* No objection subject to a condition requiring the implementation of the mitigation set out in the report.

**Environmental and Contracts (Street Scene & Open Spaces Officer):** no objection, no refuse collections can take place until a signed indemnity is in place for all unadopted roads and the scheme should comply with the Council's 'Recycling and Waste Collection Policy'. The design of this development does not allow waste collection at a front of property. Special assistance collections are also limited to a maximum pull distance of

25m hence why individual properties should be no more than 25m from where the RCV can pass. On these plans total pull distance from front of property to where the RCV can pass is anything up to 55m. This would not be acceptable

**Culture and the Environment (Open Space):** no objections - request S106 contributions under the Public Green Spaces & Water Environment SPD with the exception of informal open space as this will be provided on the site.

**NHS Canterbury and Coastal and NHS Ashford Clinical Commissioning Groups:** No objection subject to S106 contributions towards the extension / improvement of Hamstreet Surgery.

**Kent Police:** no objection and welcome the opportunity to discuss crime prevention.

**Sports England:** Comment stating that the development proposed does not fall within their statutory or non-statutory remit for providing formal comments.

**Kent Wildlife Trust:** no objection and support the comments of KCC Ecology and their suggested conditions.

**Forestry Commission:** Have no comments to make with regards the application

**Woodland Trust:** - Object on the grounds of potential damage and disturbance to Huntbourne Wood which is designated as Ancient Semi-Natural Woodland on NE's Ancient Woodland Inventory. In particular they are concerned about:

- The intensification of the recreational activity of humans and their pets can result in disturbance to breeding birds, vegetation damage, trampling, litter, and fire damage.
- Fragmentation as a result of the separation of adjacent semi-natural habitats, such as small wooded areas, hedgerows, individual trees and wetland habitats.
- Noise, light and dust pollution occurring from adjacent development, during both construction and operational phases.
- Where the wood edge overhangs public areas, trees can become safety issues and be indiscriminately lopped/felled, resulting in a reduction of the woodland canopy and threatening the long-term retention of such trees. Whilst the Trust recognises that the applicants will be providing a 15m buffer and construction exclusion zone, the school drop off parking area and the equipped play area will be sited less than 15m of the ancient woodlands. These features should be moved to a more suitable location in line with Natural England's Standing Advice. Ideally, the Trust would like to see a 20m buffer to the site, specifically in areas

of high traffic such as the school parking area, due to the potential impact of vehicular pollution on the ancient woodland.

**Ramblers' Association, Kent Area:** No comments received.

**CPRE:** Object raising the following:-

- Cumulative impact from this and other planned developments. A study should be undertaken in this regard to see if the development is absorbable.
- Pressure on roads and infrastructure
- Visual impact arising from this sloping site being developed.
- Longer range views available from PROW
- Harm to the landscape should be addressed at the outline stage and not left to the reserved matters.
- Drainage to avoid risk of flooding downhill from the site.
- Congestion on Ashford Road would be managed but there is a risk of more congestion with parents (using cars) having to enter and leave the site rather than just dropping off outside of the school which is currently the case.
- Proposal would harm dark skies policy particularly if lighting the football pitch.

**Neighbours:** 53 neighbours were consulted, site notices posted and the development advertised in the local paper. 29 representations to object were received.

The objections are summarised below:

- inadequate public infrastructure: schools, GP, shops, train services,
- increase traffic congestion
- accessibility for emergency vehicles
- harm to landscape character
- displacement of on-street car parking
- risk to highway safety from access and to pedestrians
- surface water flooding
- ground water contamination
- no need for sports pitches
- light pollution
- planning obligation for village hall
- harm to the character of the area
- loss of agricultural land
- harm to biodiversity due to proximity nature reserve
- premature of adoption of new Local Plan  
[HDM&SS comment: Hamstreet Woods approximately 200m from the railway line to the east]
- cumulative impact of development
- no need for care home
- alternative site at Johnson's Corner preferred

- not meet local housing needs

1 representations in support was received.

The comments are summarised below:

- highway improvements to improve traffic congestion

## **Planning Policy**

19. 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).
20. 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).
21. 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

S31 – Hamstreet, Land north of St Mary's Close

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

22. 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

23. The main issues for consideration are:

- (a) The principle of the development
- (b) Sustainability and location of the development
- (c) Landscape character and visual amenity
- (d) Design, layout and impact on Hamstreet conservation area
- (e) Impact on residential amenity
- (f) Ecology / impact on designated sites
- (g) Flood risk / drainage
- (h) Odour / contamination / noise
- (i) Transport / highway safety
- (j) Housing mix / affordable housing
- (k) Environmental Impact Assessment - Screening
- (l) Other matters
- (m) Whether planning obligations are necessary

### **(a) Principle of development**

24. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the adopted Development Plan unless material considerations suggest otherwise. Section 70 of the Town and Country Planning Act 1990 is concerned with the determination of planning applications with regard to the provisions of the development plan, so far as they are material and any other material considerations.

25. The Local Plan has validated the essential land use planning strategy adopted by the Council, as being the right strategy to apply, namely focusing growth in and near the built-up area of Ashford, as well as in the main rural settlements in the hierarchy, based on sustainability considerations and seeking to recognise the



character and important qualities of the villages and the countryside. The land use planning strategy is sound and justified. Hamstreet is considered to be one of the higher tier settlements as set out in the 'Vision' for the Local Plan.

26. In the rural area, larger scale development – in a rural context – is focused at the more sustainable and established rural settlements, those which have more services and facilities and a greater ability to absorb higher levels of new housing (i.e. Hamstreet). This is reflected in the spatial strategy of SP1.
27. The Plan allocates a significant number of housing allocations at medium sized rural settlements which will spread the responsibility for accommodating new housing growth in a sustainable way across the borough and focus new housing in a way that is proportionate and close to the services and facilities in the locality. This site is one such proposed allocation.
28. The adopted Ashford Local Plan 2030 (policy S31) proposes that the site is suitable for residential development with an indicative capacity of 80 dwellings and associated facilities for use in connection with Hamstreet Primary Academy. The pre-amble to policy 31 in paragraph 4.61 states that in addition to this “the site is considered suitable for development of a care home of circa 60 beds subject to there being sufficient evidence of need.”

#### Hamstreet - Land North of St Mary's Close

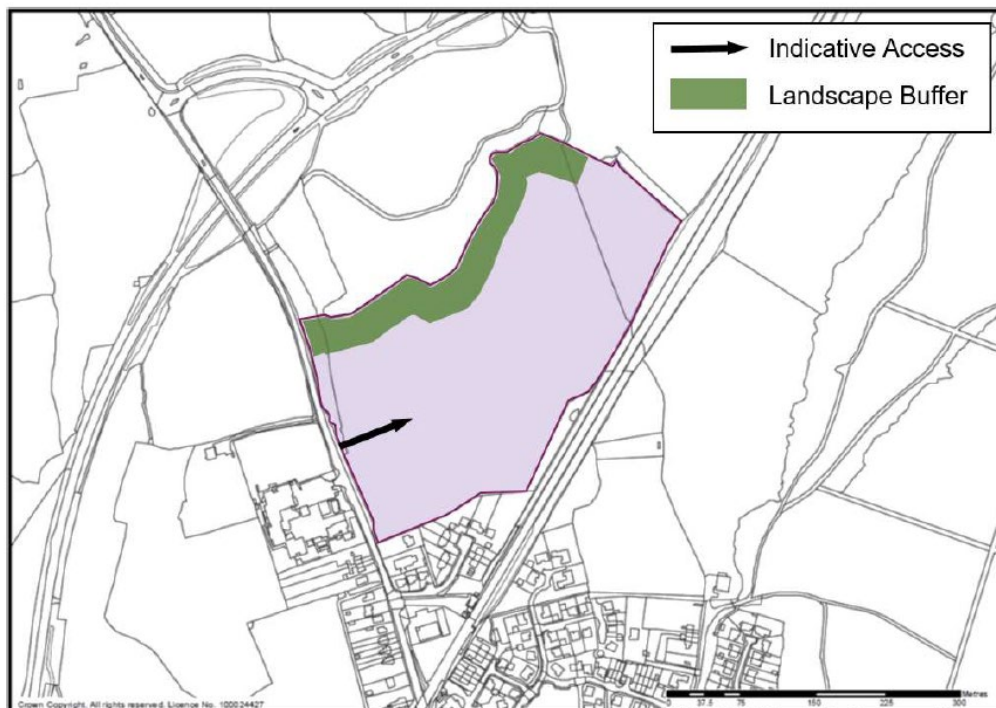


Figure 4 – Adopted Policy S31 of the Local Plan 2030

29. In the main the development proposes a quantum of development of up to 80 dwellings, an up to 60 bed care home, parking, education and sports facilities for the school, public open space, childrens play, wetland area etc. The site in its entirety is a greenfield site comprising agricultural land (Grade 3).

Policy S31 states:

**Policy S31 - Hamstreet - Land North of St. Mary's Close**

**Land North of St. Mary's Close, Hamstreet is proposed for residential development with an indicative capacity of 80 dwellings and associated facilities for use in conjunction with Hamstreet Primary Academy.**

**Development proposals for this site shall:**

- a) **Provide a new youth football pitch to Football Association standards with changing room facilities and storage, for use by the Academy and by the wider community at other times, which should be well-designed and integrated into the overall layout, and avoid excessive paraphernalia and lighting in line with Policy ENV4;**
- b) **Provide a new area of staff car parking for the Academy with a minimum of 60 spaces which would be used to serve the new football pitch at other times, to be placed within close proximity to the school and with a view to safeguarding residential amenity;**
- c) **Provide an outdoor classroom facility for the Academy at the north-eastern edge of the site;**
- d) **Be designed and laid out to take account of the residential amenity of neighbouring occupiers. Particular attention needs to be given to the topography of the site and dwellings should be orientated to enable overlooking and natural surveillance of open areas. No development on the site should be more than two storeys in height. The guidance in the Hamstreet Village Design Statement shall inform the design and layout of the development, including any non-residential elements;**
- e) **Provide vehicular and pedestrian access from Ashford Road;**
- f) **Provide and fund the implementation of an agreed detailed traffic management plan for the scheme that includes measures that reduce vehicle speeds along Ashford Road and improve pedestrian safety at this point in the village, including the enhancement of pedestrian routes between the site and local services;**
- g) **Fund implementation of suitable on-street parking restrictions for non-residents;**
- h) **Provide new pedestrian and cycle routes throughout the development and connections to the existing PRow that runs through the site, and work with the relevant authorities to enable improvement of the pedestrian crossing at the railway line as part of the PRow, and pedestrian routes to the village centre;**
- i) **Provide a landscaped buffer to the northern and eastern boundaries of the site, with a minimum of 30m between the built footprint of any development and the northern boundary with the adjacent Ancient Woodland;**

*Continued...*

Continued on next page

- j) **Provide for the installation of children's equipped play facilities;**
- k) **Provide an Environmental Assessment Study to address any potential adverse impacts of the proposals on the biodiversity of the Dungeness, Romney Marsh and Rye Bay Ramsar site and how they can be avoided or adequately mitigated;**
- l) **Consider the impact upon views to and from the site due to internal and local topography, informed by a landscape and visual impact assessment, to determine appropriate structural and internal landscaping and building heights, and having particular regard to the significance of the adjacent SSSI and Ancient Woodland;**
- m) **Provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider; and,**
- n) **Ensure appropriate species and habitat surveys are carried out. Results will inform ecological mitigation and enhancement measures to be provided on the site and proposals for implementation, maintenance and monitoring in accordance with Policy ENV1.**

30. The policy states the indicative capacity for the allocation as being 80 units. The pre-ambule to the policy states that subject to need then a 60 bed care home would be acceptable in addition to this. As the application states the development is for up to 80 dwellings and up to a 60 bed care home then the quantum of development applied for is policy compliant. The policy also requires the provision of a new youth football pitch to FA standards with changing rooms and storage for use by the academy and the wider community. Following discussions with the school and Orlestone Parish Council it was considered that there was no need for the changing facility but rather a covered shelter area.
31. The policy requires, in terms of service provision an outdoor classroom facility (for use by the school) a minimum of 60 car parking spaces for use by staff of the academy and parents and use by the wider community when using the football pitch. There is a requirement for onsite installation of children's' play facilities due to the poor connectivity of the site with Pound Lees recreation ground to the south of the village.
32. The indicative layout (not for consideration under this application) depicts all of the above mentioned development in the approximate locations as set out in policy S31.
33. The site, being an allocated site, will make an important contribution to the Council maintaining a 5 year housing land supply and thereby being in a stronger position to resist speculative inappropriate developments on unallocated sites outside of the town and village confines within the Borough. The delivery of this site will also help to boost the supply of housing which is a requirement of the NPPF. The

application will also provide much needed facilities for the school and local community as well as providing essential traffic calming and management along Ashford Road. Further benefits associated with the scheme include its ability to help boost significantly the supply of housing, the provision of 40% affordable housing, its relatively sustainable location (see below), and other recognised social and economic benefits including generating job opportunities, for example, during the construction process, and economic benefits arising from purchasing goods and utilising services and facilities in the immediate and wider locality.

### Care Home

34. Whilst the delivery of a care home is not specifically referenced in policy S31 it is clearly referred to in the preamble to the policy at paragraph 4.61. It would not have been reasonable to have committed this site to the provision of a care home as part of a housing allocation site but it is clearly suitable for the delivery of such a facility subject to there being sufficient evidence of the need.
35. The care home would be a maximum of two storey in height and is currently indicatively shown to the east of the site. The care home at present is speculative with no specific end user identified. It would however need to be built to national space standards for such facilities. The facility would also be needed to be registered with KCC and meet their care home standards in The Kent Social Care: Accommodation Strategy (2014). This document identifies the growing need for care home provision to meet the needs of an ageing population. The application seeks to establish the principle of a care home on the site so it is not yet known whether this will be built to accord with Dementia care Standards as this will be determined by the operator and detailed at the reserved matters stage.
36. In terms of need the NPPF requires the delivery of a mix of housing to meet current and future demographic trends and with an aging population this will be a growing need for specialist care. The Strategic Housing Market Assessment (SHMA), which is a background document to the adopted local plan, deals with all kinds of housing provision including Registered Care Housing (C2 Use Class). The projected growth in the elderly age groups (over 75) in Ashford between 2011-2031 is 463. This was previously estimated in other studies at 326. This would equate to the provision of 23 care home bed spaces per annum over this period in order to meet the need. This is a minimum figure that is likely to rise through the plan period. The provision of an up to 60 bed care home on this site would go some way to meeting this ever growing need. This figure does not include demand for assisted living / extra care facilities which are classed as C3 dwellings where a care package is provided.
37. There is clear evidence to support the provision of a C2 care home on the site and as such the principle can be considered acceptable against supporting paragraph

4.61 of the local plan. Further care home bed spaces count in respect of calculating the Council's 5 year housing land supply. which states in part "In addition the site is considered suitable for development of a care home circa 60 beds subject being sufficient evidence of need.

38. Subject to the proposal complying with policy S31 and other adopted local plan policies then the principle of what is being proposed along with the quantum of development can be considered acceptable.

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

39. The NPPF seeks to resist isolated new homes in the countryside (para 79).

40. The site, whilst outside of the built confines of Hamstreet is not in an isolated location. The application site is located immediately adjacent to an established sustainable rural settlement and within easy walking distance of the centre of the village. There are a wide range of local services and facilities including shops, primary school, cafes/restaurants, takeaways, public house, village hall, recreation ground and open space, children's play areas, train station etc. within Hamstreet. There are bus stops located within walking distance of the site. Therefore, the site is not regarded as being physically isolated from services and is sustainably located hence the Inspectors acceptance of this site allocation without modification to the site area or indicative capacity and the adoption of the policy in the local plan accordingly.

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

41. Policy SP1 of the adopted Ashford Local Plan 2030 sets out core principles for development within the borough. This includes focusing development at accessible and sustainable locations which utilise infrastructure, facilities and services wherever possible. It also seeks to conserve the borough's natural environment / biodiversity; create high quality designed places; is sustainably sited; meet the housing needs / mix for the Borough and ensures development is resilient to and mitigates climate change amongst other things.

42. Policy ENV3a of the Local Plan covers landscape character and design and sets out criteria that developments should seek to conform to in order to protect the landscape setting and minimise the impact of development.

43. The site comprises part of a field in use for agriculture. The development will result in the loss of a few low category (Categories C & U) trees because of their poor condition or small size. All significant boundary tree cover is retained and protected. Significant new planting is proposed to the boundaries and within the site. A construction exclusion zone will be created around the RPAs of retained

trees through use of heras fencing / ground protection. With the exception of trees and hedgerow, which predominately align the perimeter of the site, there are few landscape features except the hedgerows and mature trees.

44. The site lies within the Old Romney Shoreline Settlements Landscape Character Area where the condition is rated as good and sensitivity high. The overall guidelines are to conserve:-

- Conserve the rural, prominent backdrop to the Romney Marsh
- Conserve the open, rural character of the south facing slopes which run down onto the expansive low lying farmlands of the marsh
- Conserve the small scale of settlements and avoid further enlargement
- Conserve vernacular style buildings
- Conserve the historic churches which mark the old shoreline, their prominence within settlements and within views from the surrounding landscape
- Conserve the narrow, winding highways and avoid road widening
- Conserve wide, open views across the Romney Marsh to the south
- Conserve and appropriately manage woodland to the west, and hedgerows
- Avoid further agricultural intensification
- Maintain the lack of large scale development

45. The site directly fronts Ashford Road and is separated from it by well-established tree and hedge planting some of which is designated ancient woodland. This affords considerable screening of the site when viewed from Ashford Road particularly during the summer months. There is currently a farm access into the field and this is in the location where the proposed new access is proposed to serve this development. The google earth photograph set out in figure 5 below demonstrates this point.



**Figure 5:** Google earth photo looking north at the current field access

46. Views from Ashford Road will be limited other than when at the point of access to the site. There may be fleeting glimpses of the development from the A2070 although there is considerable tree planting and woodland that in the main will obscure views. There will be fleeting views from train users of the Ashford / Hastings railway. The main view of the site will be from the PROW which runs through the northern and eastern part of the site. These views will be very clear and uninterrupted but will be only for a short stretch of the PROW which then continues westwards adjacent to the ancient woodland. Other PROW are to the south of the railway, north of the A2070 where any possible views would be limited. Some properties in St Mary's close will also have views into the site from their rear elevations. It is however proposed that this boundary be bolstered with tree planting which can be secured at the reserved matters stage. Views of the development on the site will be relatively limited and localised and as such the wider landscape impact will not be significant.

47. Landscaping is a reserved matter however an indicative landscape master plan has been provided as set out in figure 3 above. This shows the retention of a 30m landscape buffer to the ancient woodland to the north of the site which is a requirement of policy 31(i). It also shows the bolstering of boundary planting along the edges of the site and particularly along the shared boundary with the properties in St Mary's close that back on to the site. The masterplan also shows considerable new planting within the site and particularly through the 30m buffer to the ancient woodland.
48. The submitted landscape and visual impact assessment states that the development would have a moderate effect on the landscape and would provide opportunity for considerable amounts of landscape, tree and hedge planting. It also states that the overall impact would be minimal once the landscaping has been established. This is a fair assessment.
49. I am satisfied that the proposals would comply with development plan policies which I have referred to which seek to protect the countryside and landscape character.

### **Design, Layout and impact on the Hamstreet Conservation Area**

50. Layout and appearance are reserved for future consideration. What is currently shown upon entry into the site a circuitous route around the proposed football pitch. Immediately to the north of the access is the proposed parking area for the school. This includes spaces for parents dropping off and staff. There is also a coach drop off shown. These facilities would be sited adjacent to the pelican crossing and will relieve the significant parking problems along Ashford Road in conjunction with the proposed highway management proposals (see Highway Safety section).
51. Immediately to the east of the football pitch, the care home is shown and immediately to the northwest is a small cluster of dwellings and a children's play area. To the north is the main area of residential development and the wetlands area and classroom/discovery centre. Around the perimeter of the site to the north, northeast and northwest is a landscape buffer which also forms the public open space. There will be no built development in this area but it will be planted and informal walkways provided through it. At a minimum width of 30m this is a very usable space for the residents of the development.
52. The green infrastructure comprises 4.3 hectares (almost half of the site) and includes the public open space, playing field, play space, buffer to the ancient woodland and SUDs features. The football pitch has a dual use for the school and



wider community and will be fenced and gated with low estate rail fencing to close it off during school hours and prohibit dog walkers. The onsite POS requirement for 80 dwellings is 0.48 hectares. This is required to be provided as one usable area given that no single area of POS should be less than 0.25 hectares. Normally such space would be expected to be provided within the heart of the development. In this case, because of the need to provide the football pitch, to provide the POS within the centre of the development would leave a substantial undeveloped area in the centre with built development concentrated towards the edges which would not be an appropriate solution. The POS to the edge and within the site are usable given their width and would provide an appealing network of informal walkways all interconnected on substantially wide areas of land. The football pitch has a dual community use and is available to the wider community outside of school hours and provides an important open space function also. The wetland area, whilst a SUDs feature, has a significant graded area of land around it and is connected to the POS around the site to provide an additional resource. In this instance the provision of POS in the manner indicatively shown would be acceptable.

53. The indicative masterplan demonstrates that the quantum of development proposed along with the school parking, football pitch, open space and play area and the wetland area and classroom can be provided on site. Whilst the site layout is not for consideration, and it is likely that the detailed layout may deviate from this, it demonstrates that what is proposed would not constitute an over development of the site.
54. The proposed development lies almost 300m to the north of the Hamstreet conservation area with built development in between and as such would not impact upon the setting of this designated heritage asset.
55. I am satisfied that the scheme can meet the requirements of policy S31 (a), (b), (c), (e), (i) & (j) when the reserved matters are put forward for consideration.

### **Impact on residential amenity**

56. The NPPF and adopted development plan both require that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
57. Whilst layout is reserved for future consideration, the properties most affected by the development would be those at St Mary's Green to the south and the property known as Kildare adjacent to this. The properties at St Mary's Green are in the main detached and semi-detached two storey dwellings. They would be affected by the development in as much as a small number back onto the development site. The boundary planting is to be bolstered and the 3 TPO trees retained. What is shown indicatively to the southern part of the site is unlikely to work as there is

a drop in levels to St Mary's Close. That said this is a large site and this part of the site could be relatively easily reconfigured to ensure that the proposed development does not result in any adverse overlooking of, or appear oppressive in relation to, the existing surrounding dwellings.

58. The proposed access into the site is opposite the school and therefore there would be no unacceptable nuisance issues as a result of noise and headlights from vehicles accessing and egressing the site. The proposal will add extra traffic to Ashford Road but this is a busy road and the extra vehicle movements would not materially increase noise arising from it for existing residents. Further the highway management measures proposed will slow traffic down considerably as well as remove the on street parking nuisance that currently arises.
59. In terms of future residents the development will need to meet the Nationally Described Space Standards (as set out in Policy HOU12) for internal space and the requirements set out in the Council's Residential Space SPD and Policy HOU15. This would be controlled by condition if permission is granted and again may ultimately impact upon the number of units that can be provided on the site in a satisfactory manner.
60. In terms of noise from the A2070 / railway line and smells from the waste water treatment works relevant surveys have been carried out recommending mitigation measures which can be secured by condition. Statutory consultees including Environmental Health and Southern Water are satisfied that the standard of amenity for all future residents on the site would be acceptable.
61. Overall I do not consider that the proposal would cause unacceptable levels of harm to residential amenity. As such the proposal would be able to meet the requirements of policy S31(d)

## **Ecology / Impact on designated sites**

### *Ecology*

62. Policy ENV1 states that proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. Proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats... and networks of ecological interest... including.... water features, ditches, dykes and hedgerows, as corridors and stepping stones for wildlife. Where harm to biodiversity assets cannot be avoided, appropriate mitigation will be required in line with a timetable to be agreed with the Local Authority. Normally any mitigation measures will be required to be delivered on-site, unless special circumstances dictate that an off-site model is more appropriate. This reflects policy S31 (n).

63. The Conservation of Habitats and Species Regulations 2017 requires Ashford Borough Council, the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, Ashford Borough Council must consider whether it is likely that an EPSM Licence from Natural England will be granted, and in so doing must address the three derogation tests when deciding whether to grant planning permission for the proposed development. The three tests are that:

- Regulation 55(2)(e) states: a license can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
- Regulation 55(9)(a) states: the appropriate authority shall not grant a license unless they are satisfied “that there is no satisfactory alternative”.
- Regulation 55(9)(b) states: the appropriate authority shall not grant a license unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

64. In respect of the first test, the proposed development would not constitute a form of development which would be considered to be of overriding public interest. However, the proposal is an allocated site in the recently adopted Local Plan, therefore, in considering it against the second test outlined above, there is no satisfactory alternative to the development in this location.

65. In respect of maintaining the population at a favourable conservation status (test iii) the results of the Ecological Appraisal / surveys are summarised in the proposals section of this report and are comprehensive. The site itself is of low ecological value and this application offers the opportunity for this to be significantly enhanced. The surrounding areas however are rich in terms of ecology and biodiversity.

66. The application has been subject to consultation with KCC Biodiversity. KCC are satisfied with the results of the surveys. They raise no objection, subject to conditions for dormice mitigation measures, 15m buffer to ancient woodland, Ecological Mitigation Plan (EMP), lighting and ecological enhancements. They are satisfied that no further survey work is required. They are satisfied that with precautionary mitigation measures the development would not adversely impact upon protected species or their habitat.

*Impact on designated sites*

- Policy ENV1 of the local plan states that developments that adversely affect the integrity of nationally or locally designated sites will not be permitted unless the benefits in terms of other objectives, including overriding public interest, outweighs the adverse impacts and there is no alternative acceptable solution. Policy S31 K) states that evidence should be provided to address any potential adverse impacts on the biodiversity of the Dungeness, Romney Marsh and Rye Bay Ramsar site and how they can be avoided / mitigated.
- The site is not a designated site for nature conservation. That said it is in close proximity to very sensitive sites including:
  - The Dungeness, Romney & Rye Bay Ramsar site / SSSI which lies approximately 900m to the southwest of the site.
  - Ancient Woodland immediately adjoins the northern boundary of the site.
  - In respect of the information submitted both Natural England and KCC Ecology are satisfied that there would be no adverse impact on these designated sites nearby. Further KWT raise no objection based on the observations of KCC Ecology. The Woodland Trust do object however their concerns have been addressed now a 30m buffer is proposed between the ancient woodland and the proposed development. This also ensures compliance with policy S31 (i).

*Ecology conclusion*

67. Based on the information submitted and the response received from KCC, I am satisfied that the LPA has fulfilled its duty to appropriately assess the development under Regulation 9(5) of the Conservation of Habitats & Species Regulation 2010. Subject to conditions, the proposed development is not considered to result in any adverse impacts to matters of ecological importance in accordance with the relevant policies set out in European and UK law as well as in the adopted development plan and NPPF. In addition, and on this basis I am satisfied that the proposals can comply with the ecological criteria set out in emerging policy S31 (K) & (n) and the development plan policies referred to above.

## **Flood Risk / Drainage**

68. The site lies within flood zone 1 and is therefore at low risk from fluvial or tidal flooding. The site is currently green field and the development will result in impermeable surfaces and therefore the main flooding potential arises from surface water run-off. A flood risk assessment (FRA) has been submitted in support of the application. It is proposed to treat all surface water at source through use of SUDs which is in accordance with the Council's SUDs SPD. The impermeable area of the site would be 2.56 hectares based on the indicative layout. Surface water will be dealt with via above and below ground SUDs leading to a detention basin and then discharged at a controlled rate into the surrounding drainage network. The rate will not exceed the green field rate as set out in the SUDs SPD. The detailed design of the SUDs system will be formulated at the reserved matters stage and is a condition proposed in respect of this application. KCC & ABC drainage raise no objection subject to the imposition of such a condition. The system will not be adopted by Southern Water and will be managed and maintained by a management company. The proposal would comply with policy ENV9 of the Local Plan.

69. In respect of foul water drainage Southern Water (SW) has confirmed that the nearest point at which there is capacity in the network within the vicinity of the site is the Hamstreet WWTW located approximately 320m to the south west. Connection to this will need to be in agreement with SW. SW has confirmed that there is inadequate capacity within the network to accommodate foul water flow to the nearest manhole, adjacent to the site, on the Ashford Road. As a consequence offsite sewer improvements are required to provide sufficient capacity to serve the development. 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 which in this case is the manhole adjacent to the site (far south western corner).

70. Below is an extract from a letter sent to the applicant by Southern Water in January 2019:

We have completed the capacity check for the above development site and the results are as follows:-

**Foul Water**

There is currently inadequate capacity within the foul sewerage network to accommodate a foul flow for the above development at manhole reference TQ99339801. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development.

The nearest point where capacity is currently available is at **Ham Street WTW** which is located approximately **320 m south-west** of the proposed development site. Rights are not issued for a direct connection to Wastewater Treatment Works. Please note that connection to the WTW will have to be agreed by Southern Water Services before being carried out.

71. A pumping station will be required to drain the site to the nearest manhole due to the levels on the site.

72. Upgrades required between the manhole connection and the Hamstreet WWTW would be carried out / funded by SW. Southern Water 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 which in this instance would be the stretch of sewer between the manhole and Hamstreet WWTW. 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 and as such the proposal would comply with policy S31 (m).

### **Odour / contamination / noise**

#### **Odour:-**

73. An odour survey has been submitted in respect of this application as the site lies just over 300m to the north east of the Hamstreet waste water treatment works. The survey looks at the potential impact of this on future residents. The report notes that there have been no complaints to date from residents that front Ashford Road between the WWTW and the application site. The predominant wind direction is from the south west however for only 9% of the year would the wind blow directly over the site. As a consequence the likelihood of impact on the residential amenity of future residents is low. Southern Water and the Council's Environmental Protection Team raise no objection in respect of odour.

#### **Contamination:-**

74. A Phase 1 Contamination Assessment has been submitted in support of the application. This identifies and concludes that the site is agricultural land and may contain some contaminants as a result of fertiliser and pesticide use etc. (low risk rating). There is also potential for contamination from the adjacent railway line and embankment (low risk rating). The A2070 & B2067 are close to the site and could have resulted in some contamination (low risk rating). There is a disused brickworks approximately 10m to the south of the boundary (low risk rating). The sewage works is just over 300m to the south-east (low risk rating). Overall it is considered that the risk of contamination on the site is very low and any further investigation / remediation can be controlled by condition.

75. The Council's Environmental Protection Team and the EA have raised no objection in respect of ground contamination with the former requesting conditions in respect of further investigation work and precautionary measures.

#### **Noise:-**

76. Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location and should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new developments and avoid noise giving rise to significant adverse impacts on health and the quality of life.

77. A noise assessment was required as part of this application due to the site being in close proximity to 3 major pieces of infrastructure namely the A2070, Ashford Road and the Ashford – Hastings railway. Unsurprisingly the assessment identified that the A2070 carries relatively high volumes of traffic including HGVs

during the day. It identified on this site that the 2 main noise sources were the A2070 and Ashford Road.

78. The survey identified that the majority of the site lay within noise exposure category B meaning there is no reason why the development should not proceed on noise grounds. It stated further mitigation will be used for those dwellings most affected by noise to keep the noise levels within all dwellings to an acceptable standard (passive ventilation systems, triple / thermal glazing, careful attention to internal layouts and site layouts, landscape buffers etc.)
79. The survey concluded that the noise levels would not cause residents to adjust or change their normal behavior and as such was at an acceptable level for residential development.

