



PLANNING COMMITTEE

Notice of a Meeting, to be held as a **Virtual Meeting – on Microsoft Teams** in accordance with Regulation 5 of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 on Wednesday, 19th August, 2020 at **5.00 pm (PLEASE NOTE EARLIER START TIME)**.

The Members of the Planning Committee are:-

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

Cllrs. Anckorn, Chilton, Clokie, Forest, Harman, Howard, Howard-Smith, Iliffe, Ovenden, Shorter (ex officio, non-voting), Sparks, Walder and Wright

Please note: New earlier deadline now in operation

If additional written, pictorial or diagrammatic material is to be submitted to the Planning Committee relating to any item 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, before 3.00 pm on the Monday before 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. Material should be submitted as above at the earliest opportunity and you should check that it has been received.

IMPORTANT INFORMATION ABOUT THIS VIRTUAL MEETING:-

Please note the public cannot physically “attend” a Virtual Meeting. However any member of the press and public may listen-in to proceedings at this ‘virtual’ meeting via a weblink which will be publicised on the Council’s website at www.ashford.gov.uk at least 24 hours before the meeting. Members of the press and public may tweet, blog etc. during the live broadcast as they would be able to during a regular Committee meeting at the Civic Centre. It is important, however, that Councillors can discuss and take decisions without disruption, so the only participants in this virtual meeting will be the Councillors concerned, the officers advising the Committee, and the officers designated to address the Committee on behalf of any objectors, supporters, and Parish/Town/Community Councils and Community Forums affected who have registered in advance to ‘speak’ on the applications to be considered. This will take the place of the usual procedure for public speaking at the Committee’s regular meetings at the Civic Centre. In order to register for this, written notice must be given on the Council’s website at <https://secure.ashford.gov.uk/committeesystem/haveyoursay.aspx> or by email to membersservices@ashford.gov.uk by **3.00 pm on the Monday before the meeting.**

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. **Public Participation**

3 - 4

Summary of the Scheme of Public Participation for Virtual Meetings (referred to as "VMs")

The public cannot physically "attend" a VM.

H.M. Government has recently changed the public's legal right to attend meetings into a right to hear, by means of technology, the Councillors attending the VM remotely.

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Hence, for example, for VMs of the Planning Committee on Wednesdays:-

- (i) If there is no Bank Holiday on the Monday preceding the VM, written notice must be given by 15:00 hours on the Monday.
- (ii) If there is a Bank Holiday on the Monday preceding the VM, written notice must be given by 15:00 hours on the Friday preceding the VM.
- (iii) If the VM immediately follows the Easter Weekend, written notice must be given by 15:00 hours on Maundy Thursday.

Registering to speak at a VM confers **the right to submit a speech** as follows:-

- (i) on a first-come, first-served basis, one speech in support of, and one speech against, an item for decision, or

(ii) as a duly-authorized representative of a Parish Council¹ or Community Forum affected by an item for decision.

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IMPORTANT:

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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 8.30pm. However, the point at which the meeting in fact ends is determined by an appropriate motion being proposed, seconded and passed, such as:
"To conclude the meeting and defer outstanding items of business to the start of the next scheduled Meeting of the Committee".

5. **Minutes**

To approve the Minutes of the Meeting of this Committee held on 15th July 2020

<https://ashford.moderngov.co.uk/documents/g3822/Public%20minutes%2015th-Jul-2020%2017.00%20Planning%20Committee.pdf?T=11>

6. **Schedule of Applications**

(a) **19/01540/AS - Land rear of Minnis Moor Stables, Scots Lane, Brabourne, Kent**

5 - 20

Demolition of existing agricultural barn and erection of a detached dwelling for agricultural worker with associated

¹ The term "Parish Council" includes Town Councils and Community Councils

parking

- | | | |
|-----|---|-----------|
| (b) | 19/0997/AS - Land between Doctors Surgery and 80, The Street, Appledore, Kent | 21 - 72 |
| | Proposed development of 12 new two storey dwellings consisting of 8 x 3 bed properties and 4 x 4 bed properties with associated parking, gardens and landscaping works including a proposed village planted linear park and pedestrian crossing. | |
| (c) | 18/01550/AS - The Gables, Mock Lane, Great Chart, Ashford, Kent, TN23 3DS | 73 - 128 |
| | Construction of 39 apartments, comprising of 21 one-bedroom, and 18 two-bedroom units, with associated provision of new roads, footpaths, car parking spaces, landscaping and private amenity space (amended application to include access from Mock Lane and associated highway improvements). | |
| (d) | 19/00505/AS - Greenacres Farm Fishery, Sissinghurst Road, Biddenden, Ashford, Kent, TN27 8EH | 129 - 150 |
| | Erection of temporary bailiffs cabin and siting of 4 holiday lets | |
| (e) | 19/01477/AS - Little Greenacres Meadow, Sissinghurst Road, Biddenden, Ashford, Kent, TN27 8EH | 151 - 164 |
| | Change of use of stables for ancillary accommodation and for storage in connection with applicant's business. Stationing of log cabin mobile home for gypsy family (part retrospective). | |
| (f) | 20/00277/AS - 23 Bridleway Lane, Kingsnorth, Ashford, Kent, TN23 3LN | 165 - 174 |
| | Change of Use of Land to residential garden space and erection of fence on boundary | |

Note for each Application:

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

11 August 2020

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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 Dispensation has been granted in advance, to speak and/or vote).

- (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 Dispensation has been granted in advance, to participate in discussion and/or vote). 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 or good governance reasons, 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 (similar to that arising when a Member has made his/her views known in advance of the meeting), 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
- (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 in doubt about any matters that they may need to declare, Members should seek advice from the Corporate Director (Law and Governance) and Monitoring Officer, the Deputy

Monitoring Officer, or other Solicitors in Legal and Democracy as early as possible, and in advance of the Meeting.

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Application Number	19/01540/AS
Location	Land rear of Minnis Moor Stables, Scots Lane, Brabourne, Kent
Parish Council	Brabourne
Ward	Bircholt Ward
Application Description	Demolition of existing agricultural barn and erection of a detached dwelling for agricultural worker with associated parking
Applicant	Mr Peacock
Agent	Finn's
Site Area	176 sqm
(a) 1 / 3R 1G & 6-S	b) Parish Council – R (c) ESM X & RPL - R

Introduction

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

Site and Surroundings

2. The application site is located outside any defined rural settlement in the open countryside which is designated AONB. The site comprises a collection of rural barns which appear to be used for keeping a small number of livestock and horses with a small paddock directly behind / south of the barns. The surrounding area is characterised by the scenic beauty of the AONB and sporadic residential development along the road frontage. PROW AE301 runs to the south of the site.

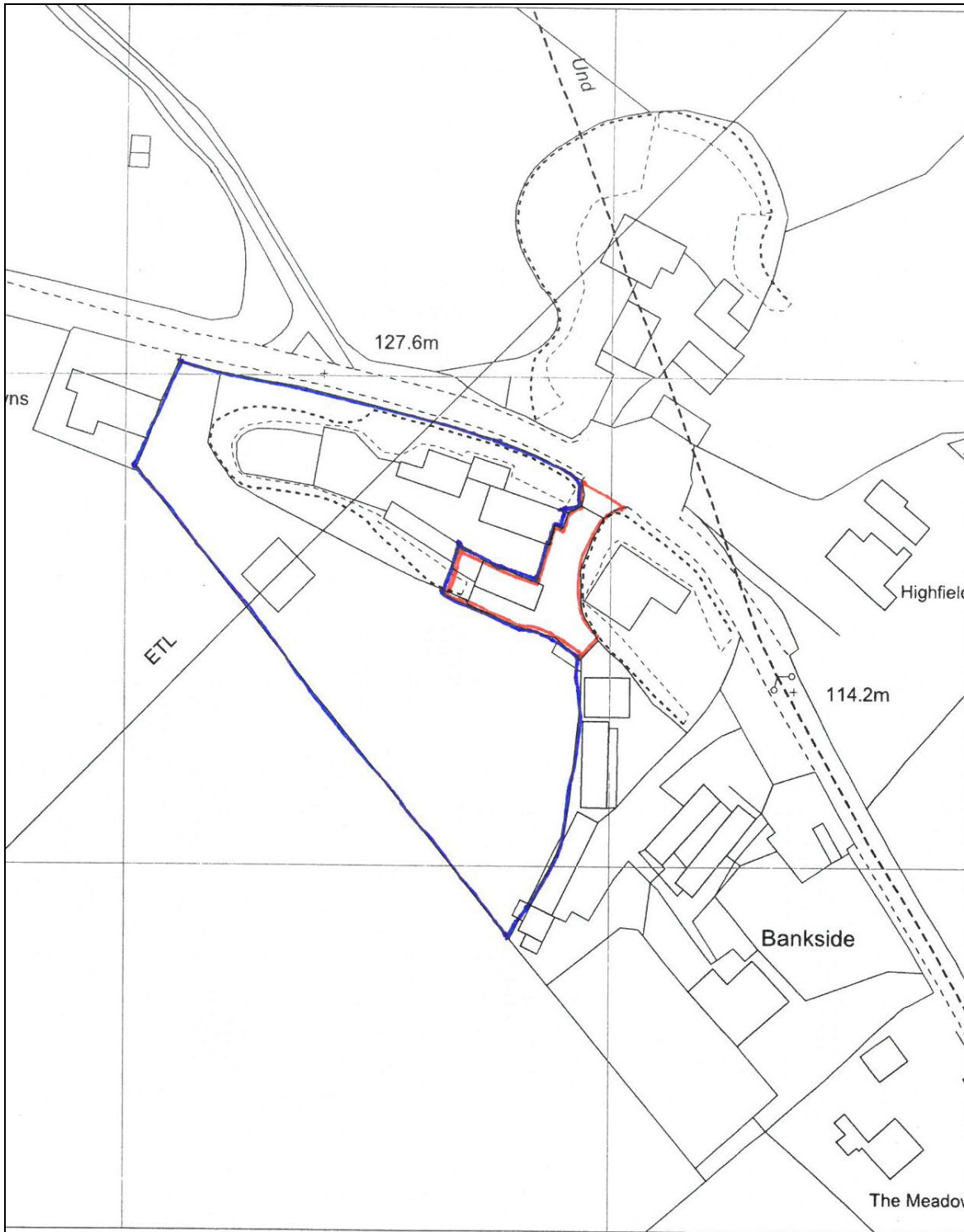


Figure 1 - Site location Plan

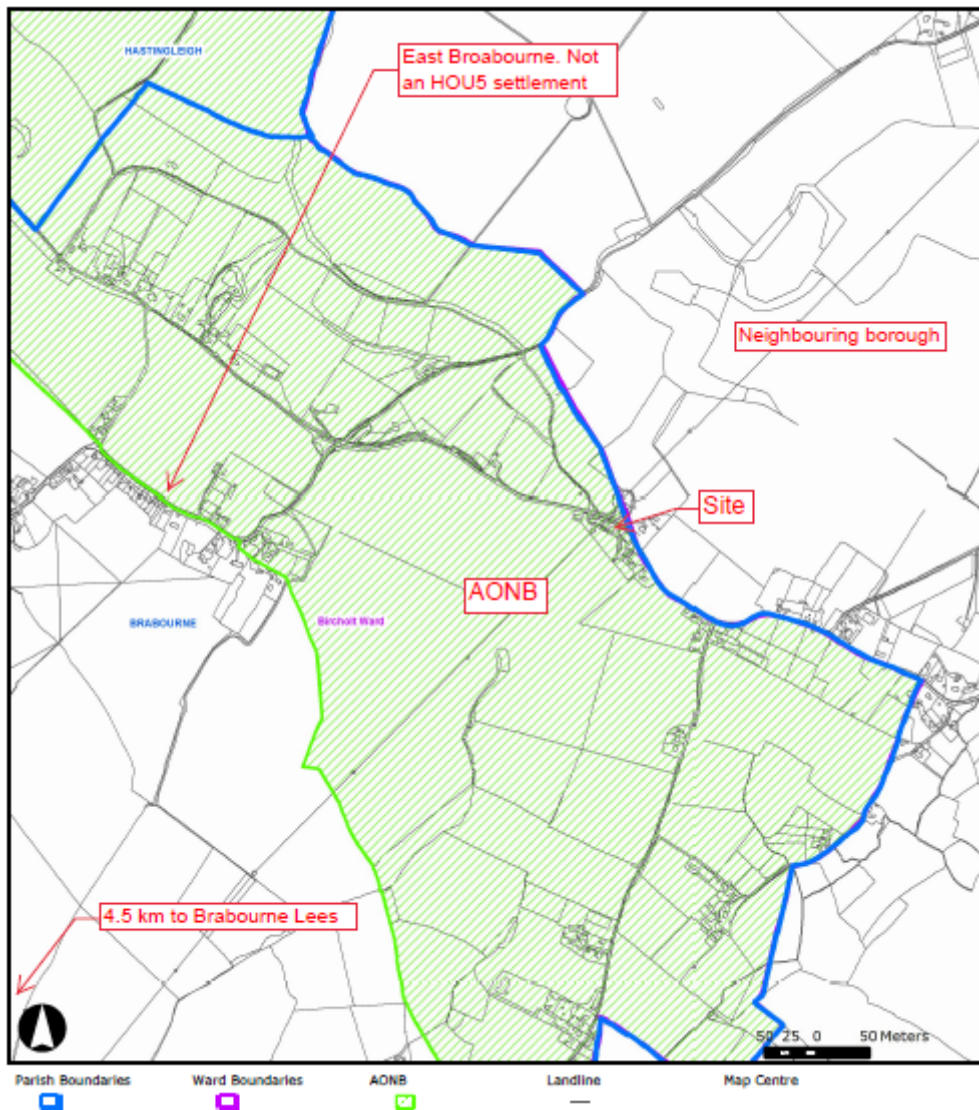


Figure 2 - Site location Plan (wider surrounding area)

Proposal

3. Demolition of existing agricultural barn and erection of a detached dwelling for agricultural worker with associated parking.

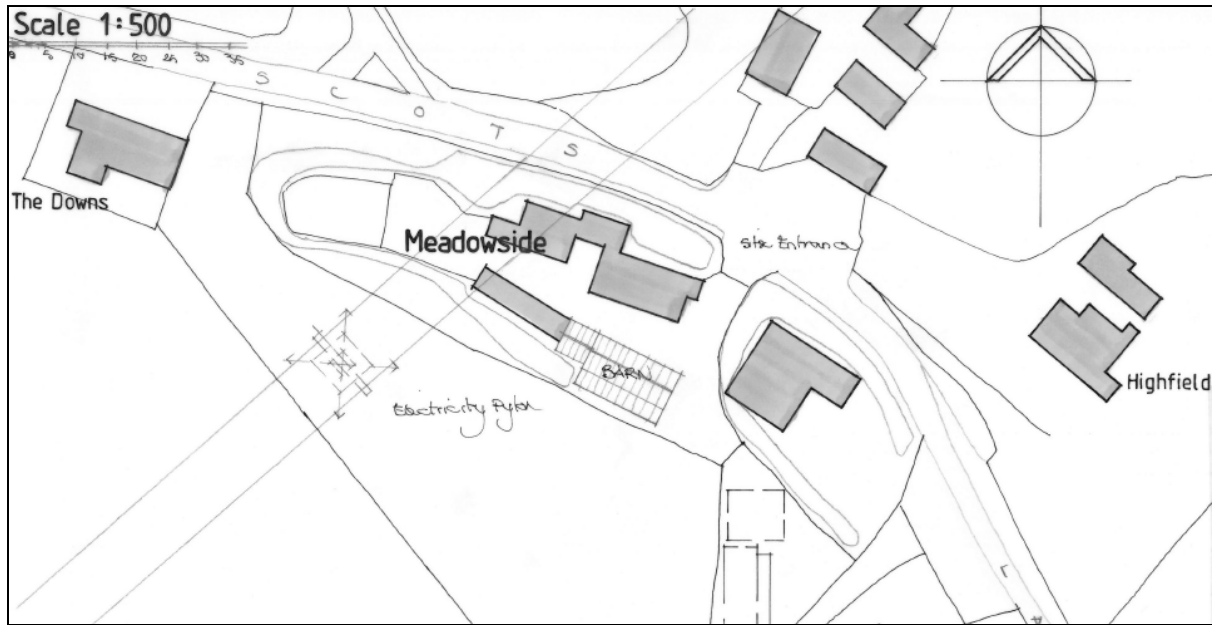


Figure 3: - Proposed block plan (NB. Barn is the proposed dwelling)

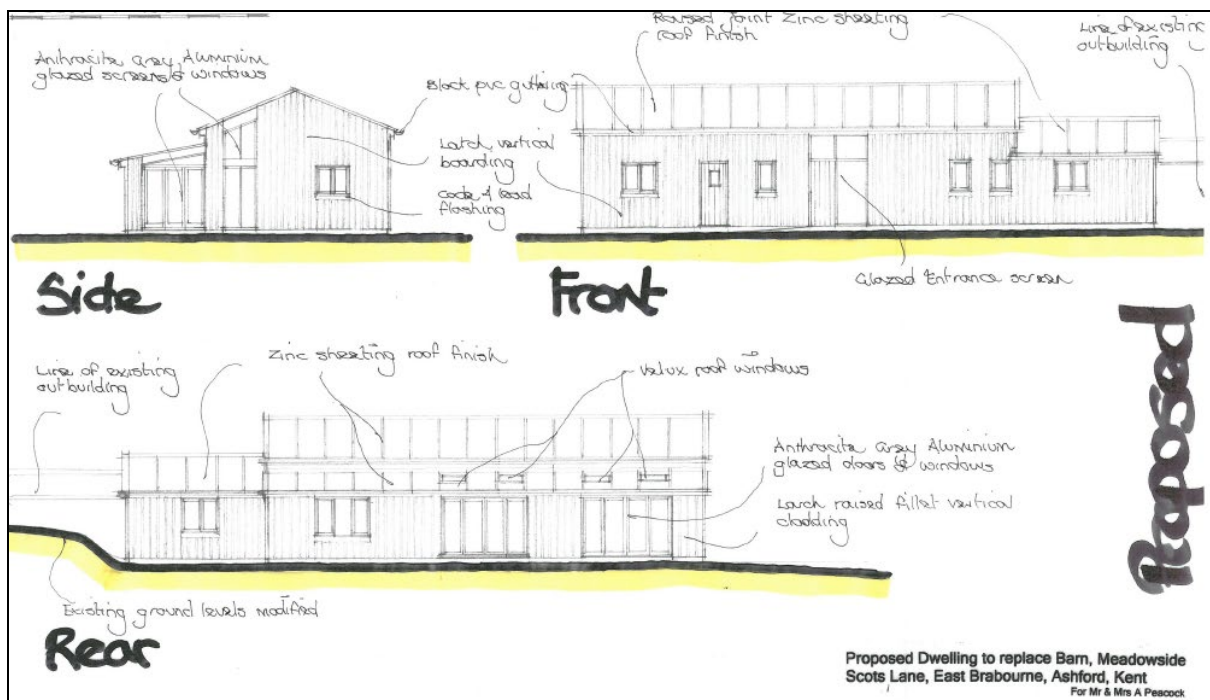


Figure 4 - Elevations

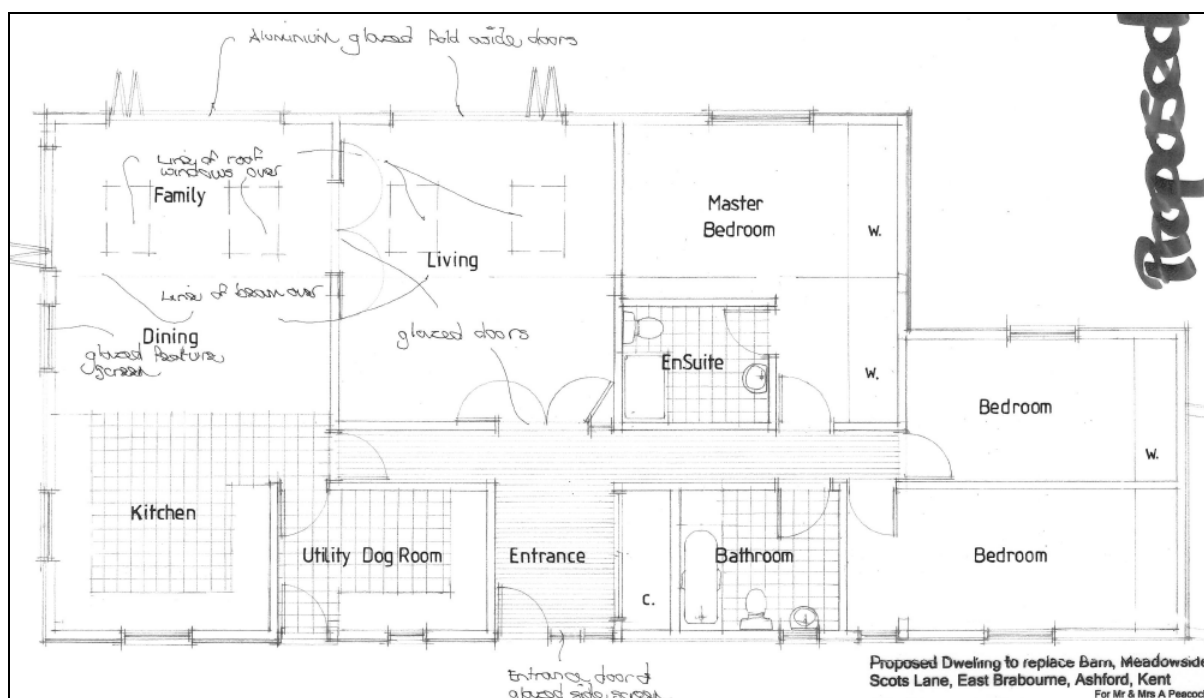


Figure 5 – Proposed Floor Plan

4. In support of the application a financial summary has been provided which sets out the following figures for the small holding:

Summary of Accounts

End of Year totals

Actual	2018-2019	/ - £2342
Actual	2019-2020	/ - £7092

5. The holding is still establishing and growing the flock with low sales to retain ewes and purchase of more ewes, together with purchase of more land to increase the holding. This has resulted in a higher expenditure during the 2019-2020 financial year and therefore a higher loss.

Forecast	2020-2021	/ -£1608
Forecast	2021-2022	/ £2566

6. Since the forecast figures were provided within the accounts, the Applicant has increased the flock to 90 ewes and purchased a further 13 acres of land with a further 20 lambs being purchased for fattening shortly. Therefore, it is expected sales will be higher throughout the forecast years resulting in profits at the end of 2020-2021 and higher profits at end of year 2021-2022.

Planning History

Consultations

Ward Member: Requests that the application be determined by the planning committee.

Brabourne Parish Council: Object for the following summarised reasons:

- The site is outside a settlement boundary and should be assessed against policy HOU5.
- There is no justification in the application of a need for an agricultural worker to live close to their place of work.
- If a genuine need for a rural worker to live close to the site can be demonstrated there should be further consultation.
- If the decision is to Permit the Parish Council asks that an agricultural tie be placed on the dwelling.

Rural Planning Consultant: Given the confirmation of the low level of agricultural activity, the proposal would not meet the usual functional and financial tests in support of rural worker accommodation in the countryside.

The submitted figures confirm the low level of agricultural activity and lack of profitability.

Furthermore I consider that the level and nature of the identified agricultural activity (a small flock of sheep) does not give rise to any essential functional need to permanently reside at this site.

In conclusion the proposal would not meet the usual functional and financial tests required to justify the construction of a rural worker's dwelling.

ESM - No objection subject to conditions.

Neighbours; One neighbour has been formally consulted. Three objections, one general comment and 6 letters of support as summarised below:

Objections:

- Concerns that the proposed dwelling will not be used for the purpose stated on the planning application but is a possible attempt to circumvent planning laws.
- Neither of the people applying would appear to have, nor are likely to have, any major agricultural connection other than keeping a few sheep.
- It is felt that the agricultural dwelling will eventually become a considerably more substantially and valuable house.
- The location is unsustainable.
- Essential need has not been demonstrated.

Comment:

- Have concerns regarding the right of way between Bankside and the development.
- Concerned re the loss of privacy due to the kitchen side window and the expanse of glass at the rear of the property.
- Excessive noise during construction working hours.

Support:

- The building would be an improvement on the barn that is there now.
- A dwelling here would also give this local young family the opportunity to be near their animals rather than having to travel on a daily basis.

Further consultation was undertaken following the receipt of a financial summary and the closing date for comments is the 14 July 2020. Any additional comments received will be provided as an update at the committee meeting.

Planning Policy

7. 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), Rolvenden Neighbourhood Plan 2019 and the Kent Minerals and Waste Local Plan (2016).
8. 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).
9. The relevant policies from the Development Plan relating to this application are as follows:-
 - SP1 – Strategic Objectives
 - SP2 – Strategic Approach to Housing Delivery
 - SP6 - Promoting High Quality Design
 - HOU5 - Residential windfall development in the countryside
 - HOU12 - Residential space standards internal
 - HOU14 – Accessibility standards
 - HOU15 - Private external open space
 - TRA3a - Parking Standards for Residential Development
 - TRA6 – Provision for Cycling

TRA7 - The Road Network and Development

ENV1 – Biodiversity

ENV3b – Landscape Character and Design in the AONBs

ENV4 – Dark Skies

ENV9 - Sustainable Drainage

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

Supplementary Planning Guidance/Documents

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

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Dark Skies SPD

Landscape Character SPD

Government Advice

National Planning Policy Framework (NPPF) 2019

11. 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 particularly relevant to this application:-
12. Paragraph 78 of the National Planning Policy Statement advises to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
13. Paragraph 79 states planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality

National Planning Policy Guidance (NPPG)

14. Technical housing standards – nationally described space standards

ASSESSMENT

15. The key issues for consideration are as follows:

- Principle
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway safety
- Ecology

Principle

16. The application site is located in the rural area and therefore falls to be considered under policy HOU5 of the Local Plan 2030 which covers proposed windfall housing developments located outside the built up confines of settlements, i.e. in the open countryside. Policy HOU5 is set out in two sections:
- Proposals for residential development adjoining or close to the existing built up confines of specified (sustainable) settlements.
 - Residential development elsewhere in the countryside.
17. The site is located some distance (approx. 4.5Km) from the nearest sustainable settlement at Brabourne Lees / Smeeth as set out in policy HOU5 and is therefore contrary to the first section of this policy as the site is not adjoining or close to the nearest sustainable settlement and is therefore not a sustainable location for a new dwelling. The supporting Planning Statement at paragraph 6.14 also confirms this is not a sustainable location for a new dwelling.

18. The application has been submitted as a rural workers dwelling, therefore the second section of policy HOU5 applies. This section of the policy states residential development elsewhere in the countryside will only be permitted if the proposal is for at least one of the following:-
- *Accommodation to cater for an essential need for a rural worker to live permanently at or near their place of work in the countryside;*
 - *Development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
 - *It is the re-use of redundant or disused buildings and lead to an enhancement to the immediate setting;*
 - *A dwelling that is of exceptional quality or innovative design which should be truly outstanding and innovative, reflect the highest standards of architecture, significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area;*
 - *A replacement dwelling, in line with policy HOU7 of this Local Plan;*
19. The first criteria is relevant and allows new dwellings in the countryside where there is an essential need for a rural worker to live permanently at or near their place of work.
20. The key issues here is whether an essential need has been demonstrated by the applicant for a dwelling on this site and whether the scale of the farming operation is sufficient to require a new house in the AONB.
21. In order to meet the stringent tests of essential need the applicant would need to demonstrate that the farming business is of a sufficient scale (i.e. it is a viable and profitable farming operation) and the livestock kept on the site require someone to live on the site on a permanent basis.
22. The applicant has confirmed that he keeps the following animals as part of the small holding:
- 48 sheep (The agent has confirmed the applicant has kept sheep for 7 years).
 - 2 pigs.
 - 2 horses.
 - 15 chickens.
 - A total of 20.3 acres of grazing land is owned / rented by the applicant.
 - Since the application has been submitted the applicant has increased the flock to 90 ewes and purchased a further 13 acres of land with a further 20 lambs purchased.
23. The Planning Statement advises that the applicant needs to live on the site to look after his livestock as he is currently living off site and has to make several daily trips back and forth to the site which is not sustainable.

24. The inconvenience of living off-site does not constitute an essential need for a new dwelling. It is of note that the applicant has kept sheep for 7 years without needing a dwelling on the site. An essential need to live on the site to manage the limited livestock has therefore not been demonstrated. It is also noted that the area of grazing land directly to the rear of the site is less than one hectare and the applicant owns and rents other land (no location provided) therefore the 48 sheep (recently increased to 90) would not always be located close to the application site and proposed new dwelling.
25. Clearly this is a small scale operation with few livestock. The main source of income are the 48 sheep (recently increased to 90) and the applicant has provided financial records which indicate that the sheep alone do not generate a profitable income. This is clearly a small scale farming operation (small-holding) and given the limited number of livestock and financial figures/forecasts the farming operations do not justify a new dwelling on the site. Indeed any income generated from this small holding could not viably sustain a new dwelling.
26. The Council have sought the view of a specialist rural planning consultant to assess the scale of small holding to see if there is a functional and financial need for the applicant to reside on the site. As set out in the representations section the view is that given the lack of profitability and low level of agricultural activity, the proposal would not meet the usual functional and financial tests in support of rural worker accommodation in the countryside.
27. The proposal is therefore contrary to policy HOU5 and the aims and objectives of the NPPF and would represent an unjustified and unsustainable new dwelling in the AONB.

Impact on the AONB / visual amenity

28. The site is located in the AONB, which is afforded the highest status of protection. The erection of a dwelling on the application site, which would be clearly visible from the road and PROW, would result in the domestication of a rural agricultural site through the introduction of a new dwelling, parked cars, light spillage (from the large openings in the rear elevation overlooking the AONB) and domestic garden land with associated domestic paraphernalia. As a result the proposal would cause significant visual harm to the rural character of the site and would fail to conserve or preserve the AONB.
29. The Planning Statement advises that the new dwelling would visually enhance the site as the barn being demolished is in a poor state of repair and detracts from the character of the area. However, this is not a reason to justify a new house in the AONB and would encourage other land owners to neglect agricultural buildings. Further agricultural buildings of a varying degree of repair are common place features in rural areas.

Residential amenity

30. No designated private outdoor garden space is proposed and the Planning Statement advises *'the site provides sufficient space within the farmyard itself for play activity. Therefore, there will be no associated domestic paraphernalia associated with the use of this particular dwelling'*.
31. The absence of dedicated outdoor garden for a new family dwelling would be contrary to policy HOU15 and also indicates an overdevelopment of the site as there does not appear to be sufficient space for a private garden area, other than the farm yard itself. Given the proximity of the proposed dwelling to the rear boundary and proposed ground floor layout (bio-fold doors opening onto the rear boundary) there is a significant likelihood of a future application for change of use of agricultural land to residential curtilage. This would be extremely difficult to resist and would result in further domestication of the site. In addition, whilst the Planning Statement advises there would be no domestic paraphernalia associated with the development this could not be controlled by the Council and the presence of a family dwelling would inevitably result in the domestication of the plot over time. Nevertheless, in the absence of a private garden area the proposal would be contrary to policy HOU15.
32. The proposed internal living accommodation would comply with the National Technical Standards, which are also set out under policy HOU12.
33. Given the separation distances involved to neighbouring residential properties there would be no unacceptable impact on neighbour amenity through the development appearing overbearing or resulting in overlooking.

Highways safety and parking

34. Parking and on-site turning could be provided in accordance with policy TRA3a of the Local Plan. The proposal would utilise an existing vehicle access and acceptable turning areas could be provided although this would limit the amount of farmyard / play space for the applicant, therefore no highways safety objections are raised.

Ecology

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

Human Rights Issues

35. 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

36. 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

37. The site is located in the open countryside approx. 4.5km from the nearest sustainable settlement therefore the proposal is not supported under the first section of policy HOU5.
38. Given the low level of agricultural activity, the proposal would not meet the usual functional and financial tests in support of rural worker accommodation in the countryside. The proposal does not meet the tests of essential need for a rural worker to live permanently at this site.
39. As such the development would constitute an unsustainable form of development in the countryside contrary to policy HOU5 of the Local Plan 2030, and would fail to comply with any of the exception criteria outlined under paragraph 79 of the NPPF. There would be an over reliance on the private motor car to access basic day-to-day services and the site is therefore considered to be located in an unsustainable location for new housing.
40. The proposal, by reason of the siting, scale, domestic appearance, and domestication of the plot, would constitute a visually harmful form of development and would be significantly detrimental to the rural character and appearance open countryside and would fail to conserve or preserve the character of the AONB.
41. The economic and social benefits of one additional house on this site is not considered to outweigh the demonstrable harm identified above.
42. Therefore, for these reasons it is recommended that the application is refused.

Recommendation

Refuse

The proposal is contrary to policies SP1, SP2, SP6, HOU5, HOU15, ENV3b of the Ashford Local Plan 2030, Central Government guidance contained in the National Planning Policy Framework and National Planning Policy Guidance and would therefore be contrary to interests of acknowledged planning importance for the following reasons:

- The proposed development, which lies outside of the built confines of any identified settlement, with no overriding justification having been submitted, would give rise to an unsustainable new dwelling in the countryside which would result in the over reliance on the private modes of transport to access basic everyday shops and services, contrary to the core principles of the Local Plan and the National Planning Policy Framework which seek to promote sustainable development in rural areas and avoid isolated homes in the countryside.
- The proposal, by reason of the siting, design and the domestication of the plot, would constitute a visually harmful form of development detrimental to the rural character and appearance of the site and would fail to conserve or enhance the Area of Outstanding Natural Beauty.
- In the absence of a dedicated private garden the proposal would constitute overdevelopment of the plot and result in a poor standard of amenity for future residents to the detriment of their residential amenity.

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 was informed/ advised how the proposal did not accord with the development plan, that no material considerations are apparent to outweigh these matters. and provided the opportunity to amend the application or provide further justification in support of it.
- 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). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/01540/AS)

Contact Officer: Andrew Jolly

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Application Number	19/00997/AS	
Location	Land between Doctors Surgery and 80, The Street, Appledore, Kent	
Grid Reference	160717	
Parish Council	Appledore	
Ward	Isle of Oxney Ward	
Application Description	Proposed development of 12 new two storey dwellings consisting of 8 x 3 bed properties and 4 x 4 bed properties with associated parking, gardens and landscaping works including a proposed village planted linear park and pedestrian crossing.	
Applicant	Appledore Parish Council in Association with Martello Developments, Land Adjacent to 80 The Street, Appledore, Kent.	
Agent	The Creative Centre New Road Rye Kent TN317LS	
Site Area	0.84 hectares	
(a) 26/5R	(b)	(c) HM X, KCC Ecology X, KCC DCU, KCC flooding X, KHS X, KCC PROW, Ramblers X, SW X, POL X

Introduction

1. This application is reported to the Planning Committee because it involves the erection of more than 10 dwellings and therefore is classified as a “major” development that requires determination by the Planning Committee under the Council’s scheme of delegation. The proposed scheme relates to the northern part of the land allocated for housing development under adopted Ashford Local Plan 2030 (ALP) Policy S26.
2. The application was on the 15 July Planning Committee meeting agenda. The meeting however was terminated before the application could be heard and the remaining items including this application were adjourned to this meeting.

3. Before that the application had previously been deferred at the Planning Committee meeting 17 June 2020 for Officers to seek clarification and scheme amendments as necessary from the applicant to deal with the following issues;-
 - (a) an improved layout on the eastern side of the site that better integrates the proposed diverted PROW and avoids it passing awkwardly between parked cars before arriving at the junction with the vehicular access into the application site.
 - (b) clarity as to how the intended SUDs scheme on the western side of the site would be satisfactorily maintained in full working order without adequate means of access to it being available from the proposed street system as a consequence of the layout of the application site.
 - (c) clarity as to which properties would fund the SUDs scheme and why the layout could not better integrate the proposed SUDs area among the homes so as to make it a stronger component of place-making at the site.
4. There were other matters raised about lighting and late representations made on sewerage and the southern boundary tree impacts notably on Plot 12.
5. The applicant had responded to these issues and I have summarised these below and in more detail within the consultation and assessment sections. .
 - (a) Improved PROW layout to avoid passing between parking for plots 1 and 2.
6. KCC Public Rights of Way (PROW) have commented that the proposed to be diverted route has resulted from negotiations with the applicant and has been chosen for a number of reasons as it would give a straight section avoiding a bend, avoid removing frontage vegetation due to visibility and would create a safe link with the PROW at Magpie Farm. The original proposals had shown the route to the east between the front hedgerow and parking spaces but this was not acceptable to KCC.
 - (b) Access and maintenance to SUDs area.
7. The applicant's landscaping and SUDs designer (Greenes) have advised that the SUDs area would require very little and infrequent maintenance due to its size. The maintenance could actually be carried out by hand with waders and would not need mechanical machinery. A very small digger could, however, still access and go through the pedestrian width access shown at the front of the plots. KCC Flood and Water Management has raised no objection to the proposed level of maintenance.
 - (c) Funding and better integration of SUDs scheme within homes.

8. The applicant has confirmed the western properties (Plots 9-12) would pay towards the SUDs maintenance and not other dwellings. The SUDs area must be located at the western end of the site as this cannot be built on due to its propensity to occasional flooding. It represents lower ground and allows water to easily drain to the new SUDs area.

Other matters raised

Lighting

9. This would comprise low level bollard lights around the perimeter of the roadways. Likewise external lighting on the buildings would be directed downwards rather than outwards to help avoid light pollution.

Relationship with southern boundary trees and plot 12

10. Further information has been provided showing the relationship between the nearest affected tree and plot 12. It is considered that 'flipping' the footprint of plot 12 would result in a more acceptable relationship. However, the detail of the housing typology would need to be amended to allow a better window to window relationship with plot 11. This is can be dealt with by delegation back to officers.

Sewerage

11. Southern Water have advised that the issue of capacity be dealt with through planning condition

Site and Surroundings

12. The application site is situated within the rural settlement of Appledore. The site comprises 0.84 hectares of mainly undeveloped land situated to the north of Appledore Village Hall which is located on the western side of The Street. Opposite the site on the other side of The Street is the village recreation ground.
13. The eastern part of the broadly rectangular shaped application site is fairly flat, but the western part slopes gently down towards a watercourse that runs along the western boundary. The site has a 40m wide road frontage to The Street and has an overall depth of some 147.5m. A low hedgerow, set back behind a grass verge, marks the eastern boundary to The Street. At the north-eastern corner, the low hedge line is punctuated by a tree, beyond which is a field access gate served by a surfaced private access road that leads towards Magpie Farm located further to the north- west. This private access road

- continues along part of the site's northern boundary, beyond which, the rest of the boundary is marked by a tall hedge.
14. The site's western boundary is marked by scattered trees along the ditch embankment with gaps providing distant countryside views further to the west. The site's southern boundary is marked by a post and rail fence that is largely screened by trees along its length.
 15. At the south eastern corner is a metal 'kissing gate' that marks the position of a public footpath (No. AT 121A) that crosses the eastern part of the site before joining the private drive leading to Magpie Farm on the other side .The public footpath is not marked as surfaced where it crosses the site.
 16. Along The Street road frontage to the north of the site (and beyond the driveway to Magpie Farm), is, two-storey detached and semi-detached housing. Immediately opposite the site on the eastern side of The Street is a small cul-de-sac serving three detached, two storey houses at 75, 77 and 79 The Street.
 17. Immediately to the south of the site is undeveloped land beyond which is a residential property known as The Old Surgery, set back behind a private driveway that leads west from The Street. To the south of the Old Surgery is the Village (Parish) Hall and its associated car park located to the rear.
 18. The site lies within the Appledore Conservation Area. A small area at the western part of the site lies within flood zones 2 and 3. The application site supports no nationally designated wildlife sites, significant habitats or resident populations of protected species. It is, however, located within 250m of ponds supporting populations of the protected great crested newt. The Dungeness, Romney Marsh and Rye Bay Ramsar site lies immediately to the north east of the village and south along the Royal Military Canal. In addition, an area of the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) lies across the boundary in Folkestone and Hythe District to the south east.
 19. The application site plan is shown in figure 1 below.

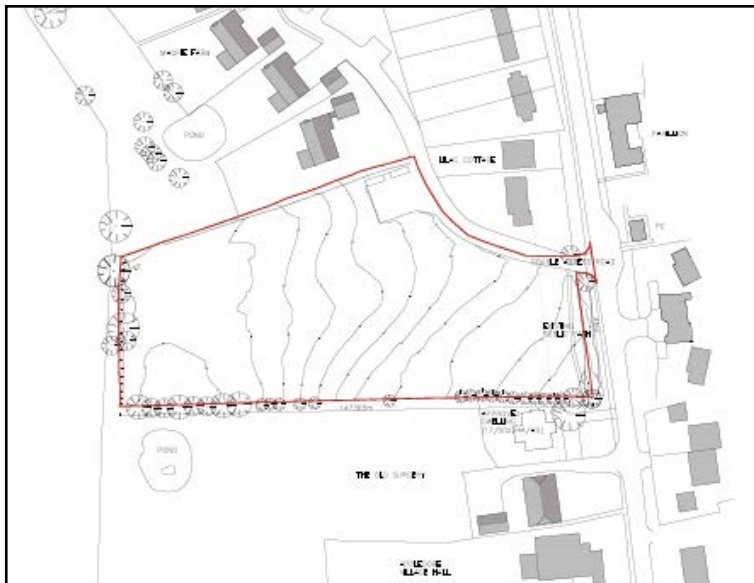


Figure 1: Site Plan

Proposal

20. The proposed scheme is for the erection of 12 dwellings on the site comprising 8 x 3 bed (4 detached and 4 semi-detached) and 4 x 4 bed dwellings (2 detached and 2 semi-detached).
21. Access would be provided at the north-west corner of the site utilising the existing site access serving 5 detached houses at Magpie Farm to the north. This would avoid breaking into the roadside hedgerow to form the site access (and follows the suggested approach in the ALP),
22. The site layout is in the form of a cul- de-sac with the front 6 dwellings positioned side-on to The Street and fronting the new internal access, which then turns southwards ending at the southern boundary that connects to remaining part of the S26 site allocation. The site layout plan is shown in figure 2 below.

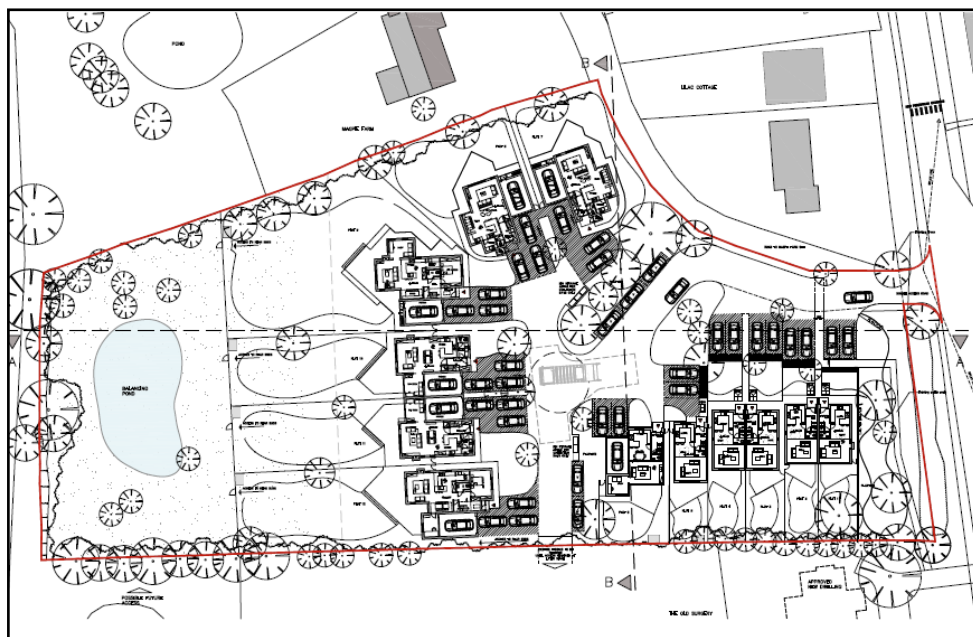


Figure 2: Site Plan

23. The proposal's aim is to retain existing boundary hedgerows and trees, and plant new trees and hedgerows within the housing area to soften and filter views so that this structural planting can establish and age as part of the development.
24. The western part of the site (to the rear of Plot nos. 7 – 12) would be set aside as an informal nature area containing a landscaped, surface water attenuation pond as part of the proposed surface water drainage system. The intention is that this would be an informal wildlife area with rear garden access for private use and shared management by the occupiers of the rear units.
25. Each 3 bed dwelling would have 2 on-plot parking spaces and each 4 bed dwelling 3 spaces. In addition there would be 5 on-street visitor /unallocated parking spaces.
26. The proposed dwellings would have a contemporary design with pitched roofs and constructed in a combination of fair-faced bricks, natural stone lime pigment render, black and natural stained timber cladding, and aluminium framed windows. The actual mix of these materials on the proposed dwellings differ. For example plots 1-4 have predominately lime stone render upper elevations whereas plots 9-12 have a greater amount of black stained timber cladding. 5 of the dwellings have brick chimneys including plot 1 immediately facing The Street. The elevations of the dwellings are shown in figures 3, 4, 5, 6, 7, & 8 below.