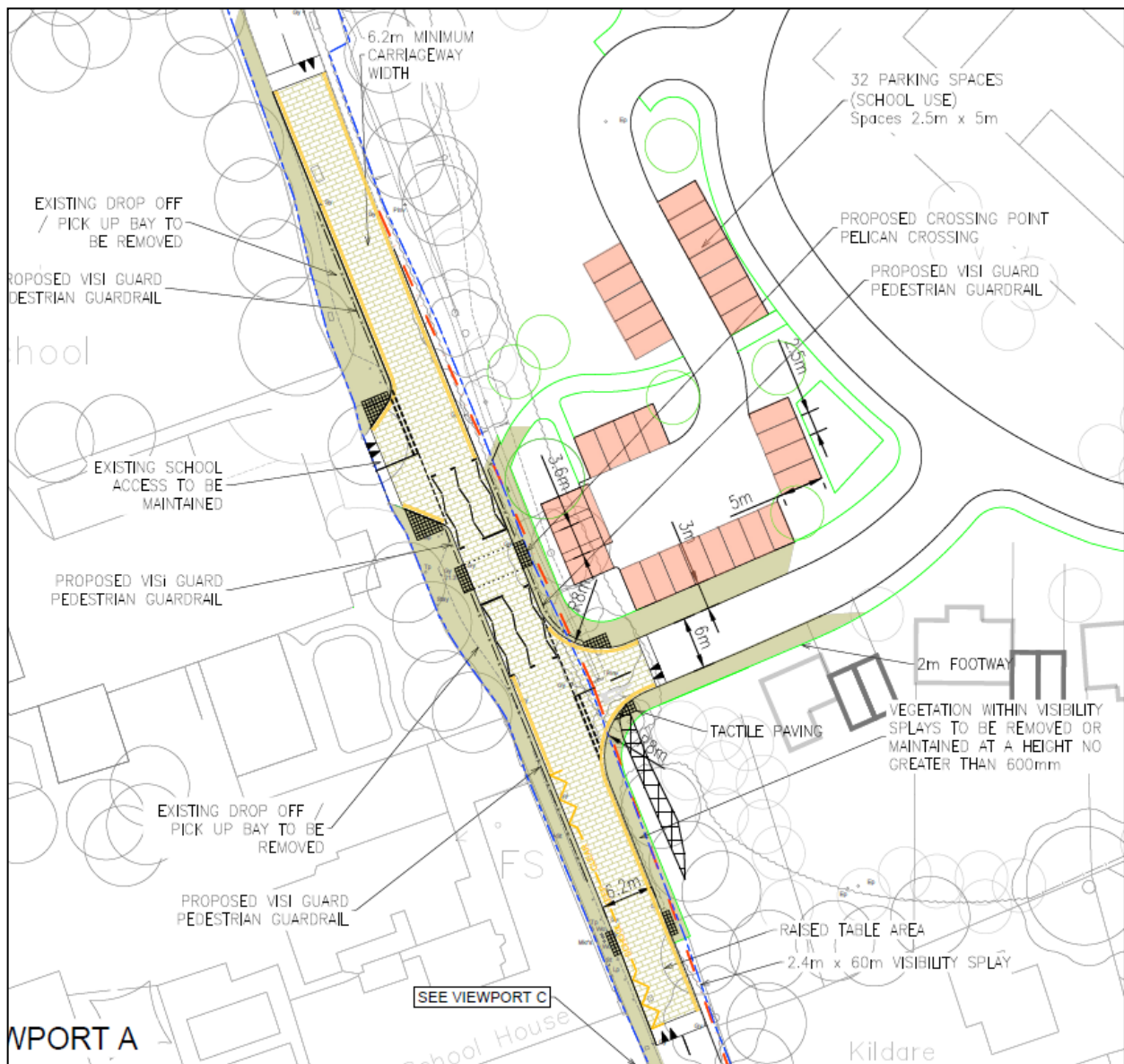
### **Transport / Highway safety**

80. Policy TRA7 of the adopted Ashford Local Plan 2030 relates to transport impacts, and amongst other things states, that developments that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development. It states that it is for the applicant to demonstrate that the road network can accommodate the proposed development taking account of the types of vehicle movements as well as the number.
81. Access arrangements in this application relate to the vehicular / pedestrian access point into the site from Ashford Road. This is in accordance with S31 (e). In addition traffic management measures are required to reduce traffic speed and improve pedestrian safety from the site to the amenities in the village in accordance with policy S31 (f).
82. The proposed access point with Ashford Road would be 6m wide and then narrowing to 5.5m within the site. This is sufficient in order to allow 2 large vehicles to pass.
83. Traffic calming measures are proposed which include a table top ramp which will extend 79m north of the site access and 38m to the south. It will also extend part way into the site. These measures will be supported by vehicle activated speed signs south bound into the 30mph limit.
84. With the above measures in place sightlines of 2.4m x 60m can be provided. The measures also include narrowing Ashford Road down to 6.2m over a distance of approx. 177m from St Mary's close to the top of the raised table to the north. This will not only help to reduce vehicle speed but will allow for the widening of the footways adjacent to the school and along Ashford Road significantly improving

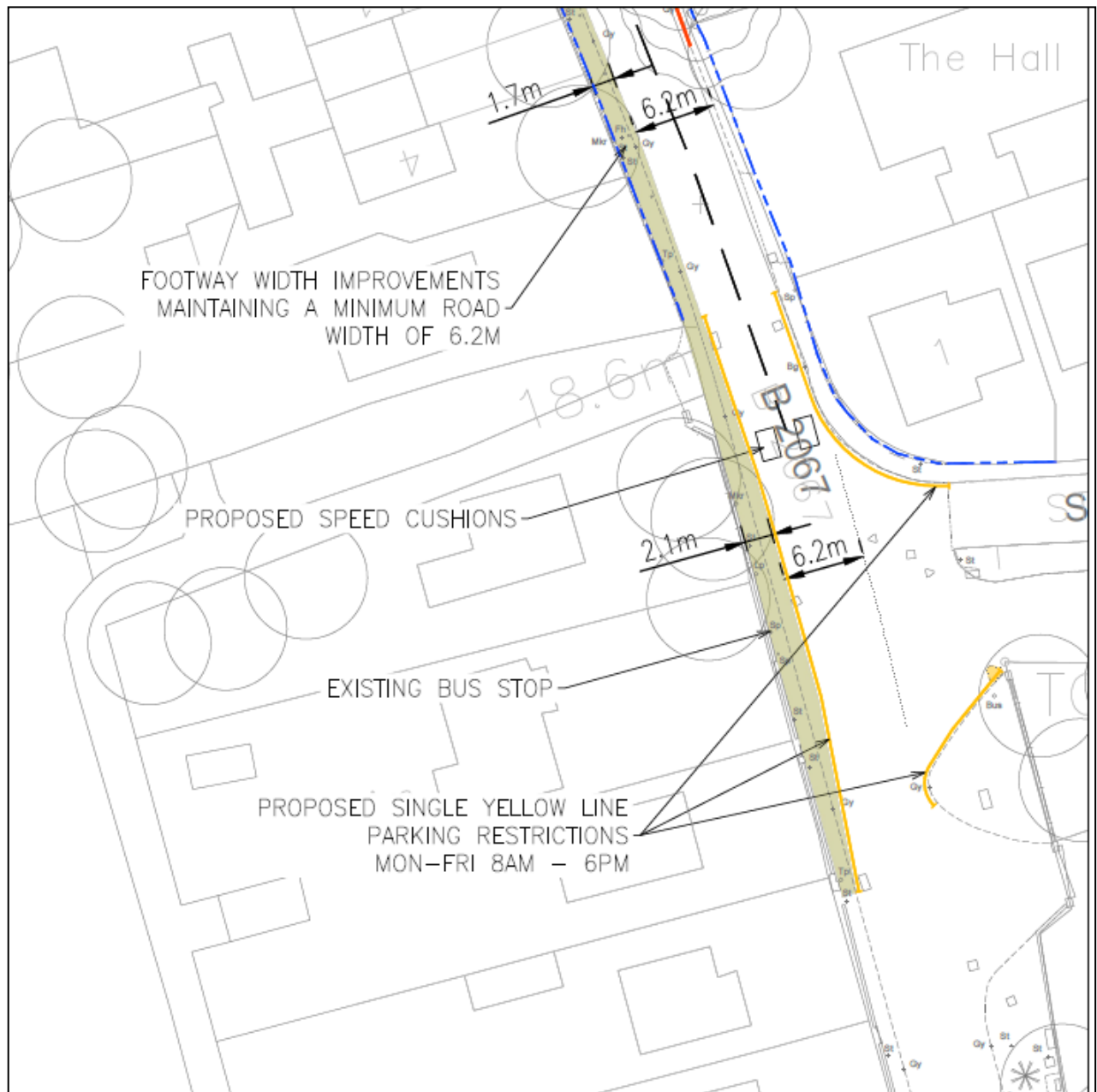


pedestrian safety. Double yellow lines and zig zag lines will be provided to restrict street parking here.

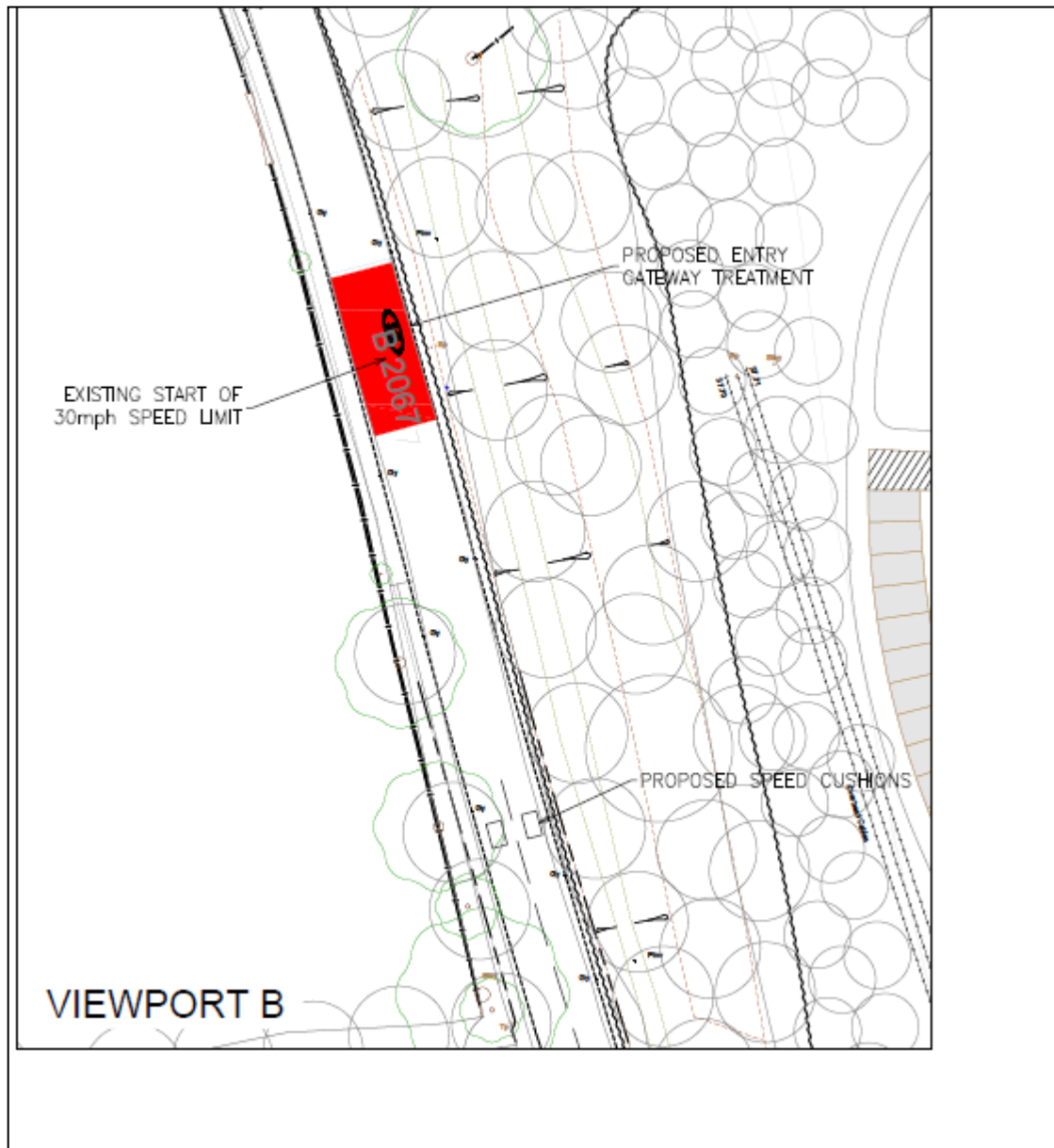
85. The above has been subject to a Stage 1 Road Safety Audit.



**Figure 6:** Access into the site along with highway works to Ashford Road including the raised table, pelican crossing point, widening of footways and parking restrictions.



**Figure 7 – Proposed footway and bus stop improvements**



**Figure 8** – Gateway upon approach to the site along the Ashford Road

86. The proposed indicative layout of the application site includes 2 new parking areas each comprising 32 spaces, one for parents and one for staff. There would also be a coach drop off point. The former will meet the needs following survey results which showed 30 vehicles in AM period and 25 in the PM period related to the school.
87. The combined development at the maximum of 80 dwellings and a 60 bed care home (using TRICs) is predicted to generate 48 two-way trips in the AM peak and 54 two-way trips in the PM peak. Clearly the majority of these are associated with the residential development rather than the care home.
88. An analysis has been undertaken (which includes the impacts on highways from application 18/00056/AS – up to 70 dwellings on land north of Warehorne Road) and concludes that the scheme will not have a detrimental impact on the local highway network and will not adversely affect the operation of the existing junctions. Both will continue to operate well within their capacities. The proposals to remove the on street parking along Ashford Road as a result of this development will have a positive impact on the free flow of traffic along this Ashford Road.
89. The site is sustainable in terms of its location in respect of accessing public transport and local amenities.
90. Adequate parking within the development for residents and visitors as well as cycle parking, that complies with the Council's SPD and adopted policies TRA3(a) and TRA6 can be secured by condition should planning permission be granted.
91. KH&T raise no objection based on the submission as amended subject to conditions.
92. For the reasons set out above, the proposed development is not considered to be harmful to highway / pedestrian safety and would meet the requirements of policy S31 (b, f & g) and the development plan policies as set out above.

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

93. Although the exact housing mix is not for consideration at this stage, and will be dealt with at the reserved matters stage, it is proposed that the development will provide a housing mix of 1, 2, 3, 4 & 5 bedroom houses. The mix would accord with policy HOU18 of the adopted Local Plan and can be conditioned to meet local housing need.
94. In respect of affordable housing, under policy HOU1 of the adopted Local Plan, this would require the development to provide 40%. The 40% would need to consist of 10% of total number of units as Affordable/Social Rented and 30% of

the total number of units as Affordable Home Ownership Products of which 20% of the total number of Affordable Home Ownership Product units shall be shared ownership.

95. The affordable housing element will be secured as such in perpetuity through the S106 Agreement.
96. Policy HOU6 requires a proportion (5%) of the dwellings to be delivered as self-build units on sites of more than 20 units. This can be secured through S106 agreement and is outlined in Table 1 as required by the policy.
97. Policy HOU14 (criterion a) applies in this instance. This relates to accessibility standards requiring 20% of the homes to be built to a higher building regulations standard. Again this can be secured through S106 agreement and is outlined in Table 1 as required by the policy.
98. In light of the above I consider the proposed housing mix and the affordable housing element to be acceptable in principle and compliant with the above mentioned development plan policies.

### **Environmental Impact Assessment - screening**

99. The development falls within the development listed in Column 1, Schedule 2 of the Town & Country Planning (Environmental Impact Assessment Regulations) 2017.
100. The development falls under part 10(b) of Schedule 2 which covers urban development projects. The threshold for an EIA in this section for residential development is 150 dwellings or if 'the overall area of the development' exceeds 5 hectares. Due to the extensive area of open space and the provision of a sports pitch the developable area is just less than 4.5 hectares and as such the proposals fall below the relevant thresholds for EIA development as set out in schedule 2. The development does not fall under Schedule 3 'sensitive areas' which would include SSSI, AONB etc. As such it is not considered that the proposed development is EIA development and therefore an Environmental Impact Assessment is not required.

## **Other matters**

### *Socio/Economic benefits*

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

## **Planning Obligations**

103. 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
104. 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.
105. 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.
106. KCC have requested a contribution towards projects at a primary school and secondary school, additional book stock for libraries, Social Care, Youth Services and Community Learning.

107. The Council has identified projects for offsite contributions in accordance with the Public Green Spaces and Water Environment SPD although some projects are still yet to be confirmed. Informal open space is to be provided on site as is the junior football pitch, classroom facility and shelter which are covered in the S106 Agreement.
108. The management / maintenance and community use agreement in respect of the football pitch, classroom / discovery centre & school car parking areas is also a requirement of the S106 agreement. In respect of the football pitch, Orlestone PC has been approached to see if they wish to take on responsibility for this which they have confirmed they do not. As the pitch will be for use by the primary school and the community then it will fall under the responsibility of the management company who will be responsible for the upkeep of public open space on the site. How exactly the use will be divided will be through a detailed management plan to be secured as part of the S106 Agreement.
109. The NHS Canterbury and Coastal and NHS Ashford Clinical Commissioning Groups has requested S106 contributions towards the extension / improvement of Hamstreet Surgery.
110. None of the projects identified have pooled more than 5 developments. Should projects not be identified for some of these potential contributions or indeed some projects get amended then delegated authority is requested to amend the S106 agreement accordingly.
111. The parish council has requested contributions towards a replacement village hall. The policy however does not make this a requirement although where possible if contributions under the Green Spaces SPD can be lawfully used in such a manner then this option can be looked at further.

**Table 1**

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.	<p><b><u>Affordable Housing</u></b></p> <p>Provide not less than 40% of the units as affordable housing, comprising 10% affordable / social rent and 30% Affordable Home Ownership Products (including a minimum of 20% shared ownership in the locations and with the floorspace, wheelchair access (if any), number of bedrooms and size of bedrooms as specified.</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement.</p>	40%	Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.	<p><b>Necessary</b> as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1 &amp; HOU1, HOU12, HOU15 &amp; HOU18 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>



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 serviced the dwelling plots for sale to self or custom build.</p> <p>In accordance with policy HOU6</p>	5%	In accordance with the criteria in policy HOU6	<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 policies SP1 &amp; 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> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>

<p>4.</p>	<p><b>Children's and Young People's Play</b>                  Provision on site and managed / maintained by the Management Company</p>	<p>On site provision to the equivalent value of                  £649 per dwelling for capital costs                  and                  £663 per dwelling for maintenance</p>	<p>Upon the occupation 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 SP1, S31 (j), 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>
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5.	<p><b><u>Informal/Natural Space</u></b></p> <p>Provision on site of a minimum of 0.39 hectares (based upon 80 dwellings) and managed and maintained by a Management Company. Management  </p>	<p>On site provision to the equivalent value of                  £434 per dwelling for capital costs                  and                  £325 per dwelling for maintenance</p>	<p>Upon to the occupation 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 SP1, 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>Provision of junior football pitch on site to Football Association</p>	<p>£1,589 per dwelling for capital costs</p>	<p>Upon the occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as outdoor sports pitches are required to meet the demand that would be generated</p>

	Standards and associated shelter	£326 per dwelling for maintenance		<p>and must be maintained in order to continue to meet that demand pursuant to Ashford Local Plan policies SP1, S31(a), 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>
7.	<p><b>Strategic Parks</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>	Upon the occupation of 75% of the dwellings	<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 SP1, COM1, COM2, IMP1 &amp; IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p>

				<p><b>Directly related</b> as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
8.	<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>Upon occupation 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 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>
9.	<p><b>Cemeteries</b></p> <p>Contribution towards the Improvement to and upkeep of the cemetery at St Mary's church</p>	<p>£288 per dwelling for capital costs</p> <p>£176 per dwelling for future maintenance</p>	<p>Upon the occupation of 75% of the dwellings</p>	<p><b>Necessary</b> 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><b>Directly related</b> as occupiers will require cemeteries and the cemetery provided would be available to them.</p> <p><b>Fairly and reasonably</b> related in scale and kind considering the extent</p>

				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>Secondary Schools</b></p> <p>Towards the provision of an additional 2FE at the new Chilmington Secondary School</p>	<p>£4687 per house</p> <p>£1,172 per flat</p> <p>£0 for any 1 bed dwelling with less than 56m<sup>2</sup> gross internal area</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>

11.	<p><b>Primary Schools</b></p> <p>Project: Towards the expansion of Hamstreet Primary Academy</p>	<p>£3,324 per house.</p> <p>£831.00 per flat</p> <p>£0 for any 1 bed dwelling with less than 56m<sup>2</sup> gross internal area</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary.</b> 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 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>Community Learning</b></p>	<p>£34.45 per dwelling</p>	<p>Half the contribution upon occupation of 25%</p>	<p><b>Necessary</b> for community learning space available to meet demand that</p>



	Contribution towards Tenterden Adult Education Centre to provide IT, equipment and additional services		of the dwellings and balance on occupation of 50% of the dwellings	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.
13.	<b>Youth Service</b>  To provide additional equipment at Tenterden Youth Service to enable outreach provision	£27.91 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 youth services space available to meet demand that would be generated (3.6 clients) and pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1 and guidance in the NPPF.  <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.
14.	<b>Social care</b>  Towards Tenterden Day Care Centre specific project to be confirmed	£77.58 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on	<b>Necessary</b> for social care available to meet demand that would be generated and pursuant to Local

			occupation of 50% of the dwellings	<p>Plan 2030 Policies SP1, COM1 and IMP1 and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use the community learning and skills service.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount calculated, is based on the number of dwellings.</p>
15.	<p><b>Libraries</b></p> <p>Contribution towards Tenterden library for additional book stock.</p>	£108.32 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>
16.	<p><b>Health Care</b></p>			<p><b>Necessary</b> as additional healthcare facilities required to meet the</p>

	<p>Project: extension, refurbishment and/or upgrade of Hamstreet Surgery</p>	<p>£504 for each 1-bed dwelling                  £720 for each 2-bed dwelling                  £1,008 for each 3-bed dwelling                  £1,260 for each 4-bed dwelling                  £1,728 for each 5-bed dwelling or larger</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>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 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 been calculated based on the estimated number of occupiers.</p>
<p>17.</p>	<p><b><u>Management / maintenance Plan / community &amp; school use agreement</u></b>                   Provision of an agreed management / maintenance plan &amp; community / school use agreement for the football pitch and associated buildings, the classroom building and the carpark to ensure who is</p>	<p>N/A</p>	<p>Prior to the commencement of any development either on or off the site</p>	<p><b>Necessary</b> as these facilities are a requirement of policy S31 of the Local Plan 2030 to meet the needs of Hamstreet Primary School and 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>responsible for the running, upkeep, management and maintenance and to ensure an acceptable dual use is provided for Hamstreet Primary School and the wider community.</p>			<p><b>Directly related</b> as occupiers will use healthcare facilities and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.</p>
<p>18.</p>	<p><b>Provision of car parking facilities with a minimum of 60 spaces and outdoor classroom facility</b></p>	<p>N/A</p>	<p>Prior to the first occupation of any of the dwellings on the site</p>	<p><b>Necessary</b> as these facilities are a requirement of policy S31 of the Local Plan 2030 to meet the needs of Hamstreet Primary School and 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 the school and occupiers will use these facilities and the facilities to be funded will be available to them.</p>

				<p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.</p>
19.	<p><b><u>Monitoring Fee</u></b>                  Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.</p>	<p>£1,000 per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)</p>	<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 of the development and the obligations to be monitored.</p>
<p><b>Regulation 123(3) compliance:</b> Fewer than five planning obligations which provide for the funding or provision of the projects above or the types of infrastructure above have been entered into.</p> <p>Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value, unless otherwise agreed in writing. The Council's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p>				

## **Human Rights Issues**

112. 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**

113. 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**

114. The site is allocated for development in the adopted development plan under policy S31. This policy sets an indicative capacity of 80 dwellings with the potential for a circa 60 bed care home subject to there being sufficient evidence of need. In addition there is a requirement for a junior football pitch, classroom, children’s play area, parking for the school and a 30m buffer to the ancient woodland to all be provided on the site. Offsite highway works are proposed to provide traffic calming, prevent cars parking on Ashford Road, provide a safe crossing point from the site to the school / village, improvements to footpaths etc. The highway works are for consideration at this stage in conjunction with the access from Ashford Road. Whilst the indicative layout is not for consideration at this stage it demonstrates one way in which the quantum of development along with all the additional facilities can be accommodated on this site.
115. The proposal complies with the criteria contained within policy S31 at this outline stage and the site will help to ensure that the Council maintains its 5 year housing land supply (further bolstered by the care home) and is therefore in a better place to resist inappropriate speculative developments on sites not allocated in the plan.
116. Other material considerations include the benefits associated with the scheme which include its ability to help to boost the supply of housing in accordance with paragraphs 59 and 67 of the NPPF and its sustainable location. Other recognised social and economic benefits include enhancing the vitality of an existing rural community by virtue of its relatively sustainable location close to

the built up confines of Hamstreet, delivery of affordable housing and economic benefits from construction and occupation.

117. The proposed development, subject to the approval of the reserved matters and subject to the imposition of conditions would not result in material harm to landscape character and neighbour amenity that would warrant refusal. The proposals would represent an appropriate form of development that would sit comfortably within its contextual setting.
118. The development, subject to conditions, would not materially harm matters of ecological interest, designated sites of nature conservation, highway safety, heritage assets or result in unacceptable flood risk.
119. Foul and surface water drainage can be adequately dealt with in accordance with the requirements of the NPPF, adopted development plan and SPD and in conjunction with Southern Water.
120. In terms of noise, odour and contamination, again this would be addressed, subject to conditions, so that the site can be developed in an acceptable way.
121. The above indicates that minimal harm would arise as a consequence of residential development here and any incremental harm can be mitigated through the imposition of conditions / S106 Agreement. When balanced alongside the potentially positive social and economic impacts arising from the proposal, in my view the proposal would represent sustainable development. Sustainable development is at the heart of the NPPF and should be seen as the golden thread running through decision taking.
122. The proposal accords with the development plan as a whole. The fact the proposed development complies with the relevant criteria contained in policy S31, and other relevant policies in the adopted Local Plan, and would not result in unacceptable harm that would justify refusal of the proposal then in accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 & the NPPF (which requires that the determination of applications must be made in accordance with the development plan unless material considerations indicate otherwise) I recommend 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 as detailed in table 1, in terms agreeable the Head of Planning & Development or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Planning & Development or the Joint Development Control Managers to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional planning conditions or deleting conditions, and deleting planning obligations in the event that no relevant project is identified) as she 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 (residential & care home)
4. Details of the provision cycle parking facilities (residential & care home)
5. Provision of site access prior to occupation of any dwellings / care home
6. Provision of highway infrastructure / works (i.e. pelican crossing and footpath improvements and speed reduction measures as shown on drawings JNY8972/15 Rev F & JNY8972/17 prior to occupation of any dwellings / care home.
7. Car barns / PD restrictions relating to garage doors
8. Provision of final wearing course
9. Construction Management Plan



10. Visibility splays for the new access to the site
11. Details of highway infrastructure / services including an adoption, services and street lighting plan
12. Provision of the car parking for the school prior to occupation of any dwellings
13. Final surface finish for all roads, car parks, footpaths and cycleways, parking courts and private drives / parking areas.

### **Landscaping & Ecology**

14. Landscape management plan
15. 30m landscape buffer to ancient woodland with no built development or gardens in this buffer
16. Landscaping masterplan and detailed scheme for the whole site
17. Arboricultural Impact Assessment and Tree Protection Plan
18. Boundary treatments
19. Dormice mitigation measures
20. Bat sensitive lighting plan
21. Ecological mitigation / management plan
22. Scrub and hedgerow clearance
23. Ecological enhancements
24. Adoption management plan
25. Retention of trees & hedgerows

### **School / community facilities**

26. Provision of the junior football pitch, associated shelter, fencing and other related infrastructure prior to occupation
27. Detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field / football pitch and full reports and recommendations in respect of the above to ensure delivery of the pitch to Sport England standards
28. Provision of the classroom / discovery centre prior to occupation
29. Removal of PD rights for fencing around the football pitch
30. No external lighting – permanent or mobile for use in connection with the football pitch

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

31. SUDs layout
32. SUDs operation and maintenance manual
33. SUDs post completion Verification Report
34. Means of foul water disposal / upgrade of sewerage system prior to occupation
35. Details of drainage for the junior football pitch

### **Residential dwellings / Care home**

36. Space Standards – internal and external pursuant to policies HOU12 and HOU15 (residential dwellings only)
37. Refuse storage details (both)
38. Level thresholds (both)
39. Electric car charging points (both)
40. Water efficiency condition pursuant to policy ENV7 for dwellings
41. Care home to achieve BREEAM ‘very good’ standard with at least a 40% improvement in water consumption against the baseline performance of the building.
42. Dwellings used for C3 purposes only
43. Care home to be used for C2 purposes only
44. Removal of PD rights (both)
45. Details of walls, fences and other means of enclosure to be submitted and approved and thereafter carried out (both)
46. Dwellings and care home to be 2 storey in form, scale and height
47. Architectural details for dwellings and care home

### **Others**

48. Housing Mix
49. Broadband

50. Contamination
51. Noise control/ mitigation measures for dwellings and care home
52. Air quality mitigation measures
53. Upgrading of PROW through the site and provision of associated street furniture
54. Archaeology
55. Levels / sections through the site / earthworks
56. Standard Plans condition
57. Standard enforcement condition

#### Notes to applicant

1. Working with applicant
2. S106 Agreement
3. Protection of birds under the Wildlife Act.
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

#### **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 responded positively to matters raised in relation to then application.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site (). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/00644/AS)

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



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## Ashford Borough Council - Report of the Head of Development Management and Strategic Sites

Planning Committee 16 December 2019

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

### Introduction

1. This application was previously considered at the 2 October 2019 Planning Committee and was deferred by Members of the committee.
2. The resolution of the Planning Committee was recorded as follows:

***“The consideration of the application be DEFERRED for Officers to seek more information regarding the projects to be funded by the Primary and Secondary Education contributions to be required under the S106 agreement undertaking, as well as regarding drainage provision”.***

3. The 2 October 2019 officers report to planning committee is appended as annex 1 to this report.
4. In accordance with the requirements of the above resolution, following the receipt of additional information, the application for planning permission is reported back to the Planning Committee for determination.

### **Preliminary Matters**

5. In addition to the original report attached as annex 1, attention is drawn to reference point (b), page 1 and 2 of the 'Update Report for the Committee' which details a number of updates and modifications to the original officers report. A copy of the 'Update Report for the Committee' is appended as annex 2 to this report.
6. Amongst other things, the 'Update Report for the Committee' references an amended layout plan submitted by the applicant to address a minor shortfall in parking requirements across the site. As it was not included in the 'Update Report for the Committee' the amended layout plan has been copied in **Figure 1** below.





**Figure 1 Proposed Site Layout Plan**

7. The amended layout plan demonstrates that the development can achieve the required parking standards in accordance with adopted Local Plan policy TRA3a.