Figure 3: Plots 1 & 2

Extracts from drawing no. 00718-PL-352A – Plots 3 and 4 Floor Plans and Elevations



Figure 4: Plots 3 & 4

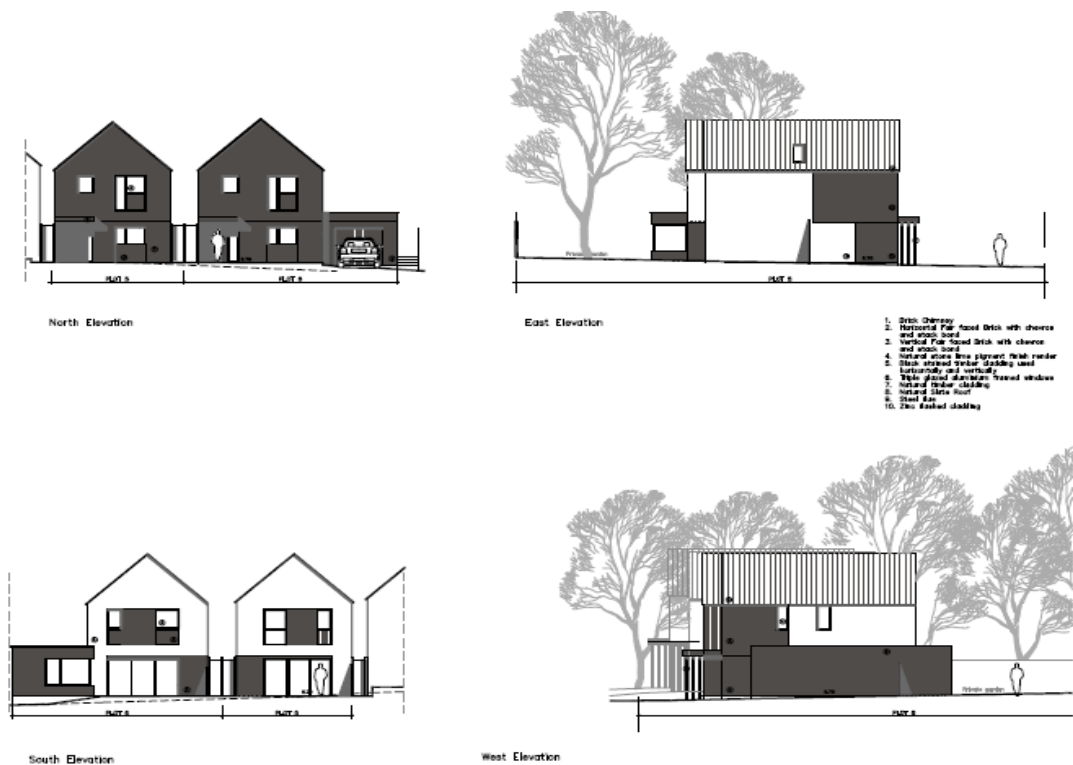


Figure 5: Plots 5 & 6

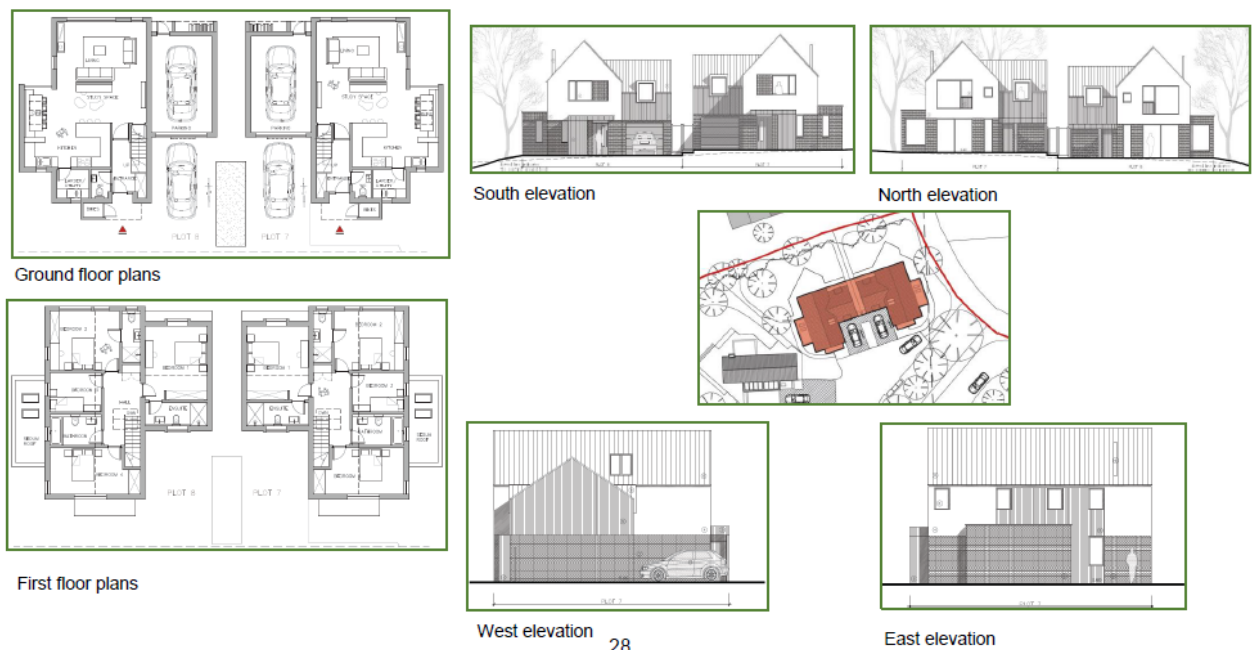


Figure 6: Plots 7 & 8



Figure 7: Plot 9



Figure 8: Plot 10 & 11

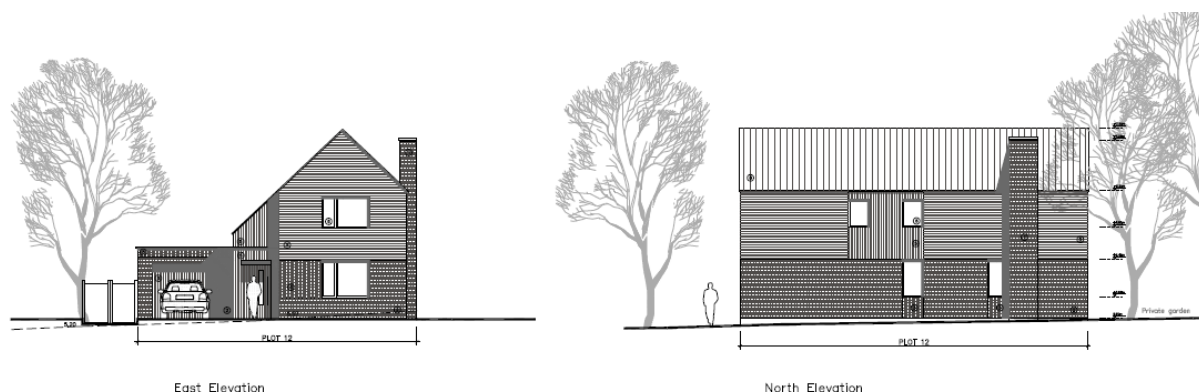


Figure 9: Plot 12

27. The proposal would provide 5 affordable dwellings (40%) with plots 1 to 4 being shared ownership and the 5th being affordable rent which would be owned by the Parish Council but rented out in accordance with normal Ashford Borough Council requirements for affordable rented accommodation.
28. All of the new housing would meet the Nationally Described Space Standards (also set out in ALP 2030 Policy HOU12) and all would have private rear garden space (with rear access) with minimum 10m garden lengths (as required by Policy HOU15). All would have refuse and recycling bin storage areas together with a bike storage shed (or space available within a garage).
29. Following the Planning committee decision to defer the application. The applicant has stated the following in terms of access and maintenance of the SUDs area.
 - (i) The applicant's landscaping and Suds designer (Greenes) have advised that the pond will require very little and infrequent maintenance in a letter attached as Annex 2
 - (ii) Access will be via a legal title easement allowing access through the front of plots 9-12. Plot 12 is only highlighted as it has the widest spacing so would make the obvious route option, however all plots will provide access from the front to the back. This will be secured by legal title for plots 9-12.
30. The following information has been provided by the applicant on the funding and better integration of the SUDs scheme within homes.
 - (i) The SUDS area must be at the rear of the site for several key reasons. The most fundamental being that the rear third of the site is within the flood zone, therefore cannot be built on and suits a wetland type natural habitat area. The SUDS area will collect rainwater from the buildings too, and the proposed

position is on lower ground, therefore allowing water to easily drain to the SUDS area which it could not on the higher areas of the site where the houses are positioned. The key policy of S26 for the sites allocation specifically says a SUDS and informal nature area should be positioned on the western boundary – therefore the proposals fulfil the criteria of the policy recommendations.

- (ii) Properties plots 9-12 will all pay towards the SUDs maintenance – no other properties will contribute. There will be an overall management strategy for the site which all private units (not HA) will pay an annual estates charge for upkeep of communal planted areas and roads etc. Plots 9-12 will pay a higher rate based on funding the SUD's upkeep. Please note that as per the experts separate advice, they state the SUDS area is only likely to require low key maintenance every 15-20 years and maintenance will most likely be carried out by waders and hand tools.

31. The following is stated on lighting provision within the site.

- (i) Low level bollard lights around the perimeter of the roadways. These will diffuse light in a downwards direction onto the surface, rather than upwards. Likewise external lighting on the buildings will be directed downwards rather than out to avoid light pollution and also to provide bat sensitive lighting.

32. The following documents have also been provided in support of the application:

Appledore Material study.

Archaeological assessment.

Flood risk and drainage assessment report.

Heritage statement.

Planning, Design and Access Statement.

Preliminary ecological appraisal.

Transport Statement.

Planning History

33. The application site itself has no relevant planning history, but the land immediately to the north at Magpie Farm and to the south at The Old Surgery, have been the subject of approved planning applications for residential development as summarised below.

16/00556/AS. The Surgery, The Street, Appledore, Change of use of a redundant doctor's surgery to a single dwelling, the construction of a double garage, excavation for a bin area and the temporary siting of a secure storage container: PP granted 14/4/16.

16/01328/AS Magpie Farm, The Street, Appledore. Demolition of existing dwelling, workshop and buildings. Erection of five detached dwellings together with associated parking, garaging, access and landscaping. PP granted 10/03/17.

17/00244/AS Land to the rear and north of The Old Surgery, The Street, Appledore. Erection of a detached house together with associated access. PP granted 8/8/17.

Consultations

Ward Member: The Ward Member is the Chairman of the Planning Committee.

ABC Cultural Services: Comment as follows.

"Following e-mails from the Parish Council, please find below a summary of S106 contributions & projects:

Contributions triggered by the development, at 12 dwellings all off-site:

	Capital contribution for off-site provision	Commutated maintenance sum for the development
Sport - outdoors	19,068.00	3,912.00
Informal/natural	5,208.00	3,900.00
Play	7,788.00	7,956.00
Allotments	3,096.00	792.00
Cemeteries	3,408.00	2,112.00
Strategic Parks	1,752.00	564.00

The above comments on the level of contributions for open space should not be taken to indicate that Cultural Services will approve the scheme. Contributions are calculated as per the Public Green Space and Water Environment SPD 2012 and will be subject to inflation.

Sport:

The Parish Council have identified a project to improve the existing hard court MUGA and add a 3G Artificial Turf Pitch.

Informal/natural:

The developer is to contribute towards the Linear Park proposal for Appledore village, as detailed in the application. Once this has been costed, any outstanding contribution is to contribute towards provision of new public open space at Heathside.

Play:

The Parish Council have identified a project to provide new play space at Heathside.

Allotments:

The Parish Council have identified a project to improve the existing allotment site, with a water supply and rabbit-proof fencing.

Cemeteries:

The Parish Council would like to use funding to undertake feasibility options into increasing provision in the parish, as there is currently a deficit per head of population.

Strategic Parks:

Contribution towards new recycling bins at Victoria Park, Ashford.

ABC Housing Manager: Comments as follows;-

“Under Local Plan policy, the site lies within the rural area as identified and defined in Policy HOU1 in the borough council’s Local Plan.

Therefore, there will be an expectation of 40% affordable housing being delivered within this scheme. Consistent with the policy, 10% of the total dwellings should be made available for affordable or social rent, and 30% of the total dwellings made available for affordable home ownership (of which 20% of the total dwellings should be shared ownership).

The application suggests that 12 homes are coming forward on the site.

Therefore, there is an expectation (and a policy complaint position) is that 5 of these homes will be made available for affordable housing with 1 home made available for affordable rent and 4 homes for an affordable home ownership product, (3 of which being shared ownership and 1 being either shared ownership or a low-cost home-ownership product) agreed by the Development Partnership Manager within the authority.

We are pleased to see the policy compliant position reflected within the application submitted. We note plots 1-5 are being identified as the affordable units, which is

agreeable to us. We also note that the Parish Council wished to retain ownership of the affordable dwelling. As long as the Parish Council takes the resident for the affordable rent property from Ashford Borough Council's housing waiting list we are happy with the application.

The developer will need to seek a registered provider to take the four units earmarked for affordable home ownership and would ordinarily suggest that this is done early in the process, but we understand steps have already been taken in this regard, which we are pleased to hear. We would like to see the S106 state that the final decision on the allocation of the affordable rent property lay with the Borough Council.

We would expect the properties to meet the Nationally Prescribed Space Standards. In the case of any 3- bed homes we would expect five bed spaces to be provided (though we are happy to accept four bed spaces) and with 4-bed homes we would expect eight bed spaces to be provided.

We would also expect the affordable housing properties to be visually integrated into the site. We would be happy to accept the mix as outlined in the plots chosen above but would request that visually there is no discernible difference between the open market and affordable units.

In line with Policy HOU14 of the emerging local plan, 20% of all dwellings should be M4(2) standard, i.e. accessible and adaptable. The onus is on the applicant to indicate the specific plots that will be provided within this standard

The council's position regarding DPA waivers has been adopted at Cabinet in October 2019. This sits within the council's affordable housing delivery plan. The Head of Housing's proposed policy position in a designated protected area is to mirror the position outside of a designated protected area and allow unrestricted staircasing to one hundred percent (100%) equity value of a dwelling, save for affordable housing proposals in a rural exception site (coming forward under HOU2 of the Ashford Local Plan to 2030)."

KCC Ecological Advice Service: Comment as follows:-

" Our previous advice note (dated 6th January 2020) requested a copy of the countersigned Great Crested Newt DLL certificate, which has now been provided. Whilst we would have preferred an ecological enhancement plan to be submitted prior to determination, we are satisfied that this can be secured via a condition if planning permission is granted. As such, we require no further information.

Bats

.... We suggest the following:

No development shall take place until a "bat sensitive lighting plan" for the site boundaries has been submitted to, and approved in writing by, the local planning authority. The lighting plan will:

a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;

b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the plan and these shall be maintained thereafter in accordance with the approved plan.

Ecological Enhancements

...To secure the implementation of enhancements, we advise a condition is attached to planning permission, if granted. Suggested wording:

Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include the installation of bat/bird boxes and planting of native species. The approved details will be implemented and thereafter retained.

”

KCC Economic Development: Comment as follows.

“The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

- (i) Community learning: Towards additional resources for the new learners generated from the development attending Tenterden Adult Education Centre
- (ii) Youth service; Towards Youth resources in Tenterden
- (iii) Libraries; towards additional bookstock for Tenterden library for the new borrowers generated by this development
- (iv) Social care toward extra care housing
- (v) All Homes to be Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)

(vi) Informative on broadband”.

KCC Heritage: Comment as follows;-

“The site of the application lies north of the historic core of Appledore but there is some potential for as yet unknown prehistoric and later remains within this large development.

In view of the archaeological potential I recommend the following conditions are placed on any forthcoming consent:

AR1b Prior to commencement of development, the applicant, or their agents or successors in title, will secure the implementation of a phased programme of archaeological work in accordance with a written 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 in accordance with NPPF”

KCC Flood and Water Management: Comment as follows;-

“The planning application is supported by a Flood Risk Assessment and Drainage Report prepared by JMLA (August 2019). The drainage strategy comprises attenuation on site within a surface water attenuation basin with controlled discharge at a rate of 1.0 l/s for all events up to and including the 1 in 100 years rainfall event with a 40% climate change allowance.

Kent County Council as Lead Local Flood Authority have the following comments:

1. The drainage strategy does restrict discharge from the proposed development to a very low rate. We may accept control to QBAR but this will need consultation and confirmation from the Romney Marsh IDB.
2. A small area of the western part of the site is noted as being within an area of Flood Zone 2, i.e. having a less than 1 in 1,000 and between 1 in 100 and 1 in 1000 annual, respective probabilities of river or sea flooding. This is shown within the Envirocheck report (Appendix 5) but the outline is not shown with the proposed development layout. It would appear that the residential housing is located within Flood Zone 1 but that the surface water attenuation basin may be in Flood Zone 2. Given the level of risk, this may be acceptable but will need further consideration at detailed design.

3. At the detailed design stage, we would expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2017); the FSR dataset should not be used: http://www.kent.gov.uk/_data/assets/pdf_file/0003/49665/Drainage-and-Planningpolicy-statement.pdf
4. Drainage calculations should be provided for the critical storm event.
5. Our Drainage and Planning Policy Statement sets out how Kent County Council, as Lead Local Flood Authority and statutory consultee, will review drainage strategies and surface water management provisions associated with applications for major development and should be referred to for further details about our submission requirements. This is available to download at www.kent.gov.uk. We would highlight the importance of providing information on all assumptions including impermeable areas and catchment plans.

Notwithstanding the comments above, there is sufficient open space within the planning layout to accommodate minor revisions which may be required with detailed design; therefore if your Authority is minded to approve this application we would recommend the inclusion of the following conditions:

Condition 1:

Development shall not begin in any phase 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 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 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.

Condition 2:

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied 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

3 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.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information”.

Kent Highways and Transportation: Comment as follows;-.

“The revised Site Plan now demonstrates sufficient parking for both residents and visitors.

The layout with regard to the access to Magpie Hall Farm has been clarified as shown on the Proposed Site Access Arrangement drawing. This puts the Magpie Farm access road at a slight oblique angle when joining the proposed road, however the traffic is light and visibility good so this is not thought to be problematic.

I note that the pedestrian crossing on The Street linking to the recreation ground has been revised to become two pedestrian dropped kerbs and a small footway link. Taking account of the background traffic levels and size of the proposed development this seems appropriate.

Vehicle track drawings demonstrating access for the correct size refuse vehicle have now been provided, which also by default demonstrate safe access for a fire tender. Now that the above issues have been revised satisfactorily, I can confirm that provided the following requirements are secured by condition, then I would raise no objection on behalf of the local highway authority:-

- (i) Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

- (ii) Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- (iii) Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- (iv) Details should also be provided of contingency working protocol for action taken should the wheel washing be ineffective and spoil is action taken should the wheel washing be ineffective and spoil is dragged onto the highway.
- (v) Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
- (vi) Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- (vii) Provision and permanent retention of the cycle parking facilities as detailed within the supporting documents prior to the use of the site commencing”.

KCC PROW: Comment in summary;-

- (i) Acknowledge PROW AT21A passes through site.
- (ii) There is a legal process to be completed to divert any PROW.
- (iii) As no application received for diversion request a planning condition that no development shall take place over the PROW until confirmation of the diversion
- (iv) Subject to this condition and informative there is no objection.

[SPM comment: See further comment made by KCC PROW justifying the route in additional comments section below]

Ramblers' Association: Comment as follows;-

“The development plans do not show the Public Right of Way AT 121A, which has been conveniently ignored to package the 12 houses on to the site.

A diversion of AT121A would need to be applied for before any work could be started

Southern Water: Comment in summary as follows.

“This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water’s Capital Works programme

Southern Water hence requests the following condition to be applied:

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

It may be possible for some initial dwellings to connect pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required

We request that should this application receive planning approval, the following condition is attached to the consent: “Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water”

Kent Police: Comment in summary;-

‘Welcome a meeting or discussion with the applicant/agent about site specific designing out crime. If the points raised are not addressed, they can affect the development and have a knock on effect for the future services and local policing. If this application is to be approved, we request a Condition or Informative be included to ensure the applicant meets our security concerns to address security of the site.’

Neighbours: 5 objections/comments made in summary as follows;-:

- (i) The current boundary hedge to east running alongside the road is mainly brambles. The footpath diversion will have to run alongside this unattractive invasive mess. Surely removing this and planting grass and wild flowers and a few trees, such as silver birch, would be much more pleasing for everyone, especially children
- (ii) The kissing gate (south east corner boundary) on the public footpath is now redundant. It could be re-used for the other end of the path on the Tenterden Road to replace the decrepit stile..
- (iii) With regard to the southern boundary of the development land, retain the existing fence with the rabbit netting be retained as Rabbits have destroyed. ! A close board fence immediately next to the existing fence is also requested.
- (iv) vehicle access should be provided for between the access road to Magpie Farm and this development on the east corner of plot 7. This would allow delivery vehicles (postal delivery, refuse lorry etc) to get from one site to the other without having to out to the main road, turn round and re-enter the sites.
- (v) The plans do not accurately depict the existing trees nor the hedge on the southern boundary of the site. In particular the illustration in the "Planning, design

and access statement" poorly represents this boundary. Please be aware, the main part of this hedge is on average (vi) 12m (approximately 40 feet) tall, some of the trees are 20-25m (65-82feet) tall. The hedge is home to a significant amount of wildlife. Plots 1-6 will be in shadow most of the day and site 12 will be in shadow virtually all day.

- (vii) I believe plot 12 should be deleted from the application and plots 1-6 should be moved towards the northern boundary to provide more daylight. Where is the existing foot path that crosses the site, going to go?
- (viii) The UK has an ageing population. Surely one or two of the properties should be single storey and suitable for elderly people? Too many elderly people live in large cold homes, we need more well designed housing suitable for older people. Appledore has a lot of elderly residents.
- (ix) Future owners of the properties going to be built on this site, may insist on "A right to light" and demand that boundary trees are cut down on my northern boundary, the southern boundary of this development. My trees restrict the light all along this boundary and as they grow, there will be further restriction of light, especially to Plot 12.
- (x) Much wildlife including owls inhabit these trees. In addition building the house on Plot 12 will damage the roots of my trees. If the house on Plot 12 is built, in due course my trees will damage the house and its foundations. Should housing trump established trees? No, there are other more suitable sites in Appledore, namely in the large field with pylons, close to the junction of The Street and the Tenterden Road.
- (xi) The site adjacent to my land should have less density of housing to preserve the trees, wildlife and rural nature of this village.

Further representations since Planning Committee 17 June report

KCC Flood and Water Management. Comment

"I would agree with the applicant's comments in relation to the maintenance of the pond. We had recommended the inclusion of a Verification Report to confirm the construction of the drainage measures but which also includes an operation and maintenance manual. This would need to demonstrate how maintenance/inspection would be undertaken and clearly show access for the extreme case if material needed to be removed. In this instance it would appear that ensuring one gate access provides clear access of 800mm as stated by the applicant".

KCC PROW:

"The current proposed route has come about with quite some debate between myself and the developers, the below sums up the reasoning by the developer that I have agreed with.

1. Allow for a crossing on a straight section of the access road, thereby avoiding the need to create the crossing on the bend in the access road further west.
2. The raised crossing would double up as a speed bump/speed safety check as cars enter and leaving the site.
3. The crossing avoids the need to remove vegetation to secure the necessary visibility. The planning officer is insisting we increase vegetation on this site.
4. It prevents the PROW crossing over 4 x private legal titles, instead it will only effect 1 unit.
5. This version would create a formal footway between the access road to the development at the north and our site, which will be a safety benefit from pedestrians walking along the single access bend of the development to the north and gives a clear separation between the two and a natural merge/give way point where they meet”.

We have commented on the application and our remit is protecting the public's rights and securing the best options we believe are available, which in this case we have in conjunction with the developer, I do not intend to comment any further.

The questions that you have asked for me to comment should be directed to the developer as I have already made our position clear as a consultee”.

Neighbours

Two Neighbours have made the following comments/objections.

- (i) Increased flooding in particular from the sewer manhole along Magpie Hall farm due to inadequate capacity in particular during heavy rainfall.
- (ii) The Magpie Farm development has exacerbated the flooding problem
- (iii) Foul water drainage - Sewerage has flooded 80 The Street, several times recently. The main sewer is inadequate to meet present need, let alone an additional 12 houses. The proper plan of action would be, to improve the drainage system.
- (iv) My rear garden has been flooded by these overflows (Photos attached).
- (v) My primary concern is that my boundary trees will restrict the light very significantly to Plot 12.
- (vi) There will be a conflict of interest between the future residents of this development and preserving the trees and wildlife (in trees)

- (vii) The southern boundary owner will be unable to manage the northern side of the trees, as there will be no way of gaining access to undertake appropriate work.
- (viii) There will be no satisfactory access to the nature reserve
- (ix) Nature reserves are best managed by people or organisations with appropriate expertise. There is a considerable risk that it will become a sterile mess with a dangerous pond.
- (x) Too many houses are proposed for this small site
- (xi) Surface water drainage – A plan indicates access across the Old Surgery site to the south to the "Balancing Pond" for which there is no right of access or consent to cross this land.

[SDDM comment: The application is not proposing access to the SUDs pond over the Old Surgery site to the south as this land falls outside the applicant's control. Hence why access to this area is from within the application site itself as stated in the report. The other matters mentioned are already dealt with in the report]

Planning Policy

- 34. 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), the Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016).
- 35. 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).
- 36. The relevant policies from the Local Plan relating to this application are as follows:-

SP6 - Promoting High Quality Design

HOU1 – Affordable Housing

HOU12 - Residential space standards

HOU14 - Accessibility standards

HOU15 - Private External Amenity Space

HOU18 - Housing Mix

TRA3 (a) - Parking Standards for Residential Development

TRA5 - Planning for Pedestrians

TRA6 - Provision for Cycling

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

ENV9 - Sustainable Drainage

ENV13 – Conserving and Enhancing Heritage Assets

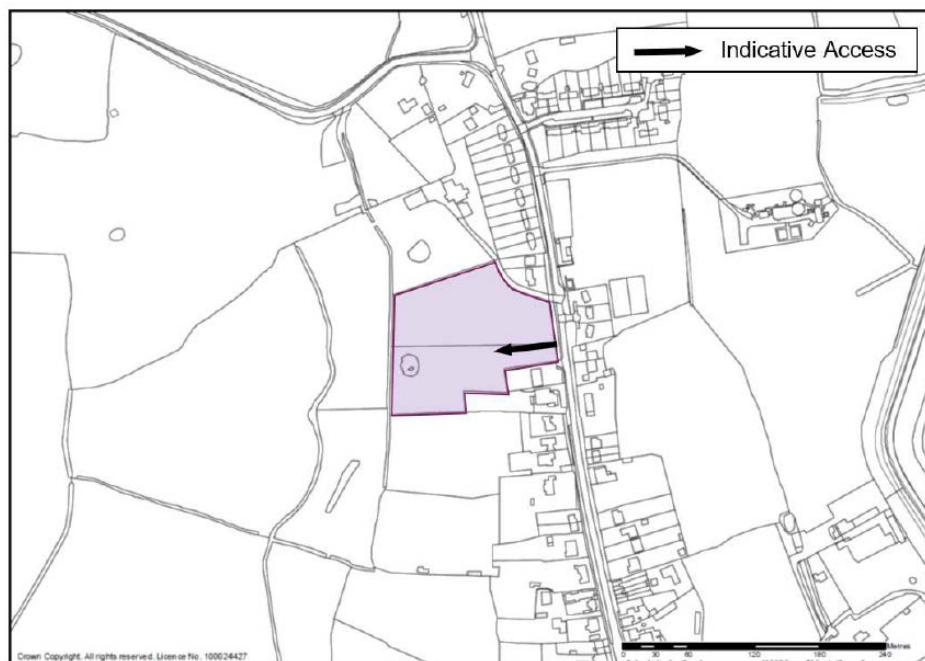
ENV14 - Conservation Areas

ENV15 - Archaeology

Policy S26 – Housing Allocation at The Street, Appledore

Policy S26 - Appledore - The Street

Appledore - The Street



“The site in The Street, Appledore is proposed for residential development for an indicative capacity of 20 dwellings with potential to provide an extension to the village hall and its car park.

Development proposals for this site shall:

- (a) Be designed and laid out in such a way as to preserve or enhance the character and setting of the Conservation Area. Particular attention needs to be given to the visibility of new development from the road;
- (b) Retain the existing hedge and tree boundary around the site and create soft landscaping to screen the development from the open countryside. Retain as much as possible of the hedgerows that divide the site and incorporate within the new development;
- (c) Retain and enhance the PROW that crosses the site to ensure safe access;
- (d) 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 and SPA sites and how they can be avoided or adequately mitigated;
- (e) Appropriate species and habitat surveys should be 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. Particular regard should be given to the potential of providing an

informal nature reserve along the western edge of the site, utilising the existing ponds and allowing ecological connections to the wider countryside; and,

(f) Provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider”.

37. 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

Public Green Spaces and Water Environment SPD 2012

Dark Skies SPD 2014

Green Corridor Action Plan 2000 (SPG1 to Ashford Borough Local Plan 2000)

Informal Design Guidance

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

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

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

Government Advice

National Planning Policy Framework (NPPF) 2018

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.

A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies

above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.

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

Paragraphs 91 to 95 - Promoting healthy and safe communities.

Paragraphs 102 to 107 - Promoting sustainable transport

Paragraphs 117 to 121 - Making effective use of land.

Paragraphs 124 to 132 - Achieving well-designed places.

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

Paragraphs 178 to 183 - Ground conditions and pollution

National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standards

Assessment

38. The main issues for consideration are:

- (a) The principle of the development.
- (b) The design quality of the scheme and the impact on the visual character of the surrounding area and conservation area.
- (c) The impact on the surrounding highway network and car parking/refuse provision.
- (d) The impact on trees and vegetation.
- (e) The impact on residential amenity.
- (f) Other planning issues such as affordable housing, flooding and drainage, ecology, PROW, Archaeology, lighting.
- (g) Section 106 issues.

(a) The principle of the development.

39. The application site forms part of the S26 ALP site allocation for residential development with an indicative capacity of 20 dwellings.
40. The application is only developing the northern part of the allocated site due to different land ownership and no joint application with the southern allocated area has been submitted. Although it is normally preferable to develop a site as a whole, the partial development is still acceptable delivering housing on the allocated site.
41. The applicant has provided an indicative plan showing the potential development with an access link on the southern part of the S26 allocation providing cumulatively 20 dwellings in line with the S26 indicative capacity. This access link via the southern boundary of the current proposals would need to be secured to through a section 106 agreement. In summary the proposals are acceptable in principle.

(b) The design quality of the scheme and the impact on the visual character of the surrounding conservation area.

42. Policy S26 (a) of the ALP requires the proposals to be designed and laid out in such a way as to preserve or enhance the character and setting of the Conservation Area. Particular attention needs to be given to the visibility of new development from the road. Policy ENV14 of the ALP states that development or redevelopment within Conservation Areas will be permitted provided such proposals preserve or enhance the character and appearance of the Area.
43. The application site is located at the northern edge of the Conservation Area where the dense historic core of mainly ribbon development gives way to more open landscape on the western side of The Street beyond the village hall, and towards the more modern housing development along both sides of the road frontage. The recently completed scheme of 5 detached houses at Magpie Farm is evidenced in views from The Street. These new houses (outside the Conservation Area but affecting its setting) have a more contemporary appearance, creating legibility as modern infill development enclosed by hedgerows and trees. The housing proposed by the application would be at a low density (under 15 dwellings per hectare) so as to be in keeping with its semi-rural landscape setting and the low density of the nearby linear development along The Street road frontage and at Magpie Farm.
44. The proposal is to construct a mixed residential scheme of detached and semi-detached, two storey houses of a traditional height, mass and scale, but in a contemporary form and appearance, using finishes and facing materials that would complement both the historic buildings within the Conservation Area to

the south and the recently completed modern housing development to the north. The proposed design would therefore help to provide a suitable visual transition between the old and the new and irrespective of architectural style the low density approach and site layout would help retain this part of the Conservation Area's semi-rural character notwithstanding that Policy S26 allocates the site for development and therefore sanctions a fundamental change to the land.

45. The landscaped footpath corridor at the front of the site together with the retained roadside hedgerow would help to ensure that the proposed new housing would not impact upon the existing character of ribbon development along the road frontage but would instead, consolidate the form and layout of housing that already exists immediately to the north of the site.
46. Although having a contemporary design appearance, the new housing takes its reference from the wide range of architectural forms of buildings within the Conservation Area. It would add to visual interest and make a positive contribution to the distinctiveness of this part of the Conservation Area. The mixed palette of materials and finishes would add to the site's 'sense of place' and would help define the architectural character of the site. The approach to design, fenestration and external materials indicated in the application is tenure blind and so would be acceptable in creating a cohesive and inclusive form of development.
47. As such, this form of development would preserve and enhance the character and appearance of the Conservation Area in accordance with both national policies and ALP Policies, ENV 14 and S26a.

(c) The impact on the surrounding highway network and car parking/refuse provision.

48. The proposals have been assessed by Kent Highways who raise no objection to the scheme. The joint access arrangement with the Magpie Farm development access is considered acceptable. Two pedestrian dropped kerbs and a small footway link would provide a pedestrian connection to the recreation ground located on the opposite side of The Street. The tracking for a refuse vehicle is acceptable. If the internal road is not adopted an indemnity agreement would be required to allow access of a refuse vehicle. This will be highlighted to the applicant through an informative. Parking provision is provided in accordance with the standards set out in policy TRA3a ALP of 2 spaces per 3 bed dwellings and 3 spaces per 4 bed dwelling with the required on-street visitor parking provided (5 spaces). In summary the proposals are acceptable on highways grounds.

(d) The impact on trees and vegetation

49. It is proposed to retain existing boundary hedgerows and provide new planting to reinforce the screening on the site's western boundary in particular. A late objection has been received from the owner of the land immediately to the south of the development (the Old Surgery site). This is on grounds of the impact of the development on the southern boundary trees and hedgerow. These are located mainly on the Old Surgery side of the boundary rather than within the application site. The objection states the loss of light to the proposed dwellings due to the presence of the trees and concern about future pressure to cut them down or trim their branches. Impact on the RPA of trees on the boundary and foundations of the new dwelling at plot 12 is cited along with potential wildlife impacts due to the loss of any vegetation on the boundary between the two halves of the land covered by Policy S26.
50. Plots 1- 6 rear gardens back on to the southern boundary trees/hedgerow. I consider this relationship would be acceptable and the boundary vegetation would also provide screening to the dwelling granted planning permission immediately adjacent at the Old Surgery site.
51. Plot 12 is located in close proximity to the southern boundary trees and hedgerow. No tree survey was originally submitted with the application and therefore the precise relationship with trees on this boundary could not be accurately assessed from just a desk top study. An updated tree plan has been provided showing the relationship of the nearest tree (oak) to plot 12. This is shown in figure 10 below.

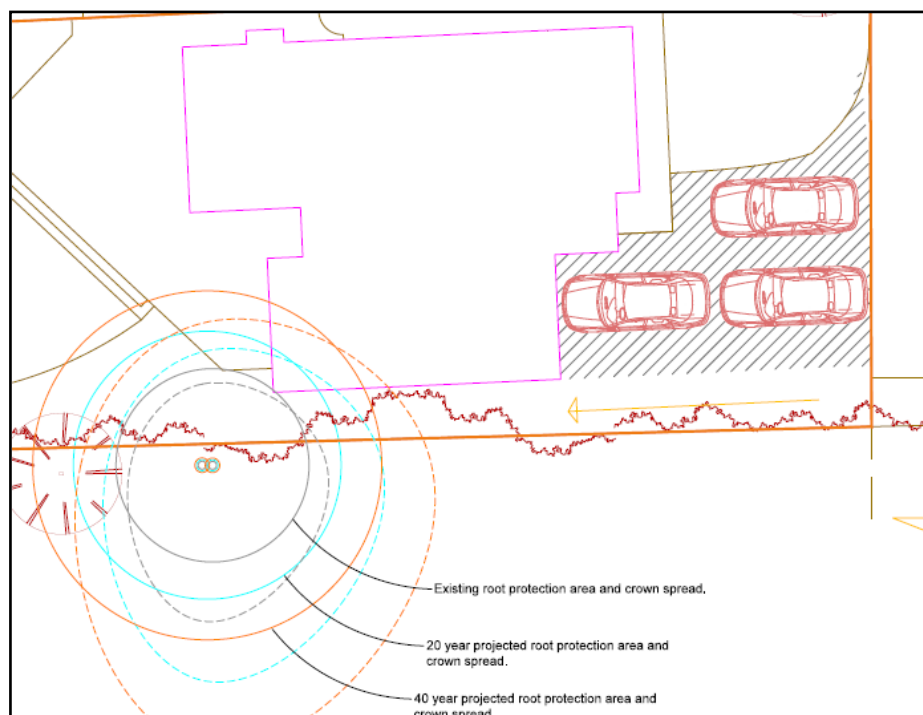


Figure 10: PJC drawing of tree
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52. The original relationship between plot 12 and the adjacent oak tree was not acceptable in terms of the proximity of the 2 storey dwelling. The applicant has, however, now 'flipped' the footprint placing the single storey garage nearest the tree. I consider this matter has been satisfactorily addressed giving the crown of the oak tree the space to grow as shown in the PJC drawing above.
53. The roots would not be damaged when the structure is constructed as the dwelling is outside of the RPA and by constructing the foundations to NHBC standards there should not be a risk of subsidence. Ground protection is likely to be required for this tree during construction and this may be required for additional trees on site. Subject to conditions requiring an arboricultural method statement and tree protection plan the relationship is considered acceptable.
54. However the change to plot 12 would mean its north side elevation containing bedroom windows would be located in very close proximity to similar windows on the south elevation of plot 11. While the overall form of the typology is acceptable, the detail of windows/internal layout needs to be amended to provide a better relationship. I propose to require this through delegated authority to allow the applicant to address this issue to my satisfaction while not changing the impact on the oak tree as assessed above.

(e) The impact on residential amenity.

55. The application site is self-contained. The dwellings would have an acceptable relationship with the nearest existing surrounding dwellings. This includes the detached 2 storey dwelling adjacent to the Old Surgery building recently granted planning permission. The inter-relationship with the proposed dwellings themselves is also acceptable apart from plot 11 and plot 12 that require alteration to the internal layout/ primary side elevation windows as mention above.
56. All of the houses would meet the national and Local Plan policy space standards and minimum private rear garden sizes. Energy saving measures would include air source heat pumps, low energy lighting and high standards of insulation and passive ventilation. Electric car charging points would also be provided. Water saving measure would include dual flush toilets and restricted flow taps with roof water run off discharged into the pond.

(f) Other planning issues such as affordable housing, flooding and drainage, , ecology, PROW , Archaeology, lighting

(i) Affordable housing.

- 57 The proposals would provide 5 affordable dwellings (40%) with plots 1 to 4 being shared ownership and the 5th affordable rent. This affordable rented dwelling would be owned by the Parish Council but rented out in accordance with normal Ashford Borough Council requirements for affordable rented accommodation. The Housing Manager raises no objection to this arrangement as the Parish Council has agreed that the occupancy will be agreed by Ashford Borough Council in the normal manner. Policy HOU14 (Accessibility Standards) states that at least 20 percent of new build homes shall be built in compliance with building regulations part M4(2) as a minimum standard. This is proposed to be secured through the section 106 agreement.

(ii) Flooding and drainage.

- 58 Most of the site is located within a low risk flood area (Zone 1 Flood Risk), but the western part of the site adjoining the watercourse is within higher risk flood zones (Zone 2 and Zone 3) but does not contain any proposed housing. The planning application is supported by a Flood Risk Assessment and Drainage Report prepared by JMLA (August 2019). The drainage strategy comprises attenuation on site within a surface water attenuation basin with controlled discharge at a rate of 1.0 l/s for all events up to and including the 1 in 100 years rainfall event with a 40% climate change allowance. Some level changes within the site may be needed. KCC flooding and drainage have commented there is sufficient open space within the planning layout to accommodate minor revisions which may be required with the final detailed design of the sustainable drainage system, and are happy for this to be conditioned including issues of verification of working as expected and matters of on-going maintenance.

(ii a) SUD access maintenance and integration in scheme

59. The applicant's landscaping and SUDs designer (Greenes) have advised that the pond will require very little and infrequent maintenance due to its size. The maintenance can actually be carried out by hand with waders and would not need mechanical machinery. A very small digger 750mm however could still access and go through the pedestrian sized access shown at the front of the plots. KCC Flood and Water Management have raised no objection to the proposed level of maintenance.
60. The applicant has confirmed that the western end properties plots 9-12 will all pay towards the SUDs maintenance all private units (not HA) will pay an annual estates charge for upkeep of communal planted areas and roads etc. 9-12 will pay a higher rate based on funding the SUD's upkeep.

61. The SUDS area must be at the western end of the site as this cannot be built on due to flooding and is on lower ground allowing water to easily drain to the SUDS area. I agree that moving the SUDs feature to a more central area would not be practical and have a major impact in terms of the layout. Overall I am satisfied that the access, maintenance and integration of the SUDs feature is acceptable.

(ii b) foul drainage

62. With regards to foul drainage, policy S26(f) requires the development to provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider. The applicant has identified that it is proposed to discharge to the existing public foul sewer available within The Street. This would need to be the subject of a capacity check and because of the low-lying nature of the site an on-site pumping station is likely to be required. Southern Water have raised no objection commenting that a desk study of the impact that the additional foul sewerage flows from the proposed development would have on the existing public sewer network indicates that network reinforcement may be required to be provided by Southern Water. This matter can be dealt with by appropriate planning condition, including the potential need for details of any on-site pumping station which would obviously need to be integrated carefully into the layout and softened by appropriate hard and soft landscaping.

(iii) Ecology

63. The application site supports no nationally designated wildlife sites, significant habitats or resident populations of protected species. The land has been the subject of an ecological survey and assessment and this includes a Great Crested Newt survey as the site is situated within 250m of ponds where they have been recorded as being present. The application site is not directly affected by any nature conservation designation. The Dungeness, Romney Marsh and Rye Bay Ramsar site lies immediately to the north east of the village and south along the Royal Military Canal. In addition, an area of the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) lies across the boundary in Folkestone and Hythe District to the south east. The development would not have direct impact on the SPA or SSSI, as it is not connected to it hydrologically and there would be no impact upon the Ramsar.