### **Site and Surroundings**

8. Refer to 2 October 2019 Planning Committee Report (which is appended as annexe 1 to this report).

### **Proposal**

9. The development remains the same as the proposals previously considered at the 2 October 2019 Planning Committee.

### **Planning History**

10. Refer to 2 October 2019 Planning Committee Report (which is appended as annexe 1 to this report).

## Consultations

11. Members of the Planning Committee resolved to defer the application based on matters relating to Kent County Council's request for contributions towards educational facilities and also based upon matters relating to drainage. As a consequence, and in accordance with the Councils Statement of Community Involvement, re-consultation has only been undertaken with consultees related to these subject matters.
12. For a summary of all previous consultee responses, refer to 2 October 2019 Planning Committee Report (which is appended as annexe 1 to this report).

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

**KCC Developer Contributions:** As well as the library contributions referred to in the 2 October 2019 Planning Committee Report, KCC continue to require a financial contribution towards the expansion of Charing CE Primary School at £3324.00 per house (x19) and a financial contribution towards the expansion of The Norton Knatchbull School at £4115.00 per house (x19).

The County Council have provided further information relating to the contributions required which is detailed in the assessment below.

**KCC Flood and Water Management:** KCC confirm that as per their previous response, they have no objections to the application and have proposed their pre commencement conditions in order for the details regarding soakaway design clarification (locations, borehole log locations and the placing of foul soakaway) to be managed at detailed design stage.

KCC have no further comment to make and have referred back to their previous response letter dated October 2018.

KCC confirm they are satisfied that outstanding information will be provided at detailed design stage and trust that Herrington Consulting Ltd will provide adequate information to discharge any surface water conditions.

**Environment Agency:** Has no further comments to make on the submitted documents.

**Neighbours/Public Consultation:** Refer to 2 October 2019 Planning Committee Report (which is appended as annexe 1 to this report).

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A total of 2 further representations have been received objecting to the proposal for reasons already summarised in the 2 October 2019 Planning Committee Report (which is appended as annexe 1 to this report).

### **Planning Policy**

13. Refer to 2 October 2019 Planning Committee Report (which is appended as annexe 2 to this report).

### **Assessment**

#### **Planning Obligations**

14. Refer to the 2 October 2019 Planning Committee Report appended which should be read in conjunction with this report.
15. As per the Planning Committee's request, KCC have provided further information relating to the primary and secondary education contributions sought.
16. With regard to primary education, the application site is closest to Challock Primary School. However, KCC confirm that Challock Primary School was expanded in September 2012, from a mixed age structure school with 5 classes to a one form entry school (seven classes). Challock Primary School site does not allow for further expansion. Consequently, in order to meet the demands that this development will generate, a contribution is sought towards the expansion of Charing CE Primary School.
17. Kent County Council confirm that the development in question is expected to generate 5 additional pupils, across the seven primary age groups. KCC indicate that this equates to approximately one pupil per class. KCC state that infant class size legislation limits infant classes to no more than 30 pupils per qualified teacher and that Challock Primary School is currently at its maximum capacity.
18. KCC state that the Local Authority must take a strategic approach to the expansion of its schools. KCC state that they have to consider a range of issues, such as site size, planning restrictions, the logic and organisation of the

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school to enable effective delivery. They must also consider where housing is being delivered and where pupils travel from.

19. The application site is approximately 4 miles, from Charing CE Primary School which would take approximately 7 minutes to drive. KCC state that Charing CE Primary School site allows for expansion; the School currently operates mixed aged classes and thus the strategic aim is to support it moving to a one form entry structure. Currently there is a flow of pupils from Charing attending Challock Primary School, however, KCC confirm that in future local children in Challock will gain admission to their local school ahead of Charing pupils, resulting in Charing children needing places in their village school. The funds collected from this development will help achieve these strategic objectives.
20. With regard to the required secondary education contributions, KCC confirm there is a significant Secondary need. This need is across both non selective and selective Secondary education.
21. The proposal gives rise to 4 additional secondary school places.
22. KCC confirm that KCC Education have already expanded a range of schools across the Borough to help meet requirements. Projects already delivered include the expansion of non-selective schools. KCC have stated that as the Local Education Authority, they have a statutory duty to ensure sufficiency of places within both non selective and selective schools. With this in mind and having already delivered projects at non-selective schools the Norton Knatchbull school one form entry expansion has been identified as the project that should benefit from funds secured from this development..
23. For the reasons set out above and in the 2 October 2019 Planning Committee Report, I recommend the planning obligations in Table 1 of the 2 October 2019 Planning Committee Report 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.

#### **Drainage**

24. Refer to the 2 October 2019 Planning Committee Report appended as annexe 1.

25. As per the Planning Committee's request, further information has been provided by Herrington Consulting Limited on behalf of the applicant. The information relates to the management of both surface and foul water at the proposed development site. This information should be read in conjunction with the previous information submitted, consultee responses and the officer assessment all of which detailed in the 2 October 2019 Planning Committee Report appended.

### Surface Water Drainage

26. A detailed Flood Risk Assessment (FRA) and Surface Water Management Strategy (SWMS) was prepared by Herrington Consulting, and updated in May 2019 for the proposed development. The document confirms that it was prepared in accordance with the requirements set out in both national and local planning policy and takes into account industry best practice. The FRA assesses the risk of flooding from a wide range of sources and concludes that the risk of flooding from the entire development is low. In addition, a SWMS has also been produced with the aim of minimising the risk of flooding due to surface water runoff from the proposed development. The assessment concludes that the ground conditions are suitable to use infiltration, and as such, the drainage system for the development can be designed to mimic the predevelopment conditions. Further to this, the document states that the proposed development also provides a significant betterment by reducing the rate at which surface water runoff leaves the site, through the introduction of SuDS.
27. The previous information submitted was subject to consultation with KCC Flood and Water Management. Despite making a number of minor observations, KCC raised no objection to the proposal subject to the imposition of appropriately worded conditions. Similarly, the Environment Agency also raised no overall objection subject to the imposition of appropriately worded conditions
28. Within the additional information submitted, Herrington acknowledge that the final positions of the proposed boreholes have not yet been finalised. However, Herrington confirm that the indicative borehole positions within the latest strategy, take into account the requirements within Part H of the Building Regulations, to ensure that there is adequate space provided on the site to locate the boreholes away from the proposed new dwellings.
29. Herrington state that full borehole site investigations, will be required at detailed design stage to finalise the borehole design. Conditions based upon KCC and the Environment Agency's suggested wording, are recommended to ensure

that this level of detail is provided prior to any construction work taking place on the site. The applicant/agent has agreed to meet the requirements of these suggested pre-commencement conditions. This approach is consistent with the advice previously given by Kent County Council and the Environment Agency and endorsed in KCC and the EA's latest consultation response in which they refer back to previous comments made.

30. Herrington concur that it will be necessary to ensure that measures are in place to maintain the system for the lifetime of the development. Herrington confirm that in this case, the management company responsible for maintaining the rest of the site will be tasked with the inspection and maintenance of boreholes and permeable paving. They also acknowledge that maintenance will need to be in accordance with the manufacturer's specifications and requirements. Similarly to the detailed design of the SWMS, details of an operation and maintenance schedule are required to be submitted to and approved in writing by the LPA.

#### Foul Sewage Disposal

31. With reference to the disposal of wastewater, Herrington confirm that a strategy has been prepared to demonstrate how the foul effluent from the proposed development can be managed. The design flows and loading have been calculated based on the number of proposed units and an appropriately sized wastewater treatment plant has also been specified, to ensure that the effluent is treated prior to discharge to the ground. The level of treatment has been calculated in accordance with the 'Treatment Capacity for Sewerage Treatment Systems' and as such, has been designed to meet the minimum water quality requirements specified by the Environment Agency for sites that propose to discharge treated effluent to the ground.
32. Herrington acknowledge that the site is positioned within Source Protection Zone 3 (Principle Aquifer) and as a consequence, the final agreed route and rate of discharge will be subject to a full detailed design, with the appropriate Environmental Permitting. The permitting process is proposed to be complete prior to the commencement of construction on site and conditions are recommended to secure this. As stated within the Environment Agency's comments the principle of the foul assessment is acceptable, but it is recognised that the planning permission should be subject to conditions in order to ensure that a further detailed design is undertaken and approved by LPA in consultation with the Environment Agency prior to the commencement of development on site. Draft wording for the required planning conditions has

been provided by the EA and the applicant/agent has agreed in writing to meet the requirements of the pre-commencement conditions.

Conclusion

33. Based on the information currently submitted, subject to conditions requiring further detail to be submitted to and approved in writing by the LPA in consultation with KCC and the EA, I remain satisfied that surface water drainage and foul sewage disposal can be appropriately dealt with and that the proposed development can be accommodated without increasing the risk of flooding and without any adverse impact upon groundwater conditions.
34. In terms of the level of further detail required and the level of control retained by the LPA relating to drainage matters, for the avoidance of doubt the wording of the recommended conditions relating to surface water drainage, foul sewage disposal and ground water protection has been set out in full in the recommendation section of this report.
35. The additional detail submitted has been subject to further consultation with KCC and the Environment Agency. KCC confirm that they have no further comment to make and are satisfied that outstanding information will be provided at detailed design stage. The Environment Agency have also confirmed that they have no further comments to make and have referred back to their previous comments in which they raise no objection subject to conditions. Both consultees are therefore satisfied that the level of detail provided within the application for the disposal of both surface water and foul sewage is sufficient for them to be confident that this matter can be addressed by way of planning conditions.

**Human Rights Issues**

36. 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**

37. 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**

38. In accordance with Planning Committees resolution of the 2 October 2019, further information has been provided relating to the projects to be funded by the Primary and Secondary Education contributions to be required under the S106 agreement undertaking, as well information relating to drainage provision.
39. Based on the information submitted I remain satisfied that the proposals are acceptable and refer to the conclusions detailed within the 2 October 2019 Planning Committee Report appended as annex 1 to this report. With the exception of former paragraph 137 (relating to car parking provision) the conclusions remain unaltered. In the case of car parking provision, as set out in the update to committee dated 2 October 2019, an amended plan has been received demonstrating that parking requirements now meet the adopted standards.
40. Overall, for the reasons set out above and in the 2 October 2019 Planning Committee Report, the proposed development is considered to comply with the requirements of the development plan and it is therefore recommended that planning permission is granted.

### **Recommendation**

#### **Permit**

**(A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), in terms agreeable to the Strategic Development and Delivery Manager or Development Management Manager in consultation with the Director of Law and Governance, with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the planning obligations**



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**and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,**

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

1. Standard time condition
2. Development carried out in accordance with the approved plans.
3. Details and samples of materials including surface finish to driveway / parking.
4. Architectural details.
5. No flues, vents, stacks, extractor fans or meter boxes to be located on the primary elevation.
6. Landscaping scheme.
7. Details required to accompany the landscaping scheme.
8. Retention of existing hedgerows.
9. Tree protection measures.
10. Tree protection for new trees.
11. Details of boundary treatments.
12. Landscape management plan
13. Removal of permitted development rights.
14. Occupation as a single dwelling house only.
15. Ecological Design Strategy.
16. Landscape and Ecological Management Plan (LEMP)
17. Bat Sensitive Lighting Design / No additional External Lighting
18. Construction Management Plan/Hours of working.
19. Electric Vehicle Charging points.
20. Provision and retention of parking and turning
21. Provision and retention of garaging/carbarns.
22. No further alterations to car barns.
23. Provision and Retention of Bicycle Storage.

24. Contamination
25. Contamination - Reporting of unexpected contamination.
26. No infiltration of surface water drainage into the ground is permitted other than with the prior written approval of the Local Planning Authority.
- Reason:** To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.
27. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the prior written approval of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- Reason:** To protect controlled waters, including groundwater and to comply with the National Planning Policy Framework.
28. Prior to the commencement of any development on site a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that due consideration has first been given to the possibility of utilising infiltration techniques and that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the application site without increase to flood risk on or off-site. Should the use of infiltration prove to be beyond being reasonably practical then any surface water leaving site shall not exceed a discharge rate of 2l/s for all rainfall events. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.
- Reason:** To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

29. No building hereby permitted shall be occupied until an operation and maintenance manual for the proposed sustainable drainage system is submitted to and approved in writing by the Local Planning Authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components;
- A general arrangement plan with the location of drainage measures and critical features clearly marked;
- An approximate timetable for the implementation of the drainage system;
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities;
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

The system shall be provided in accordance with the agreed timetable and shall thereafter be operated and maintained in accordance with the approved operation and maintenance manual.

**Reason:** To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 165 of the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage.

30. No building shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

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**Reason:** To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the requirements of the National Planning Policy Framework.

31. Prior to the commencement of the development, details of the proposed sewage treatment system including details of the design, capacity, layout, management and maintenance/repair arrangements together with a copy of the relevant Environment Agency discharge permit(s) shall be submitted to and approved in writing by the Local Planning Authority. The system shall be installed and maintained in accordance with the approved details and none of the dwellings shall be occupied until the sewage disposal works have been completed and the system is fully operational.

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

32. Provision and retention of refuse collection facilities.

### **Note to Applicant**

1. S106
2. Working with the Applicant

### **Working with the Applicant**

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

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

In this instance

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- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

3. Indemnity required prior to refuse collection.

4. Breeding Birds.

5. No obstruction of the PROW.

6. Environment Agency Advisory Notes.

7. Kent Highways Informative Note.

### **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/00321/AS)

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# Annex 1

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

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

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

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

## **Site and Surroundings**

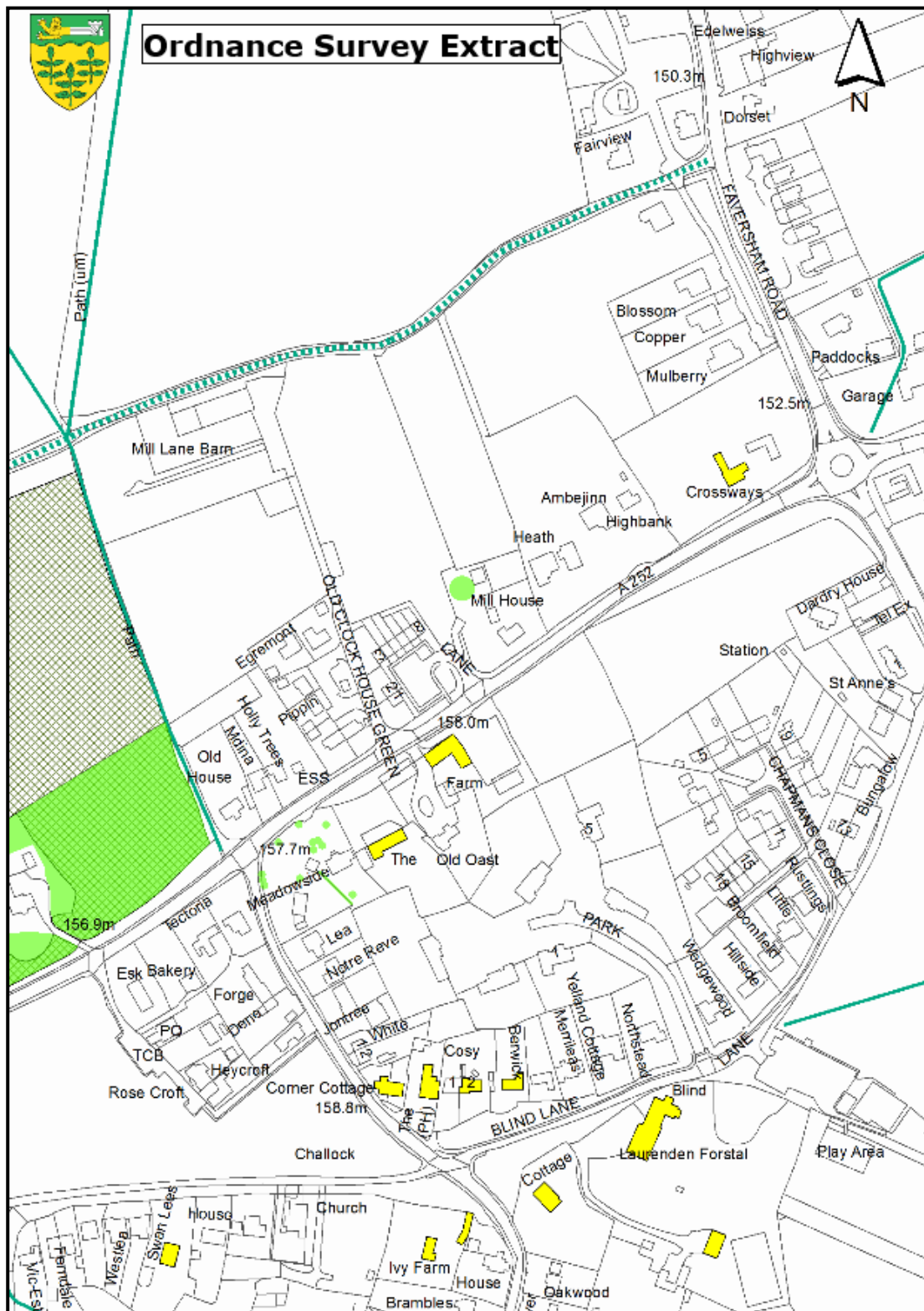
2. The site is located to the north of the A252 on the northern edge of the village of Challock. The site is level, and with the exception of an existing access track that traverses the site from north to south, the site is a green field that is designated Grade 3 agricultural land.
3. The site is accessed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





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

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



## Proposal

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



Figure 2 Original Layout

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

16. The amended scheme is illustrated below.



**Figure 3 Amended Layout**

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

*Market Homes*

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

*Affordable Homes*

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

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



**Figure 4 Units 1 and 8**



**Figure 5 Units 18 and 19**



**Figure 6 Units 3 - 5**

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

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

The report states:

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

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

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

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

The report confirms that:

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

### Habitats

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

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

### Amphibians

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

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

### Reptiles

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

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

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

### Birds

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

### Hazel Dormouse

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

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

### Badgers

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

### Bats

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

The report recommends a number of biodiversity enhancements.

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

In summary, the statement concludes:

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The report states the following:

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

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

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

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

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

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

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

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

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

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

### **Relevant Planning History**

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

## **Consultations**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Overall, no, objection subject to conditions.

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

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

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

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

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

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

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

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

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

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

**Ramblers:** No objection.

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

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

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

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

**NHS:** No comments received.

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

**Forestry Commission:** No comments received.

**Woodland Trust:** No comments received.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Overall, no objection subject to conditions.

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

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

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

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

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

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

**Ramblers:** No comments received.

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

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

**NHS:** No comments received.

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

**Forestry Commission:** No comments received.

**Woodland Trust:** No comments received.

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

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

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

## Planning Policy

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

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

**Ashford Borough Local Plan 2000**

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

SP7 - Separation of Settlements

S54 – Challock, Land at Clockhouse

HOU1 – Affordable Housing

HOU3a – Residential Development in the rural settlements

HOU12 - Residential space standards internal

HOU14 - Accessibility standards

HOU15 - Private external open space

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

EMP6 – Promotion of Fibre to the Premises (FTTP)

TRA3a - Parking Standards for Residential Development

TRA5 - Planning for Pedestrians

TRA6 - Provision for Cycling

TRA7 - The Road Network and Development

ENV1 - Biodiversity

ENV3b - Landscape Character and Design

ENV4 - Light pollution and promoting dark skies

ENV5 - Protecting important rural features

ENV6 – Flood Risk

ENV7 – Water Efficiency

ENV8 - Water Quality, Supply and Treatment

ENV9 - Sustainable Drainage

ENV13 - Conservation and Enhancement of Heritage Assets

COM1 - Meeting the Community's Needs

COM2 – Recreation, Sport, Play and Open Spaces

IMP1 – Infrastructure Provision

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

**Supplementary Planning Guidance/Documents**

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011

Dark Skies SPD 2014

Affordable Housing SPD 2009

Public Green Spaces & Water Environment SPD 2012

**Village Design Statements**

NA

**Other Guidance**

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

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

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

Kent Downs AONB Management Plan 2015 – 2019

Kent Downs AONB Farmstead Guidance

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

### **Government Advice**

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

30. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
31. Relevant sections of the NPPF include:
  - Chapter 2 – Achieving sustainable development
  - Chapter 4 – Decision-making
  - Chapter 5 – Delivering a sufficient supply of homes
  - Chapter 8 – Promoting healthy and safe communities
  - Chapter 9 – Promoting sustainable transport
  - Chapter 10 - Supporting High Quality Communications
  - Chapter 11 – Making effective use of land
  - Chapter 12 – Achieving well-designed places
  - Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
  - Chapter 15 - Conserving and enhancing the natural environment

## National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standard

### **Assessment**

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

### **The principle of development**

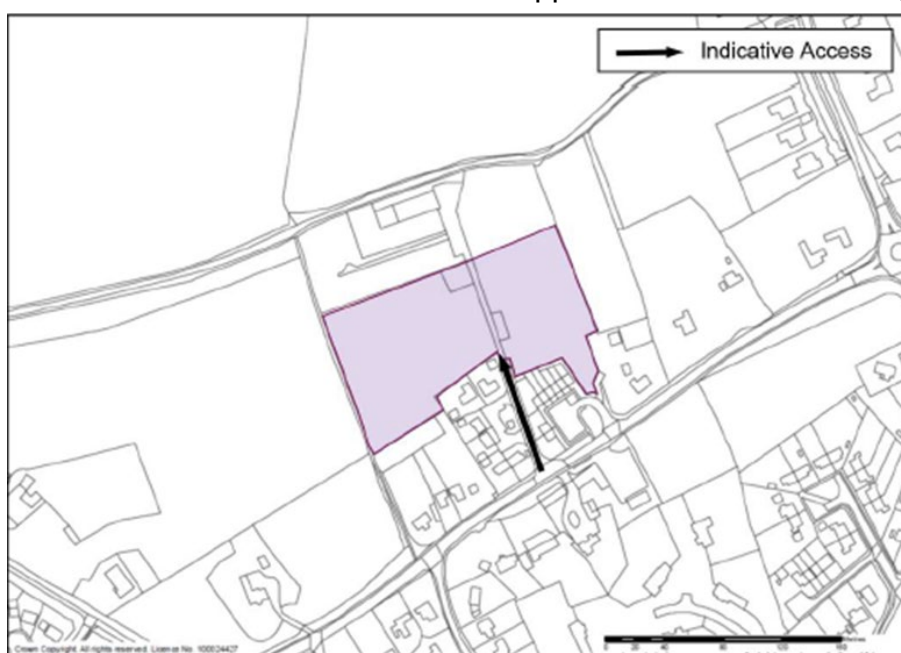
33. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the adopted Development Plan unless material considerations suggest otherwise. Section 70 of the Town and Country Planning Act 1990 is concerned with the determination of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

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



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

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



**Figure 7 Site Allocation Policy S54**

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

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

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

**Development proposals for this site shall:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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



**Figure 9 Proposed Development - Eastern Parcel**

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

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

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



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

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

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

### **Impact on residential amenity**

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

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

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

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

### Ecology

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

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

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

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

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

#### Ancient Woodland

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

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

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

## **Drainage and Contamination**

### Surface Water Drainage

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

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

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

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

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

#### Foul Sewage Disposal

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

### Contamination

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

### **Highway Impacts**

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



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

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

## **Other Matters**

### Refuse

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

### Accessibility Standards

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

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

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

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

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

### **Planning Obligations**

136. Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
  - (a) necessary to make the development acceptable in planning terms,
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development
137. A proposal for 10 or more dwellings the development would trigger a requirement to provide 40% affordable housing split into the tenure mix set out in the previous section of the report.
138. Policies COM1 and COM2 of the Local Plan 2030 and the Council's Public Green Spaces and Water Environment SPD provide clear policy support for seeking financial contributions towards infrastructure and facilities required to meet the needs generated by development. The LPA may consider whether an application in a settlement with assessed and demonstrated public open spaces needs is unacceptable in planning terms unless it contributes towards meeting its own demands upon those facilities.
139. The proposal gives rise to 5 additional primary school pupils and 4 additional secondary school pupils, which KCC have identified can only be met through the enlargement of Charing CE Primary School and The Norton Knatchbull School. In order to mitigate these impacts, KCC have requested financial contributions towards expansion projects at Charing Primary School and the Norton Knatchbull.

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

146. In light of the above, I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.

Table 1

Planning Obligation				Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.	<p><b>Accessible and Adaptable Dwellings</b></p> <p>At least 20% of all dwellings to be built in compliance with building regulations Part m4 (2)</p>	<p>minimum of 4 Dwellings</p>	<p>Prior to first occupation of any Dwelling comprised within the Development</p>	<p><b>Directly related</b> to the number of Dwellings to be brought forward under the approved scheme</p> <p><b>Fairly and Reasons related</b> in scale and kind being 20% of all dwellings</p> <p><b>Necessary</b> as a requirement under policy HOU14 (a)</p>
2.	<p><b>Affordable Housing</b></p> <p>Provide not less than 40% of the units as affordable housing, comprising 10% affordable / social rent and 30% Affordable Home Ownership Products (including a minimum of 20% shared ownership in the locations</p>	<p>8 dwellings comprising 2 affordable rent, 3 affordable home ownership 3 shared ownership products.</p>	<p>Affordable units to be constructed and transferred to a registered provider prior to occupation of</p>	<p><b>Necessary</b> as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1 &amp; HOU1, HOU12, HOU15 &amp; HOU18 of the Local Plan 2030, the</p>

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

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



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

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

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

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

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

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

				of the development and the number of occupiers.
11.	<b>Monitoring Fee</b>  Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	£1000 per annum until compliance with s106 obligations	First payment upon commencement of Development, then on the anniversary of commencement of the Development	<b>Necessary:</b> in order to ensure the planning obligations are complied with  <b>Directly related:</b> as only costs arising in connection with the monitoring of this development and these planning obligations
<p>Notices must be given to the Council at various stages in order to aid monitoring.</p> <p>All contributions are index linked in order to ensure value is not reduced over time.</p> <p>The costs and disbursements of the Council's Legal Department incurred in connection with the negotiations preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs                      If acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.</p>				

## Human Rights Issues

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

## Working with the applicant

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

## Conclusion

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



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

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

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

## **Recommendation**

### **Permit**

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

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

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

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

### **Note to Applicant**

1. S106
2. Working with the Applicant

### **Working with the Applicant**

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

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,

- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

3. Indemnity required prior to refuse collection.

4. Breeding Birds.

5. No obstruction of the PROW.

6. Environment Agency Advisory Notes.

7. Kent Highways Informative Note.

## Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/00321/AS)

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Annex 1



# Annex 2

Head of Development Management and Strategic Sites

P



ASHFORD  
BOROUGH COUNCIL

Wednesday the 2<sup>nd</sup> October 2019 at 7.00pm

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## Update Report for the Committee

The following notes and attached papers will be referred to at the meeting and will provide updated information to the Committee to reflect changes in circumstances and officer advice since the reports on the agenda were prepared

3. **Minutes** – To approve the Minutes of the Meeting of this Committee held on the 4<sup>th</sup> September 2019,
4. **Changes to Delegations and Authorisations Granted by this Committee**
5. Requests for Deferral/Withdrawal
6. **19/00871/AS – 61 Bryony Drive, Kingsnorth, Ashford, Kent, TN23 3RF - Single storey rear extension; first floor & front extension over garage**

Applicant has written to advise that they wish to withdraw the planning application as they do not want to continue with the development as proposed.

7. Schedule of Applications
  - (a) **19/00702/AS – Highmead House, Hythe Road, Willesborough, Ashford, Kent - Reserved matters application for the construction of 28 dwellings, including details of layout, appearance, scale, landscaping and access within the site pursuant to outline approval 15/01550/AS**

### Amendment to condition

Minor change to condition 2 to add drawing FD18-1653-195 showing detail for plot 28 which had been omitted.

- (b) **18/00321/AS – Phase 2 Old Clockhouse Green, Canterbury Road, Challock, Kent - Change of use of land from agricultural to residential for the provision of 19 no. new dwellings, with associated, parking, landscaping and infrastructure**

### Amended plan

An amended layout plan has been received. The plan identifies one additional parking space per dwelling for units 1, 2, 6, 8, 9 and 10. The plan demonstrates that there is adequate space within the application site to accommodate vehicle parking in accordance with policy TRA3a of the Local Plan 2030.

### Editing changes

Page 55 paragraph 40 insert 'indicates that' after 'National Planning Policy Guidance'. In the same paragraph final sentence insert 'is' between 'above' and 'not'.

Page 68 paragraph 106. The measurement within this paragraph should read 300mm not 3000mm.

Amendment to Table 1 column 10, to include the amount totalling £13,200.00 and trigger requiring half the contribution to be paid upon occupation of 25% of the dwellings and the balance on occupation of 50% of the dwellings.

**(c) 18/01273/AS – Land rear of 17 Townland Close, Biddenden - Erection of 12 dwellings with associated access and parking**

Updated consultation

Under 'consultations'; KCC Economic Development have updated their request for S106 contributions to include community care, social care and youth.

Additional representation

Since the report was written a further letter of objection has been received bringing the total to 39 which raises no further issues. Please note the typo in the hieroglyphics at the beginning of the report which should say 38 objections.

**(d) 19/00064/AS – Tudor Cottage, Calleywell Lane, Aldington, Ashford, Kent, TN25 7DU - Construction of new dwelling with revised access and detached garage**

- Mr Rix will be speaking in objection to the application and would like to draw members attention to the photographs included at Annexe 1 of this update report.

Additional representation

- Additional information (in the form of a commissioned report attached as Annexe 2 to this Update report) has been provided on behalf of a local resident regarding the proposed vehicular access to the site, with the following concerns raised:
  - Calleywell Lane is used as a Lorry route from the A20 to Romney Marsh
  - The application includes supporting documentation relating to the proposed access which does not include the correct survey information including, insufficient justification for the survey period, the speed of vehicles, the peak period for traffic, the location characteristics of the site, the lack of consideration of HGV braking distances and whether the visibility splays and height of hedgerow would restrict the view.

Statement from the applicant

- The applicant's Mrs and Mrs Skinner would like the following statement to be considered in support of their application:

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<b>Application Number</b>	18/01454/AS		
<b>Location</b>	Andrews Garage, Plain Road, Smeeth, Ashford, Kent, TN25 6RA		
<b>Grid Reference</b>	08854/39818		
<b>Parish Council</b>	Smeeth		
<b>Ward</b>	Bircholt		
<b>Application Description</b>	Demolition of Andrews Garage and the construction of 5 houses with associated parking, revised vehicular access and car barn.		
<b>Applicant</b>	Mr Kicks, The Barn, Greenacres, Pound Lane, Smeeth, Ashford, Kent, TN25 6RJ		
<b>Agent</b>	Mr M Ashenden-Bax, Pickering Moor Farm, Stape, Pickering, Yorkshire, YO18 8HZ		
<b>Site Area</b>	0.29 ha		
(a) 69/12R, 1+, 15/S	(b) R, (Adj.)R	(c) KHS/X, EHM/, KCC Bio/X, Drainage/X, Refuse/X	
(a) 69/9R, 3/+, 2/S	(b) X, (Adj.)X	(c) KHS/X, EHM/X, KCC Bio/X, Drainage/X, Refuse/-	

## Introduction

1. This application was deferred by Members at committee on 31 July 2019 for:  
  
***'Reconsideration of both the design and layout of the development'***
2. During the 31 July 2019 committee meeting Members highlighted the layout as a concern. The general standard of design, in terms of the materials and architectural detailing, was also raised as a concern by Members, in particular the use of cement fibre weatherboarding.
3. The number of units and redevelopment at the rear / backland part of the site were not called into question specifically by Members at the 31 July committee meeting.
4. This report is an addendum to the 31 July 2019 committee report (attached at annex 1) and seeks to present the layout and design changes made by the applicant following the deferral.

## Site and Surroundings

5. Please refer to the original 31 July committee report appended as annex 1.

## Proposal

6. Please refer to 31 July 2019 appended as annex 1 of this report. The proposal remains as previously submitted in terms of the number of houses and access. The applicant has submitted a revised layout and design of dwellings / materials to be used to seek to address Members reason for deferral. These are set out and explained in the assessment section.

## Planning History

7. Please refer to the original 31 July committee report appended as annex 1.

## Consultations

8. Due to the nature and scale of the amendments further formal re-consultation was not deemed necessary as the amendments are not considered to have any greater impact than the scheme put before the committee on the 31<sup>st</sup> July 2019. Despite this, one additional neighbour comment has been received advising that elevations for Plot 3 are missing from the amended plans. The drawing was subsequently submitted.

9. One additional representation was received prior to the 31 July committee meeting and was appended to the update report for Members to view at the 31 July committee meeting. This raised objection to the development being outside of the village confines and that the proposal does not comply with either policy HOU3a or HOU5. This matter was addressed in the original committee report. Objections were also raised to the design and loss of privacy to neighbouring properties which have been addressed by the amended plan and are assessed below.
  
10. Two objections / comments have been received regarding the amended plans and are summarised as follows:
  - Boundary details have been removed from the plans which are key to security issues for adjacent properties.
  - Foul drainage details have been removed.
  - The layout should be amended to remove properties at the rear.
  - The appearance of the properties has been improved by altering the upper floor finishes.
  - The design of plot 5 has been improved.
  - The number of units at the rear could be reduced by replacing the bungalow at the front with a semi-detached pair.
  - The proposal is unsuitable for this location and contrary to the Local Plan 2030.
  - Backland development is out of character.
  - The developer has not taken into consideration previous objections regarding the backland development, scale and layout.
  - The backland properties could be bungalows.
  - The developer has not taken on board comments from local residents or the parish council.
  - Noise and light pollution will be detrimental to neighbours and wildlife.
  - Previous objections are still relevant.

## **Planning Policy**

11. 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).
  
12. 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).

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

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP3 - Strategic Approach to economic Development

SP6 - Promoting High Quality Design

HOU3a - Residential windfall development in settlements

HOU12 - Residential space standards internal

HOU14 – Accessibility standards

HOU15 - Private external open space

EMP2 - Loss or redevelopment of Employment Sites and Premises

TRA3a - Parking Standards for Residential Development

TRA6 – Provision for Cycling

TRA7 - The Road Network and Development

ENV1 - Biodiversity

ENV3a - Landscape Character and Design

ENV4 - Light pollution and promoting dark skies

ENV7 - Water Efficiency

ENV9 - Sustainable Drainage

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

**Supplementary Planning Guidance/Documents**

Landscape Character Assessment SPD 2011

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

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

### **Informal Design Guidance**

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

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

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

### **Government Advice**

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

15. 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:-
16. 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.
17. Paragraph 59 relates to the need for the delivery of a sufficient supply of homes. It states that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.
18. Paragraph 122 states that planning policies and decisions should support development that makes efficient use of land, taking into account:

- a. the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
  - b. local market conditions and viability;
  - c. the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
  - d. the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
  - e. the importance of securing well-designed, attractive and healthy places.
19. Paragraph 118c states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
20. Paragraph 123 outlines that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities.
21. 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...
22. Paragraph 163 states that development should ensure that flood risk is not increased elsewhere.
23. Paragraph 170 states that minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure. Paragraph 175 goes on to state that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts)... or be adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It goes on to also state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
24. Paragraph 180 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
25. Paragraph 170 states that the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services should be included in the decision making process.

National Planning Policy Guidance (NPPG)

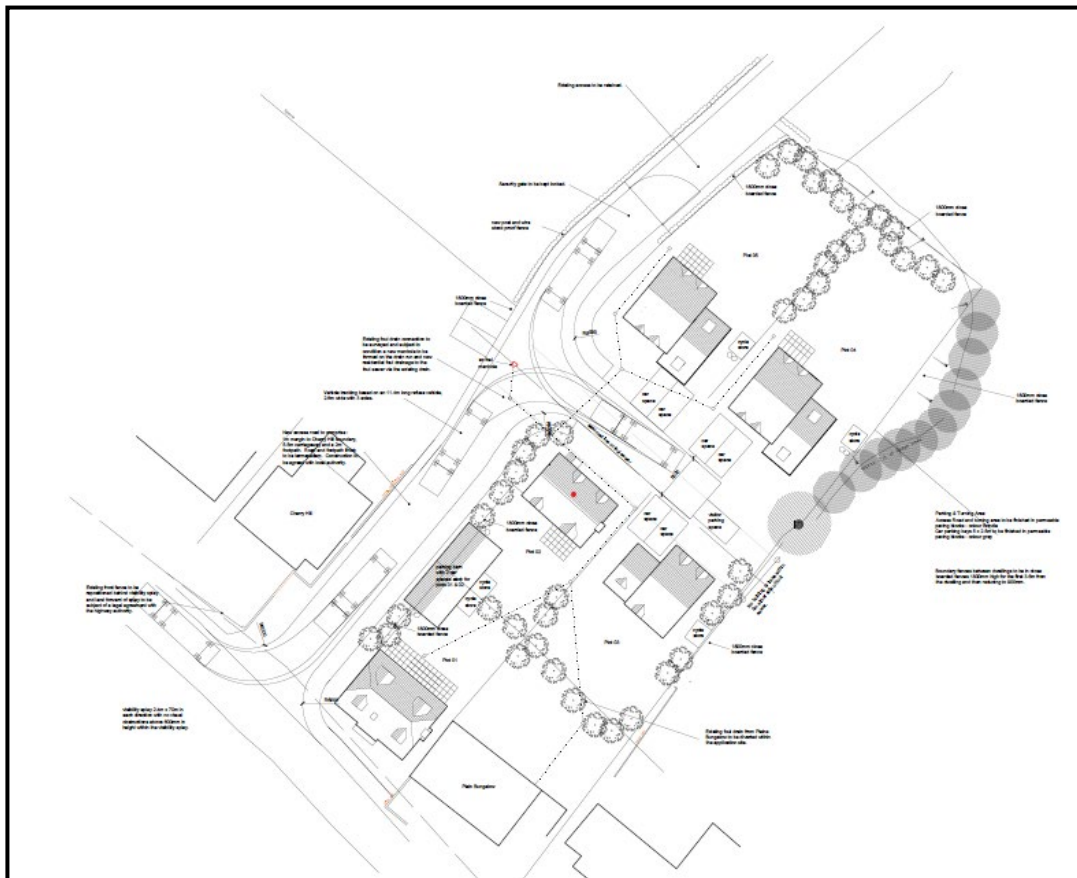
26. Technical housing standards – nationally described space standards

## **Assessment**

27. The main issues for consideration are those that resulted in the deferral of the application and these are analysed below. All other material considerations which the planning committee considered on 31st July 2019 are as per the appended report.

## **Site layout**

28. The diagram below shows the layout proposed at the 31 July committee meeting.



**Figure 1 - 31 July committee Proposed Layout Plan**

29. The above layout comprises a fairly regimented housing layout in a formal grid pattern which could be considered overly urban and out of character with the semi-rural edge of settlement location.
30. The applicant has sought to amend the layout by re-orienting all the backland housing to create a more informal layout. In addition, Plot 5 has been redesigned with a cat-slide roof to create a less dominant frontage onto the access road. The design of Plot 3 has been handed in the amended layout and re-orientated to form a better entrance to the small cul-de-sac.



31. The amended layout is shown below.



**Figure 2 - Amended layout**

32. It is noted that Members did not raise concerns with regard to the redevelopment at the back of the site and Members attention is again drawn to the fact that the site layout has been largely dictated by the existing foul sewer which runs to the rear of the existing garage building. This results in development being prohibited over the foul sewer and within an exclusion zone of 3 metres either side of the path of the sewer. This has resulted in linear tiers of development which do not front Plain Road but onto a private access road rather than a more informal cul-de-sac layout but this cannot be

avoided in this instance and is not considered to be unacceptable in any event.

33. The amendments to the layout is considered to create a looser more informal pattern of housing development that would be more appropriate for this semi-rural edge of settlement location. Members did not raise any objections to the number of units proposed or backland redevelopment of the site at the 31 July committee meeting. Given the foul sewer pipeline constraints the amended layout is considered to acceptable and the most practicable solution to the redevelopment of this site.
34. In response to neighbour comments regarding the omission of the hard boundary details these are as previously proposed and can be secured by condition. Additionally it is considered that a semi-detached property at the front of the site would be out of keeping with the adjacent single-storey frontage properties. Foul water would be connected to the existing foul mains drainage system.
35. In light of the above it is considered that the committee's reason for deferral in respect of layout has been addressed.

## Design

36. In terms of the design, amendments have been made to Plot 5 as shown below.



Figure 3 - Plot 5 design - 31 July committee



**Figure 4 - Plot 5 – Amended design**

37. Plot 5 has been redesigned to include a cat-slide roof and the integral garage has been omitted. The amendments reduce the bulk of the roof and create a more appropriate elevation adjacent to the access road which is also improved by the re-orientation of this property. The cat-slide roof reduces the scale of dwelling and Plot 5 would appear less dominant and more appropriate for this backland setting compared to the previous design considered by Members. The change to the design of Plot 5 would also add more variety to the small housing development which would be more appropriate for this edge of settlement location.
38. In addition, the openings have been omitted from the northwest flank elevation of Plot 5 due to the introduction of the cat-slide roof and this has overcome concerns raised by neighbours with regards to potential overlooking from this property.
39. The re-orientation of Plot 2 would also reduce the visual impact of this property when viewed from Plain Road along the new access road and helps to create a more informal layout.
40. Proposed materials comprise clay facing bricks, brick banding detailing, plain clay hanging tiles, stained softwood weatherboarding and plain clay roof tiles and slates. The natural materials are considered to be in keeping with the locality and the introduction of natural weatherboarding would help to break up the elevations and add variety. The traditional timber weatherboarding replaces the cement fibre weatherboarding which Members raised concerns about previously.
41. It is considered that the committee's reason for deferral in respect of design and appearance / materials has been satisfactorily addressed.

### **Other matters**

42. The on-site parking provision proposed would comply with policy TRA3a including a visitor parking space.
43. In addition, the proposed amendments have sought to overcome concerns raised by neighbours with regard to overlooking. Notwithstanding this no objections were raised regarding overlooking previously due to the separation distances involved.

### **Human Rights Issues**

44. 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**

45. 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**

46. The amendments to the layout create a looser and more informal pattern of housing development which is more appropriate for this edge of village location. In addition, the use of good quality natural materials would be in keeping with the locality and the amendment to Plot 5 and re-orientation of the housing layout would reduce the scale of the backland housing and overcome overlooking concerns raised by neighbours.
47. The proposed development would accord with policy EMP2 and HOU3a in respect of the loss of employment on the site and the redevelopment to provide 5 residential dwellings. There would be some deviation from the established pattern of development along the road frontage on Plain Road.

This deviation, when read in context with the density of the development and no other material planning harm would be off-set by the benefits in terms of residential amenity for the occupiers of existing neighbouring dwellings to the site through the cessation of a potentially harmful and unrestricted B2 employment use of the site, which includes the ability to utilise the site more intensively and for uses including a waste transfer station without the need for planning permission.

48. The utilisation of a brownfield site through the loss of this unrestricted B2 employment use, together with the visual enhancements secured through the more sympathetic layout and design, combined with the introduction of landscaping would result in a visual enhancement of the site compared to the existing. The removal of significant amounts of hard surfacing and the former garage building and storage containers would be a significant benefit. Ecological enhancements and betterment in terms of surface water run-off from the site would be further benefits which weigh in favour of the granting of planning permission. The provision of 5 modest sized, 3 bedroom dwellings towards the Council's 5 year housing land supply, and the needs of local residents seeking to remain in the village, would result in a clear social benefit but also economic benefits for a local developer and tradespeople, social and environmental benefits outlined would, subject to conditions comply with the development plan policies.
49. In light of the above it is recommended that planning permission be granted.

## **Recommendation**

### **Permit**

#### **Subject to the following Conditions and Notes:**

1. Standard time condition
2. Materials

#### **Environmental**

3. Disposal of Sewage
4. Contamination

### **Highways/Parking**

5. Construction management plan
6. Parking spaces
7. No doors or enclosing of car barn
8. Cycle parking
9. Visibility splays
10. Electric car charging
11. Footways and carriageways prior to occupation

### **Landscaping**

12. Walls/Fencing
13. Landscaping scheme
14. Retention of trees/protection measures

### **Drainage**

15. SUDs scheme

### **Ecology**

16. Details of lighting for bats
17. Ecological enhancements

### **Other**

18. Refuse storage
19. Obscure glazing to first floor windows
20. Removal of PD rights for Classes A, C and E (Extensions, roof extensions and outbuildings)
21. Accessibility standards
22. Removal of resulting spoil and materials following demolition
23. Development in accordance with the approved plans
24. Development available for inspection

### **Note to Applicant**

1. Working with the Applicant
2. Highways informative
3. Environmental Health informative
4. Breeding birds
5. Refuse indemnity

### **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 18/01454/AS)

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## Annex 1

Ashford Borough Council - Report of the Head of Planning and Development  
Planning Committee 31 July 2019

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<b>Application Number</b>	18/01454/AS	
<b>Location</b>	Andrews Garage, Plain Road, Smeeth, Ashford, Kent, TN25 6RA	
<b>Grid Reference</b>	08854/39818	
<b>Parish Council</b>	Smeeth	
<b>Ward</b>	Bircholt	
<b>Application Description</b>	Demolition of Andrews Garage and the construction of 5 houses with associated parking, revised vehicular access and car barn.	
<b>Applicant</b>	Mr Kicks, The Barn, Greenacres, Pound Lane, Smeeth, Ashford, Kent, TN25 6RJ	
<b>Agent</b>	Mr M Ashenden-Bax, Pickering Moor Farm, Stape, Pickering, Yorkshire, YO18 8HZ	
<b>Site Area</b>	0.29 ha	
(a) 69/12R, 1+, 15/S	(b) R, (Adj.)R	(c) KHS/X, EHM/, KCC Bio/X, Drainage/X, Refuse/X
(a) 69/8R, 2/+, 2/S	(b) X, (Adj.)X	(c) KHS/X, EHM/X, KCC Bio/X, Drainage/X, Refuse/-

## Introduction

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

## Site and Surroundings

2. The application site relates to the former Andrews Garage on Plain Road Smeeth. The site comprises a large area of hardstanding to the front and rear of the building which is set back from the road. The building is a detached two storey workshop motor repair garage with external storage areas with an open frontage with Plain Road. The site is within the built up confines of the village of Smeeth / Brabourne Lees. To both the north west and south east residential properties front onto Plain Road. The dwellings range in terms of style and design. The building line to the north west is established and linear

with properties set back from the road with front gardens and parking areas. The application site building breaks this strong linear line, beyond this, Plain Bungalow, a large chalet bungalow is situated to the south east of the site and sits further forward than the garage.

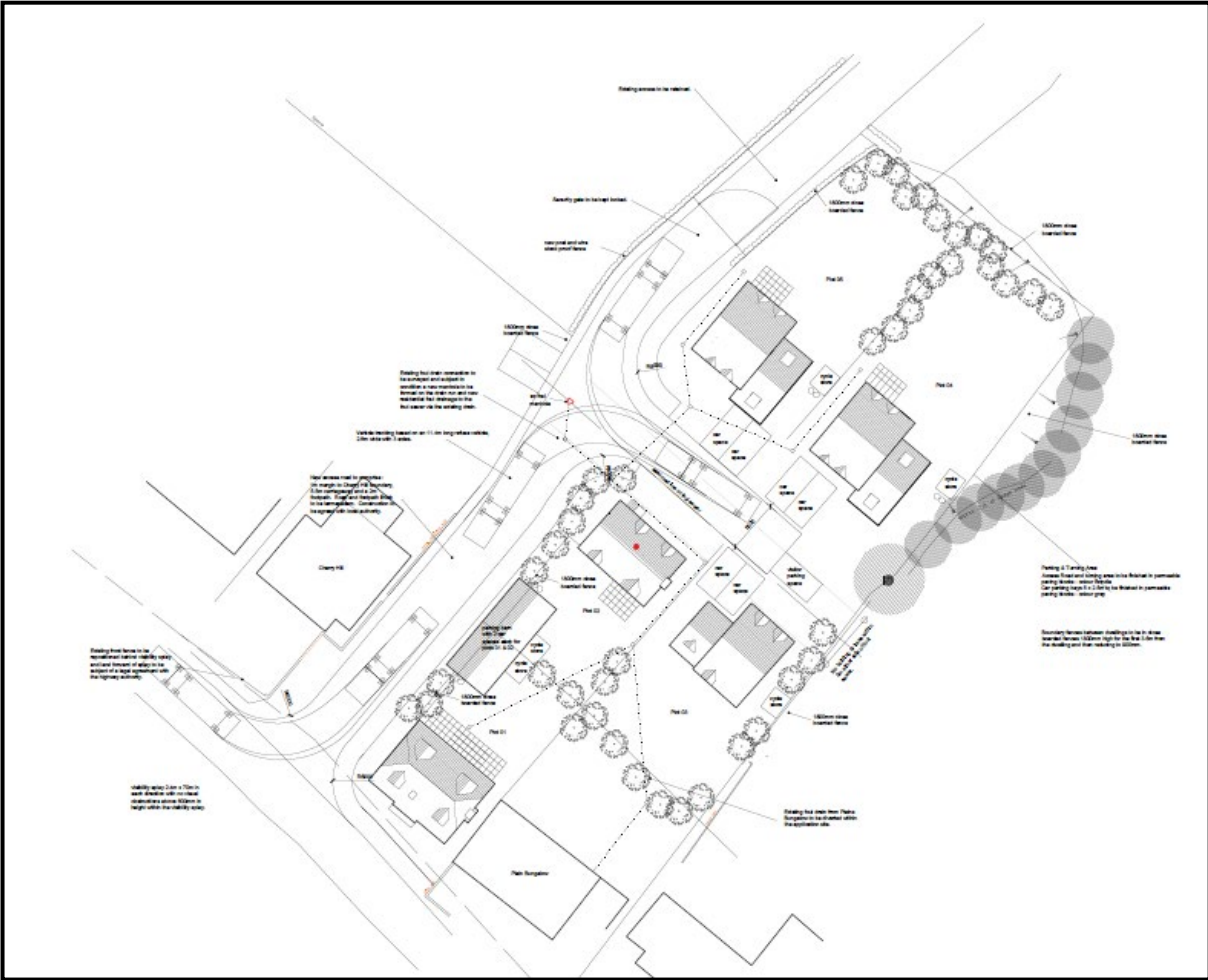
3. The site access passes to the northern side of the existing building between the garage and Cherry Hill bungalow. To rear of the existing garage building there is a large area of hardstanding which is bunded with trees.
4. To the rear of the site is an elongated parcel of undeveloped agricultural land with former agricultural buildings, some of which have been used for temporary periods in association with the garage but are in a poor state of repair and are known as The Piggeries. This land and buildings falls within the applicant's ownership and originally formed part of the application site but following amendments to the scheme, no longer form part of the site or proposal.



Figure 1 Site Location Plan

**Proposal**

- 5. Full planning permission is sought for the demolition of the existing Andrew's Garage building and erection of 5 dwellings with revised vehicular access, parking and car barn.



**Figure 2 Proposed Layout Plan**

6. The application as originally submitted sought the demolition of Andrews Garage and the construction of 5 houses and the demolition of redundant buildings (The Piggeries) and their replacement with light industrial buildings within use class B1(c). Following officer concerns regarding the proposed provision of light industrial units on the former Piggeries site to the far north eastern part of the site, this was ultimately omitted from the scheme.

7. The proposal follows from a previously withdrawn application (18/00789/AS) which sought planning permission for 10 dwellings and replacement light industrial units, the latter of which originally formed part of this application but as noted above was subsequently omitted.