64. The Preliminary Ecological Appraisal report submitted with the planning application concluded that the proposed development would have no impact upon tree supporting features suitable for bat roosts and although there is potential for nesting birds in boundary trees and hedgerows, these are to be retained. The site's grassland habitat has a short sward that is not suited to

reptiles and there is no evidence of any badger setts and it is unlikely to be suitable habitat for Hazel Dormice. Great Crested Newts (GCN) have potential to use the field as this species has widespread distribution in ponds in the local area. The potential impact is assessed as being relatively limited because of the site's short sward, offering little in the way of refuge for terrestrial newts other than in the boundary hedgerows that are to be retained.

65. Kent County Council Ecological Advice Service have assessed the scheme and raise no objection commenting that the requested copy of the countersigned Great Crested Newt DLL certificate has been provided by the applicant. Whilst KCC would have preferred an ecological enhancement plan to be submitted prior to determination, they are satisfied that this can be secured via a planning condition if planning permission is granted by the Council. A planning condition requiring bat sensitive lighting is also requested. Subject to these conditions, I consider that the proposals are acceptable on ecological grounds and would be in accordance with policies ENV1 and S26 (d) and (e) of the ALP.

(iv) PROW

66. Footpath At121A passes through the site so is affected by the development. The applicant has negotiated a diversion with KCC PROW to alter the route to take into account the development, avoiding its front boundary hedgerow and overlapping parking areas. The general orientation of the proposed route is similar to the current route i.e. from the south-east corner travelling north-west through to Magpie Farm.
67. The application was deferred at the previous committee to consider an improved layout on the eastern side of the site that better integrates the proposed diverted PROW and avoids it passing awkwardly between parked cars before arriving at the junction with the vehicular access into the application site.
68. KCC (PROW) have further commented that the proposed diverted route had resulted from negotiations with the applicant and is chosen for a number of reasons as it is a straight section avoiding a bend and removing frontage vegetation due to visibility. It creates a safe link with the PROW at Magpie Farm. The original diversion proposals (see figure 11 below) had shown the route to the east between the front hedgerow and plot 1 parking spaces but this was not acceptable to KCC PROW.



key

----- Existing PROW

----- original diversion proposals rejected

Figure 11. Original proposed diverted route from PROW

69. Following the deferral I asked KCC PROW if an amendment to the proposed diverted route to the east of plot1 parking rather than between plots 1 and 2 parking could be considered but KCC PROW would not comment on this. If members are still unhappy with this response I can add an informative that the applicant formally asks KCC PROW if this amendment to the current diversion is possible.

70. I previously stated that the proposed KCC PROW planning condition requiring that development cannot go ahead until confirmation of the diversion order is unacceptable. Planning conditions requiring compliance with other existing regulatory regimes do not meet the test of necessity in government guidance and the development would then be dependent on a third party act outside of the applicant's control. Furthermore, it would have the practical effect of making this Council the enforcing authority in respect of PROW matters which would clearly be inappropriate as that function falls to KCC as the highway authority. The grant of a planning permission by this Council does not confirm that a diversion to a PROW necessary to avoid obstruction is now in place or will be approved when it is formally applied for. An informative can make this point clear and remind an applicant to make a timely approach to KCC to move a

required diversion order forward and secure that diversion before commencing works on-site pursuant to a grant of planning permission. If the necessary diversions are not put in place then persons causing obstruction to a PROW face potential prosecution proceedings by KCC.

(v) Archaeology

71. An Archaeological assessment has been provided with the application. KCC Heritage have assessed this and indicated that there is some potential for as yet unknown prehistoric and later remains within this large development. They confirm this can be dealt with by planning condition requiring the implementation of a phased programme of archaeological work in accordance with a written specification and timetable.

(vi) Lighting

72. This would comprise of low level bollard lights around the perimeter of the roadways. These would diffuse light in a downwards direction onto the surface, rather than upwards. Likewise external lighting on the buildings will be directed downwards rather than out to avoid light pollution. The site is within a 'dark skies zone' so this low level lighting is more appropriate here in view of the requirements of policy ENV4 of the ALP and the Dark Skies SPD. I will condition the final details of lighting to comply with these requirements

(g) Section 106 planning obligations

73. These are listed in table 1 below

Planning Obligations

- 74 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
- 75 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

Heads of Terms for Section 106 Agreement/Undertaking

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
Potentially applies to any size/scale of residential development				
1	<p><u>Informal/Natural Green Space</u></p> <p>The developer is to contribute towards the Linear Park proposal for Appledore village, as detailed in the application. Once this has been costed, any outstanding contribution is to contribute towards provision of new public open space at Heathside.</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as 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 Local Plan 2030 Policies SP1, COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use informal/natural green space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably 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 period is limited to 10 years.</p>
2	<p><u>Local Highways</u></p> <p><i>The provision of the southern access road to the boundary of the site</i></p>	<p>A highway access link to the southern part of S26.</p>	<p>On first occupation of the approved dwellings</p>	<p>Necessary in order to meet the demand generated by the development and in the interests of highway safety pursuant to Local Plan 2030</p>

	<p><i>and is made available to the public to use as if it were dedicated as highway in accordance with the approved plans</i></p>	<p>ABP 2020 Site allocation</p>		<p>Policies SP1, TRA1 (and any relevant site policies), KCC Highways guidance and guidance in the NPPF and allow development of the whole allocated S26 ABP 2020</p> <p>Directly related as the application site forms part of the wider S26 allocation and access is provided under this application to The Street..</p> <p>Fairly and reasonably related in scale and kind as would be site specific requirement to enable site delivery.</p>
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<p>Applies to sites of 10 dwellings or more or 0.5ha or over</p>				
<p>3</p>	<p><u>Affordable Housing</u></p> <p><i>5 dwellings</i></p> <p>10% of the total dwellings should be made available for affordable or social rent, and 30% of the total dwellings made available for affordable home ownership (of which 20% of the total dwellings should be shared ownership).</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council, or (in the case of the Affordable Rent unit) the Parish Council which shall enter into a nominations agreement with the Council. The Shared ownership units to be leased in the terms specified. Affordable rent</p>	<p>1 affordable rent units</p> <p>4 shared ownership units</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings. The Parish Council to provide affordable units</p>	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1, HOU1 of Local Plan 2030 the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>

	<p>unit to be let at no more than 80% market rent and in accordance with the nominations agreement.</p> <p>In accordance with table within Policy HOU1</p>			
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Applies to sites of 11 dwellings or more				
	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
4	<p><u>Allotments</u></p> <p>Specific Project:</p> <p>The Parish Council have identified a project to improve the existing allotment site, with a water supply and rabbit-proof fencing.</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary 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>Directly related as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be</p>

				provided and maintained and the maintenance period is limited to 10 years.
5	<p><u>Cemeteries</u></p> <p>The Parish Council would like to use funding to undertake feasibility options into increasing provision in the parish, as there is currently a deficit per head of population.</p>	<p>£284 per dwelling Capital contribution for off-site provision</p> <p>£176 per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings	<p>Necessary as cemeteries are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM4, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use cemeteries and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be maintained and the maintenance period is limited to 10 years.</p>
6	<p><u>Children's and Young People's Play Space</u></p> <p>The Parish Council</p>	£649 per dwelling for capital costs	Upon occupation of 75% of the	Necessary as children's and young people's play space is required to meet the demand that would be generated

	<p>have identified a project to provide new play space at Heathside.</p>	<p>£663 per dwelling for maintenance</p>	<p>dwellings</p>	<p>and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD, and guidance in the NPPF.</p> <p>Directly related as occupiers will use children's and young people's play space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably 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 period is limited to 10 years.</p>
7	<p><u>Community Learning</u></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Project: Towards additional resources for the new learners generated from the development attending Tenterden</p>	<p>£34.45 dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and</p>

	Adult Education Centre			<p>guidance in the NPPF.</p> <p>Directly related as occupiers will use community learning services and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
8	<p><u>Libraries</u></p> <p>Towards additional bookstock for Tenterden library for the new borrowers generated by this development</p>	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary 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>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and</p>

				because amount calculated based on the number of dwellings.
9	<p><u>Outdoor Sports Pitches</u></p> <p>The Parish Council have identified a project to improve the existing hard court MUGA and add a 3G Artificial Turf Pitch</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary 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 Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably 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 period is limited to 10 years.</p>
10	<p><u>Strategic Parks</u></p> <p><i>Applies to</i></p>	<p>£146 per</p>	<p>Upon</p>	<p>Necessary as strategic parks are required to meet the</p>

	<p><i>developments of 11 dwellings or more</i></p> <p>Project: Specific Hub projects (COM2): Discovery Park Conningbrook Park</p>	<p>dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	<p>occupation of 75% of the dwellings</p>	<p>demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably 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 period is limited to 10 years.</p>
11	<p><u>Accessible Homes Head.</u></p> <p>Accessible Housing At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard. In accordance with policy</p>	<p>Provide on-site 20% of all units.</p>	<p>Prior to first occupation of any dwelling comprised within the Development Prior to the first occupation of any dwelling comprised within the Development</p>	<p>Necessary as a requirement under policy HOU14 (a) of the Ashford Local Plan and guidance in the NPPF</p> <p>Directly related to the number of dwellings to be brought forward under the approved scheme (20%).</p> <p>Fairly and</p>

	HOU14 part			<p>reasonably related in scale and kind being 20% of all dwellings as per HOU14(a)</p> <p>Necessary as a requirement under policy HOU14 (b) of the Ashford Local Plan and guidance in the NPPF</p> <p>Directly related to the number of dwellings to be brought forward under the approved scheme (7.5%) and need for wheelchair user dwellings based on the number of household on the Council's housing waiting list requiring wheelchair accessible homes and the location of the development</p>
12	<p><u>Youth Services</u></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Project: Towards Youth resources in Tenterden</p>	£27.91 per house	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan 2030 policies SP1, COM1, IMP1 and IMP2, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use youth services and the services to be</p>

				<p>funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
13	<p>Adult Social Care Project:</p> <p>Towards extra care housing</p>	£146.88 per dwelling	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as enhanced facilities and assistive technology required to meet the demand that would be generated 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>Directly related as occupiers will use community facilities and assistive technology services and the facilities and services to be funded will be available to them</p>

				Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.
Area/Site specific potential requirements				
	Planning Obligation			Regulation 122 Assessment
	Detail	Amount (s)	Trigger Points	
Applies to all				
14	<p><u>Monitoring Fee</u></p> <p><i>Applies in all cases</i></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	£1,000 one-off payment	First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</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. The Council's legal costs in connection with the deed must be paid.</p> <p>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p>				

Human Rights Issues

- 76 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

- 77 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

- 78 I consider the proposals are acceptable in principle as an allocated residential site in the ALP 2030. The scheme would have an acceptable impact on the character of the surrounding area and conservation area. It is acceptable on highway and parking grounds. It would provide the required affordable housing. The impacts on flooding and drainage, ecology and archaeology have been assessed as acceptable. KCC PROW do not object to the proposed PROW diversion. The impact on plot 12 on trees and vegetation is acceptable with delegated powers given to officers to agree detailed changes to provide an acceptable relationship with plot 11 windows. The scheme complies with policy S26 of the adopted ALP 2030.

Recommendation

- (A) Subject to the receipt of further amendments in respect of Plot 12 to show an acceptable detailed site planning relationship with Plot 11 as agreed by the Strategic Development and Delivery Manager or Development Management Manager and**
- (B) 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 and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,

(C) Permit

Subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement process

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Submission of Materials
4. Landscaping scheme and maintenance
5. Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
6. Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
7. Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
8. Details should also be provided of contingency working protocol for action taken should the wheel washing be ineffective and spoil is dragged onto the highway.
- 9 Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
10. Bat lighting plan
11. Biodiversity plan
12. Details SUDS systems and maintenance
13. Details of sewerage disposal
14. Archaeology
15. Arboriculture method statement
16. Tree protection plan.
17. Lighting details,

Note to Applicant

1. S106
2. PROW diversion

3. Applicant to ask KCC about PROW diversion east of plot 1 parking
4. Indemnity agreement for refuse vehicles
5. 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,
- add a brief statement as to how the applicant/ agent responded to our initial contact, and if appropriate, how we dealt with the case thereafter? ie. "...the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted/ the amended plans did not address all the outstanding issues, and permission was refused..."
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/0997/AS)

Contact Officer: Mark Davies
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Telephone: (01233) 330252

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Application Number	18/01550/AS
Location	The Gables, Mock Lane, Great Chart, Ashford, Kent, TN23 3DS
Grid Reference	597473/140666
Parish Council	Great Chart with Singleton
Ward	None
Application Description	Construction of 39 apartments, comprising of 21 one-bedroom, and 18 two-bedroom units, with associated provision of new roads, footpaths, car parking spaces, landscaping and private amenity space (amended application to include access from Mock Lane and associated highway improvements).
Applicant	Hodson Developments Ltd
Agent	N/A
Site Area	0.37 hectares

a) 25/2'R'

b) Great Chart with Singleton 'R';
Kingsnorth 'X';
Shadoxhurst '-'

c) KCC H&T 'X';
KCC PRoW '
SW 'X', EA '-';
CMOPWG 'S'
ABC ES 'X'
KCC EAS 'X'

Introduction

1. This application is reported to the Planning Committee because it is classed as a major application and under the Council's scheme of delegation it falls to be determined by the Planning Committee.

Site and Surroundings

2. The site comprises an existing single residential property (The Gables), a detached chalet bungalow, two outbuildings and associated garden land, with a site area of 0.37 hectares. The site is largely flat, with a hedgerow enclosing

the site on all sides and a small group of trees in the front, north, corner of the site, adjacent to Mock Lane.

3. The area surrounding the site comprises a mixture of open fields, residential properties and industrial units, which are within the Area Action Plan (AAP) boundary for the Chilmington Green development. The site, and surrounding buildings, did not form part of the Chilmington Green development. However, the surrounding land adjacent to the site does form part of the Chilmington Green development, where residential development has been approved on the land abutting and surrounding the application site.
4. The site is located outside a conservation area, there are no listed building on the site or in the immediate area and the site lies outside Flood Risk Zones 2 (medium risk/probability) and 3 (high risk/probability).
5. The site is detailed in Figures 1 and 2, below.

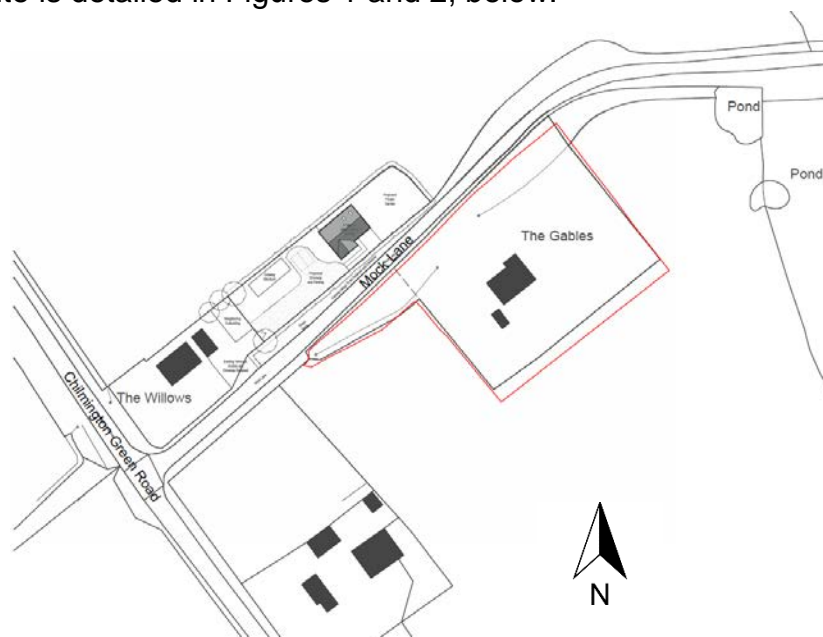


Figure 1: Site location plan

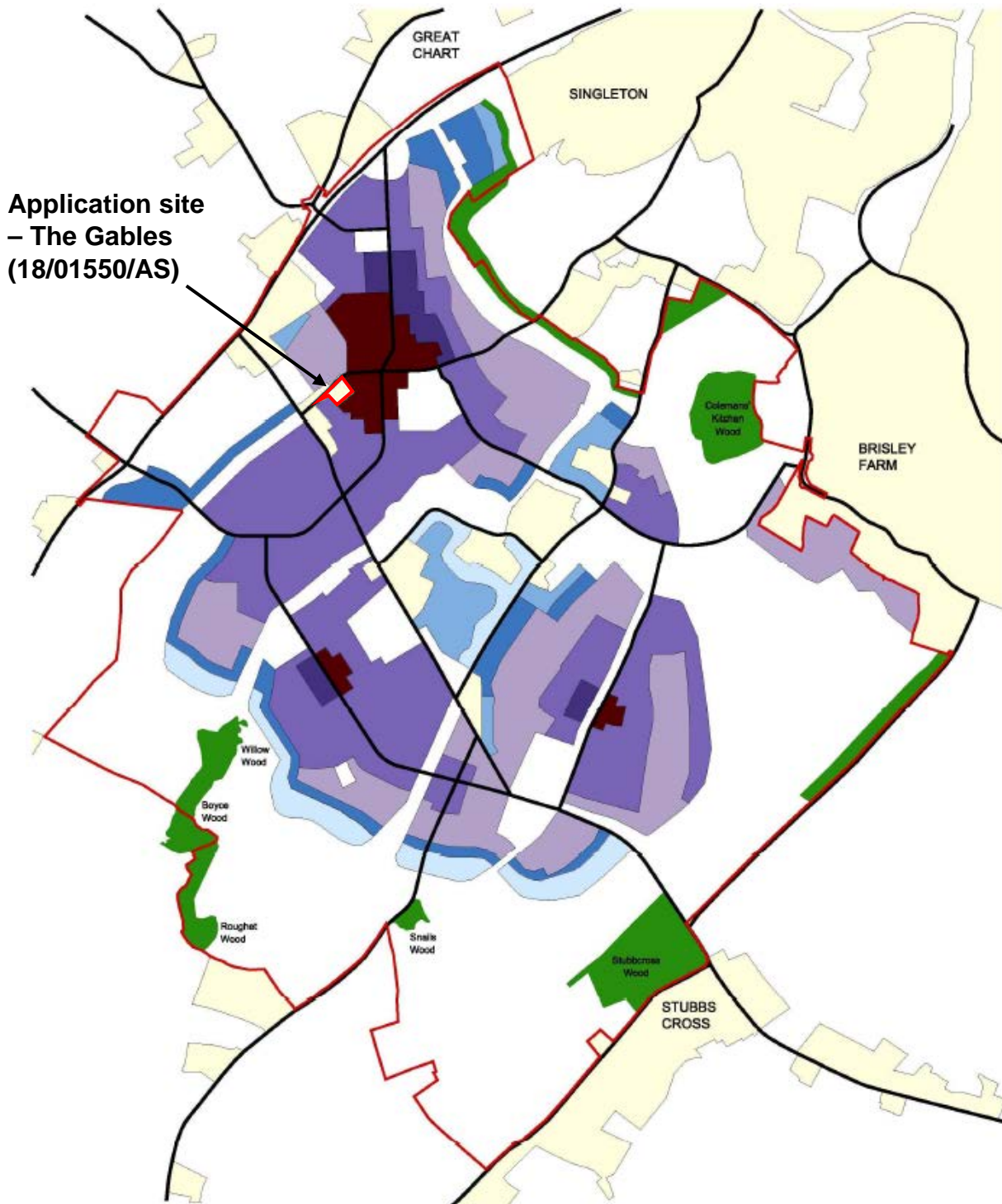


Figure 2: Application site and Chilmington Green Development –
Outline permission 12/00400/AS

Proposal

6. Full planning permission is sought for the construction of a single, part three/part four storey building consisting of 21 one-bedroom and 18 two-bedroom apartments, with associated car parking spaces, landscaping and private amenity space.

➤ Appearance

7. The external appearance of the building comprises a slate effect tiled roof, black weatherboarding, red multi brick, grey UPVC windows and metal (grey) balconies.



Figure 3: Proposed front (north) and rear (south) elevations

➤ Access and parking

8. The site and building are accessed from and front Mock Lane, with a vehicle access drive-thru to a landscaped car park to the rear of the site. There is a total of 59 parking spaces to the rear of the site for residents, of which 20% are detailed to have electric charging points, and a further six on-street parking spaces for visitors at the front of the building.
9. In addition, the development also includes provision for 44 cycle parking spaces in a secure, covered storage area near the residents' rear entrance to the building, and a large parallel parking space adjacent to Mock Lane which is to provide parking for a refuse vehicle.



Figure 4: Access and parking layout

➤ Affordable dwellings, apartment sizes and density

10. The proposal would provide a total of 39 units, of which 12 are affordable dwellings. The internal sizes of the one bed apartment range from 50.02 square metres to 57.57 square metres, and the two bed apartments range from 61.19 square metres to 96.94 square metres. These internal space standards accord with the Government's space standards, as set out within the "Technical housing standards – nationally described space standards" document.
11. The development of 39 apartments on a 0.37-hectare sites amounts to a site density of 105 dwellings per hectare. This is consistent with the approved densities for the Chilmington High Street development land parcels, which border the north-east and south-east site boundaries. The building reduces in scale from 4 storeys to 3 storeys to the south-west. This is to reflect the neighbouring Chilmington Green land parcel adjacent to this boundary with a lower development density and up to 3 storeys (13 metre) building heights in this location.
12. The building heights and site densities relating to the Chilmington Green development (12/00400/AS) in relation to the application site are set out below.