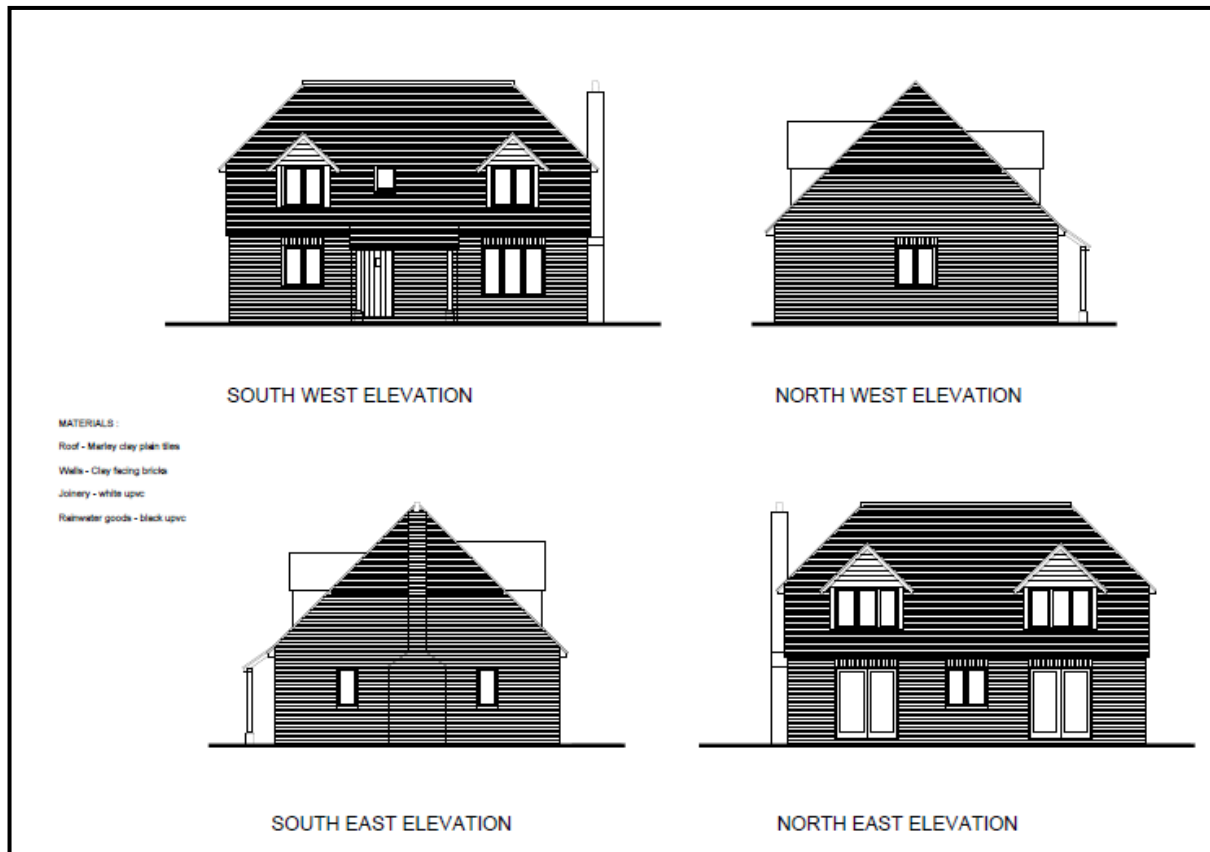


Figure 3 Plot 1 Elevations

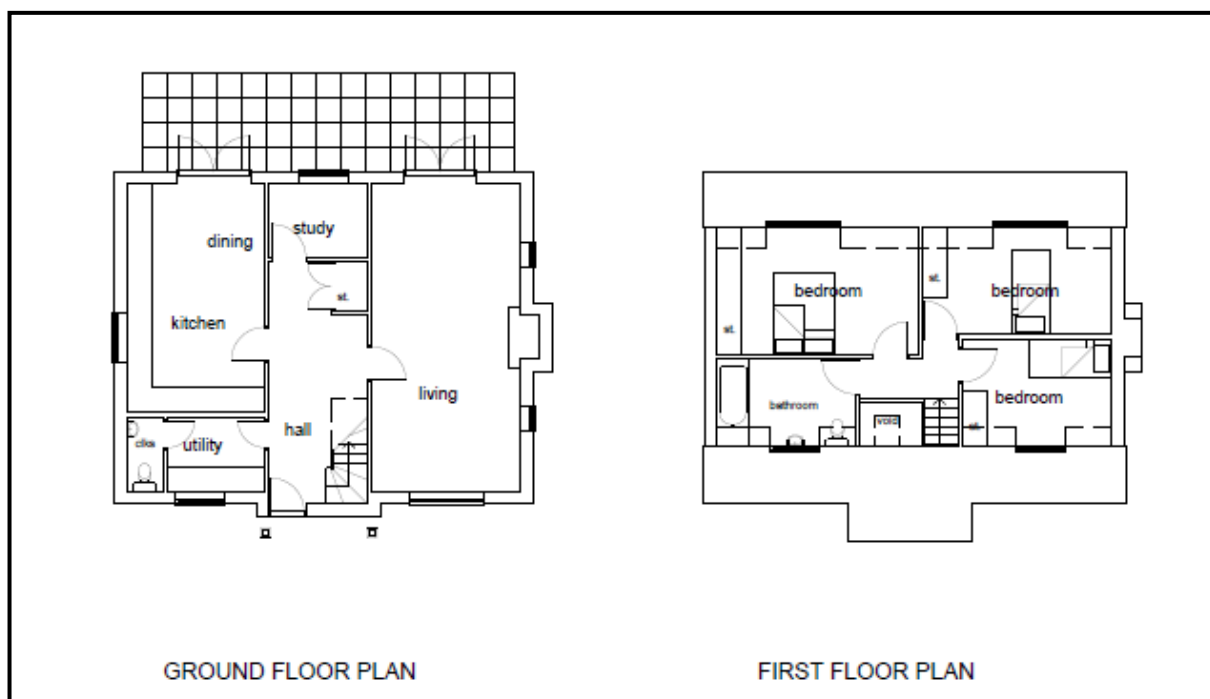


Figure 4 Plot 1 Floor Plans



Figure 5 Plot 2 Elevations

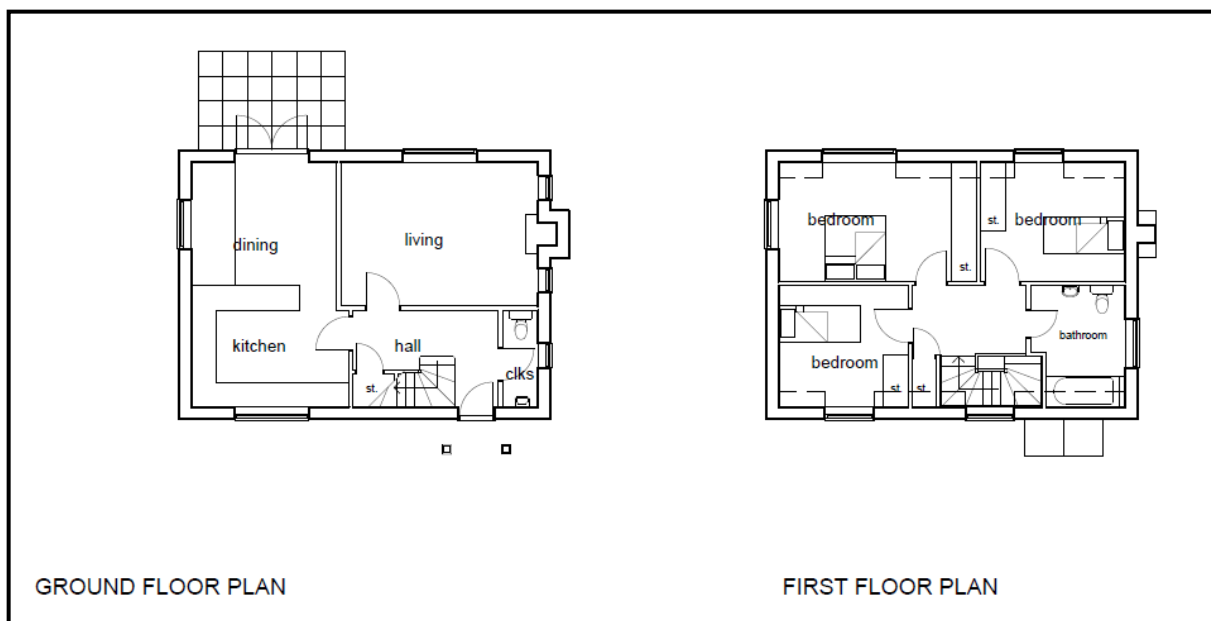


Figure 6 Plot 2 Floor Plans

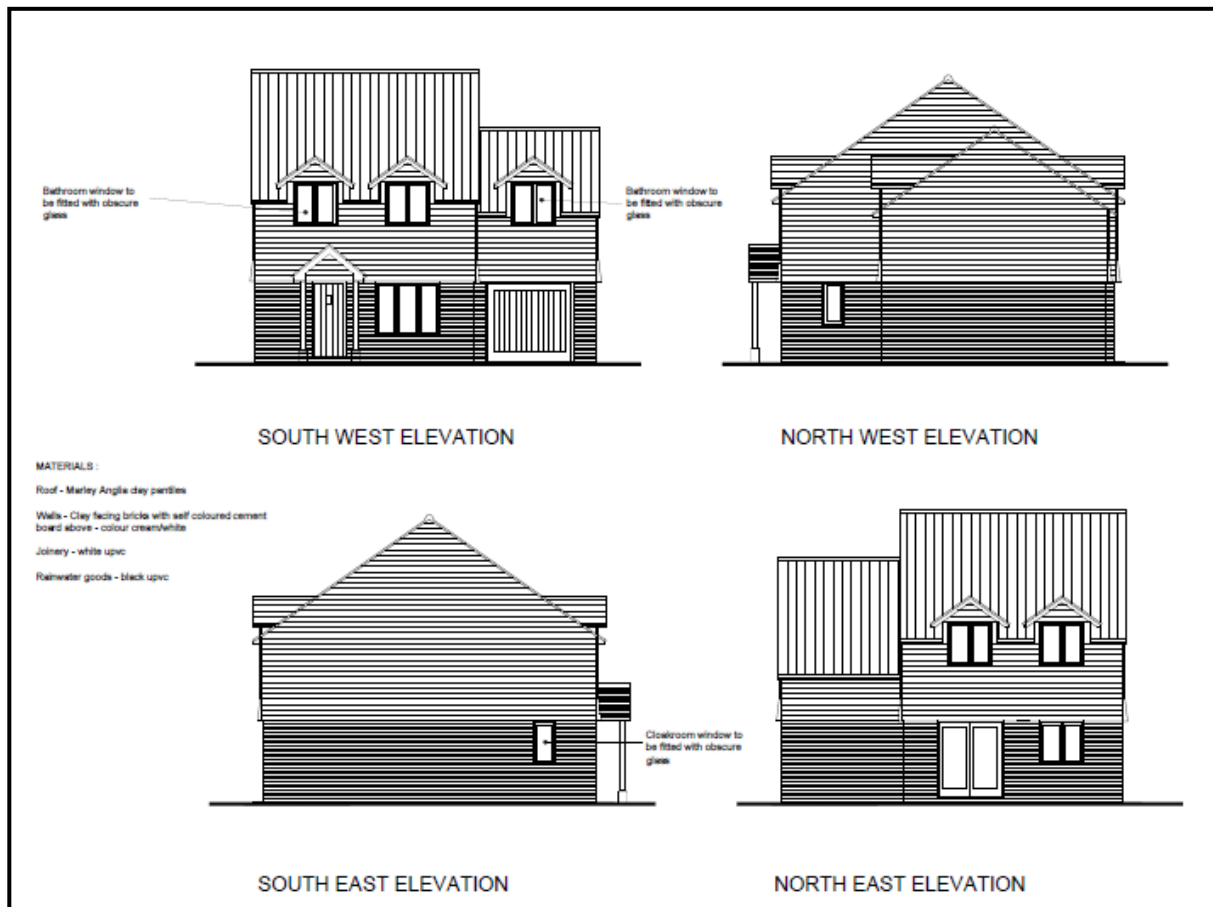


Figure 7 Plot 3 Elevations

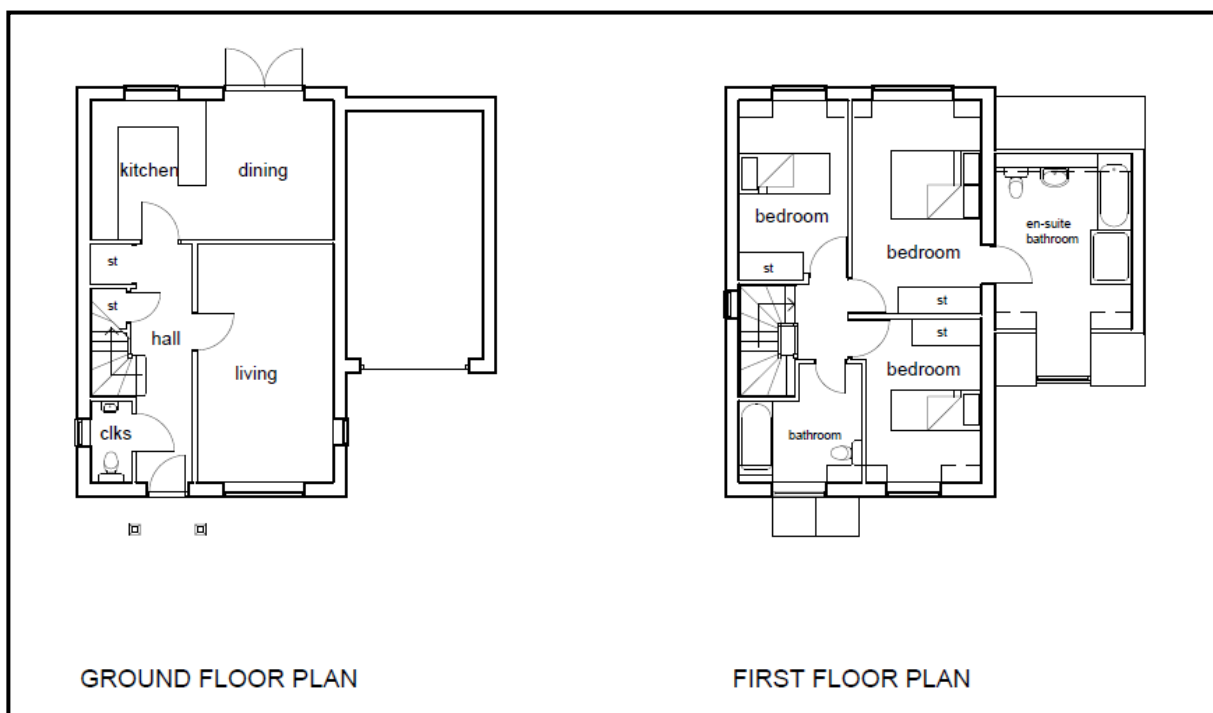


Figure 8 Plot 3 Floor Plans

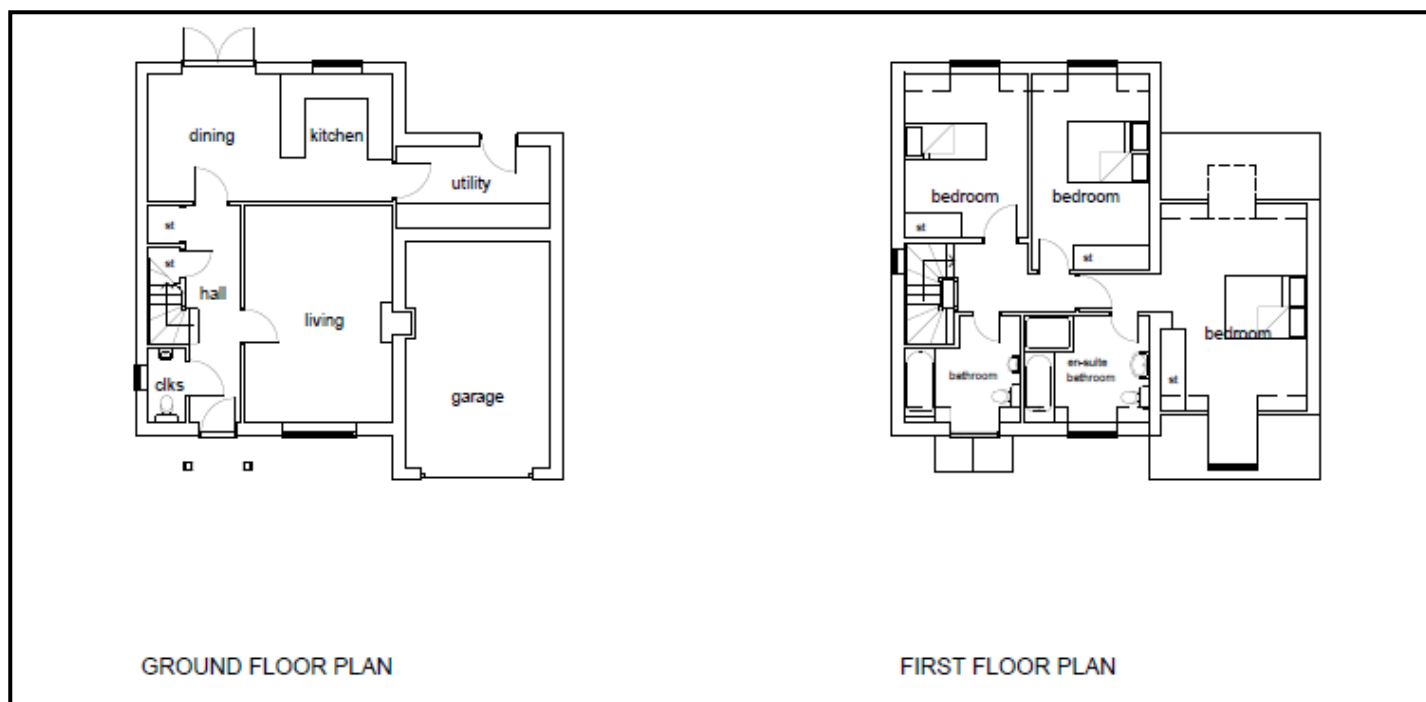


Figure 10 Plots 4 & 5 Floor Plans

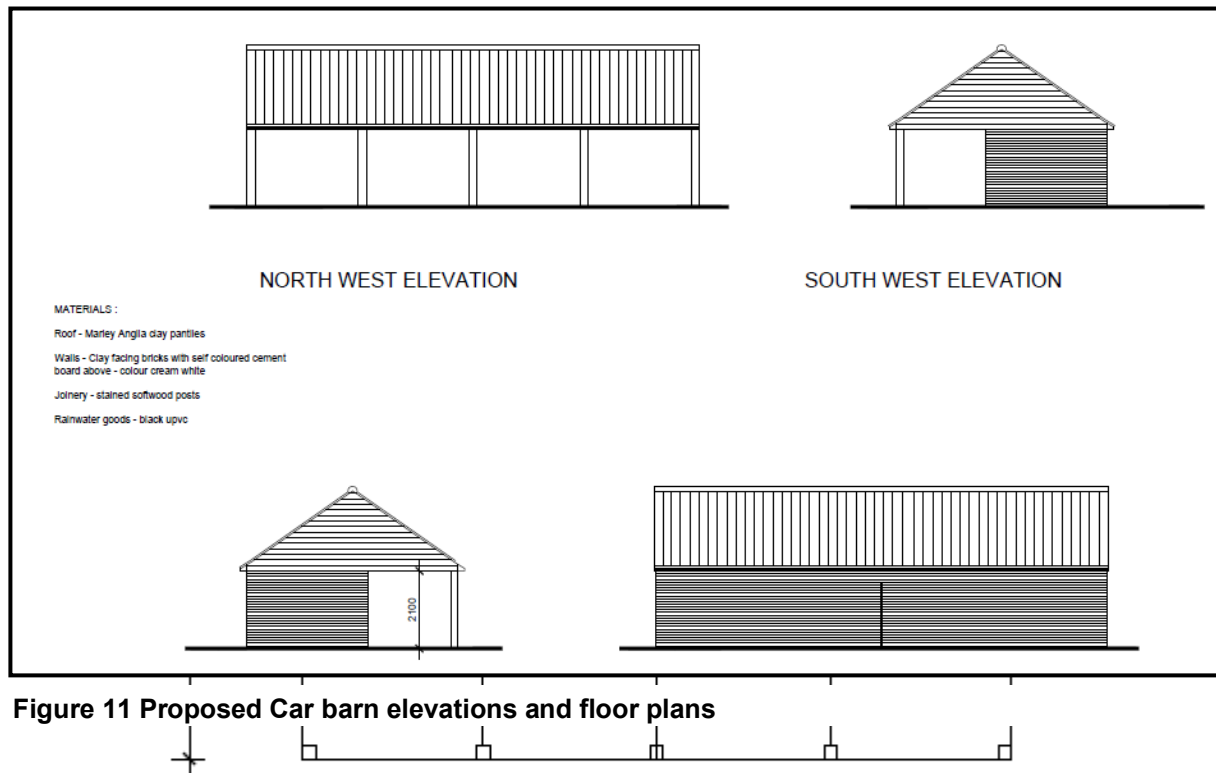


Figure 11 Proposed Car barn elevations and floor plans

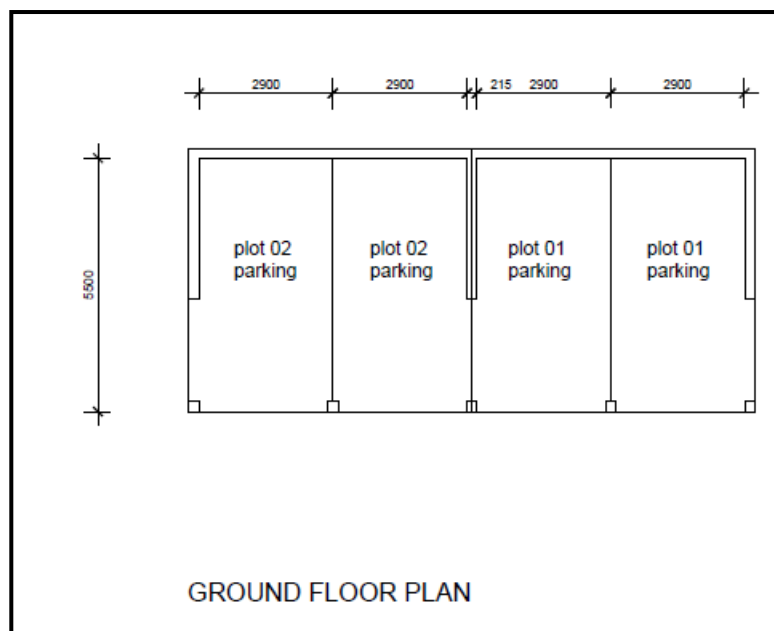


Figure 12 Proposed Floor Plan for car barn

8. In support of the application the applicant has outlined the history of the last use of the site and the viability of finding a new operator to run the garage, which was unable to sustain losses averaging £20k per annum. In 2008, the garage had employed 7 staff including family members. However, by 2017, the turnover has fallen by 64% to just £325k with a loss of £78k and only employing 3 staff members, of which 2 were family members. The garage had



seen a decline in the 50:50 split between MOT/servicing of vehicles (domestic and commercial) it had offered. Fleet vehicles and lease vehicles, which are maintained through main dealer networks for commercial vehicles has seen an increase resulting in a significant loss of business for the garage.

Moreover, the loss of the mobile tyre franchise it previously offered, due to insufficient business, has made the garage unviable.

9. The poor construction / state of the building and lack of insulation means the building is in need of significant investment to enable it to be leased to a new occupant. This is exacerbated by the requirement for the building to meet the new legal standard "MEES" (Minimum Energy Efficiency Standard) for buildings which are leased, with which the building does not currently comply. The estimated cost of carrying out such works are estimated to be between £140-170k.
10. The site is currently served by mains drainage and a public sewer runs through the middle of the site, parallel to Plain Road. The site is 0.6 miles from local shops and amenities in Barbourne Lees/Smeeth which include a school, shops, village hall, pubs and post office. A bus stop, served by Stagecoach is immediately outside the site and provides services to both Ashford and Folkestone (including Sellindge with a primary school, shop, public house). This runs every hour on weekdays and less regularly on weekends. There are secondary schools in both Saltwood near Hythe and Ashford. In the centre of Brabourne Lees/Smeeth there is a car garage which services vehicles and undertakes MOTs together with the sale of associated products including petrol and diesel.
11. The site layout for this development is influenced by the location of the foul sewer, which passes through the middle of the site to the rear of the existing garage building, to which the development will be connected. Surface water will be dealt with by soakaway and other SUDs features including permeable surfacing.
12. New hedgerow and landscaping is proposed. It is confirmed that no lighting will be proposed to the access road to the site which is not being adopted and will be privately owned and managed.
13. All of the 3 bedroom dwellings would comply with the National Technical Housing standards and provide a good level of external amenity space. The existing shallow and substandard garden, by current development plan standards, serving Plain Bungalow will be increased in depth and increase spacing between the dwelling and those which are proposed.

14. Confirmation that KCC Highways and Transportation's advice was sought with regards to highway impacts. Parking will be provided on site with visitor parking in accordance with the required standard.
15. The site is a brownfield site, within the confines of an existing settlement identified in the Development Plan. These would help meet the 5 year housing land supply, which is currently unmet.

### Ecology

16. Ecological surveys of the site, including an Extended Phase 1 Survey were provided with the application and outlined the likely presence of protected and notable species. These confirmed that whilst there was potential for bats and evidence of foraging along the boundaries of the site (the original site prior to the amendments to the scheme), the impact could be mitigated. There is no evidence of badgers, roosting bats within the building to be demolished or dormice, Great Crested Newts or reptiles (within the amended application site).
17. Trees adjacent to the site are to be retained and protection measures in accordance with the British Standard in relation to design, demolition and construction will be adhered to. Breeding birds are protected during the course of works by the Wildlife and Countryside Act 1981 (as amended).
18. Ecological enhancements can be provided on site, including bat boxes, bird boxes, hedgerow and other native planting.

### Contamination

19. A Phase 1 Preliminary Risk Assessment of the site has been undertaken (including the land to the north of the application site under consideration). The section which is relevant to the scheme being considered concludes that the former garage site with associated parking/yard areas is underlain by the Folkestone Formations, which is classified as a principal aquifer by the Environment Agency. The closest surface water feature is a tributary of the East Stour River, to the south west of the site (approximately 260m from the site). It is considered, following a walkover of the site that there is relatively low risk of the site being subject to significant and widespread ground contamination. However, given the previous use, which included significant external vehicle storage, shallow soils impacted by contaminants could pose a risk to future occupants and neighbours of the adjoining properties.
20. Recommendations made include a Phase II intrusive ground investigation will be required. This will be ideally undertaken once the existing buildings have been demolished so the exposed soils can be inspected and sampled.

### Other information

21. Additional details were requested during the course of the application with regards to drainage and ecology. Amendments were also sought to the scheme, as outlined above with regards to the development of the former Piggeries site, this is not being considered under this application and has been omitted.

## **Planning History**

83/00998/AS – Extension to workshop – Permitted 04/10/1983

84/01012/AS – Extension to the side of the workshop – Permitted 30/10/1984

98/00536/AS - Erection of an extension to provide a tyre fitting bay and rest room – Permitted 16/07/1998

18/00789/AS – Replacement of light industrial units and construction of 10 new houses – Withdrawn 30/07/2018

## **Consultations**

**Ward Member:** The Ward Member is a member of the planning committee and has requested that this application be determined by the planning committee.

Initial Plans (Demolition of Andrew's Garage, erection of 5 dwellings and conversion of existing buildings at the Former Piggeries to B1c light industrial units with associated parking)

**Smeeth Parish Council:** object on the following grounds:

- Brabourne and Smeeth Landscape/Village Protection Policy (formally adopted by the Parish Council 5<sup>th</sup> September 2018) states that proposals within the Brabourne and Smeeth Landscape Area will only be supported if it meets all of the following [**HoP&D comment:** this is not formally adopted as part of the Local Plan and therefore has no weight in the decision making process]:
  - The development respects the landscape setting
  - Development is in keeping with the form and style of existing development with a sensitive transition between the High Weald and North Downs AONB
  - Visual effects of the development including views into and out of the site and historic disposition of development relative to the surrounding topography

- Respect of historic, archaeological and biodiversity features
- Not exacerbate current impacts on character and function of existing highway corridors and lanes
- No impact on the pursuance of rural activities on adjacent lanes
- Not generate a type or amount of traffic that would be inappropriate or detrimental to the rural road network
- Primary concerns relate to:
  - Inappropriate property types and layout (back land development)
  - Proximity of light industrial units in the area
  - Impact of development upon rural activities in the locality
  - Question the need for industrial units
  - Impact on the local environment particularly the sandpit
  - Highways safety implications
  - Security concerns

**Brabourne Parish Council (adj):** object on the following grounds:

- Contrary to the Village Protection Policy
- Some betterment on the site in the form of houses but industrial units are on agricultural land
- No proven demand for B1 uses
- Traffic impact on highways safety and amenity of local residents
- Adverse impact upon biodiversity
- Parish do support brownfield infill development on sites such as Andrews Garage
- Local need is for small housing as proposed in the original application
- Application for housing only may be supported subject to changes to style, size to meet the needs of the community.

**KCC Highways and Transportation:** no objection subject to conditions.

**KCC Biodiversity:** no objection subject to conditions stating:-

- Sufficient information has been submitted to enable determination and additional information required which can be secured by condition.
- Satisfied by Extended Phase 1 Habitat Survey which states buildings have no evidence of bat use and no requirement for emergent surveys to be carried out.
- Commuting and foraging over and around development by bats require bat sensitive lighting to be secured by condition.
- Any work to vegetation and buildings which may provide suitable habitat for nesting birds would be covered by the Wildlife & Countryside Act 1981.
- Buildings on site were found to have negligible for bat roost potential but given bat activity in area, condition for sensitive lighting requested
- Habitat and connectivity for reptiles and amphibians is poor
- No schedule 1 bird species recorded during survey and protected by Wildlife and Countryside Act 1981

**ABC Drainage:** further information required in the form of a conceptual surface water drainage layout in accordance with principles of SUDs and in accordance with Council's SUDs SPD.

**Environmental Health:** no objection subject to conditions.

**ABC Refuse:** no objection in light of KCC Highways and Transportation comments.

**Neighbour: 69 consulted:** 12 objection comments, 15 support comments and 1 general comment raising the following:

Objections

- Contrary to the development plan as not required to meet shortfall in housing  
**[HoP&D comment:** this is windfall development which helps to meet the 5 Year Housing Land Supply set out in the Local Plan]
- Outside of the main village **[HoP&D comment:** this is within the built up confines of the village of Brabourne Lees/Smeeth]
- Plain Road is predominately built up with houses which are individually designed

- The dwellings on Plain Road are linear and parallel to Plain Road
- The school is not within walking distance
- Bungalows along the frontage would be acceptable
- The reduced number of dwellings is more acceptable than the previous scheme for 10 units
- A range of dwelling types and sizes should be provided in line with policy CS13 **[HoP&D comment: this policy is superseded and there is no such requirement for schemes of this size to be of a range of sizes but this does help to provide smaller units within the village following the approval of similar small size schemes for 4 and 5 bedroom units]**
- First floor windows would overlook neighbouring dwellings on Plain Road from bathrooms **[HoP&D comment: these can be conditioned to be obscure glazed and fixed shut]**
- Lack of parking provision including only one visitor parking space.
- Development would generate intensified use of existing accesses should not be permitted according to CS15 **[HoP&D comment: this policy is superseded but reference to highway safety is outlined under the relevant section of the report which follows below]**
- On road parking as a result of development
- Question whether the en-suite is a fourth bedroom given that it is so large **[HoP&D comment: the plans show this as an en-suite and not a bedroom, only the plans submitted can be taken into account]**
- Access road a security risk for existing properties from burglary
- Impact on Plain Road and rural road network for scale of development
- Impact on pedestrian safety and those utilising bus stop
- Lack of footpath along the road
- Cars regularly break the 30mph speed limit on Plain Road
- Otterpool and Chilmington Green are already deemed to be more than enough new houses in the area
- Lack of services within the village

- Loss of idyllic rural atmosphere [**HoP&D comment:** the proposed residential use of the site would result in the loss the existing B2 employment use which generates more noise and traffic movements than the proposed dwellings]
- The habitat survey is insufficient and evidence of species within close range of the site have been noted
- Current garage should be retained to serve the community, only if no economic demand should it be redeveloped
- The existing trees should be covered by a TPO
- A pedestrian link should be provided between the Sandpit site (to the north east of the site)
- The Local Plan outlines requirement to consider impact on historic features including Listed buildings, conservation areas, ancient roads, green lanes, byways and sites of archaeological interest Validity of the application is questioned as there are many errors within the submission documents.

The following concerns below relate specifically to the commercial element of the scheme as originally submitted:

- No requirement for industrial units within village
- Light, noise and waste pollution from industrial units
- Visual impact upon the Sandpit to the south east of the site
- The same applicant had permission to demolish commercial units directly behind the former Piggery site and to build houses on the site (17/01506/AS) [**HoP&D comment:** this does not preclude this application from being considered and Members are able to consider approving the scheme should they be minded to agree with the Officer recommendation]
- The applicant already has commercial units on Pound Lane which are To Let
- Other commercial development has been approved in the area [**HoP&D comment:** this does not preclude further commercial applications from being considered, although this is now no longer part of this scheme as outlined above]
- Anti-social behaviour as a result of the industrial units
- The access road to the units is in very close proximity to the old quarry (sandpit site)

- It is envisaged the site would operate for long hours and 6 days per week
- Consideration should be paid to the former contamination and instability of the land
- Number of vehicle movements would be harmful to highway safety
- Impact upon existing junctions at Stone Hill and Church Road to the A20
- Estimated vehicle movement data is misleading
- The evidence of tipper trucks operating from Andrews Garage are misleading as they were never lawfully operated from the site
- Loss of agricultural land

**1 general comment received with regards to the following:**

- It is inevitable this site will be redeveloped
- Need to take on board other neighbouring resident's comments
- Need to ensure security and public safety are conditioned

**15 support comments received with regards to the following:**

- Visual enhancement
- Development is sympathetic to the area
- Preferable to B2 use of the site which increases noise and traffic within area
- Nice new housing
- Loss of business but 5 new homes is a positive thing for the community
- Provides affordable smaller homes in the village which may encourage younger people to remain in the village provision
- Good use of a brownfield site rather than building on green field site
- Not a significant number of houses are proposed
- Perfect homes for those wishing to downsize



**Amended Plans** – scheme under consideration for Demolition of Andrews Garage and the construction of 5 houses with associated parking, revised vehicular access and car barn

**Smeeth Parish Council:** general comments but note the removal of the commercial units from the proposed scheme which is welcomed and as such are more inclined to support but do still raise the following concerns:

- Back-land development
- Form and style of dwellings
- Loss of security for existing dwellings
- Increased traffic movement
- Potential parking problems on road

**Brabourne Parish Council (adj):** see comments from Smeeth Parish Council above (Joint comments submitted)

**KCC Highways and Transportation:** no objection subject to conditions previously requested

**KCC Biodiversity:** no objection subject to conditions regarding ecological enhancements

**ABC Drainage:** no objection subject to conditions following the receipt of additional information which outlines the approach, site conditions and extent of the proposed layout, a suitable policy compliant SUDs system for surface water drainage could be achieved.

**Environmental Health:** no objection to the amended scheme subject to conditions. ,

**ABC Refuse:** no further comments.

**Neighbours: 69 consulted:** 8 objection, 2 general comments and 2 support comments received raising the following additional points:

Objections

- Welcome that the industrial units are omitted
- The application is not in the public interest based on strength of objection it should be rejected [**HoP&D comment:** this is not the basis for refusing the

application but all comments will be addressed in the report which are material to the application]

- Potholes to road [**HoP&D comment:** general wear and tear to the road network is a matter for KCC Highways and Transportation, this is not a reason to refuse the application]
- No new D&A statement has been submitted to omit the previously proposed industrial units
- The site falls outside of the recent confines map of the village
- The fencing proposed is of insufficient height to prevent intruders accessing the rear gardens of properties on Plain Road
- Cherry Hill has planning permission for extension to create a 5 bedroom dwelling (17/01186/AS) but only has two parking spaces [**HoP&D comment:** this complied with the relevant parking requirements at the time this application was determined and this is not being considered under this application]
- There is potential for obstruction of visibility
- Impact on human rights of existing resident
- Two parking spaces are shown to the rear of Cherry Hill

## **2 general comments received raising the following points:**

- Footway access into Smeeth Sandpit from Plain Road

## **2 support comments received raising the following additional points:**

- The houses would be of a more appropriate scale within this section of Plain Road than the existing 2 storey industrial premises.

## **Planning Policy**

22. 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.
23. 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).

24. 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).

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

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP3 - Strategic Approach to economic Development

SP6 - Promoting High Quality Design

HOU3a - Residential windfall development in settlements

HOU12 - Residential space standards internal

HOU14 – Accessibility standards

HOU15 - Private external open space

EMP2 - Loss or redevelopment of Employment Sites and Premises

TRA3a - Parking Standards for Residential Development

TRA6 – Provision for Cycling

TRA7 - The Road Network and Development

ENV1 - Biodiversity

ENV3a - Landscape Character and Design

ENV4 - Light pollution and promoting dark skies

ENV7 - Water Efficiency

ENV9 - Sustainable Drainage

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

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

Landscape Character Assessment SPD 2011

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

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

### **Informal Design Guidance**

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

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

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

### **Government Advice**

National Planning Policy Framework (NPPF) 2019

27. 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:-
28. 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.
29. Paragraph 59 relates to the need for the delivery of a sufficient supply of homes. It states that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land be made available forward where it is needed.

30. Paragraph 122 states that planning policies and decisions should support development that makes efficient use of land, taking into account:
- a. the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
  - b. local market conditions and viability;
  - c. the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
  - d. the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
  - e. the importance of securing well-designed, attractive and healthy places.
31. Paragraph 118c states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
32. Paragraph 123 outlines that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities.
33. 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...
34. Paragraph 163 states that development should ensure that flood risk is not increased elsewhere.
35. Paragraph 170 states that minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure. Paragraph 175 goes on to state that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts)... or be adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It goes on to also state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
36. Paragraph 180 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
37. Paragraph 170 states that the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services should be included in the decision making process.

National Planning Policy Guidance (NPPG)

38. Technical housing standards – nationally described space standards

## **Assessment**

39. The main issues for consideration in the determination of this application are:
- Principle
  - Loss of Employment use
  - Visual amenity / Design & Layout

- Residential amenity
- Parking & Highway safety
- Ecology
- Drainage
- Other issues

### **Principle**

40. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraphs 2 and 11 of the NPPF state that planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
41. The proposal is not an allocated site in the development plan but is within the built up confines of the village of Brabourne Lees / Smeeth, as defined in the Local Plan under policy HOU3a. This allows for windfall residential development within the towns / villages listed under this policy subject to various criteria being satisfied. Policy HOU3a is set out below:
- a) It is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area;
  - b) It would not create a significant adverse impact on the amenity of existing residents;
  - c) It would not result in significant harm to or the loss of, public or private land that contributes positively to the local character of the area (including residential gardens);
  - d) It would not result in significant harm to the landscape, heritage assets or biodiversity interests;
  - e) It is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network;
  - f) It does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure;
  - g) It is capable of having safe lighting and pedestrian access provided without a significant impact on neighbours or on the integrity of the street scene; and,

- h) It would not displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan.
42. In terms of assessing what constitutes the built confines of the named towns / villages this is set out in paragraph 6.51 of the Local Plan which states:
- '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)'*
43. The principle of residential development on this site can be considered acceptable subject to there being no harm that would warrant the refusal of the application and these are assessed below. Further windfall sites are factored in to the Council maintaining a 5 year housing land supply and thus have strategic importance.

#### **Loss of Employment use**

44. The loss of the employment use of the site would be considered under policies HOU3 (h) and EMP2 of the local plan, the latter which states that proposals for the loss or redevelopment of existing employment sites or premises within the confines of Tenterden or the villages listed in Policy HOU3a, or adjoining/close to a settlement listed in policy HOU5 will not be permitted, unless one of the following criteria apply:
- aa. The site is no longer appropriate for the continuation of the previous or any other employment use in terms of its serious impact on the neighbouring occupiers or environment;
- bb. The premises are replaced with the same-sized or larger sites or premises within or adjoining the same rural settlement, or at the nearest rural service centre, or;
- cc. It has been shown that the unit has remained unlet or for sale for a substantial period for all appropriate types of B class employment uses or other suitable employment generating uses, despite genuine and sustained attempts to let or sell it on reasonable term.
45. The application site is within close proximity to a number of residential properties and has an unrestricted B2 general industrial use. As such there are no controls over hours of operation, receipt and dispatching of deliveries, types of activities taking place, control over the use of the external hard surfaced areas for carrying out industrial processes etc. As the use is B2 and not a B1c, there would be likely harm to the amenity of neighbouring residents. This could include a future use of the site as a garage, a waste



transfer station etc. without restriction which would have a serious adverse impact upon the amenity of nearby residents through.

46. Given this potential detrimental impact upon the amenity of occupiers of neighbouring dwellings to the site, it is considered that the proposed loss of employment on the site would comply with criterion aa.) of policy EMP2 and criterion (h) of HOU3a. Its loss would therefore be justified.

### **Visual amenity / Design & Layout**

47. The existing garage building is uncharacteristic and at odds with the prevailing character along Plain Road. The regular and established building line to the north west of the site is predominately characterised by individually designed two storey dwellings, chalet bungalows and bungalows with no prevailing character, spacing or style. The dwelling immediately adjacent to the north east, Cherry Hill, is a modest bungalow with planning permission granted for extensions to its roof to form a two storey dwelling, this has yet to be commenced but it is an extant permission. Adjacent to the site to the south east, Plain Bungalow uncharacteristically sits further forward within its plot fronting the road and is of a large size in comparison to other neighbouring bungalows, which have shallower pitched roofs and are single storey. Its unusually high eaves and ridge height, not dissimilar to a two storey dwelling, make it more prominent within the street scene (see figures 13 and 14).



Figure 13 Aerial photograph



Figure 14 - Looking south east along road towards  
garage and Plain Bungalow

48. The proposed unit to the front of the site would step back slightly from the road, to provide some relief on approach along Plain Road from the south east, set behind the principal elevation of Plain Bungalow. It would enable a transition from in the building line from the more prominent Plain Bungalow to the neighbouring property, Cherry Hill and the properties further along the road to north west which are more regular in terms of building line.
49. The proposal for a chalet bungalow along the road frontage of the site (plot 1) would be of a smaller scale to Plain Bungalow but similarly including accommodation at first floor within the roof space. The use of brick would complement Plain Bungalow and Cherry Hill, both of which are of a brick construction. The dormer windows to the front would sit comfortably within the roof slope. The dwelling would sit comfortably within the street scene and improve upon the existing hardstanding along the road frontage with landscaping secured by condition to help further soften the appearance.
50. To the rear of this plot, a shared car barn would face towards the shared access to the site, which would be revised from the existing access along the frontage of the existing garage. This would be simply designed and open fronted and of a scale and form which would sit comfortably within its context.
51. Whilst there is currently no other development within the immediate vicinity to the rear of the ribbon of development, with dwellings within the immediate context all fronting onto Plain Road, it is not considered this would not be unacceptable or appear incongruous given the existing garage building on the site which the dwellings would replace and for the reasons outlined below. The density of the development would also not be dissimilar to that on within the immediate context.
52. The existing built development on the site sits further back from the road than the existing dwellings and the established building line outlined above. The rear of the built development proposed behind plot 1, would not extend further than the existing rear boundary of neighbouring plot of Shira Lee to the south east of the site.
53. The layout has been largely dictated by the existing foul sewer which runs to the rear of the existing garage building. This results in development being prohibited over the foul sewer and within an exclusion zone of 3 metres either side of the path of the sewer. This has resulted in linear tiers of development which do not front Plain Road but onto a private access road rather than a more informal cul-de-sac layout but this cannot be avoided in this instance and is not considered to be unacceptable in any event.
54. The loss of the two storey garage building would result in a significant enhancement to the visual amenity of the area. The redevelopment retains an active relationship with Plain Road and the properties to the rear fronting the

access road which is a typical arrangement on a site of this nature. All of the redevelopment would be contained within the previously developed part of the site.

55. The dwellings which are located to the rear of plot 1 would all be 1.5 storeys in height with through eave dormer windows. Whilst of a simple design, they would include well-proportioned dormer windows which would sit comfortably within the roof slope. Open porches and chimneys would provide visual interest. The use of a facing brick with composite weatherboarding would not be out of context given the range of facing materials and designs in the wider locality. Details of materials can be secured by condition.

### **Residential amenity**

56. The proposed dwellings would benefit from gardens which would comply with policy HOU15 and Plain Bungalow would also benefit from an enlarged garden, which, in its current form, is below the current standard required for compliance under policy HOU15 (10m depth). This would result in an enhancement to the current level amenity afforded to the occupiers of this dwelling.
57. The proposed internal living accommodation would comply with the National Technical Standards, which are also set out under policy HOU12.
58. There is sufficient separation distance between the existing and proposed dwellings to prevent an overbearing impact to the amenity of current or future occupiers. Furthermore, subject to condition, where windows at first floor look over private garden areas, these windows can be obscure glazed and fixed shut to prevent any loss of privacy.
59. It is therefore considered, in light of this and also the loss of the existing B2 use of the site, previously outlined in the above section, the proposal would comply with criterion b) of policy HOU3a which states that windfall development should not adversely impact the residential amenity of existing residents.

### **Parking and Highway Safety**

60. The existing site benefits from a vehicular access which serves a B2 use. The proposed development would result in the existing frontage, which is fully open without enclosure, being stopped up to facilitate the erection of plot 1 and a revision to the existing access. KCC Highways and Transportation consider that the proposed access arrangements and the level of traffic generated by the development of 5 residential units would not give rise to harm to highway safety and could be accommodated by the existing rural road network without detriment to other road users.

61. It has been demonstrated that the site can provide safe access and turning for a 11.4m refuse vehicle. The Council's Refuse team have raised no objection, subject to an indemnity being signed prior to collections commencing as the road will not be adopted.
62. The on-site parking provision proposed would comply with policy TRA3a including a visitor parking space. The development would also encourage the use of sustainable modes of transport through the provision of cycle parking to comply with policy TRA6 for cycle parking.
63. Whilst it is noted that parking is shown on land to the rear of Cherry Hill, this is not within the red line of the application site. If this is a permeable surface, there would not be any requirement for planning permission in any event and it would serve Cherry Hill. Additional parking of this nature would be welcomed, but does not form part of this application as it is outside of the red line and within the garden area of Cherry Hill.
64. Concerns have been raised regarding the existing access serving the agricultural buildings to the north east of the site (known as The Piggeries) given that the rear boundaries of existing dwellings fronting Plain Road back onto open countryside. A gate has been shown on the submitted plans, this is not dissimilar to the existing situation and can be controlled by condition. However, it would not be reasonable or indeed necessary to impose restrictions in terms of access along this existing track and nor would it be enforceable for the access gate to remain locked. Given this, it is considered that imposing such a condition would fail to meet all of the 6 tests set out in the central government guidance on imposing conditions. However, the provision of a gate in this location would act as a deterrent and would fall within the control of the future occupiers of the site or landowner and the securing of the land to the rear of the site. There is no change to the status quo in respect of the land to the rear outside of the application site.
65. In light of the above, subject to conditions, the development would be safely accessed from the local road network and the traffic generated could be accommodated on the local and wider road network without harm to highway safety, therefore complying with criterion e) of policy HOU3a.

## **Ecology**

66. The existing garage building which is to be demolished is a modern, light structure which whilst having gaps for access by bats around the garage. Given that internally, due to the roof lights within the roof and windows within the building, it is unlikely this would be utilised by bats. There is also no evidence of suitable roosting features recorded within the building. Therefore, KCC Biodiversity have confirmed that there is no need for emergence surveys to be carried out.

67. There are trees along the boundary to the site. It was confirmed these provide foraging and commuting for bats and connect to suitable habitat within the wider landscape. Given this, it is suggested that a condition regarding lighting is imposed if permission is granted to ensure that there is no harm to bats.
68. There is also suitable habitat for nesting birds, which are protected under the Wildlife and Countryside Act 1981. An informative can be added to draw the applicant's attention to prevent any disturbance during the works.
69. No evidence was found of dormouse or badger presence within the site. Details of ecological enhancements, in line with policy ENV1 and paragraph 175 of the NPPF can be secured by condition. It would also comply with criterion d) of policy HOU3a.

### **Drainage**

70. The application site is previously developed land and is currently occupied by a large industrial building and a large extent of hardstanding covering the majority of the site to both the front, side and rear. The proposed development would bring betterment on this current situation with a reduction in the impermeable surface area and it is also considered that an acceptable surface water drainage SUDs compliant system which would comply the Council's Sustainable Drainage SPD could be designed for the site. It has been confirmed that the proposed run-off from the site would be dealt with by way of soakaways, details of which can be secured by condition. Consideration would need to be paid to the past use of the site given the potential presence of contamination within the design, which is addressed in more detail in the section below. In light of this, it is considered there would be no increase in surface water run-off from the site and a betterment could be achieved to enable compliance with policy ENV9 and ENV1.
71. Foul water would be connected to the existing foul mains drainage which runs through the site.

### **Other issues**

72. There is the potential for contamination on the site due to the current uses. Details have been submitted which have been considered by the Council's Environmental Health Officer regarding this and they are satisfied, that subject to conditions there would be no harm and they raise no objection.

### **Human Rights Issues**

73. 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**

74. 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**

75. The proposed development would accord with policy EMP2 and HOU3a in respect of the loss of employment on the site and the redevelopment to provide 5 residential dwellings. There would be some deviation from the established pattern of development along the road frontage on Plain Road. This deviation, when read in context with the density of the development and no other material planning harm would be off-set by the benefits in terms of residential amenity for the occupiers of existing neighbouring dwellings to the site through the cessation of a potentially harmful B2 employment use of the site, which includes the ability to utilise the site more intensively and for uses including a waste transfer station without the need for planning permission.
76. The utilisation of a brownfield site through the loss of this unrestricted B2 employment use together with the visual enhancements secured through landscaping proposed would be benefits of approving the scheme. The removal of significant amounts of hard surfacing and the former garage building and storage containers would be a further benefit. Ecological enhancements and betterment in terms of surface water run-off from the site would be further benefits which weigh in favour of the granting of planning permission. The provision of 5 modest sized, 3 bedroom dwellings towards the Council's 5 year housing land supply and the needs of local residents seeking to remain in the village would result in a clear social benefit but also economic benefits for a local developer and tradespeople, social and environmental benefits outlined would, subject to conditions comply with the development plan policies.

## **Recommendation**

### **Permit**

**Subject to the following Conditions and Notes:**

**(with delegated authority to either the Head of Planning and Development or the Joint Development Control Managers to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)**

1. Standard time condition
2. Materials

### **Environmental**

3. Disposal of Sewage
4. Contamination

### **Highways/Parking**

5. Construction management plan
6. Parking spaces
7. No doors or enclosing of car barn
8. Cycle parking
9. Visibility splays
10. Electric car charging
11. Footways and carriageways prior to occupation

### **Landscaping**

12. Walls/Fencing
13. Landscaping scheme
14. Retention of trees/protection measures

### **Drainage**

15. SUDs scheme



16. Details of lighting for bats
17. Ecological enhancements

#### **Other**

18. Refuse storage
19. Obscure glazing to first floor windows
20. Removal of PD rights for Classes A, C and E (Extensions, roof extensions and outbuildings)
21. Accessibility standards
22. Removal of resulting spoil and materials following demolition
23. Development in accordance with the approved plans
24. Development available for inspection

#### **Note to Applicant**

1. Working with the Applicant
2. Highways informative
3. Environmental Health informative
4. Breeding birds
5. Refuse indemnity

### **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 18/01454/AS)

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<b>Application Number</b>	19/01213/AS	
<b>Location</b>	Carlton Business Park, Carlton Road, Ashford, Kent	
<b>Grid Reference</b>	00118/42821	
<b>Parish Council</b>	None	
<b>Ward</b>	Victoria Ward	
<b>Application Description</b>	Removal of Condition 33 on planning permission 18/01843/AS relating to plot 3 (industrial units) in relation to hours of operation to allow 24 hour use of the industrial units	
<b>Applicant</b>	Ashford Borough Council Corporate Property, c/o Agent.	
<b>Agent</b>	Mrs M Davidson, MDAssociates, 5 Chancery Lane, London, WC2A 1LG	
<b>Site Area</b>	2.23 hectares	
(a) 62/18R	(b) -	(c) EHM -X

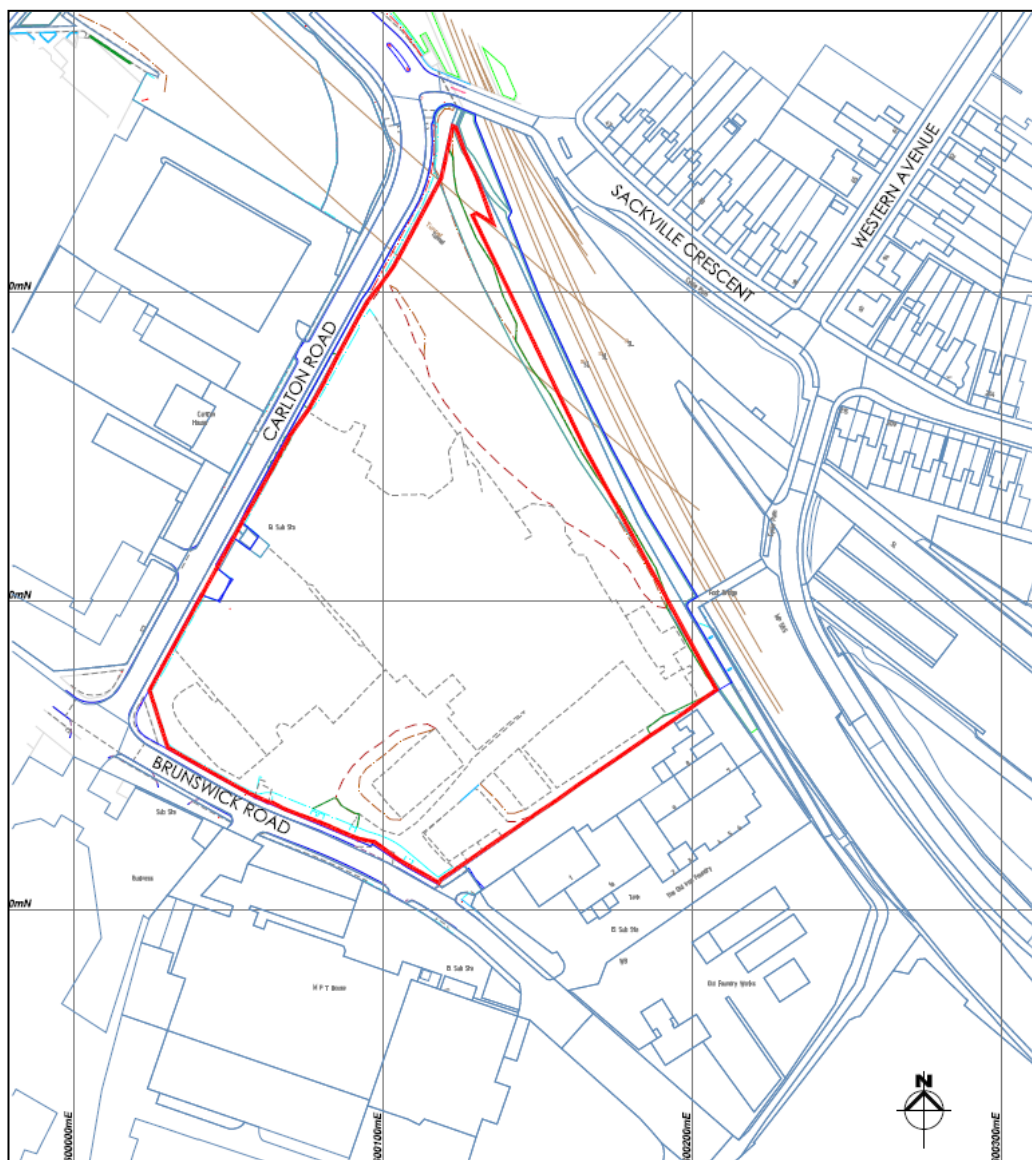
## Introduction

1. This application is reported to the Planning Committee because the Council owns part of the site (the industrial units and the Aspire Landscape Depot).

## Site and Surroundings

2. The site comprises a former factory site recently developed to provide the following:
  - 28 Industrial units (B1c/B2/B8) on 1.3ha with all matters except access reserved (Plot 3).
  - A grounds maintenance depot (Plot 1).
  - A ready mix concrete and satellite aggregate depot (Plot 2).
  - Internal spine road and improved access points off Carlton Road and Brunswick Road.

3. Construction of the industrial units has recently been completed. The depot has also been completed and occupied and the infrastructure has been recently completed.
4. The site is located along the edge of the Cobbs Wood Industrial estate, at the corner of Carlton Road and Brunswick Road which lies to the south west of the Ashford Town Centre.
5. The Channel Tunnel Rail link adjoins the north-eastern boundary of the site and separates the application site from an established residential neighbourhood.
6. The site location is shown in **Figure 1** and **Figure 2** below. The location of the industrial units (plot 3) within the context of the overall site is outlined in red in **Figure 3**. **Figure 4** further below shows the development as completed.



**Figure 1: Site location plan**



**Figure 2: Site location plan**



Figure 3: Location of Plot 3 within the wider site (outlined in red)



Figure 4: Plot 3 Industrial units as completed.

## Proposal

7. The application is made under section 73 of the Town and Country Planning Act to remove condition 33 of the outline planning permission (now 18/001843/AS). This condition is relevant to plot 3 only (the industrial units) and relates to the hours of operation.

8. The wording of condition 33 is as follows.

***There shall be no servicing of the buildings, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded before 0600 hours or after 2200 hours Monday to Friday and on Saturdays before 0600 hours or after 1800 hours and at any time on Sundays, Public and Bank Holidays.***

***Reason: To protect the residential amenity of the locality***

9. The proposed removal of this condition would allow for the industrial units to operate unrestricted in relation to hours of operation.

10. The applicant has submitted a letter from Altus Group who are managing the lettings on behalf of the Council which sets out the reasons for the removal of the condition. This letter states that the industrial units have been marketed

since June 2018 however there have been difficulties in finding tenants. It is stated that potential occupiers have frequently advised that the hours of use condition is too restrictive and therefore does not allow for flexibility and business continuity.

11. An acoustic assessment has been submitted as additional information in response to some of the concerns raised by local residents. The report looked at the types of uses that could occupy the units and specifically focused on potential noise from the application site during the night and during the day on Sundays. Assessment was made against BS 4142:2014 – (Method for assessing the impact of a proposed or existing industrial sound source)

## Planning History

The most recent and relevant planning history is detailed below:

**16/00562/AS** - Hybrid application permitted for the following:

1. Outline planning permission for 12 industrial units (B1c/B2/B8) on 1.3ha with all matters except access reserved.
2. Full planning permission for a grounds maintenance depot and a ready mix concrete and satellite aggregate depot, internal spine road and improved access points off Carlton Road and Brunswick Road.

**16/00652/AMND/AS** – Application to amend the layout of the industrial units to allow for the creation of a greater number of smaller start up units in place of large units together with increased parking provision. The amended masterplan provides a reduced 4,554m<sup>2</sup> of GEA and 92 marked car parking spaces, including 17 disabled car parking spaces. This amendment was granted.

**17/00675/AS** - Reserved matters application for details of appearance, layout, scale and landscaping to plot 3 pursuant to outline permission granted under 16/00562/AS.

**17/01727/AS** – Application to vary condition 25 of application 16/00562/AS permitted to vary BREEAM target rating from 'Very Good' to 'Good'. The decision notice replaces that of 16/00562/AS.

**18/01843/AS** - Variation of condition 33 on planning permission 17/01727/AS relating to plot 3 (industrial units) amending the hours of operation. The application was approved and the decision notice replaces that of 17/01727/AS and it is condition 33 of this permission that the current application seeks to remove. Condition 33 stated:

*'There shall be no servicing of the buildings, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded before 0600 hours or after 2200 hours Monday to Friday and on Saturdays before*



*0600 hours or after 1800 hours and at any time on Sundays, Public and Bank Holidays.'*

## Consultations

**Ward Members:** Neither of the Ward Members, Councillor Suddards and Councillor Farrell have commented on this application and are not a member of the planning committee.

**Environmental Health Manager:** Raised no objections following a review of the application details.

Notwithstanding this, the councils Environmental Health Manager was re-consulted following the receipt of the acoustic assessment and made the following additional comments:

*"The assessment appears to be a robust and pragmatic assessment of potential noise associated with the type and scale of the units and overall highlights a low impact requiring no further mitigation in line with current standards".*

Neighbours consulted, **18** letters of objection received. Issues summarised below:

- The development would impact upon resident's quality of life through noise.
- The hours of use were agreed at the time of the original application and should not be changed.
- The reason for the hours of operation condition was to protect residential amenity – what has changed?
- The proposal will result in noise and disturbance at night time and at weekends.
  
- All the existing industries on Cobbs Wood are closed on Sundays so an exception should not be made for these units.
  
- A typical user of these industrial units would be unlikely to want to operate outside the existing hours of use in any case.  
[SD&DM Comment: It is not anticipated that many tenants would opt to work outside of 'normal working hours' in any event]
  
- Residents are already impacted by noise from the nearby recycling facility as well as other noise from other nearby industrial premises.  
[SD&DM Comment: The waste facility is a different type of use than the uses that could be allowed within the application site]

- Residents are already blighted by noise from other premises and the railway. There are also problems with dust.

**[SD&DM Comment:** Noise and other environmental matters that are causing a statutory nuisance should be reported to the Council's Environmental Health department and can be dealt with under the provisions of the Environmental Protection Act 1990 as appropriate]

- Comparing the previous use of the site (Rimmel factory) which had unrestricted hours is not the same as a concrete plant (for example) working 24 hours.

**[SD&DM Comment:** This application does not seek to change the hours of operation of the concrete plant only the (B1c/B2/B8) units].

- The change proposed would result in increased pollution.

- The nearby car breakers cause noise which disturbs residents.

**[SD&DM Comment:** Such a use would not be able to operate from the units without the need for planning permission. Noise and other environmental matters that are causing a statutory nuisance should be reported to the Council's Environmental Health department and can be dealt with under the provisions of the Environmental Protection Act 1990 as appropriate]

- The change would set a precedent for other nearby industrial units.

**[SD&DM Comment:** The majority of the surrounding units on the Cobbs Wood Industrial Estate do not have hours of operation restrictions in place]

**Central Ashford Community Forum:** Supports the application stating the following:

*“As Ashford continues to experience residential growth, the forum recognises the need for a commensurate level of commercial growth, job creation and support of local businesses. We believe the flexibility achieved through changing the allowable operating hours of these units, in line with the submitted planning application, would help achieve these aims.*

*In our capacity of representing the needs of the local community, the forum is also very interested in seeing a return on the £6.5 million investment of local funds ABC made in these industrial units. By lifting the operating hours restrictions, and thusly allowing the ABC owned units to support business operations in line with other units within the Cobb Wood industrial complex, we hope ABC is able to achieve the full commercial potential of the units and see a positive return on investment on behalf of the Ashford residents.*

*In providing this support we feel the need to highlight two areas of concern and would ask that they are addressed as a condition of our support.*

*The first area of concern is the potential use of the bus and taxi gate on Carlton Road by the units' tenants, something we are keen to avoid. Therefore, we would ask that tenants are required to submit and adhere to travel plans for accessing the site as part of their tenancy agreement. Additionally, we would like to see additional control measures on this access point to ensure it is not being used by unauthorised vehicles.*

*Secondly, we are very aware that local residents, especially those in the Sackville Crescent and Kings Avenue area, have concerns about the increased noise levels that might be experienced if the operating hours are extended. We are also concerned about the potential noise impact the change to operating hours might have on the local residents. During our 1 October meeting with ABC we were informed that most, if not all, of the other units operating within the Cobb Wood Industrial estate have no restriction placed on their operating hours. Therefore, it is believed, that extending the operating hours for these 28 units within the larger industrial complex, should not significantly increase noise levels experienced by local residents. In order to assess the noise impacts on the local residents, we were informed that the council is having an acoustics survey completed to inform the application decision. The second condition of our support for this application is, therefore, the council undertakes any noise mitigation strategies proposed in the survey prior to the units being allowed to operate outside of their current restricted hours. "*

## **Planning Policy**

12. 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).
13. 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).
14. The relevant policies from the Local Plan relating to this application are as follows:-
  - SP1** – Strategic objectives
  - SP3** – Strategic approach to economic development

**SP6** – Promoting high quality design

**EMP1** – New employment uses

**EMP2** – Loss of redevelopment of employment site and premises

**TRS3(b)** – Parking standards for non-residential development

**ENV1** – Biodiversity

**ENV4** – Light pollution and promoting dark skies

**ENV6** – Flood risk

**ENV9** – Sustainable drainage

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

#### **Government Advice**

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

16. 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:-
17. Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
18. Paragraph 180 states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life<sup>60</sup>;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

## Assessment

- 19. An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission.
- 20. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. In this instance a decision notice describing the new permission would be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 also repeat the relevant conditions from the original planning permission, unless they have already been discharged.
- 21. Members should note that a section 73 application is not an opportunity to reconsider the planning merits of the original application. The local planning authority can only consider the question of the conditions subject to which planning permission should be granted. If Members decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they should grant planning permission accordingly, and if Members decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.
- 22. Policy SP3 of the Local Plan states that job growth and economic prosperity will be supported within the Borough by taking a positive approach to economic development.
- 23. The proposed change would allow future and existing tenants of these small industrial units flexibility to accommodate their needs and working practices. This accords with the economic aims of the NPPF which seeks to ensure that the planning system helps to build a strong, responsive and competitive economy by supporting growth, improved productivity and innovation.

24. It is anticipated that the majority of tenants would operate under 'normal' working hours however there may be some that wish to work beyond 2200 hours Monday to Friday and 1800 hours on a Saturday. The proposed revised condition would allow this to happen.
25. The proposed hours of operation would be in keeping with other industrial units within the Cobbs Wood Industrial Estate that adjoins this site.
26. The industrial units are located a comparable distance from existing residential properties as other established units within the Cobbs Wood estate. The comments of objectors are noted and the applicant has commissioned an acoustic assessment in response to these concerns. The results of the assessments indicate that potential 24 hour operation from the application site as a result of removing the planning condition would result in a low impact when assessed using BS 4142:2014. As such the report concludes that there are no further reasons on noise grounds why the relevant planning condition should not be removed.
27. It is also noted that some of the objectors are raising concerns about other units within the Cobbs Wood industrial estate and not the industrial units that are the subject of this application.
28. In light of the above and taking into account the additional conditions that were imposed under the outline planning permission that are intended to limit noise disturbance such as the use restrictions and the fact that industrial processing can only take place within the buildings themselves, I am satisfied that the proposal is acceptable and would not cause unacceptable harm through noise and disturbance to residents of the nearest residential properties. The Council's Environmental Protection officer has been consulted and raises no objections to the application.
29. Furthermore, noise and other environmental matters that are causing a statutory nuisance should be reported to the Council's Environmental Health department and can be dealt with under the provisions of the Environmental Protection Act 1990 as appropriate.
30. In light of the above, it is considered that the impact on residential amenity would not worsen as a result of the units being allowed to operate as proposed. I therefore recommend that the application to remove condition 33 is granted under section 73 of the Town and Country Planning Act 1990.

## **Human Rights Issues**

31. 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**

32. 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**

33. The development would comply with the requirements of the Development Plan as a whole and would not represent a departure from it.
34. The impact of the proposal upon residential amenity is acceptable.
35. The proposal would improve the potential for generating employment opportunities, which is in line with the aims and objectives of the NPPF and policy SP3 of the Local Plan, which seeks to promote economic growth and support businesses.

## **Recommendation Permit**

**Subject to the following Conditions and Notes (re-imposed from 18/01843/AS where still relevant):**

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

- 1 Condition number not used.  
2 Condition number not used.  
3 Condition number not used.

Site wide conditions (plots 1, 2 & 3)

Drainage

4. The approved drainage system (16/00526/CONB/AS and 17/01727/CONB/AS) shall be maintained in accordance with the approved details and shall be retained in working order until such time as the development ceases to be in use.

**Reason:** In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Core Strategy Policy CS20 Sustainable Drainage.

#### Construction Management Plan

5 All details of the approved construction management plan dated 28 June 2016 shall be adhered to during the construction period.

**Reason:** To ensure provision of adequate off-street parking for vehicles and in the interests of highway safety and to protect the local amenity.

#### Landscaping

6 The approved landscaping/tree planting scheme (16/00562/COND/AS) shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.<sup>7</sup>

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

#### Ecology

7 Development shall be carried out in accordance with the recommendations of the Reptile Survey Report carried out by Ecology Solutions dated September 2015 unless otherwise approved in writing by the Local Planning Authority.

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

#### Parking

8 The area shown on the approved drawings as vehicle parking space and turning shall be provided before the uses are commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.



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

9 Condition number not used.  
10 Condition number not used.

Plot 1 (grounds maintenance)

Lighting

11 No further external lighting shall be installed without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of visual and residential amenity and Dark Skies SPD

12 All external lighting shall be extinguished outside of the hours of 06.00 - 18.00 Mondays to Saturdays.

**Reason:** In the interests of visual and residential amenity and the Dark skies SPD

Use

13 The premises/site shall be used for the purposes of a grounds maintenance depot and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 2005 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

**Reason:** In order to preserve the amenity of the locality.

Hours of use

14 There shall be no servicing of the buildings, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded, within the grounds maintenance depot before 0600 hours or after 1800 hours Mondays to Saturdays: or at any time on Sundays, Public and Bank Holidays.

**Reason:** To protect the residential amenity of the locality.

Bicycle storage

15 The approved bicycle storage facilities shall be retained and made available for use.

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

16 Condition number not used.

Plot 2 (concrete batching depot)

Lighting

17 The approved external lighting shall be retained and maintained as approved and no further lighting installed without the written permission of the Local Planning Authority.

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

18 All external lighting shall be extinguished outside of the hours of 07.00 -17.30 Monday to Friday and 07.00 - 13.00 on Saturdays.

**Reason:** In the interests of visual and residential amenity and the Dark skies SPD

Bicycle parking

19 The approved bicycle storage (16/00562/AS) shall be retained in perpetuity.

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

Use

20 The premises/site shall be used for the purposes of the use approved and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 2005 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

**Reason:** In order to preserve the amenity of the locality.

21 With the exception of no more than 12 occasions in each calendar year, there shall be no servicing of the buildings, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded before 0700 hours or after 1730 hours Mondays to Friday, 0700 hours or after 1300 hours on Saturdays: or at any time on Sundays, Public and Bank Holidays.

**Reason:** To protect the residential amenity of the locality.

Plot 3 (industrial units)

22 Condition not used

Lighting

23 The approved lighting shall be retained and maintained as approved and no further lighting installed without the written permission of the Local Planning Authority.

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

24 All external lighting shall be extinguished outside of the hours of 0600 hours-1800 hours Monday to Saturdays.

**Reason:** In the interests of visual and residential amenity and the Dark skies SPD

25 BREEAM

a) part a) discharged under 17/01727/CONA/AS

b) Unless otherwise agreed in writing by the Local Planning Authority, the following shall be submitted to and approved in writing by the Local Planning Authority within 6 months of work commencing on a given phase:-

i) A feasibility study to establish the most appropriate local low and zero carbon ("LZC") technologies to install and which shall be in accordance with the feasibility study requirements set out within

BREEAM 2011 New Construction (or subsequent equivalent requirements),

ii) Simplified Building Energy Model ("SBEM") calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed,

iii) A BREEAM 'Design Stage' report and related certification produced by a registered assessor, and

Details of the measures, LZC and other technologies to be used to achieve the BREEAM standard and credit requirements specified above.

c) Thereafter, the development shall be carried out in accordance with the approved report and details and the approved measures and LZC and other technologies for achieving the BREEAM standard and credit requirements specified above shall thereafter be retained in working order in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

d) Unless otherwise agreed in writing by the Local Planning Authority, within three months of occupation of the new buildings hereby approved the applicant shall have submitted to and approved in writing, parts 0 and 0 below by the Local Planning Authority for that building:

i) SBEM calculations from a competent person stating (i) the actual amount of carbon emissions from energy demand with the LZC technologies that have been

installed and what the emissions would have been without them and (ii) the actual amount of residual carbon emissions, and a BREEAM 'Post Construction Stage' report and related certification produced by a registered assessor confirming the BREEAM standard that has been achieved and the credits awarded under Ene4.

**Reason:** In order to (a) achieve zero carbon growth and ensure the construction of sustainable buildings and a reduction in the consumption of natural resources, (b) seek to achieve a carbon neutral development through sustainable design features and on-site low and/or zero carbon technologies and (c) confirm the sustainability of the development and a reduction in the consumption of natural resources and to calculate any amount payable into the Ashford Carbon Fund, thereby making the development carbon neutral, all pursuant to Core Strategy policy CS10, the Sustainable Design and Construction SPD and NPPF.

#### Landscaping/trees

26 The approved tree planting scheme and maintenance schedule (to include the planting of trees as shown on either approved drawing numbers GMDT005 or GMDT006) as approved under 16/00562/COND/AS, shall be carried out fully within 12 months of the completion of the development. Any trees which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

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

#### Highways

27 Prior to the commencement of the development the proposed new access gate and crossover for HS1 and gas board maintenance shown on drawing GH-102-TP-01 shall be provided in accordance with the approved plans and maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety and the protection of the HS1 asset.

#### Bicycle parking

28 The approved bicycle storage shall be completed prior to occupation of the development and shall thereafter be retained.

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

#### Use

29 The premises/site shall be used for the purposes of B1(c), B2 and B8 and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 2005 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

**Reason:** In order to preserve the amenity of the locality.

30 No mezzanine floor space shall operate independently from the ground floor of the unit in which it is located.

**Reason:** In order to preserve the amenity of the locality.

31 Industrial processing shall only take place in the buildings identified on the approved plans.

**Reason:** In order to preserve the visual character of the site and the amenity of the surrounding area.

32 There shall be no storage on the site other than within a building.

**Reason:** In order to preserve the visual character of the site and the amenity of the surrounding area.

33 Condition not used

HS1

34 The works bulleted below shall be carried out only in accordance with the approved details (16/00562/CONF/AS):

- Hard and Soft landscaping arrangements for HS1 maintenance strip
- Adjustments to errant vehicle protection barrier and access gates to be compliant to standards and approved by KCC highways and evidence provided.
- Impact assessment for loads on tunnels.