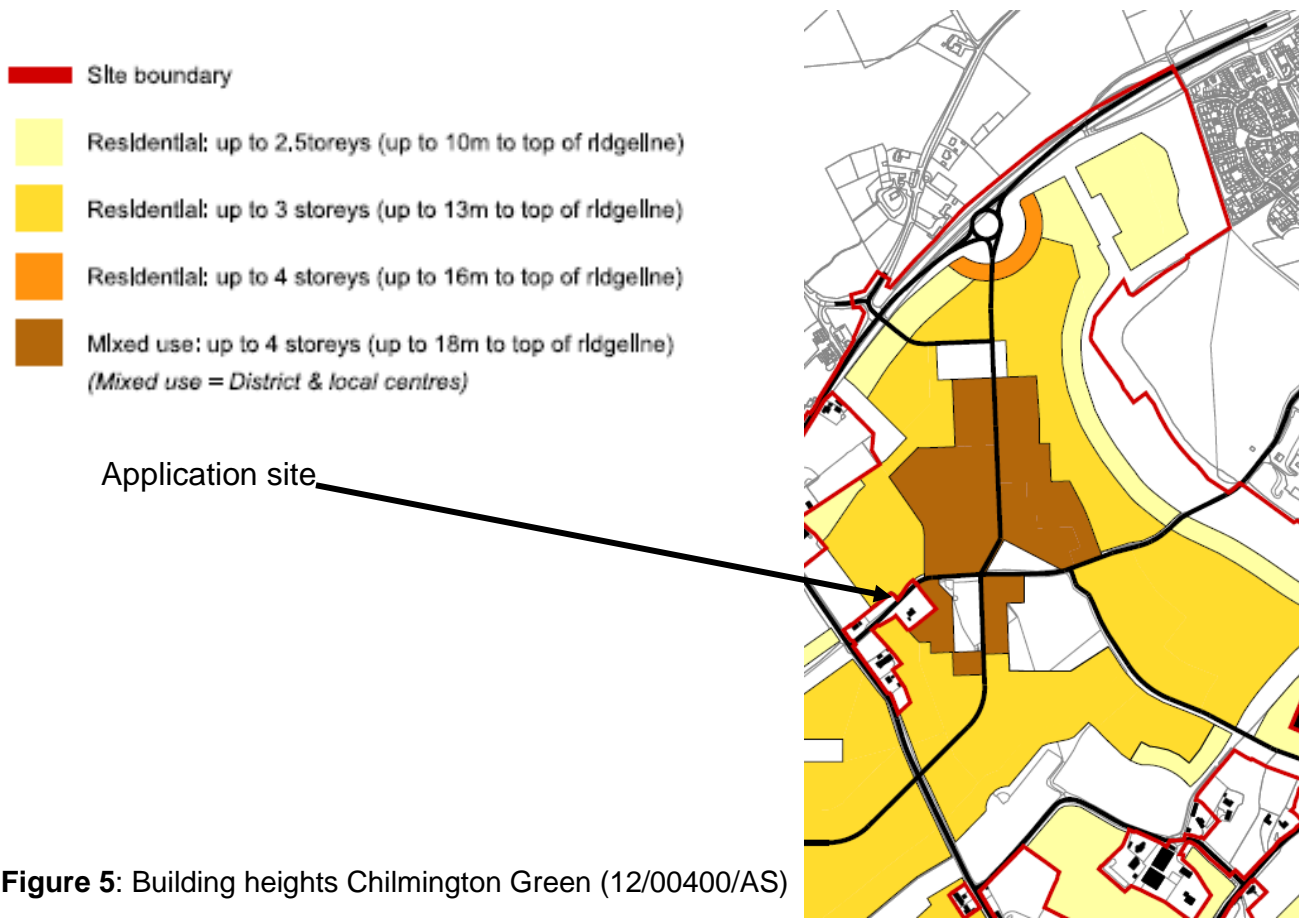


Figure 5: Building heights Chilmington Green (12/00400/AS)

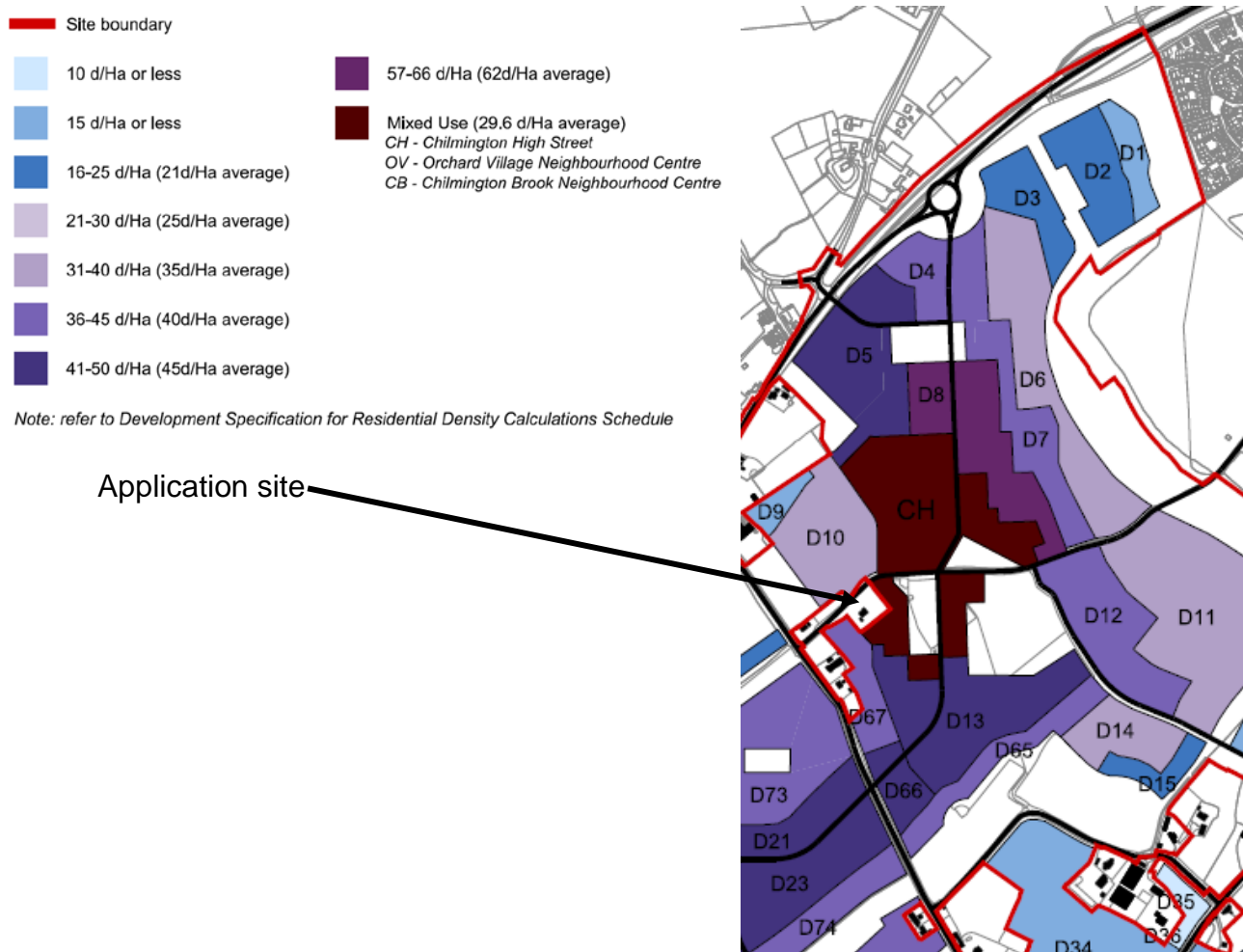


Figure 6: Building densities Chilmington Green (12/00400/AS)

Planning History

13. The relevant planning history for this application is set out in detail below.

Application No. 12/00400/AS

Outline application for a Comprehensive Mixed-Use Development comprising:

- Up to 5,750 residential units, in a mix of sizes, types and tenures;
- Up to 10,000 m² (gross external floor space) of Class B1 use;
- Up to 9,000 m² (gross external floor space) of Class A1 to A5 uses;
- Education (including a secondary school of up to 8 ha and up to four primary schools of up to 2.1 ha each);
- Community Uses (Class D1) up to 7,000 m² (gross external floor space);
- Leisure Uses (Class D2) up to 6,000 m² (gross external floor space);
- Provision of local recycling facilities;

- Provision of areas of formal and informal open space;
- Installation of appropriate utilities infrastructure as required to serve the development, including flood attenuation works, SUDS, water supply and wastewater infrastructure, gas supply, electricity supply (including substations), telecommunications infrastructure and renewable energy infrastructure (including CHP in the District Centre);
- Transport infrastructure, including provision of three accesses on to the A28, an access on to Coulter Road | Cuckoo Lane, other connections on to the local road network; and a network of internal roads, footpaths and cycle routes;
- New planting and landscaping, both within the proposed development and on its boundaries, and ecological enhancement works; and
- Associated groundworks.

Where appearance, landscaping, layout and scale are reserved for future approval and where access is reserved for future approval with the exception of the three access on to the A28 and the access on to Coulter Road | Cuckoo Lane.

Permission granted 06 January 2017

Application No. 17/00272/AS

Land at The Willows, Mock Lane, Great Chart, Kent - Proposed residential dwelling.

Permission granted 17 July 2017

(Officer note: this permission relates to a single storey detached two-bedroom bungalow opposite the application site. The permission remains unimplemented, but extant, with the Council recently receiving pre-commencement discharge of condition information (22/05/2020 and 25/06/2020)).

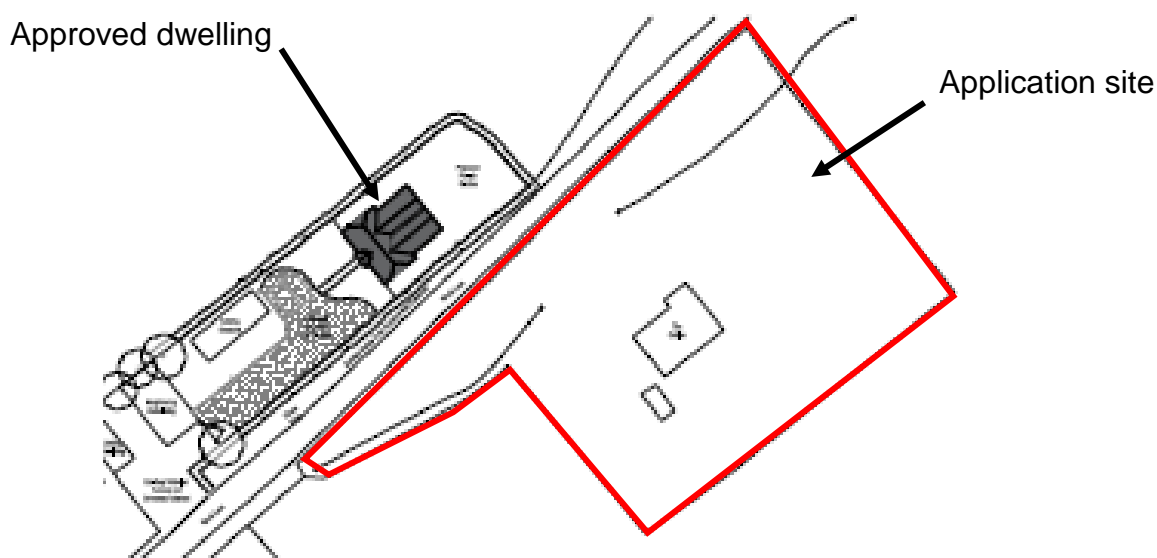


Figure 7: Approved single dwelling (17/00272/AS) and application site.

Consultations

14. The consultation responses below are a summary of the responses the Local Planning Authority have received, which can be viewed in full on the Council's website, and are the most recent responses from the respective consultees and of local representation.

Neighbour representations

25 neighbouring properties were consulted on the proposed development and 2 letters of objection have been received. These are summarised as follows:

- The development was not incorporated as part of the Chilmington Outline permission;
- Loss of the house;
- Development will have a negative impact upon the environment and wildlife;
- This is a family residential area which will be 'exposed' to mainly single occupancy flats;
- Poor quality housing will lead to an increase in criminal activity.

Parish Council Representations

Kingsnorth Parish Council: No objection, with the following observations:

- within the Area Action Plan for Chilmington;
- pleased 30% affordable is proposed, as per ABC policies; and
- would prefer to see 2 parking spaces per unit

Shadoxhurst Parish Council: No comments to make on this application.

Great Chart with Singleton Parish Council: Objection, for the following reasons:

- no provision of visitor's car parking space and the proposed car park is not in keeping with the SPD rulings;
- turning point for refuse vehicles is not wide enough
- surface drainage is a major concern
- no provision for electric car charging points or disabled parking bays

(Officer note: Following the receipt of amended plans and additional information the proposal now provides six visitor parking spaces, a refuse vehicle parking space and 20% of the residents parking provision have electric charging points).

Consultee Responses

Kent County Council Highways and Transportation: No objection, subject to conditions.

Kent County Council Ecological Advice Service: No objection, subject to conditions.

Environment Agency (EA): No comments to make on this application, as it falls outside our remit as statutory planning consultee.

Southern Water: No Objections.

Public Rights of Way (KCC): No objection, with the following comments:

- proposal does not appear to directly affect the public path;
- series of recommended informatives for the applicant's information; and

- granting of permission does not grant other permission or consent or right to close or divert any Public Right of Way at any time without the express consent of the Highway Authority.

Local Lead Flood Authority (KCC): No objection, subject to conditions.

CMO Project Team on behalf of the CMO Partnership Working Group (PWG) (22 Nov 2018): Support, with the following comments:

- application falls outside the red line boundary of the Chilmington Green Development but inside the Area Action Plan Boundary (AAP);
- application is bound by the policies of the AAP, but does not automatically have to adopt the CMO approach;
- keen to minimise the proliferation of private management companies within the AAP boundary; and
- Wish the development and new residents to embrace and be part of the CMO.

Heritage (KCC) (22 Nov 2018): No objection, subject to condition.

Kent Police (23 Nov 2018): No objection, with the following comments:

- applicant has clearly demonstrated that they have fully considered designing out crime and crime prevention in their Design Out Crime Strategy; and
- there are minor issues that could be improved with the proposal.

(Officer note: these areas are set out in full within Kent Police's response. They are minor issues, which can be brought to the Applicant's attention by way of informatives).

Ramblers Association (26 Nov 2018): No objection.

Economic Development (KCC) (26 Nov 2018): No objection, with the following comments:

- development would have an additional impact on the delivery of community services, which would require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution;

- contributions are sought towards primary education and libraries;
- development should also ensure provision of Superfast Fibre Optic Broadband to all buildings; and
- KCC confirm, in accordance with CIL Regulations 123, there are no more than 4 other obligations towards these projects.

Housing Services (Feb 2019): No objection, with the following comments:

- There is an expectation of 30% affordable housing being delivered within this scheme. Consistent with the policy, 10% of the total dwellings should be made available for affordable or social rent, and 20% of the total dwellings made available for affordable home ownership (of which 10% of the total dwellings should be shared ownership);
- Therefore, the expectation is that 12 units (of 39 total) will come forward for affordable housing. 4 units will be made available for affordable rent and 8 for affordable home ownership (of which 4 must be for shared ownership with the remainder a low-cost home-ownership product agreed by the Development Partnership Manager within the authority;
- properties to meet the Nationally Prescribed Space Standards;
- In line with Policy HOU14 of the emerging local plan, 20% of all dwellings should be M4(2) standard and 7.5% of the affordable homes should be wheelchair dwellings;
- The affordable housing composition be integrated into the development to ensure a balanced tenure neutral mix rather than being positioned as a cluster of properties.

Environmental Services (Refuse): No objections.

Ashford Access Group (2018):

- There should be flush and level approach to main door. Great attention paid to alignment of textured paving at any crossings.

KCC Drainage comments: No objection, with the following comments:

- Previous objections were raised in regards to proposals of culverting the existing watercourse passing through the site relating to an existing watercourse passes through the site east to west and a section to the west is already culverted;

- Under the new proposals, the watercourse would be partially relocated closer to the property boundary (red line) and in doing so the entire section of watercourse would become a culvert. The LLFA have previously made clear that the proposal of increasing the culvert length is against our Drainage and Planning Policy Statement (December 2019);
- During discussions and a subsequent Drainage Technical Note (July 2020), it has been made clear that other options have been considered but considered unviable;
- Whilst installing a culvert the entire length of the site is not the welcomed solution by the LLFA we do remove our objections to this development as agreed, subject to planning conditions.

Planning Policy

15. 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), the Rolvenden Neighbourhood Plan 2016-30 and, the Kent Minerals and Waste Local Plan (2016).
16. 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).
17. The relevant policies from the Adopted Local Plan 2030 relating to this application are as follows: -
 - SP1 - Strategic Objectives;
 - SP2 - The Strategic Approach to Housing Delivery;
 - SP6 - Promoting High Quality Design;
 - SP7 - Separation of Settlements;
 - HOU1 – Affordable Housing;
 - 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;
 - TRA6 - Provision for Cycling;
 - 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;
- IMP1 – Infrastructure Provision;
- IMP4 - Governance of public community space and facilities.

Chilmington Green Area Action Plan

- Policy CG0 – Presumption in favour of sustainable development;
- Policy CG1 – Chilmington Green development principles;
- Policy CG2 – Strategic development requirements;
- Policy CG3 – The District Centre and High Street Character Area;
- Policy CG10 – Development a Community;
- Policy CG11 – Highways and access;
- Policy CG13 – Cycling and walking;
- Policy CG13A – Travel Plan;
- Policy CG18 – Provision of Affordable Housing;
- Policy CG19 – Sustainable design and construction;
- Policy CG20 – Sustainable drainage;
- Policy CG21 – Ecology;
- Policy CG22 – Phasing, delivery and implementation.

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

Supplementary Planning Documents/Guidance (SPDs/SPG)

- Chilmington Green Design Code SPD 2016;
- Residential Parking and Design Guidance SPD 2010;
- Sustainable Drainage SPD 2010;
- Landscape Character SPD 2011;
- Residential Space and Layout SPD 2011;
- Sustainable Design and Construction SPD April 2012;
- Public Green Spaces and Water Environment SPD 2012;
- Dark Skies SPD 2014.

Informal Design Guidance

- Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins;
- Chilmington Green Quality Charter.

Government Advice

- Technical housing standards – nationally described space standards;
 - National Planning Policy Framework (NPPF) 2019.
19. Members should note that the determination must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. It is acknowledged that though the adopted Local Plan 2030 area does not encompass the margins of the Chilmington Green Area Action Plan, the policies of the adopted Local Plan are material and carry significant weight in the determination and consideration of development proposals in this area.
20. These policies therefore overlap and should be considered in tandem with, the set criteria of 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:
21. 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 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)

Assessment

22. The key issues for consideration are:

- (a) The principle of the development;
- (b) The design quality of the scheme and its visual impact on the locality;
- (c) Impact on neighbouring amenity;
- (d) Highway impacts, car parking & cycle provision;
- (e) Affordable housing;
- (f) Flooding and drainage;
- (g) Ecology and biodiversity;
- (h) CMO and Stewardship;
- (i) Planning obligations.

These issues are considered in turn below.

(a) The principle of the development

23. The application site lies within the Chilmington Green Area Action Plan (AAP) area, which forms part of the council's statutory development plan for the borough, and is a site-specific plan which guides development to shape the new community at Chilmington Green. This includes development of all key infrastructure, community, social and residential development across the whole site.
24. The site did not form part of the original outline planning application (12/00400/AS) for Chilmington Green, but is identified as being an 'existing property'. The AAP sets out that a number of existing properties (both residential and commercial) and small holdings which fall within the 'extent of development' are assumed to remain and the AAP/masterplan reflects their continued presence, and it does not mean that these areas are necessarily suitable to accommodate new development in principle. The AAP advises that should such areas come forward for development later in the process, such as is the case with this scheme, proposals will need to be judged on their own merits through the planning application process, and will be expected to accord with the policy approach proposed within the AAP and other relevant parts of the statutory development plan.
25. Therefore, simply because the proposed development falls within the AAP does not mean the principle of the proposed development must be acceptable. The relevant development plan policies are set out above, with the AAP forming an integral role in the assessment and determination of the proposal. Since the publication and adoption of the Chilmington Green Area Action Plan in July 2013, the Ashford Local Plan 2030 was adopted in

February 2019 and is a significant material consideration of the proposed development.

26. In respect of the principle of development and the AAP, Policy CG1 of the Chilmington Green Area Action Plan sets out the Chilmington Green development principles. These are, to support major new sustainable development, relevant to this proposal are, to provide:
- a well-designed, safe and accessible, high quality, sustainable development;
 - delivery of a mix and range of house types, located within various density gradients, to create a coherent, distinctive and attractive series of places throughout the development; and
 - positively respond to the distinctive landscape character and assets of the site.
27. Further, policy CG2 of the AAP sets out that development will focus around the District Centre which will provide the majority of retail, employment and community-focused accommodation and an essential hub supporting public transport and local services. The application site falls within the identified footprint of existing built development and adjacent to key planned development areas, including the District Centre and land known as The Hamlet.
28. The development would comprise the construction of a part four/part three storey residential building housing a total of 39 residential units, 21 of which are one-bedroom flats and 18 are two-bedroom flats, following the demolition of the existing chalet bungalow and detached outbuilding on the site.
29. As stated, the development proposal is situated on the edge of the Chilmington Green High Street land parcel, within the AAP, and would deliver a high quality, well designed, safe and accessible development. Also, whilst the range of house types are limited to one and two bed dwellings, these are considered appropriate in this location being in close proximity to the Chilmington Green High Street/District Centre with the inclusion of a proportion of the proposed units being both accessible and affordable units.
30. Lastly, the development respects the gradient of development densities in the surrounding land parcels, and has been designed to respect the local landscape character and assets of the site. As such, the principle of the proposed development is considered to be acceptable.