**Reason:** The planning application does not contain the detail needed to identify potential effects upon the integrity, safety, security, operation, maintenance and liabilities of HS1 and HS1 Property.

35 The foundations and other works proposed below existing ground level shall be carried out in compliance with the approved details (16/00562/CONF/AS) unless previously agreed in writing by the Local Planning Authority in consultation with HS1.

**Reason:** To ensure that loads on, and settlement of, HighSpeed1 tunnels, structures, track and other infrastructure do not prejudice the safety or operation of HighSpeed1.

36 The approved special measures (16/00562/CONF/AS), to identify and protect HighSpeed1 or UK Power Networks buried services shall be shall only take place in compliance with approved measures unless the Local Planning Authority in consultation with HS1 has previously agreed in writing to any change.

**Reason:** No such details have been provided. These services are crucial to the operation of HighSpeed1

37 Works relating to size, loading and proximity to HighSpeed1 of additional ground loads such as stockpiles shall be shall be carried out in conformity with the approved details (16/00562/CONF/AS) unless the Local Planning Authority in consultation with HS1 has previously agreed in writing to any change.

**Reason:** To ensure that the stability of HighSpeed1 tunnels, structures, track and other infrastructure is not prejudiced.

38 Activities likely to cause vibration in the vicinity of HighSpeed1 infrastructure such that a peak particle velocity (PPV) of 5mm/s may be exceeded at the railway boundary will be subject to agreement in advance in accordance with the approved details (16/00562/CONG/AS) in consultation with HS1.

Where activities could give rise to PPV of 5mm/s or greater, a vibration and settlement monitoring regime shall be submitted in writing to for approval by the Local Planning Authority in consultation with HS1. It shall be put in place prior to the start of works. HS1 shall be provided reasonable access to the results of monitoring

**Reason:** No details of vibration have been provided. To ensure that vibration does not prejudice safety, operation and structural integrity of HighSpeed1.

Other (plots 1, 2 & 3)

39 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.

40 The development 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 site (e.g. as a result of departure from the plans hereby approved and/or the terms of this permission).

**Reason:** In the interests of ensuring the proper planning of the locality and the protection of amenity and the environment, securing high-quality development through adherence to the terms of planning approvals, and ensuring community confidence in the planning system

## Notes to Applicant

### 1. Working with the Applicant

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

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

In this instance

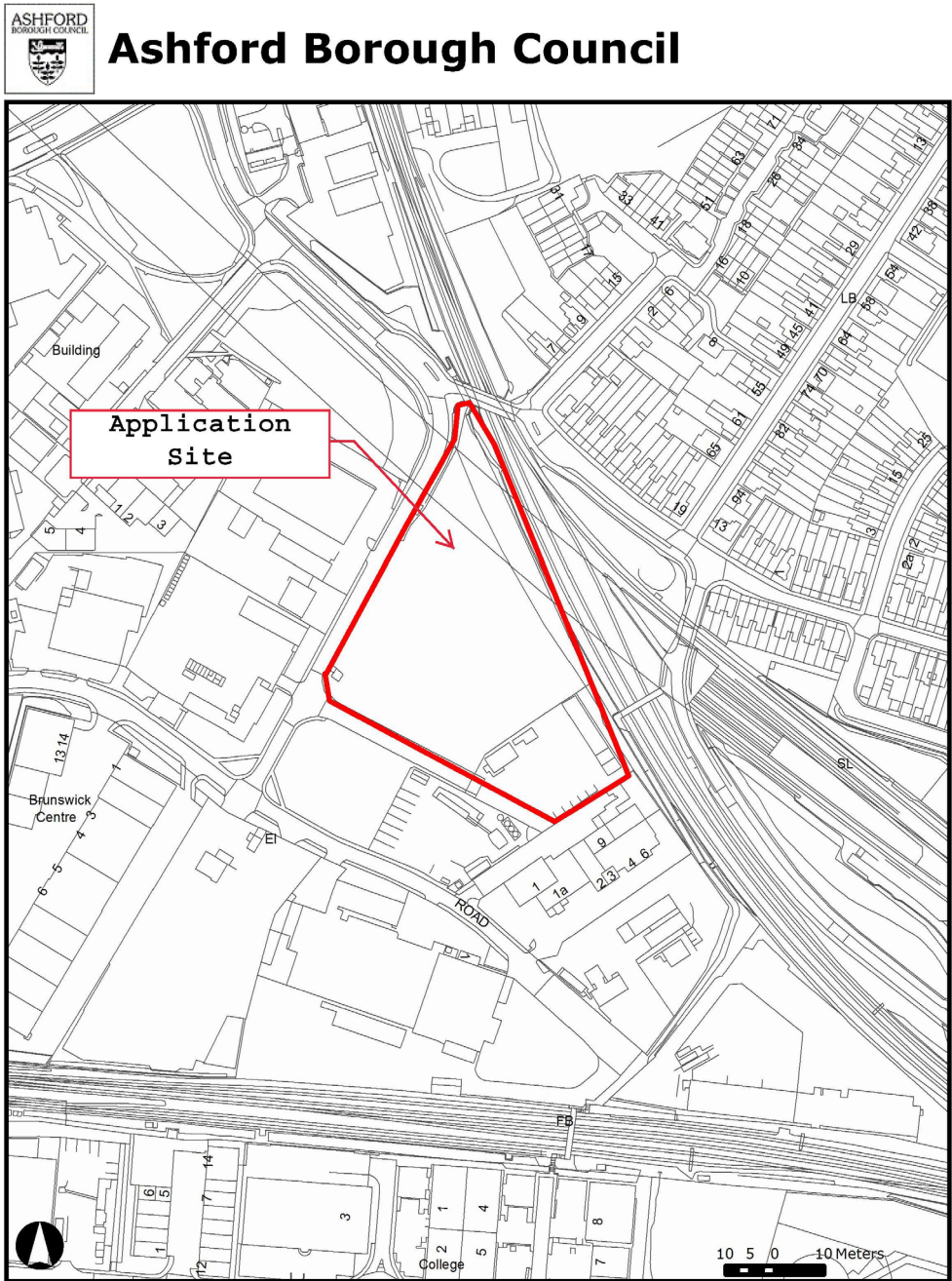
- the applicant/agent was updated of any issues after the initial site visit,
- The applicant was provided the opportunity to submit additional information in the form of an acoustic assessment to address concerns from residents.
- The application was considered by the Planning Committee where the applicant/agent 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 19/01213/AS)

**Contact Officer:** Alex Stafford  
**Email:** alex.stafford@ashford.gov.uk  
**Telephone:** (01233) 330248

Annex 1





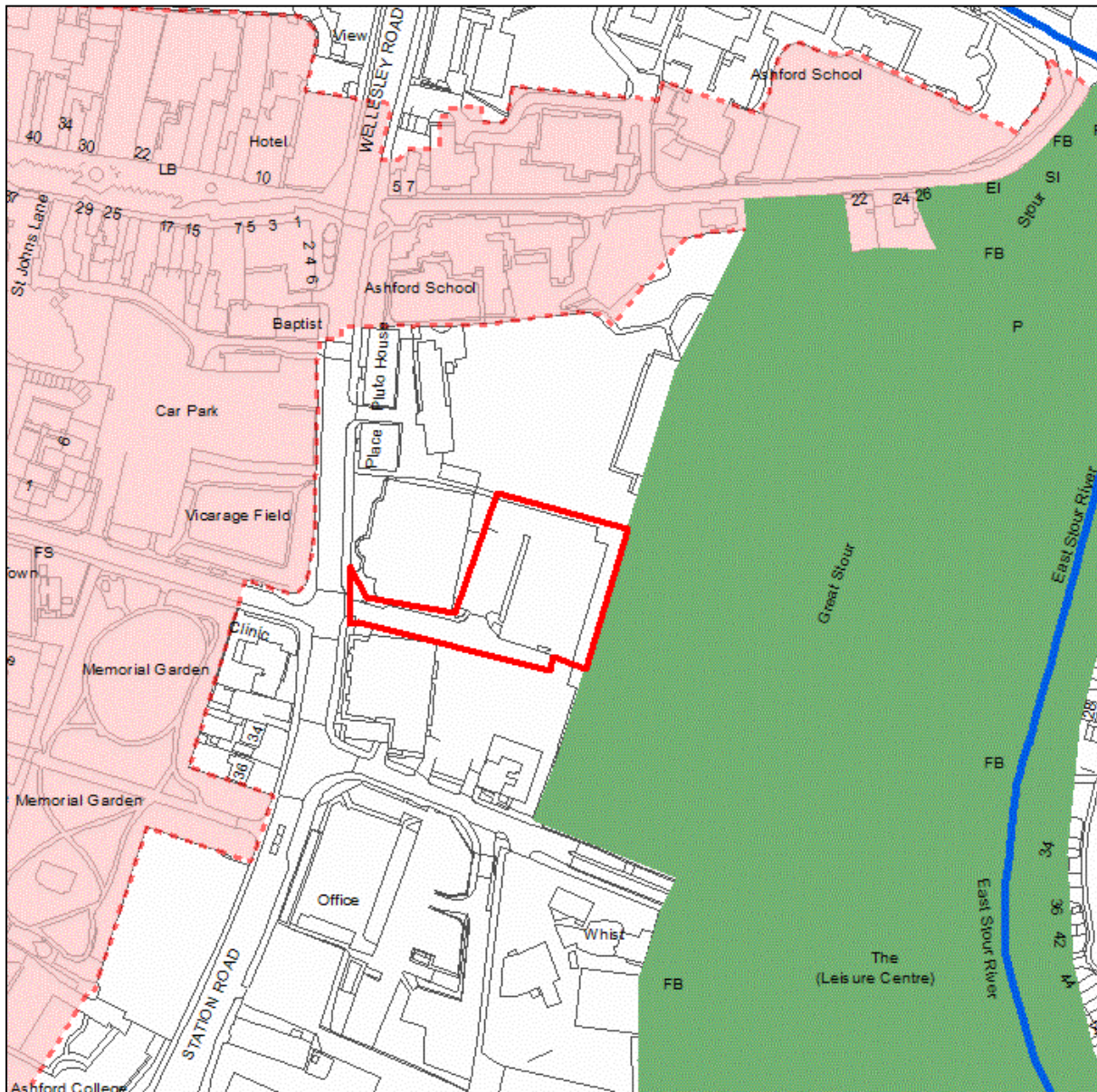
<b>Application Number</b>	19/01112/AS	
<b>Location</b>	Station Road Car Park, Station Road, Ashford, Kent	
<b>Grid Reference</b>	01284/42624	
<b>Parish Council</b>	None	
<b>Ward</b>	Victoria Ward	
<b>Application Description</b>	Outline application for the erection multi-storey car park (five storeys and up to 500 spaces) over existing surface car park to consider access and scale	
<b>Applicant</b>	Ashford Borough Council c/o agent	
<b>Agent</b>	Mr M Blythin, DHA Planning, Eclipse House, Eclipse Park, Sittingbourne Road, Maidstone, Kent, ME14 3EN	
<b>Site Area</b>	0.45 hectares	
(a)	(b)	(c)

## Introduction

1. This application is reported to the Planning Committee because the Council is both the landowner and applicant.

## Site and Surroundings

2. The application site comprises an area of hardstanding approximately 0.45 hectares in size and is located within the town centre of Ashford.
3. The site currently serves as one of the town centre public car parks, being located approximately 5 minutes walking distance to the main town centre. The car park is owned and operated by the Council.
4. The Ashford Green corridor is located immediately to the east of the site (highlighted green in figure 1. below), to the west and north approximately 70 metres away at its closest point is the Ashford town centre Conservation Area (as shown in pink in figure 1 below).



**Figure 1: Site location – site outlined in red**

5. There is green open space to the east and north as can be seen in the aerial view in figure 2. below. This land forms part of the playing fields/sports pitches of Ashford School. To the south and east is a bowling alley and office buildings and their associated car parking. The site slopes downwards towards the east toward the River Stour.



**Figure 2: Site location**

6. There are existing trees located to the western, northern and eastern boundaries and there is a narrow strip of grassland immediately behind the bowling alley. There are boundary hedges to the north and east of the car park.
7. The site is located within floodzone 1 (less than 1 in 1,000 annual probability of river flooding).

8. The site is accessed via Station Road which is a short section of highway from the A2042 Station Road. The junction with the A2042 Station Road is a signalised junction.
9. The car park is a surface car park operated as a pay and display facility for up to 120 vehicles, 10 of which are reserved for disabled parking. The existing car park is open 24 hours a day, 7 days a week.

## **Proposal**

10. Outline planning permission is sought for the erection of a multi-storey car park with access and scale being considered at this point.
11. Should the application be permitted, landscaping, layout and appearance will all be matters for future consideration as application/s for reserved matters.
12. The proposal would replace the existing surface level car park of 120 parking spaces with a new multi-storey car park which would provide up to 500 parking spaces. It is proposed that the development would be 5 storeys in height, the top floor would be covered.
13. Of the proposed 500 spaces, 24 are proposed to provide disabled parking spaces. It is also proposed that 120 spaces would be fitted with electric vehicle charging points and the remaining bays would be future proofed as passive bays allowing for their easy conversion to provide the same charging facilities.
14. Access to the site will remain from Station Road, with the junction widened to accommodate a two lane exit, separating the left and right turning traffic. The entrance to the car park for both pedestrians and vehicles is proposed to the south western corner. Whilst the design of the building is not considered as part of this application as it is a matter reserved for a future planning application, it is envisaged that this corner would be marked by a design feature.
15. Photovoltaic panels are proposed to the roof of the building.



**Figure 3: Proposed site plan**



**Figure 4: Proposed development showing scale**

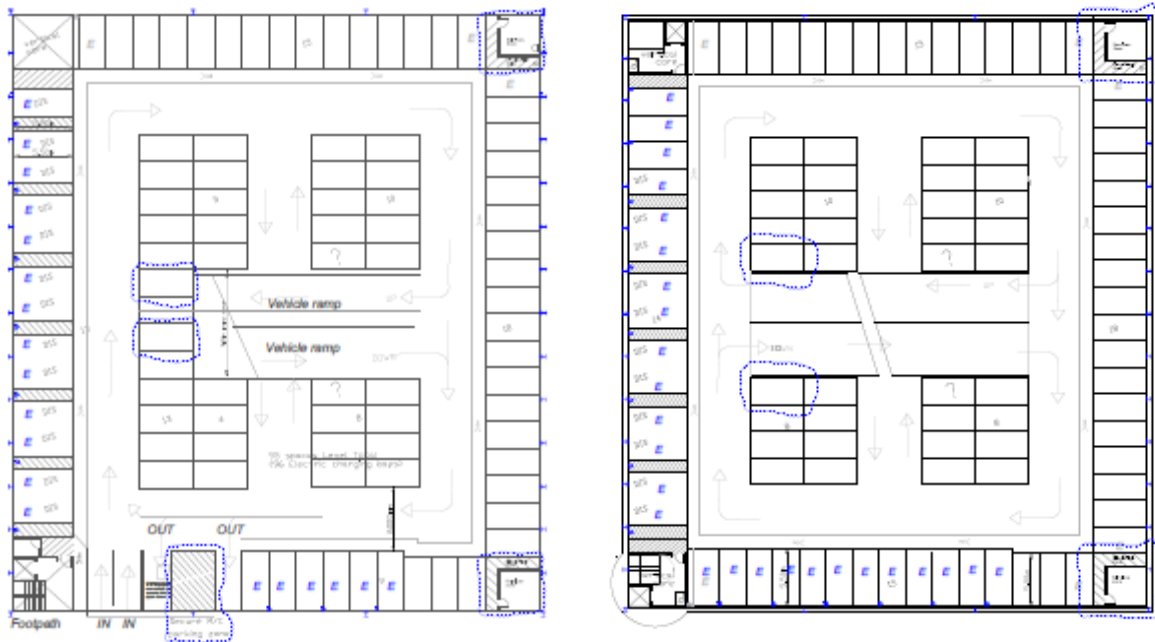


Figure 5: Indicative ground and first floor layout

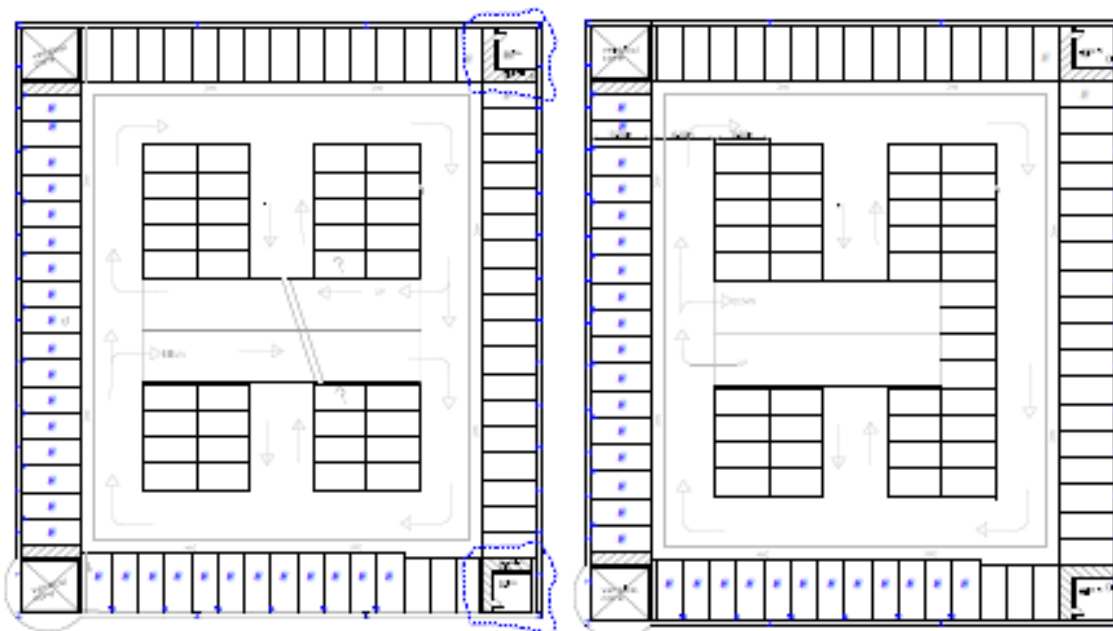
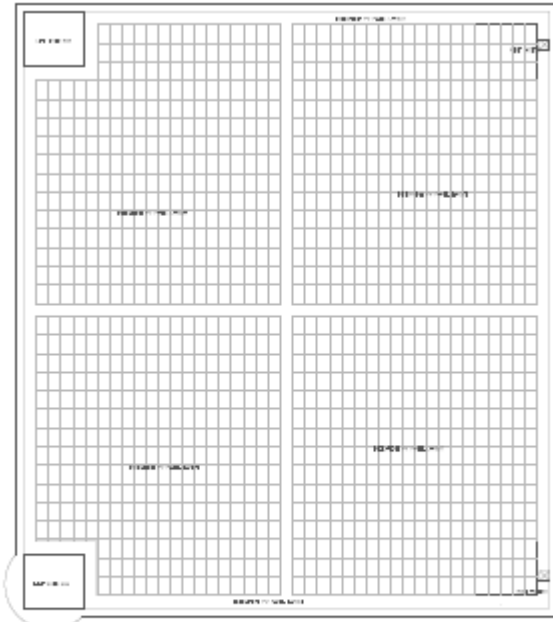
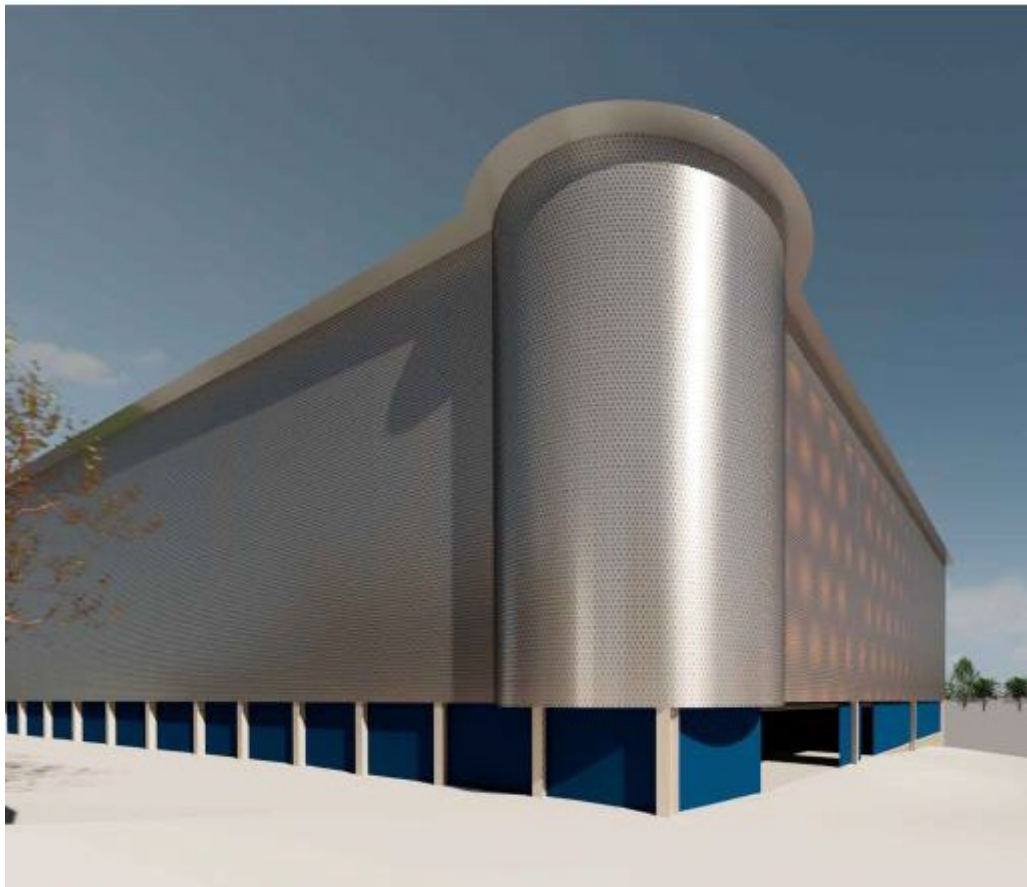


Figure 6: Indicative levels 2/3 and 4



**Figure 7: Indicative roof plan with indicative PV panel layout**



**Figure 8: Indicative external appearance**

16. A number of documents have been submitted in support of the planning application. These have been summarised below:

**Design and Access Statement:**

- The proposed car park represents one part of a wider and more comprehensive town centre regeneration programme. This includes a series of residential, mixed use and commercial developments that together will enhance the vitality and viability of the town centre, ensuring it is an attractive place to work, live and visit. This also includes the planned redevelopment of other existing car park sites. As such, it is essential that the town centre maintains an adequate supply of accessible, safe and secure car parking spaces to service the growth, complementing the town's public transport offer.
- The layout utilises the existing use as a surface car park, albeit, on a multi-storey basis. It is informed by the need to create an internal parking layout that is efficient and meets relevant space standards, providing a level of parking that is needed to support the town centre.
- The main entrance would be provided on its south western corner, being visible from the access road off Station Road, enhancing wayfinding and legibility.
- The scale both provides the level of parking needed for the town centre, and also reflects the prevailing scale of development in the surrounding area. Five storey development is currently characteristic of the surrounding area, with the office blocks at Kent House and the Stourside Centre both providing five storeys of accommodation. When viewed in the context of consented and proposed development across the wider town centre, including the Kent Wool Growers scheme to the south, the proposed scale would be appropriate.
- The view from Vicarage Lane would represent a key view from the town centre, as levels fall away to the east, the building will be most visible from within the adjacent Green Corridor. It is proposed that at night, the eastern elevation will not be artificially lit, reducing visual impact on the more sensitive green corridor.

**(SD&DM comment:** Appearance including any lighting would form part of any subsequent reserved matters application should outline permission be given).

- Appearance is reserved for future consideration and will be developed at the detailed design stage alongside the tender process. This outline application does however seek to identify and secure the principles to be applied to the final finish and appearance of the building, to help guide the tender process and ensure the final finish is of the quality that the Council as operator requires and demands.



**(SD&DM comment:** Appearance is not being considered at this stage. Detailed design is a reserved matter and as such is not for consideration under this outline application).

- Landscaping is reserved for future consideration and a detailed hard and soft landscaping scheme will follow at reserved matters stage. Notwithstanding this, a landscape strategy for the scheme has been identified to deliver a high-quality setting for the building.
- A Tree Survey has established that in order to deliver a 500 space car park at a suitable storey height for the area, it is necessary to remove existing vegetation and boundary planting to the north and east of the site. Wherever possible and practicable, new planting will be provided.
- Vehicular access is to remain from Station Road, although this will be widened to accommodate an extra lane, allowing a two lane exit arrangement to split left and right turning traffic. This approach has been informed by the traffic modelling work outlined within the accompanying Transport Report and will assist in minimising any impacts upon the highway network.
- All proposed parking bays are covered and benefit from lift access. 24 (5%) will be allocated and to a specification for disabled users whilst 120 spaces will be active electric vehicle charging spaces from the day of opening, with the remaining 380 spaces being future proofed as passive bays for conversion as the anticipated uptake of electric vehicles increases.
- Footways are provided from the site towards the town centre and station, linking to existing dedicated signalled crossing points to deliver safe pedestrian links along the key desire lines. Recognising the slight gradient along the access road up towards the town centre, bench seating is also proposed to assist any elderly or less mobile users of the car park.
- The applicant has engaged with Kent Police's Designing out Crime Officer to discuss the proposals. This has directly informed the proposed layout and design. Discussions will continue through the detailed design stages to inform the detailed management proposals for the car park, which is also proposed to achieve Park Mark status.

**Planning Statement:**

- The application site is ideally located within the town centre and provides a deliverable solution to meet the future need of the town. The site is identified in the recently adopted Local Plan for a new multi-storey car park, which will meet the town centre's needs and

support its vitality and viability, whilst also releasing other sustainable previously developed sites in the town centre for development.

- Whilst appearance is reserved for future consideration, illustrative material is provided to indicate the design approach and material palette envisaged for the site. The proposed scale accords with guidance in the Local Plan and responds to the site's context
- The traffic impact of the proposals have been assessed in accordance with a methodology discussed and agreed with the local Highway Authority. This demonstrates that the junction will continue to operate within capacity and wider impacts will not be severe. A significant number of electric vehicle charging spaces will be provided, with all other spaces afforded passive provision for future uptake, more than compensating for any air quality impacts and ensuring the development will be sustainable.
- The proposals have been subject to a comprehensive suite of technical assessments, confirming suitability in respect of all other matters.
- It is considered that the proposals are consistent with the development plan and thus benefit from the presumption in favour of sustainable development.

#### **Transport Report:**

- The existing Station Road car park is characterised by morning arrivals and evening departures which suggests use as a long stay facility for town centre workers. The existing car park exceeds capacity during the day.
- The long-term Ashford Borough Council Strategy is to permanently close short stay car park located off Vicarage Lane and relocate short stay demand to new facility at Station Road. The existing Vicarage Lane car park is characterised by fewer peak hour movements when compared to the Station Road profile. A greater number of overall movements are found at the Vicarage Lane car park, reflecting its use as a short stay facility.
- In order to determine future demand for parking in Ashford, inbound and outbound surveys were undertaken of Station Road and Vicarage Lane car parks and have been used to forecast demand for car parking under a range of scenarios.

- The analysis suggests that the greatest number of peak hour movements would arise where a higher number of spaces are designated as long stay spaces. As short stay spaces are introduced, peak hour movements would decrease during the morning peak.
- The capacity modelling results suggest that the existing access junction is able to accommodate movements associated with the increased car parking numbers identified and tested in this report. Whilst some degree of saturation values are above 90%, they remain within capacity.
- The junction will operate within capacity with the more reasoned assessment that does not consider the blanket application of background traffic growth and is more appropriate for a town centre location.
- The proposed changes to the Station Road car park exit arm at the junction will have a noticeable beneficial impact on capacity, especially during the evening peak period. The increase in vehicles exiting the car park during this period will be able to make use of two exit lanes, reducing the amount of green time at the junction that must be provided for car park users. This green time can be allocated to Station Road through movement, improving overall capacity and journey times along Station Road.
- Across the network the modelling indicates there to be some differences across the tested scenarios, assuming Vicarage Lane to be closed or to remain open. Some outputs such as journey time show marked changes as movements are reduced as a consequence of their being fewer long stay commuting spaces.
- Commuter spaces have the greatest peak period impact as clearly the movements associated with this are relating to people arriving and leaving work during the busiest times of the day. Some additional delay to users of the network is forecast compared to the 2024 reference case. However changes in journey times that are forecast in a town centre location during the busiest periods of the day are not considered to be excessive and should be weighed against the improvements in journeys times in other directions. The need to consider the changes in the round is especially important in the context of the wider economic benefits proposed through delivery of the multi storey car park as a key piece of infrastructure to deliver town centre improvements.

**Ecology report:**

- Species poor hedgerows at the north and east boundaries outside the proposed development curtilage.

- There are two Local Nature Reserves (LNR). Ashford green Corridor sites 630m south and 375m northeast. The nearest Green Corridor LNR is along the Great Stour 108m east of Station Road car park.
- There are no wildlife significant trees within the development area. There are a number of individual birch trees within the parking area but none are wildlife significant.
- Where possible trees and boundary hedging should be retained.
- There are no buildings or trees present on site suitable to support roosting bats.
- Small mammals such as foxes, rats and mice may use the site for foraging as suitable opportunities/habitat exists in adjacent hedgerows, green space and the urban environment.
- No active nests found (outside breeding season) Breeding bird habitat is limited to the hedgerow to the north and east boundaries and outside the curtilage of the proposed development.
- Woodpigeon, collared dove, nuthatch, blackbird and chaffinch recorded in adjacent habitats. Woodpigeon was also recorded in the birch trees on site. There are likely to be a greater range of bird species in the general area.
- No adders or grass snake observed and unlikely to be a suitable habitat.
- No slow worms observed and considered unlikely due to lack of suitable habitat on site.
- No common lizard's observed, considered unlikely due to the limited suitable habitat available on site. No rarer reptiles found.
- Great Crested newts considered unlikely as no suitable habitat (ponds) on site. Although records of great crested newts occur within 1km of the site, the surrounding infrastructure such as buildings, roads and the railway line prove to be an effective barrier to the dispersal and movement of the species.
- As the site is adjacent to the Ashford Green Corridor Local Nature Reserve there is the potential for conflict between the Local Plan and the proposed development. However the site is an existing brownfield site and providing linkages to the green corridor can be maintained via existing hedgerows and or native planting any potential conflict can be resolved.
- The report makes recommendations relating to appropriate mitigation in section 4.

### **Drainage Report:**

- The proposed development will incorporate a sustainable drainage system, which will discharge surface water at below greenfield rates to the existing private surface water sewer located in the southeast corner of the site. Storage will be provided for all storm return periods up to and including the 1:100 year rainfall event with an additional 40% allowance to account for the predicted future effects of climate change.
- The proposed attenuation systems reduce the peak and total volumetric site runoff for all major storm events.
- There is no foul water provision available on the site and no requirement for a foul sewer connection is proposed.