(b) The design quality of the scheme and its visual impact on the locality

31. The design, character and visual impact considerations of the development proposal are primarily guided by Policy CG3 (The District Centre Character Area) of the Chilmington Green Area Action Plan, the Chilmington Green Design Code SPD and the advice contained within the NPPF.
32. Policy CG3 relates to built form in the District Centre. The site straddles the District Centre boundary, where Policy CG3 sets out that residential development should be relatively high and residential uses should be in the form of flatted accommodation of a scale of 2.5 and 3 storeys in height, with some 4 storey buildings.
33. The purpose of the Chilmington Green Design Code is to set clear guidelines and establish design to assist in the preparation and approval of reserved matters application. Although this particular development and land parcel was not included in the original outline permission (12/00400/AS) for the Chilmington Green Development and this is not a reserved matters application; the development is both within the Chilmington Green Area Action Plan boundary and is a central land parcel to the wider Chilmington Green development, being located adjacent to the District Centre in the Chilmington Rise Character Area. As such, the Chilmington Green Design Code is considered to be applicable and relevant to this proposal to ensure the development is consistent with the immediate and wider Chilmington Green development and its core objectives.
34. Within the Chilmington Rise character area/neighbourhood is the Chilmington District Centre/High Street, Market Square and Chilmington Gardens. The application site is positioned adjacent to the Chilmington Gardens character area, to the north-east, the south-eastern boundary adjoins the District Centre character area, the south-west boundary adjoins the Chilmington Rise character area with the proposed allocation for the secondary school to the west of the application site. Mock Lane runs adjacent and parallel to the north-west site boundary and immediately opposite the site on the other side of Mock Lane, the Chilmington Rise character area continues.
35. In addition to the Chilmington Gardens Design Code, the approved Storey Heights Plan for the Chilmington Green development/outline permission (12/00400/AS) is an important consideration. This plan sets out buildings of up to 4 storeys (maximum ridge height of 18 metres) within the District Centre, including Chilmington Gardens, and up to 3 storeys (13 metres ridge height) for land outside the District Centre, within the Chilmington Rise character area. On this basis, the development immediately surrounding the site would likely be a mix of 3 and 4 storeys, predominantly residential, development.

- Character and visual appearance
36. The proposed development is a part three and four storey building, with the four-storey element adjacent to the District Centre and the 3-storey part of the building adjacent to the Chilmington Rise residential area. The ridge heights of both the 3 and 4 storey aspects of the building are less than the maximum ridge heights for the surrounding land parcels, 10.84 and 16.15 metres respectively.
37. The development scale, form and massing are considered to be consistent with surrounding approved Chilmington Green Development, combining 3 and 4 storey scaled developments that have been established in both the Chilmington outline permission (12/00400/AS) and the adopted Chilmington Design Code. This would reflect the transitional nature of the site linking the 4 storey higher density development within the District Centre to the north-east of the site and the lower density three storey residential development to the south-west of the site.
38. As such, whilst the development would represent a significant addition of built form on the existing site and immediate area, it would be consistent with the extant outline permission and approved Chilmington Green Design Code. Therefore, over the course of time with the implementation and development of the overall Chilmington Green Garden Community development, the proposed development would respect the local character of the area to form one sympathetic and consistent development across this and the wider area. The development, therefore, accords with Policy CG3 of the Chilmington Green Area Action Plan, the Chilmington Green Design Code SPD and the advice contained within the NPPF.
- Design
39. From the design and appearance perspective, the Chilmington Design Code sets a framework for future design, but does not dictate what the style should be. It states that the design style should respect the following principles:
- Avoid architectural ‘pastiche’;
 - Respond positively to local context; and
 - Use materials in a way that complements the chosen architectural language.
40. However, the Chilmington Design Code does set out palettes of materials across the Chilmington Green development, which includes roofing materials,

external walls and cladding, window frames, balconies and other features. These include, amongst others, grey slate tiles (natural or good quality reconstitution), red multi mix bricks, self-coloured render, grey UPVC windows and grey or black metal balconies.

41. The buildings detail a grey slate effect roof covering, red multi mix brick external walls, grey UPVC windows and metal external balconies finished in grey. Also, the building would have a rectangular shaped footprint, pitched roof and be positioned parallel with but set back from Mock Lane.
42. In this regard, the design and appearance of the building has been influenced by local building materials, recent housing permissions in the area and development styles across the Chilmington Green area. The design and external appearance of the development is balanced and considered to be of good quality that has clearly been influenced by the adopted Chilmington Green Design Code. As such, the proposed development accords with Policy CG3 of the Chilmington Green Area Action Plan, the Chilmington Green Design Code SPD and the advice contained within the NPPF.

c) Impact on neighbouring amenity

43. The Chilmington Area Action Plan has no specific policies about neighbouring amenity and although there are policies within the Ashford Local Plan that require development to not adversely impact on neighbouring uses and provide a good standard of amenity for nearby residents, the Ashford Local Plan does not cover the site as it lies within the Chilmington Green Area Action Plan. However, the NPPF is a material consideration in the determination of this application, which requires (paragraph 127 (f)) developments to provide a high standard of amenity for existing and future users.
44. The site currently comprises a single detached chalet dwelling, with limited surrounding development. There is a single detached chalet bungalow (The Willows) at the junction of Chilmington Green Lane and Mock Lane, and a further detached dwelling (Orchard House) to the south of the site. There are detached storage buildings between the Orchard House and the junction of Mill Lane and Chilmington Green Lane.
45. In addition to these existing residential properties, there is an extant permission for a detached dwelling opposite the application site. Also, much of the land surrounding the site, although undeveloped at this time, forms part of the outline permission (12/00400) for the Chilmington Green site, which is

planned for largely residential development. The relationship of these future proposals shall also be considered.

46. The existing buildings immediately surrounding the site are shown in Figure 8 below, together with an indication of the future development of the area shown in Figure 9.

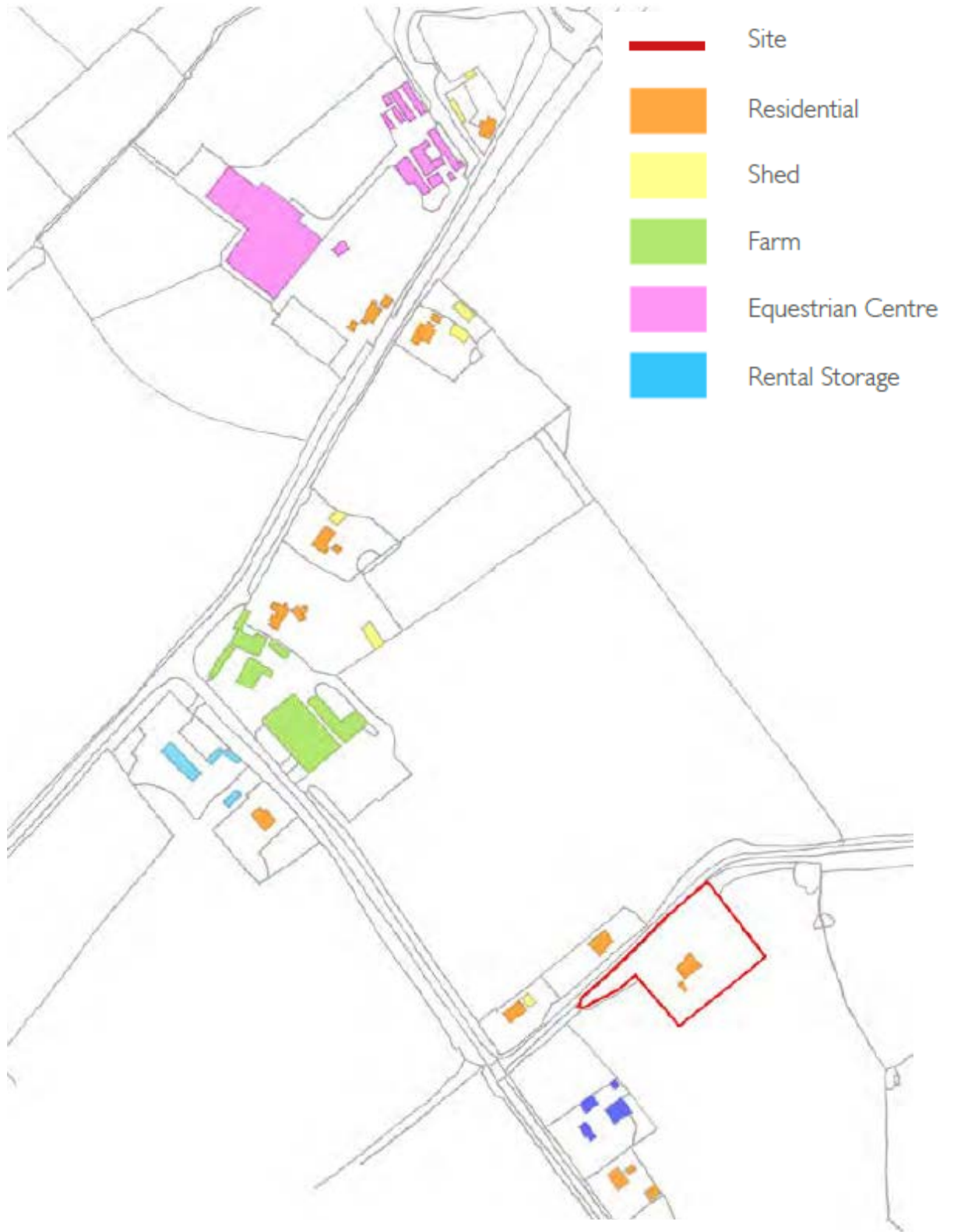


Figure 8: Neighbouring/surrounding buildings

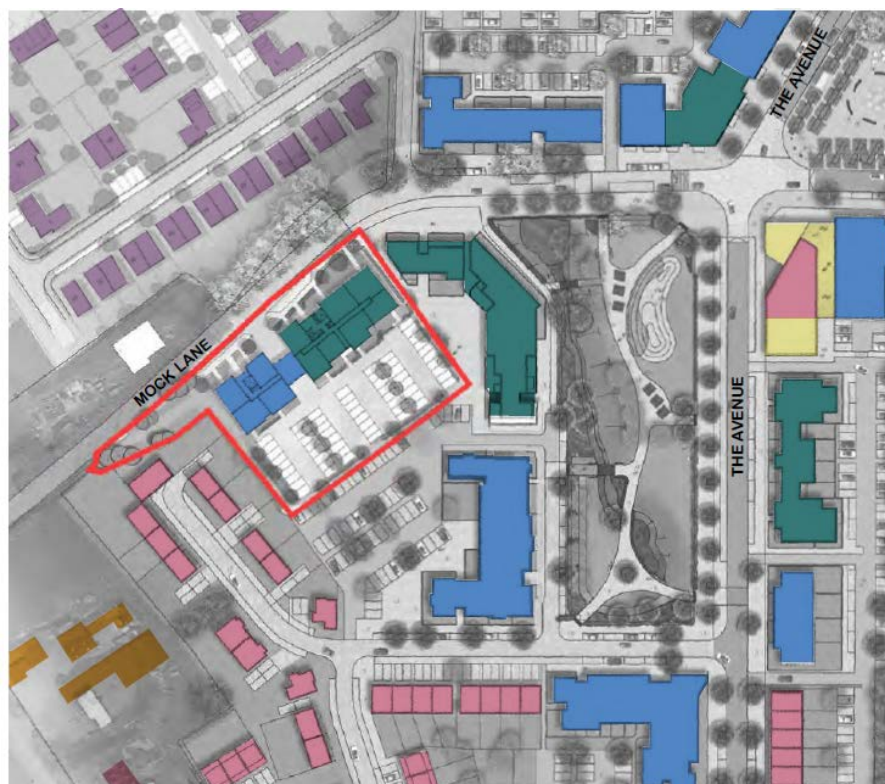


Figure 9: Masterplan – potential future development layout

- The Willows and Orchard House
47. Looking at the existing buildings in the immediate locality, the closest properties are The Willows and Orchard House, two detached dwellings. Both these buildings are positioned away from the site and development, to the west and south-west respectively, and neither of these existing properties or the development facing one another. Given the spacing, orientation and relationship of the existing dwellings and the development, it is not considered to result in any unacceptable harm on the amenities enjoyed by the occupants of this property in terms of privacy, access to sunlight and daylight nor have an overbearing/unneighbourly impact.
48. It is also noted and acknowledged that this development would result in an increase of traffic movements to and from the site, with a net increase of 38 units on the site. However, this additional traffic flow, when considered in the context of the wider Chilmington Green development is minimal and not considered to result in any unacceptable noise and disturbance on the existing and future occupants of either The Willows or Orchard House.

- Extant permission
49. Neighbouring The Willows, immediately to the north-west and fronting Mock Lane, is an extant permission for a detached two-bedroom bungalow. This approved dwelling is positioned opposite the application site, on the northern side of Mock Lane from the apartment building. The apartment block fronts Mock Lane, set back from the road, and faces north-west with the three-storey element of the building closest to the approved dwelling. Neither the approved dwelling nor proposed apartment building directly face one another, with the approved dwelling being positioned opposite the south-west corner of the site. This can be seen in figure 9 above. In addition, the primary habitable window openings serving the approved dwelling are orientated to the north-east away from the development.
 50. The three-storey element of the apartment building, which faces the rear garden of the approved dwelling, extends to a height of approximately 10.5 metres and details a series of window openings and a total of four balconies serving two first floor and two second floor flats. These balconies extend off open plan living/dining/kitchens.
 51. On the opposite side of the site, along Mock Lane and forming the boundary to the site of the approved dwelling, are mature trees and a high hedge. This vegetation cover runs along the length of both the approved dwelling and the garden serving this property, extending to a height of between 6 – 8 metres. The combination of the lower three-storey element of the development closest to the approved dwelling opposite the site, together with the existing high-level boundary screening would prevent any unacceptable overlooking and loss of privacy to the occupants of this dwelling.
 52. In terms of access to sunlight and daylight, the development would replace an existing detached chalet bungalow with a considerable larger part three/part four storey building, which is positioned to the west/south-west of the approved dwelling. Despite the increase in scale and massing on the site, it is the smaller three storey part of the building that is closest to the approved dwelling and its primary window openings do not face towards the development.
 53. It is acknowledged that the increase in scale of development on the site, particularly as it is positioned to the south-west, is likely to result in some loss of sunlight to any future occupants of this building. However, any potential loss of light is considered to be limited, and primarily over the winter months when the sun is low in the sky. The loss of light that may result from the development is considered to be limited and not result in an unacceptable

impact to the future occupants of the approved dwelling to justify a reason for refusal. Neither is the proposed development considered to result in an unacceptable overbearing/unneighbourly impact on the occupants of this approved dwelling.

- Future surrounding development

54. As can be seen from figure 9, there is a significant amount of development planned that would surround the application site. This is extensively residential in nature of varying scales and densities. These are largely future reserved matters development proposals, following the original outline permission (12/00400) of the Chilmington Green site. The currently proposed development has been designed to complement and respect the planned future development surrounding the site, and it is not considered that it would result in any significant detrimental residential or visual impacts upon future occupants of the planned developments surrounding the site.

- Summary

55. It is therefore considered that the proposed development will not have unacceptable impacts on the amenities enjoyed by the occupants of the existing neighbouring and surrounding properties, together with those future dwellings surrounding the site, in accordance with paragraph 127 (f) of the NPPF.

d) Highway impacts, car parking & cycle provision

56. Chapter 9 of The Chilmington Green Area Action Plan (AAP) deals with transport across the whole major urban extension site of Chilmington Green, looking at accessibility, sustainability and easy movement around the site. Policy CG11 (Highways and Access) of the AAP sets out the transportation links and changes to facilitate the urban expansion of Chilmington Green, and funding mechanisms for required highway infrastructure works/improvements to facilitate the development. The policy also outlines that development at Chilmington Green may be restricted by condition and/or planning obligation unless it can be demonstrated that sufficient off-site highway capacity on the A28, or any other primary or secondary links or junctions within the adjacent parts of the urban road network that is available to accommodate any additional traffic generation.

57. The Chilmington Green AAP also has policies relating to public transport (CG12), cycling and walking (CG13) and requires development proposals are

consistent with the requirements set out in the Council's Residential Parking SPD.

58. In addition to the policies contained within the Chilmington Green AAP, and Council's adopted Residential Parking SPD, the advice contained within the NPPF and adopted Local Plan are a material considerations in the determination of this application. NPPF paragraph 109 states that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
59. In order to ensure developments do not result in an unacceptable impact on highway safety or severe cumulative impacts on the road network the NPPF sets out (paragraph 110) that development proposals should:
- give priority first to pedestrian and cycle movements;
 - facilitate access to high quality public transport that encourage public transport use;
 - address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - create places that are safe, secure and attractive;
 - allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
60. The proposal, although not forming part of the Chilmington Green outline permission (12/00400/AS), will be considered against those aforementioned highway, parking and sustainability requirements.
61. The development proposal has been revised and amended from those details which were originally received, which detailed the building being accessed from the south-east via the district centre. The revised proposal details a vehicle access point directly from Mock Lane, in a similar position to the existing access point serving the site, with a vehicle access undercroft serving a residents' car park to the rear of the building.
62. In addition, the proposal details a widening of Mock Lane (5.5 metres wide) between the junction with The Avenue and the proposed site access, together with the provision of a 2-metre wide footway on the southern side of Mock Lane.

63. Adopted Local Plan policy TRA3 states that, proposals for residential development within suburban and rural locations shall achieve 1 and 2 car parking spaces for 1 and 2-bedroom units respectively, and 0.2 spaces for visitors. In this instance, a total of 59 unallocated spaces are proposed to serve the proposed development with 6 visitor parking spaces. These will be located to the south of the buildings directly accessed off Mock Lane. The proposed development also makes provision for the adaptation of up to 7 car parking spaces as disabled bays, having an additional 1m width in the aisle – each space located at the end of each row of parking along the southern boundary. In addition, provision is made for a large layby to the north of the access point to allow for refuse collection.
64. Further, adopted Local Plan policy TRA6 seeks the provision of 1 cycle space per proposed flat. In this instance, the proposed development incorporates the provision of 44 cycle spaces to be secured and covered, accessed from Mock Lane in the north and located within the eastern block. It is considered that this is a welcomed over-provision of 5 spaces – allowing provision for visitors, for example.
65. It is considered, on balance that the proposed parking arrangements are acceptable – being located in a highly sustainable location adjacent to the approved District Centre, with no objections received from the Highways Authority, subject to the submission of a parking management plan to be agreed with the Local Planning Authority prior to commencement of the development.
66. The proposals also include the installation of a side road ahead sign on Mock Lane to warn vehicles approaching from the east and slow markings on the carriageway. This is for both local resident, pedestrian and highway safety and is considered acceptable, subject to the agreement of the Highway Authority.
67. The Local Highway Authority (Kent County Council) has reviewed the proposal and provided detailed responses throughout the consideration of the application, whereby the Local Highway Authority has concluded that the proposal would not have a severe impact on highway safety or cumulative impacts on the local road network. They have also advised that the cycle and parking provision is acceptable and advised a minimum of 14 spaces should have electric car parking charging points. The applicant has agreed to a condition to secure this, should the proposal be granted.
68. The development includes a pedestrian link to the Chilmington District Centre, with cycle parking provision to agreed quantities and standards, and

sustainable modes of transport from the new Chilmington District Centre. In addition, the development would provide opportunities for those with reduced disabilities and reduced mobility, be a safe, secure and attractive, and provide space for access by service and emergency vehicles. Therefore, Officers are satisfied that the proposed development would accord with the Policies CG11, CG12, and CG13 of the Chilmington Green AAP, the Council's Residential Parking SPD and the advice contained within the NPPF.

e) Affordable housing

69. Policy CG18 (Provision of Affordable Housing) of the Chilmington Green AAP sets out that development at Chilmington Green will aim to provide a total of 30% affordable housing. This policy is echoed within the adopted Local Plan policy HOU1 where, the development site falls within Zone B as Ashford Hinterlands of the Affordable Housing Viability map. In addition, the Council's adopted Affordable Housing SPD is also applicable.
70. In accordance with the set criteria of adopted Local Plan policy HOU1, of the 39 units proposed, 27 units shall be assigned for private ownership. 12 units shall be required for affordable housing (30%) and of this 30% - 10% shall be secured for affordable or social rent and 20% for affordable home ownership, where 10% shall be reserved for shared ownership. This equates to 4 units for affordable/social rent and 8 units for affordable home ownership, where 4 units shall be allocated for shared ownership. It is considered that the more recently adopted tenure mix requirement as set out in policy HOU1 of the Local Plan should be applied here as this reflects the wider viability testing that supported the Local Plan policy and this also reflects the views of ABC Housing services in their consultation response. It is anticipated that the proposed affordable housing composition be integrated into the development to ensure a balanced tenure neutral mix rather than being positioned as a cluster of properties, as part of the proposals.
71. In addition, in accordance with adopted Local Plan policy HOU14, 20% of the proposed units – equating to 8 - are to be accessible and adaptable, built in compliance with building regulations part M4 (2) standards. It is acknowledged that this policy seeks provision of up to 7.5% of the affordable dwellings to be wheelchair accessible homes. However, in this instance, it is considered on balance that, this will not be justifiable – equating to 0.3 units. Therefore, this element of the policy will not be sought to be secured as part of the application.
72. The applicant has reviewed the affordable housing and access requirements and has agreed to these, which would be secured by way of a planning

obligation/Section 106 agreement. On this basis, the proposal accords with adopted Local Plan policies HOU1, HOU14 and the Council's adopted Affordable Housing SPD.

f) Flooding and drainage

73. Policy CG20 (Flood Risk and Sustainable Drainage) of the Chilmington Green AAP requires all built development to avoid the 1 in 100-year floodplain, and reduce flood risk through well designed, integrated sustainable urban drainage systems (SUDS). In addition, the NPPF advises inappropriate development in areas of flood risk should be avoided and development proposals should take into account the current and future impacts of climate change so as to avoid, where possible, flood risk to people and property.
74. The application site lies within Flood Zone 1 (lowest risk of flooding), which is situated on the 1 in 100-year floodplain and adjacent to Flood Zones 2 and 3. In support of this application a Drainage Strategy Support and amended drainage layout plan. The Lead Flood Authority (LFA) (Kent County Council), as the statutory consultee for drainage and major development proposals, have been considered the proposal and supporting information.
75. The drainage scheme details an attenuation tank in the south-west corner of the site, under a section of the residents' car park, which is for the surface water discharge for the residential development, associated hardstanding and parking. The revised drainage plan also now details the retention of the open ditch fronting the building and parallel with Mock Lane to be replaced with a U-through closed channel, replacement the existing culvert and open ditch. The attenuation tank has a restricted discharge of 2 litres a second, which is in-line with KCC guidance.
76. The applicant, Officers and the LFA have worked through initial issues and areas of concerns with the proposal, which centred on an initial culverting of a water way adjacent to Mock Lane. This has now been removed and the supporting information and plans revised accordingly. The latest response from the LFA has raised no objection to the proposed development, subject to conditions.
77. On this basis, Officers are satisfied that the proposal would not materially increase risk of flooding to people and property, is resilient to likely impacts of climate change and the site is not within the 1 in 100-year floodplain. As such, the development is considered to accord with Policy CG20 of the Chilmington Green AAP, adopted Local Plan policies ENV6 and ENV9 and the advice contained within the NPPF.

g) Ecology and biodiversity

78. Section G of the Chilmington Green AAP relates to ecology, setting out the much of the Chilmington Green development area is arable farmland landscape, but there are no areas of statutory designation for wildlife protection.
79. Policy CG21 (Ecology) of the Chilmington AAP requires development to avoid the loss of locally important ecological networks and semi-natural habitats, with all ecological enhancements and mitigation strategies to be agreed by the Council prior to the approval of planning permission. The Policy also advises that where any part of the development would impact on important ecological assets, it is necessary to demonstrate that appropriate mitigation is already in place and suitably established prior to the commencement of that part of the development. The NPPF (paragraph 170) advises that decisions for development proposals should contribute to and enhance the natural and local environment. Further adopted Local Plan policy ENV1 seeks to enhance and conserve biodiversity within the Borough, where development proposals would be expected to improve the wider ecological networks.
80. This proposal is on an existing residential site, with areas of managed amenity grassland of little ecological value. However, there is mature vegetation along the site boundaries comprising of a series of trees and mature, established hedgerows linking up to the wider hedgerow network in the area.
81. An Ecological Impact Assessment has been submitted with the proposal that sets out the application has present a series of habitats and features on it comprising semi-improved grassland (mown lawn), boundary hedgerows, tall ruderal (first colonising) herbs, shrubs, log piles, a detached dwelling and outbuildings. The Assessment advises that the existing hedgerows on the site qualify as Habitats of Principal Importance, which provide a suitable habitat for hazel dormouse, and the application site supports terrestrial habitat suitable for great crested newts and a habitat suitable for reptiles, nesting and foraging birds. However, no bats were recorded emerging from the dwelling and outbuildings on the site, but a low number of common and soprano pipistrelle bats were observed in the locality foraging and commuting.
82. The development would result in the loss of hedgerow, on-site grassland, ruderal and shrub habitats within the application site. The County Ecologist has reviewed the proposal, and after receipt of additional information and amended details, has raised no objection to the development. A summary of the comments provided by the County Ecologist for each protected species and supporting habitats is set out below.