### **Air Quality Assessment:**

- A qualitative assessment of the potential dust impacts during the construction of the development has been undertaken. Through good practice and implementation of appropriate mitigation measures, it is expected that the release of dust would be effectively controlled and mitigated, with resulting impacts considered to be 'not significant'. All dust impacts are considered to be temporary and short-term in nature.
- Due to the low additional number of HDV trips anticipated during the construction phase of the development, there is predicted to be a neutral impact / insignificant effect on air quality from road vehicle emissions. Furthermore, emissions from plant / NRMM on-site is predicted to result in a 'not significant' impact on air quality.
- Additional development trips arising during the operational phase of the scheme are not predicted to cause any exceedances of the NO<sub>2</sub> or PM<sub>10</sub> annual AQAL, with a maximum absolute predicted change in annual mean NO<sub>2</sub> and PM<sub>10</sub> concentrations of +0.46µg/m<sup>3</sup> and +0.06µg/m<sup>3</sup> respectively. There is no predicted risk of exceedance of the 1-hour mean NO<sub>2</sub> or 24-hour mean PM<sub>10</sub> AQALs as a result of the development proposals. As such, the overall effect is considered to be 'not significant'.
- It is not considered that air quality represents a material constraint to the development proposals, which conform to the principles of National Planning Policy Framework or Planning Practice Guidance, and the policies of the Ashford Local Plan.

### **Arboricultural Impact Assessment:**

- The proposed development will require the removal of 21 trees and one tree group specifically, the entire contiguous vegetation belt along the eastern boundary will be removed, to facilitate the proposed development;
- The line of copparded lime trees along the northern boundary are proposed for recopparding, to facilitate the proposed development;
- The long-term impact to the lime trees along the northern boundary of the proposed development is likely to be insignificant, subject to the appropriate design of the northern elevation of the proposed development; and
- The means of soft landscaping to ease the proposed development into its landscape context must strongly consider off-site mitigation planting with a particular focus to the eastern boundary with the Ashford Green Corridor.

## **Planning History**

17. There is no recent relevant planning history with the existing surface car park having been in use for a number of years.

## **Consultations**

**Ward Members:** Neither of the Ward Members, Councillor Suddards and Councillor Farrell have commented on this application and are not members of the planning committee.

**62** Neighbours have been consulted, **0** letters of representation have been received.

**Kent County Council Highways and Transportation:** No objections. Comments summarised below:

*The proposals have been the subject to extensive pre-application discussions. This included the scope of the Transport Report and agreeing the traffic impact assessment on the Station Road / Vicarage Lane traffic signal junction and also the Station Road corridor.*

*The existing car park operates as a long-stay car park due to the pricing structure which makes it attractive for stays in excess of 4 hours. A proportion of the 500 spaces, at least equivalent to the 120 spaces are likely to be classed as long stay however the proportion of long stay spaces has not yet been fixed. The transport report has assessed 3 different scenarios, being 75% long stay (375 spaces), 50% long stay (250 spaces) and 25% long stay (125 spaces).*

*If the long term strategy of ABC is to close the existing Vicarage Lane car park for re-development, this car park is likely to provide replacement car parking for Vicarage Lane. However, a scenario of Vicarage Lane car park also remaining open to the public for a period of time after re-development completion has also been considered for robustness. Forecast peak hour movements have been predicted based on the existing movements out of both Station Road and Vicarage Lane car parks and these are set out in Table 5.3 of the report.*

*The scenario with the largest proportion of long stay car parking (75%) generates the largest amount of vehicle movements in the peaks, (325 movements in the AM peak and 391 movements in the PM peak) as this typically associated with both commuter car parking and parking associated with employees in the town centre. This assumes that the Vicarage Lane car park is closed.*

*The distribution of trips has been based on the existing turning movements across the local highway network. This assessment was completed separately for the Station Road and Vicarage Lane car parks given the nature and location of these facilities and the turning movements that are apparent from each.*

*A junction capacity assessment of Station Road / Vicarage Lane junction has been undertaken for a 2024 future year scenario (year of planning application plus 5 years). Two committed development sites have also been included in the analysis, Elwick Road Phase 2 for up to 200 flats and the Kent Woolgrowers site served from Tannery Lane for 243 units. The junction modelling results indicate that the junction will continue to operate within capacity in a 2024 future year scenario without the development with a maximum Degree of Saturation (DoS) on Vicarage Lane of 86.9% in the PM Peak together with a queue of 10 vehicles.*

*The impact of the development is substantial without any mitigation with the junction operating in excess of 100% in the PM Peak on the Station Road North arm with a queue of 40 vehicles in a scenario with 75% of the spaces being long-stay. This would be unacceptable to KCC Highways and Transportation and would result in severe capacity issues. In order to address these capacity issues the applicant is proposing a two-lane exit from the private access road onto Station Road. The provision of two lanes will mean that drivers will be able to wait for a green signal across two traffic lanes rather than one. This also means that the amount of green time that is needed to discharge car park traffic in each cycle can be reduced when compared to the existing layout. The additional green time has been allocated to Station Road, improving the overall performance and allowing Station Road traffic to move more freely.*

*This will bring the junction back within a 100% theoretical capacity (at 98.7% as set out in Table 7.6) even assuming general growth in the highway network over the above 5 year period and the above committed development, which is very much a worst case scenario. The general growth in the highway network is as a subsequent result of permitted developments. There is therefore an element of double counting in the modelling results and the junction is unlikely to operate at a DoS of 98.7%.*

*An assessment of capacity of the junction under scenarios where car park attraction and committed development are considered but the blanket application of background growth is omitted has been undertaken. This demonstrates that the junction will operate with a maximum DoS of 86.1% on the Station Road North arm in the AM peak. This is well within an industry accepted 90% practical capacity figure. Queuing on Station Road is not forecast to extend significantly to interfere with any formal pedestrian crossing locations. As part of the proposals to improve the capacity of the junction in the AM peak the applicant is proposing a slight increase in the cycle times in the AM Peak to provide additional green time to Station Road. Should planning permission for the proposals be granted then this will need to be secured via an appropriately worded planning condition.*

*The applicant has also undertaken a traffic model of the Station Road corridor from the North Street / Somerset Road junction in the north through to the junction with Elwick Road in the south. It should be noted that this is a town centre A-class road and currently congestion is currently evident in the PM peak. Journey times are the most important part of the traffic model in that this is what the general public can relate to. During the morning peak period journey times are expected to reduce in a northbound direction quite significantly by approximately 60 seconds however in a southbound direction they are expected to increase by around 30 seconds. This is also the same for the evening peak period with journey times expected to reduce in a northbound direction by about 40 seconds however in a southbound direction they are expected to increase by a maximum of around 75 seconds.*

*Although in a southbound direction general journey times are expected to worsen it is KCC Highways and Transportation's opinion that this is not a severe impact on balance given the improved journey times in a northerly direction.*

*The provision of a multi-storey car park is also an adopted policy in the Ashford Local Plan and is likely to have wider economic benefits for the town centre in encouraging regeneration and creating new jobs.*

Requests conditions and informatives should outline permission be given.

**Kent County Council Flood and Water Management:** No objections stating the following:

*As part of the future reserved matters stage or detailed design, it should be demonstrated that the propriety treatment system proposed for the development would be sufficient to manage pollution risks in line with the required total treatment levels as detailed within table 26.2, Chapter 26 of the CIRIA SuDs manual.*

A condition is requested requiring the submission of a detailed sustainable surface water drainage strategy.



**Environment Agency:** No objection subject to conditions to ensure that the development would not cause or be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

**Kent County Council Heritage (Archaeology):** No objections subject to a condition relating to archaeological field evaluation works. Comments are summarised below:

*The site of the application lies to the east of the historic core of Ashford town, a medieval market town. The site has not been heavily developed although there may have been some historic landscaping. There is some potential for prehistoric and later remains.*

**Environmental Health Manager:** No objections having considered the air quality report and the phase 1 desk study. Requests an informative in relation to construction code of practice and contamination and a condition to ensure that any contamination is appropriately dealt with.

**Kent Police:** No comments.

**Kent Fire and Rescue:** No objections stating the following:

*It appears that access to the site for the Fire and Rescue Service, as required by Section 53 of the above legislation, is adequate. Consideration has also been given to on site access as required by Building Regulations Approved Document B Section 5.*

**Ashford Access Group:** No objections stating that they will bring forward any concerns in relation to pedestrian access, guard rail and gradients at the time of the detailed RM application.

## Planning Policy

18. 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).
19. 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).
20. The relevant policies from the Local Plan relating to this application are as follows:-

**SP1** – Strategic Objectives

**SP3** – Strategic Approach to Economic Development

**SP5** – Ashford Town Centre

**SP6** – Promoting High Quality Design

**S1** – Commercial Quarter

**TRA2** – Strategic Public Parking

**TRA5** – Planning for Pedestrians

**TRA8** – Travel Plans, Assessments and Statements

**ENV2** – The Ashford Green Corridor

**ENV9** – Sustainable Drainage

**ENV10** –Renewable and Low Carbon Energy

**ENV12** – Air Quality

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

### **Government Advice**

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

22. 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).
23. The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied.
24. At the heart of the Framework is a presumption in favour of sustainable development which is summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

25. The three overarching objectives to achieve sustainable development are detailed as:
- a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
26. Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
27. Paragraph 85 states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation
28. Paragraph 106 states that in town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

## Assessment

29. The main issues for consideration are:
- Principle of the development
  - Visual impact and impact upon the Green Corridor

- Highway safety
- Residential amenity
- Air Quality
- Surface Water Drainage, SuDS, Biodiversity, Archaeology

#### Principle of the development

30. The NPPF places great weight upon the need to support the economy and business growth.
31. The availability of publically available car parking has a major influence on the means of transport chosen and is also recognised as being crucial to ensuring new development is successful. The Commercial Quarter (policy S1) in particular envisages a significant amount of new office space (some of which has already been built at Dover Place) which requires adequate parking nearby to ensure commercial terms can be achieved and space can be successfully let.
32. Policy S1 within which the application site falls, states that it is envisaged that the northern part of the site would provide a multi storey car park. The preamble to the policy also states at paragraph 3.9 that the existing car park is considered to be a suitable location for a future Multi Storey Car Park, utilising its accessibility to the Town Centre and existing access onto Station Road.
33. The 2015 parking study commissioned by the Council to support the Local Plan sets out the need for new town centre parking to partly replace existing car parks and to cater for additional demand from new development (planned and consented).
34. The study highlighted that the town centre currently has enough vacant car parking spaces to cater for current and future demand. However, not all of these spaces are truly available in practice as many are located on the periphery of the town centre in relatively inaccessible locations and therefore it is questionable how attractive these spaces are for short stay users.
35. In addition, a number of vacant spaces are also located within privately owned and run car parks and as such the Council has little control over their operations. Further, some of the car parks are only intended to be available for a temporary period of time and it is envisaged that the Edinburgh Road

and Vicarage Lane Car Parks have the potential to be suitable locations for redevelopment in the longer term

36. The Council therefore recognises that a flexible approach to parking is needed, one which can best respond to development as it comes forward in a way that caters for both the needs of long stay and short stay users. This strategy is very much part of the overall spatial aspiration for Ashford Town Centre, providing a net increase in parking provision, in the right places and with the avoidance of further land-take, while providing opportunities for the redevelopment other land.

Policy TRS2 of the Local Plan endorses the Councils approach to car parking within the town centre stating that:

***‘The Council will prioritise an aspiration for the delivery of two new multi-storey public car parks in Ashford Town Centre, one of which will have an indicative capacity of 300 spaces, and the other with an indicative capacity of 400 – 600 spaces’.***

37. In light of the above, it is considered that the redevelopment of this site for use as a multi storey car park is entirely appropriate and consistent in policy terms as set out in S1 and TRA2 of the adopted Local Plan.

#### Visual impact and impact on the setting of the Green Corridor

38. Appearance is reserved for future consideration and will be developed at the detailed design stage. Members will note that this application does however seek to identify and secure the principles to be applied to the final finish and appearance of the building as can be seen in figure 8 of this report. The proposed modern design approach is supported in principle, as is the use of high quality materials and the treatment of the south western corner as a design feature. Further consideration of the design will however need to be made at the reserved matters.
39. In terms of scale, policy S1 of the Local Plan includes guidance on building heights within the Commercial Quarter and states that development in the Quarter should generally be an average of 5-6 storeys in height, with potentially taller buildings at the heart of the Quarter and slightly smaller buildings on the riverside frontage. At five storeys in height, the proposals would comply with Policy S1 and would be in keeping with the scale of existing nearby buildings. As such the development would represent a suitable scale.
40. The site is located adjacent to the Ashford Green Corridor. All development proposals on land within or adjoining the Green Corridor must demonstrate that

the proposal would not harm the overall environment, biodiversity value, visual amenity, movement networks or functioning.

41. Policy ENV2 of the Local Plan states that development proposals on land adjoining the Green Corridor shall provide suitable access and links to the existing movement networks of the adjoining Green Corridor wherever possible. In addition development must not cause significant harm to any of the key features and functions, and should make a positive contribution to the Green Corridor in respect of its environment, biodiversity, visual amenity, movement networks or functioning and its setting.
42. The proposed development would likely result in the majority of the site being developed resulting in the complete loss of trees and other vegetation along the eastern boundary where it adjoins the Green Corridor. These trees are not in themselves of great amenity value they do provide a level of screening between the site and the school sports pitches. Whilst the loss is considered disappointing, the overall impact upon the visual setting of the green corridor from public vantage is less significant due to the additional band of trees adjacent to the river bank located within the grounds of the school. Furthermore in order to ensure that this development would make a positive contribution to the green corridor it is proposed that some landscape enhancements are to be provided within North Park to the east of the site which it is proposed would be secured by means of a Grampian condition. This would go some way to help mitigate the harm that the development would cause to the setting of the Green Corridor.

#### Highway safety

43. A Transport assessment has been submitted in order to assess how and to what extent the proposed development would impact upon the surrounding highway network.
44. The report shows that the existing Station Road car park is utilised largely as a long stay car park characterised by morning arrivals and evening departures. The car park exceeds capacity during the day.
45. The Councils long term strategy is for the permanent closure of the existing short-stay car park located at Vicarage Lane. The demand would be relocated to the new Station Road car park. This approach is set out within the local plan.
46. The proposals would require changes to the Station Road exit arm at the junction to provide an additional lane and this will have a beneficial impact on capacity, especially during evening peak periods. This change will increase the number of vehicles exiting the site, thus reducing the amount of green time given over to the car park to the benefit of the wider network.

47. A number of scenarios have been assessed reflecting the different scenarios of Vicarage Lane car park being open or closed and considering different profiles of long versus short stay usage. The assessment also includes committed town centre development in addition to background traffic growth. It is also relevant to consider that as a town centre car park, it will be a facility that provides infrastructure to serve existing town centre development and is thus not a traditional trip generator in the same way that other development is, albeit it will affect flow and distribution of movements.
48. The results of the assessments carried out show that in all scenarios, the junction will operate within capacity in peak periods with no significant increase to queueing on Station Road itself. Journey times in some directions are forecast to improve, and to marginally increase in others.
49. Kent Highways and Transportation have been consulted and have raised no objections the development, being satisfied that the changes in journey times would not be excessive particularly when considered against the improvements to waiting times in other directions.
50. The preamble to Policy S1 states that the possibility of providing an additional access onto Tannery Lane should be considered as part of any MSCP proposal at the application site, however, as the Transport Report and associated assessment work illustrates, the scheme will result in the existing Station Road junction operating within capacity.
51. In light of the above I am satisfied that the highway impacts are satisfactory.

#### Residential amenity

Given the proximity of the development to existing residential properties, the closest of which would be approximately 80 metres away in Pluto House, the development would not be harmful to the amenity of residents through overbearing development and would not result in a loss of privacy through overlooking. The proposed development would not harm the residential amenity of the occupiers of the Pluto House flats.

#### Air Quality and renewable/low carbon energy

52. The proposed development has been considered by the Council's Environmental Health Manager who has raised no objections to the findings of the submitted Air Quality Report. In addition it is noted that the development proposes to provide 120 active electric vehicle charging points to be available from the day of opening. The remaining parking bays would be passive bays fitted out with the required infrastructure to allow for the future provision of vehicle charging ports.

53. The NPPF requires LPA's to have a proactive strategy to mitigate and adapt to climate change within their Local Plans. This should include policies aimed at reducing greenhouse gas emissions and promoting the delivery of highly efficient buildings in terms of energy use. Policy ENV10 of the Local Plan supports proposals to generate energy from renewable and low carbon sources. Furthermore the Council has pledged a commitment to reduce carbon emissions to zero by 2030 with a further target to have 80% of emissions eliminated by 2025.
54. In addition, the proposed use of the roof for generating energy through photovoltaic panels is welcomed and supported and would make good use of the roof space.
55. In light of the above it is considered that the development would comply with the requirements of ENV1 and ENV12 and is considered to be acceptable in this respect.

#### Surface Water Drainage, SuDS, Biodiversity, Archaeology

##### Drainage/SuDS:

56. The development is not located within the Flood zones 2 or 3. The geology of the area is predominantly clay and is therefore unlikely to provide suitable infiltration to accommodate an infiltration drainage system.
57. Preliminary calculations provided within the submitted drainage report indicate that surface water runoff generated by the proposed development can be attenuated on site for all rainfall events up to the 1:100 year event including an additional 40% allowance to account for the predicted future effects of climate change. As a result, the policy and best practice criteria with respect to site runoff rates can be achieved.
58. Given the location of the site close to the River Stour it is important to consider the pollution risks. Water quality improvement is proposed to be provided to mitigate against any risk to any receiving waterbody.
59. KCC Flood and Water Management have raised no objections to this approach subject to a condition to ensure the reserved matters should demonstrate that the proprietary treatment system proposed for the development would be sufficient to manage pollution risks. This is further endorsed by the Environment Agency.
60. In light of the above I am satisfied that adequate drainage and mitigation can be provided to serve the development.



#### Biodiversity & Archaeology:

61. Following consultation with Kent County Council's Archaeological Officer it is agreed that whilst because the site has not been heavily developed in the past there may be the potential for prehistoric or later remains to be present. Notwithstanding this, a condition requiring archaeological field evaluation works to take place prior to the commencement of any development, would ensure that any features of archaeological interest could be properly examined and recorded.
62. The submitted ecology report has indicated that the site does not provide any significant ecological or biodiversity benefits. The proposals

### 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 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

64. 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

1. The application seeks to make efficient use of an existing surface car park in accordance with policy SP5 which encourages the effective use of previously developed land. Planning policy identifies this site for use as a multi storey car park S1).
2. The proposed new car park would support existing demand and provide for future demand taking account of consented and planned developments.
3. The development would not be harmful to residential amenity.
4. The proposed scale accords with Policy S1 of the Local Plan.
5. There would be a visual impact upon the setting of the Green Corridor due to the proposed scale of the development together with the loss of existing

vegetation. Subject to a scheme of Green Corridor enhancements secured by condition, it is considered that these impacts can be appropriately overcome.

6. The development is not located within a flood zone and it is considered that surface water drainage can be adequately dealt with.
7. Subject to conditions it is considered that ecological and archaeological matters can be appropriately mitigated.
8. The proposed development would not result in harm to highway safety. It has also been demonstrated that the junction would operate within capacity.
9. The development would provide PV panels to the roof providing renewable /low carbon energy consistent with policy ENV10. EV charging ports are also proposed encouraging the use of electric vehicles and providing air quality benefits (policy ENV12).
10. The proposed development would comply with the Development Plan as a whole.

## Recommendation

### Permit

**Subject to the following Conditions and Notes:**

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

#### Approval of reserved matters and time condition

1. Approval of the details of the layout, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

**Reason:** To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the Reserved Matters relating to layout, appearance and landscaping shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

**Reason:** To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### Contamination

No development shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - a) all previous uses;
  - b) potential contaminants associated with those uses;
  - c) a conceptual model of the site indicating sources, pathways and receptors; and
  - d) potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1 above) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2 above) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3 above) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the prior written consent of the local planning authority. The scheme shall be implemented as approved.

**Reason:** To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

### Code of Construction Practice

Prior to the commencement of the development a Code of Construction Practice/Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice/Construction Management Plan and BS5228 Noise Vibration and Control on

Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003).

The code shall include,

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including routing of construction and delivery vehicles, temporary parking or holding areas
- Timings of deliveries
- Provision of off road parking for all site operatives
- Wheel washing measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works
- Temporary Traffic Management/signage

**Reason:** To protect the amenity of local residents and in the interests of highway safety.

#### Surface Water Drainage

Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Drainage Statement by The Civil Engineering Practice (June 2019, Version 1.1) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall thereafter be implemented in accordance with the approved details.

**Reason:** To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

The development hereby permitted shall not be brought into use until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

**Reason:** To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

### Archaeology

Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

**Reason:** To ensure that features of archaeological interest are properly examined and recorded.

### Highways

Prior to the use first use of the multi storey car park, 20 secure, covered cycle parking spaces shall be provided in accordance with details previously submitted to and approved in writing by the local planning authority. These cycle parking spaces shall thereafter be retained for use and access shall not be precluded.

**Reason:** In the interests of encouraging sustainable transport.

The two lane vehicular exit onto Station Road hereby approved and detailed on drawing number MSCP22 Rev E shall be provided in accordance with the approved plan prior to the first use of the multi storey car park by the public.

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

The proposed alterations to the signal timings of the junction of Station Road and Vicarage Lane (as set out in Appendix E of the Transport Report) shall be provided prior to the first use of the multi storey car park by the public in accordance with details to be submitted to and approved in writing by the Local Planning Authority in consultation with Kent Highways and Transportation.

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

### Electric Vehicle Charging Points

Prior to the first use of the multi storey car park by the public, plans and details (together with a car parking design future proofing strategy facilitating easy future installation of additional charging points responding to customer demands) for the provision of electric vehicle charging points shall be provided to and approved by the Local Planning Authority in writing.

Thereafter the charging points shall be implemented and maintained in perpetuity in accordance with the approved details and retained available in a working order to assist customers charging an electric or hybrid vehicle.

**Reason:** In order to take into account the cumulative impacts of major development on air quality and to encourage the use of sustainable transport modes by customers by incorporating facilities for the charging of plug-in electric and hybrid vehicles at the point of trip destination.

### Green Corridor Enhancements

The submission for reserved matters shall include full details of the landscape enhancements proposed within the Green Corridor on land identified within the approved mitigation perimeter drawing received 13/11/2019. These details will

include long term objectives, management responsibilities and maintenance schedules.

The enhancements should seek to maximise biodiversity and provide wildlife corridors, whilst maintaining views of the river. It should include riverside vegetation and tree planting to the west and east of Civic Park and to the west and east of South Park.

The works shall thereafter be carried out and maintained as approved unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure the Green Corridor enhancements are appropriately implemented and properly maintained in the interest of the amenity and biodiversity of the Green Corridor.

## **Note to Applicant**

### **1. Working with the Applicant**

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

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments and additional information to address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## 2. Kent Highways

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained.

Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

### Environmental Health

The applicant should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not occur, outside of these times, on Sundays or Bank/Public Holidays.

The applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties.

The applicant should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction sites.



## **Background Papers**

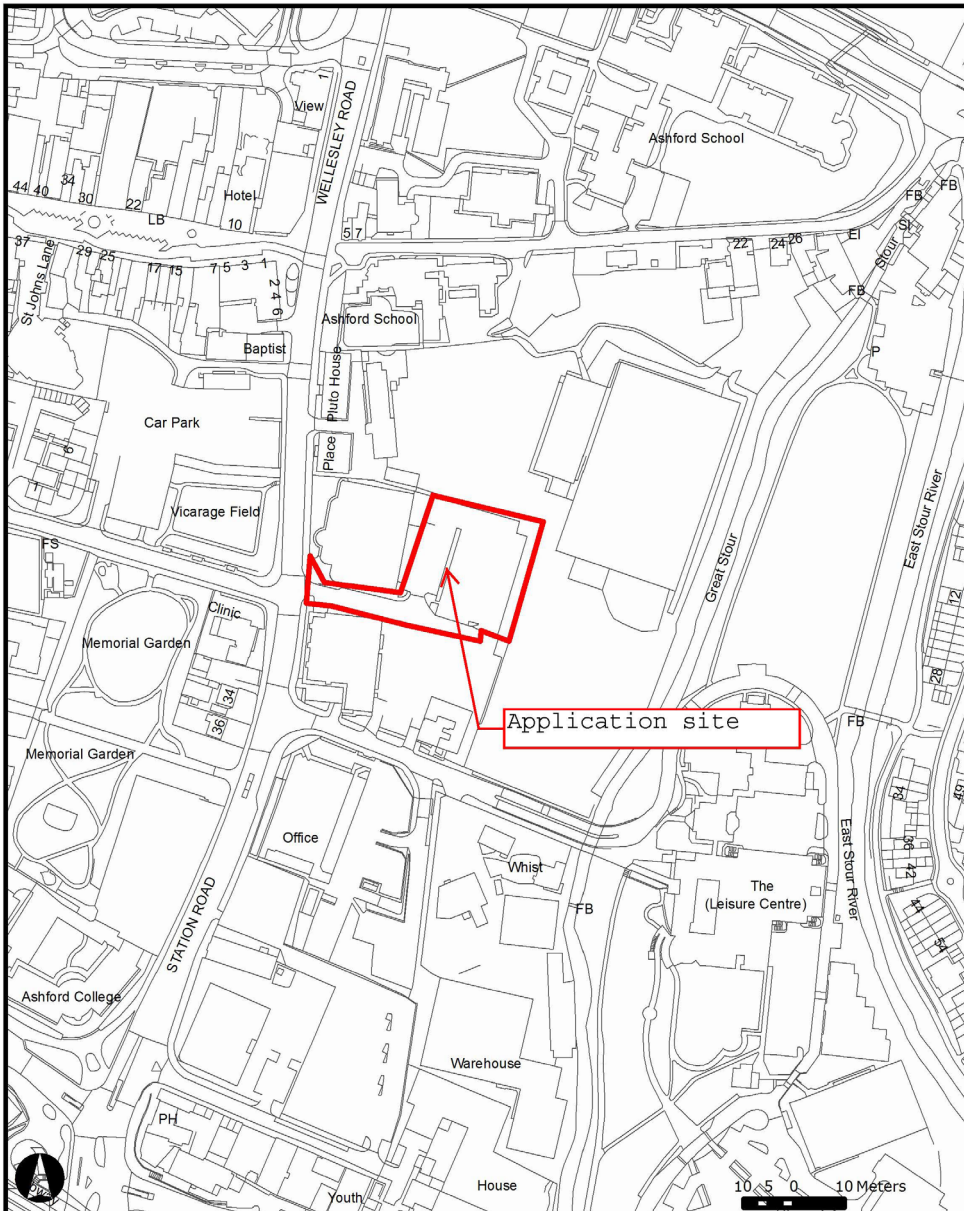
All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/01112/AS)

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Annex 1



# Ashford Borough Council



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<b>Application Number</b>	19/01568/AS	
<b>Location</b>	Land between Belgic Court and 70 to 80, The Limes, Stanhope, Kent	
<b>Grid Reference</b>	00121/40439	
<b>Parish Council</b>	Central Ashford	
<b>Ward</b>	Roman Ward	
<b>Application Description</b>	Erection of boundary fencing (retrospective)	
<b>Applicant</b>	Mrs H Hayward for The Limes Community Garden	
<b>Agent</b>	N/A	
<b>Site Area</b>	0.25	
(a) 6/-	(b) S	(c)

## Introduction

1. This application is reported to the Planning Committee because Councillor Mrs Hayward is the ward member and is supporting the application for the Community Garden project.

## Site and Surroundings

2. The application site comprises an area of land Public Open Space which is directly to the rear of the residential properties known as 1-9 Belgic Court within The Limes in Ashford. Belgic Court is run by Kent County Council and provides assisted living accommodation. There is an area of trees and hedging immediately behind the fence.
3. To the rear and side of the Belgic Court properties is close board timber fencing with concrete posts.
4. Immediately in front of the site is an oval shaped, small, lawned traffic island.



Figure 1 - site location plan

## Proposal

5. Retrospective planning permission is sought for the erection of 2m high fencing and gates to enclose the land at the southern boundary adjacent to the Limes. The fencing also returns by approximately 2 panels to the eastern side of No 60 The Limes.
6. The fencing is a mesh system in a dark green colour.
7. Planning permission is required as the fencing is over 1m in height and is adjacent to a highway used by vehicular traffic.



Figure 2 - Manufacturer's specification



Figure 3 - Site photograph from south of the traffic island

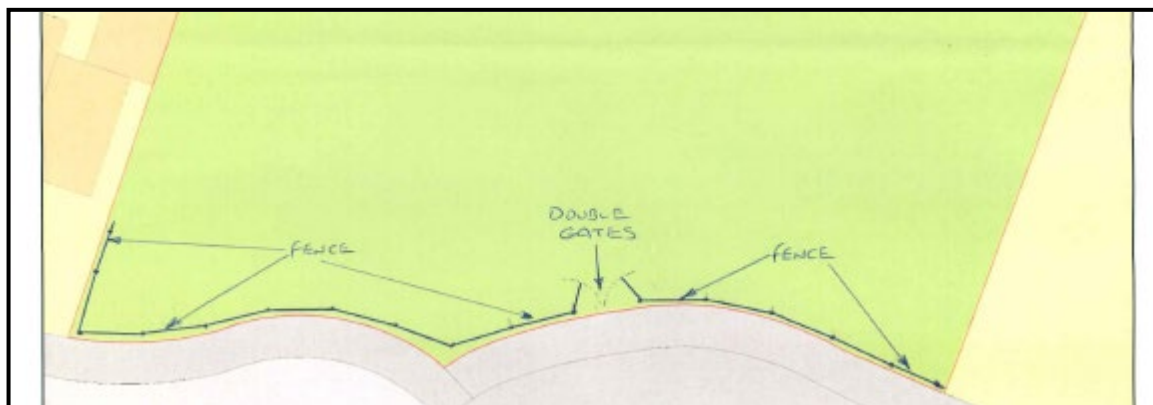


Figure 4 - Positioning of fencing/gates

## Planning History

8. There is no recent planning history.

## Consultations

**Ward Members:** no comments received

**Parish Council:** Fully support – fencing is a much needed addition to Community Garden; without it there will be fly tipping and vandalism

**Neighbours:** 6 neighbours consulted; no representations received at time of writing.

The deadline for representations is 13<sup>th</sup> December 2019 and I may need to update further at the meeting should representations be received.

## Planning Policy

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

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

SP1 - Strategic Objectives

SP6 - Promoting High Quality Design

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

### **Government Advice**

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

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). National Planning Policy Guidance (NPPG)

## **Assessment**

13. The main issues for consideration are:

- Visual amenity
- Residential amenity

### **Visual Amenity**

14. The fencing spans a length of approximately 43m to the front of the site and the green colour and mesh design results in an appearance and scale of enclosure which is acceptable in this locality.
15. The green colour blends well with the surrounding mature trees and the mesh design provides a more open feel than, for example, a close board fence.

### **Residential Amenity**

16. Given the nature of the development there would be no harm to residential amenity as a result of the development.

## Human Rights Issues

17. 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

18. 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

19. The objective of the development is to provide a form of enclosure to secure the Public Open Space and its eventual use as a community garden. The fencing is visually acceptable. There would be no harm to residential amenity. For the reasons above, I therefore recommend that the application be approved as it would accord with Development Plan policies.

## Recommendation

### Permit

Subject to the following Conditions and Notes:

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

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



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

### **Note to Applicant**

#### **Working with the Applicant**

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

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

In this instance

- the application was acceptable as submitted and no further assistance was required.
- 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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Annex 1



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