Amphibians

83. The site has been identified to potentially support Great Crested Newts (GCN), with surveys and desk studies having been undertaken of waterbodies within a 250 metres radius of the development. The County Ecologist have advised that they are satisfied that GCN are not likely to be affected by the proposed development. Therefore, no further surveys or mitigation measures have been recommended.

Reptiles

84. Habitats with the potential to support reptiles have been identified on the site and original concerns were raised by the County Ecologist that no reptile surveys had been carried out, where reptile surveys had been carried out for developments in the wider area. In response to these concerns, a Briefing Note has been provided that shows a low population of Common Lizard, Slow Worm and Grass Snake present on the site. It also demonstrates the field on the site was regularly managed, cut and used for events, which are all factors that limits the site's suitability for reptiles.
85. The County Ecologist is satisfied the development would not have an unacceptable impact on protected reptile species and/or their habitats and has recommended a condition for the submission of a Biodiversity Management Plan, to ensure that the areas of green space (reptile receptor area/mitigation areas) are managed appropriately in the long term. This is considered to be a reasonable and justified condition, which, should the application be application be recommended for approval, would be included as a recommended condition of the permission.

Bats

86. The existing buildings and vegetation on site have not been identified as habitats for roosting bats. However, the vegetated boundaries of the site offer bat foraging opportunities. These are largely shown to be retained.
87. The County Ecologist has also advised a condition requiring the submission and approval of external lighting details as lighting can be detrimental to roosting, foraging and commuting bats, and other nocturnal species such as dormice. Such a condition is also considered to be reasonable and justified and would be included as a recommended condition should the application be recommended for approval.

Breeding Birds

88. The site contains a suitable habitat for breeding birds and all nesting birds are protected under Wildlife and Countryside Act 1981 (as amended). In order to

ensure the development does not result in any adverse impact on breeding birds it has been advised that the applicant is made aware that works affecting existing vegetation is avoided during the bird nesting season by way of an informative to any potential permission.

Badgers

89. The submitted Ecological Report advises that no badger setts or other signs this species is present on the site or immediately adjacent to the site. However, the County Ecologist has advised that the site does offer some potential for both foraging and commuting badgers and has recommended that any fencing be permeable to allow any badgers greater movement. This can be secured as part of a boundary treatment condition and is set out within the ecological enhancement measures for the development.

Hazel Dormice

90. It has been identified that there are hedgerows on the site that have the potential to support dormice on this site, with existing area areas of hedgerow detailed to be removed to make way for the development.
91. Following receipt of an updated version of the Ecological Impact Assessment (Revision 4) and updated Ecology Plan, showing a compensatory hedgerow habitat has been included as part of the proposal. The County Ecologist has reviewed this additional information and advised they are satisfied that there is appropriate compensatory habitat available for the loss of hazel dormice habit. On this basis, the County Ecologist has confirmed that the proposal offers favourable conservation status for hazel dormice that can be maintained. This satisfies the third test of the required European Protected Species Mitigation (EPSM) licence that the developer will require from Natural England. However, the County Ecologist cannot comment on the first two tests of the licence, which is a matter for the Council.
92. The three European Protected Species Mitigation licence test requirements are set out below:
1. the consented operation must be for '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 53(2)(e));
 2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and

3. 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' (Regulation 53(9)(b)).
93. Firstly, the development would result in the net addition of 39 dwellings on the site and form part of the wider Chilmington Green development, with affordable housing provision, economic stimulus and additional housing that are required locally and nationally. Therefore, there is considered to be overriding public, social and economic benefits resulting from this proposal.
94. Secondly, although this site forms part of the wider Chilmington Green AAP, there are not considered to be any alternative and suitable sites that would not potentially result in equal or greater harm to protected habitats and species.
95. Finally, the County Ecologist has confirmed the development would not be detrimental to the maintenance of the population of species (hazel dormice) in their natural range, with a compensatory habitat proposed that would need to be secured by way of condition.
96. The proposal is, therefore, considered to meet the above licence test requirements and, subject to conditions recommended by the County Ecologist, the development is considered to be acceptable in this instance. As such, the development is considered to comply with Policy CG21 of the Chilmington Green AAP and the advice contained within the NPPF.

h) Stewardship and long-term site management

97. The Ashford Local Plan 2030 sets out that whilst new development brings many sound planning benefits, it does also create operations and financial challenges for the Council, given the pressures on Council budgets. This is also true for public sector partners and this pressure is unlikely to reduce in the medium term, more likely increase, meaning dynamic and innovative solutions need to be applied. This is to ensure that both the right level of provision is secured to meet need, and that it is managed to a high standard so that the quality place aspirations are sustained (paragraph 11.18 of the Ashford Local Plan).
98. Policy IMP4 of the Local Plan 2030 explicitly states that “proposals which adopt a community stewardship model of governance will be supported”. To summarise this policy: the exact form of governance will be dependent on each circumstance, but Developers will be expected to endow either a new or existing stewardship body with assets and money where practical. These

sorts of models may only be suitable where there is a sufficient scale of development, however smaller schemes can also adopt such an approach, particularly if there are spaces and facilities nearby which could be taken on by a joint governance arrangement.

99. In order to ensure the site has the most appropriate and unified long-term management/stewardship in place, which is consistent with the wider area and on-going development of Chilmington Green, it is the preferred option for the site to be integrated so far as possible into the existing Chilmington Management Organisation (CMO). CMO is an established, incorporated charitable organisation, with a Board of Directors/Trustees representing both developer and public sector interests in Chilmington's development. It was formed in August 2019 to take on both management of community facilities in the Chilmington development, and support community development work there as the community evolves. To this end, all residents of the Chilmington development will become members of CMO and entitled to participate in its strategic decision-making, vote at general meetings, etc. As such, it is highly desirable that the residents of this site are given similar rights. This will provide equity and equality between this development and the surrounding Chilmington Green development. To admit residents of this development to membership of CMO will require the application of the same rent-charge deed which applies to all properties which fall within the surrounding development, meaning residents pay to the CMO an annual rent-charge based on the number of bedrooms in their dwelling. A breakdown of what residents receive in return for their rent-charge is explained during the conveyancing process. This gives residents the opportunity to become Members of the CMO, granting voting rights at Annual General Meetings and helping to improve quality of service.
100. It is understood that discussions have been under way for some time between the developer of this site and CMO, which is advised by its own Company Secretary and solicitors. A legal agreement has yet to be secured between them, however. To secure the admission of residents to membership of Chilmington Management Organisation is highly desirable, therefore it is recommended that the use of best endeavours to achieve this is a requirement of the Planning Obligation/Section 106 Agreement. The views of the Chilmington Green CMO Partnership Working Group (reported at para 14 above) are noted and the developer has indicated their agreement in principle to the CMO having an active role in the Gables site. Therefore, the preferred option of involvement of CMO is included within the recommended S106 Heads of Terms set out in Table 2 below. In this case the developer has confirmed that the CMO will be expected to manage a rear parking court and some landscaping, including all boundary treatments (this however is a private

matter relating to onsite management; these areas would not be public open space or community facilities).

101. Notwithstanding this preference, it is recognised that detailed terms would need to be agreed in due course by CMO and the developer and as such, it is appropriate for a fall-back provision to be encompassed within these Heads of Terms in the event such Agreement cannot be reached. This would need to be based on a more traditional management arrangement with full commuted sums payable by the developer for long term management and maintenance.

i) Planning obligations

102. The NPPF, together with the Community Infrastructure Levy (CIL) Regulations, make it clear that local planning authorities should only use planning obligations where it is not possible to address unacceptable issues through a planning condition and planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development.

103. The Council's adopted SPD: Public Green Spaces & Water Environment sets out a series of contributions required for a range of green spaces, including sports and recreation. The Council does not have an adopted Community Infrastructure Levy Charging Schedule in place currently and in 2019 amendments were made to the CIL Regulations removing the previous restriction on pooling more than 5 planning obligations towards a single piece of infrastructure.

104. The County Council Economic Development Contributions Officer, together with Officers, have reviewed the proposal and the table below sets out the financial contributions sought in order to meet the needs for offsite community infrastructure that will be generated by the residents of this development. No such infrastructure will be provided onsite.

105. It is likely that some or all of the SPD's capital contributions (the first 5 items below) will be utilised within the South of Ashford Garden Community, particularly the Chilmington development area, in order to meet the needs generated by this development locally, within the overall concept of Chilmington Green as envisaged by the AAP. If this is taken forward and the areas concerned are managed by CMO, then the relevant Commuted sums

would be made available to CMO through a Funding Agreement (similar to the way that Parish Councils often take on the provision and maintenance of facilities in their areas). However, it would be highly desirable for the residents of this development to become full members of CMO, subscribing to its Estate Rentcharge arrangements and participating fully in the governance of community facilities within Chilmington in the same way as residents of the “main” development. This would be in accordance with the AAP.

106. It is therefore recommended that the developer be required, in the s.106 Agreement, to use its best endeavours to enter into arrangements with CMO that will enable this to occur. If this is agreed, it may be that the Rentcharge may substitute for all or part of the commuted sums for the relevant facilities in Table 1 which will be managed by CMO.

	Capital contribution for off-site provision	Commuted maintenance sum for the development
Sport	£41,161.00	£15,360
Informal/natural	£12,341.88	£9,242.19
Play	£18,455.94	£18,854.06
Allotments	£7,336.88	£1,876.88
Strategic Parks	£4,151.88	£1,336.56
Total	£83,447.58	£46,669.69
Additional contributions/provisions		
Primary School	£22,680.00	
Secondary School	£23,400.00	
Community Learning	£680.38	
Youth Service	£2,554.50	
Library book stock	£2,162.55	
Social Care	£5,728.32	
Public Art	£9,623.45	
Voluntary Sector	£2,474.06	
Total	£69,303.26	
Combined total	£199,420.53	

Table 1: Contributions sought to be secured under a planning obligation/section 106 agreement

107. In addition to the financial contributions, there is also an affordable housing and accessibility requirement under Local Plan Policies HOU1 and HOU14(a), which is as follows:

- 30% affordable housing (10% for affordable or social rent, and 20% for affordable home ownership);
- 12 units are required for affordable housing (4 units for affordable/social rent and 8 for affordable home ownership, of which 4 shall be for shared ownership);
- 20% of all dwellings should be accessible and adaptable.

108. The financial contributions set out, together with the affordable housing and accessibility requirements all need to be secured by a legal obligation under section 106 of the 1990 Planning Act (Section 106 Agreement). These contributions and requirements are all directly related to the development, are necessary to make the application acceptable to comply with a series of policy and SPD requirements, and have been modelled on the proposal to ensure they are all fairly and reasonably related in scale and kind to the development proposal.

109. Given the assessment of the proposals set out in the sections of this report above, it is recommended the planning obligations in Table 2 (below) be required should the Committee resolve to grant permission. These have been assessed against Regulation 122 and, for the reasons given, are considered 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.

TABLE 2 – HEADS OF TERMS FOR SECTION 106 AGREEMENT

	Planning Obligations			
	Detail	Amounts	Trigger Points	Regulation 122 Assessment
1.	ABC – Monitoring Fee – Contributions towards the Council's costs of monitoring	£500 per annum until the development is completed.	First payment on the commencement of the development and on the	Necessary: to ensure the planning obligations are complied with. Directly related: as only costs arising regarding the monitoring of the

	compliance with the agreement or undertaking		anniversary therein subsequent years	development and these planning obligations are covered. Fair and reasonably related in scale and kind: relates to the scale of the development and the obligations to be monitored
2.	ABC – Affordable housing – On-site provision in accordance with policy CG18 of the Chilmington Green Area Action Plan and adopted Local Plan policy HOU1	30% affordable housing (10% for affordable or social rent, and 20% for affordable home ownership) 12 units - affordable housing of which: 10% shall be secured for affordable/social rent and 20% for affordable home ownership, and where 10% shall be reserved for shared ownership. This equates to 4 units for affordable/social rent and 8 units for affordable home ownership, where 4 units shall be allocated for shared ownership	Prior to first occupation – units transferred to appropriate registered affordable housing provide.	Necessary: to aid the delivery of affordable housing and compliance with Policy HOU1 of the adopted Local Plan. Directly related: Affordable housing will be delivered on-site. Fair and reasonably related in scale and kind: relates to the scale of the development and calculated as such.
3.	ABC – Outdoor Sports – Contribution towards outdoor	Capital and Maintenance total contribution for off-site	Trigger for payment to be prior to occupation of	Necessary: as indoor sports pitches are required to meet the demand that would be

	<p>sports pitch provision at Ashford, to be targeted toward quantitative or qualitative improvements at the 'hubs' identified in the</p> <p>Local Plan 2030 Calculations derived from the latest Sports England Calculator, as prescribed in Policy COM2 of the Local Plan 2030.</p>	<p>provision - £28,320</p> <p>This consists of:</p> <p>Capital sum - £10,777</p> <p>Artificial Grass Pitches (3G) - £2,183</p> <p>maintenance sum for the development (10 years) – £15,360</p>	<p>the 25th unit of the development.</p>	<p>generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF</p> <p>Directly related: as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fair and reasonably 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 period is limited to 10 years.</p>
4.	<p>ABC – Indoor Sports –</p> <p>Contribution towards indoor sports provision at Ashford, to be targeted toward quantitative or qualitative improvements at the 'hubs' identified in the</p> <p>Local Plan 2030 Calculations derived from the latest Sports England Calculator, as</p>	<p>Capital contribution total - £28,266</p> <p>This consists of:</p> <p>Changing Room - £15,024</p> <p>Sports Halls - £13,242</p>	<p>Trigger for payment to be prior to occupation of the 25th unit of the development.</p>	<p>Necessary: to meet the additional demand for use of the country park and must be maintained to continue to meet that demand pursuant to the Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related: occupiers will use the strategic park and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and</p>

	prescribed in Policy COM2 of the Local Plan 2030			kind: considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained.
5.	<p>ABC – Strategic Parks</p> <p>Capital contribution towards provision of Discovery Park Management and maintenance of Discovery Park</p>	<p>Capital contribution for off-site provision - £4,151.88</p> <p>Commuted maintenance sum for the development - £1,336.56</p>	Trigger for payment to be prior to occupation of the 25 th unit of the development	<p>Necessary: as informal open 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 the Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related: occupiers will use informal open space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind: the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained.</p>
6.	<p>ABC – Informal/natural greenspace:</p> <p>Off-site contribution to be targeted towards nearby informal/natural greenspace.</p>	<p>Capital contribution for off-site provision - £12,341.88</p> <p>Commuted maintenance sum for the</p>	Trigger for payment to be prior to occupation of the 25 th unit of the development	<p>Necessary: children’s play is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to the Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p>

		development - £9,242.19		<p>Directly related: occupiers will use play space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind: the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained.</p>
7.	<p>ABC – Play provision</p> <p>Provision of play facilities off-site.</p>	<p>Capital contribution for off-site provision - £18,455.94</p> <p>Commutated maintenance sum for the development - £18,854.06</p>	Trigger for payment to be prior to occupation of the 25 th unit of the development.	<p>Necessary: pursuant to the Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related: children of occupiers will use play facilities and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind: considering the extent of the development and because the amount has considered the estimated number of resident children.</p>
8.	<p>KCC – Primary Education</p> <p>Contribution towards new primary school at Court Lodge or alternative provision in the planning group.</p>	Total contribution of £22,680.00	Trigger for payment to be prior to occupation of the 25 th unit of the development.	<p>Necessary: insufficient capacity to meet the needs of the development and pursuant to Developer Contributions/Planning Obligations SPG, KCC's 'Development and Infrastructure – Creating</p>

				<p>Quality Places' and guidance in the NPPF.</p> <p>Directly related: children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind: the extent of the development and because the amount has taken into account the estimated number of places needed.</p>
9.	<p>KCC – Secondary Education</p> <p>Contribution towards new school provision at the Chilmington Green secondary school or alternative provision in the planning group.</p>	Total contribution of £23,400.00	Trigger for payment to be prior to occupation of the 25 th unit of the development.	<p>Necessary: enhanced secondary schooling facilities needed to meet the demand that would be generated and pursuant to KCC document 'Development and Infrastructure'- 'Creating Quality places' and guidance in the NPPF.</p> <p>Directly related: occupiers will use secondary schools and the schools to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind: the extent of the development and because the amount has considered the estimated number of users and is based on the number of pupils.</p>
10.	<p>KCC – Youth Services</p>	Total contribution of £2,554.50	Trigger for payment to be	<p>Necessary: more youth services required to</p>

	Towards additional resources for the Ashford Youth service or equivalent outreach programme.		prior to occupation of the 25 th unit of the development.	<p>meet the demand generated and pursuant to KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related: occupiers will use the youth services to be funded which will be available to them.</p> <p>Fairly and reasonably related in scale and kind: the extent of the development and because amount calculated based on the number of dwellings</p>
11.	<p>KCC – Library services</p> <p>The provision of additional library books.</p>	Total contribution of £2,162.55	Trigger for payment to be prior to occupation of the 25 th unit of the development.	<p>Necessary: more books required to meet the demand that would be generated pursuant to KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related: occupiers will use books and services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind: the extent of the development and because the amount has considered the estimated number of users and is based on the number of dwellings</p>

12.	<p>KCC – Social Care</p> <p>Towards increasing capacity at the Braethorpe Wellbeing Centre (Ashford Day Centre)</p>	Total contribution of £5,728.32	Trigger for payment to be prior to occupation of the 25 th unit of the development.	<p>Necessary: new/enhanced social care provision is needed to meet the demand that would be generated from the development pursuant to Local Plan 2030 policies COM1 and COM2 and the NPPF.</p> <p>Directly related: occupiers will use the care facilities to be funded which will be available to them.</p> <p>Fairly and reasonably related in scale and kind: the extent of the development and because the amount has considered the estimated number of users.</p>
13.	<p>ABC – Art provision</p> <p>Contributions for public art provision within the Town Centre, including the ‘Ashford Giraffes’ project.</p>	Total contribution of £9,623.45	Trigger for payment to be prior to occupation of the 25 th unit of the development.	<p>Necessary: public art is needed pursuant to Local Plan 2030 policies COM1 and COM2 and the NPPF.</p> <p>Directly related: occupiers will use these spaces and the art to be funded will be available to them to appreciate.</p> <p>Fairly and reasonably related in scale and kind: the extent of the development and because the amount has considered the estimated number of users.</p>
14.	<p>ABC – Voluntary sector provision</p>	Total contribution of £2,474.06	Trigger for payment to be prior to	<p>Necessary: new development would result in additional</p>

	Contribution towards voluntary groups active within the Town Centre Area		occupation of the 25 th unit of the development.	<p>demand to the existing resource.</p> <p>Directly related: occupiers of the development would add pressure to existing resources.</p> <p>Fairly and reasonably related in scale and kind: the extent of the development and because the amount has taken into account the estimated number of users.</p>
15.	<p>Governance of public or community space and facilities onsite</p> <p>Developer to use best endeavours to put in place arrangements with CMO to integrate the development into the wider Chilmington stewardship, community development and maintenance regime operated by CMO, and unless agreement is not reached with CMO, to ensure that each occupier enters into a Rentcharge Deed with CMO accordingly.in accordance with</p>	<p>The development to sign up to the principles and approaches of Chilmington Green, including parity of Rentcharge costs with other dwellings;</p> <p>The Developer to pay all reasonable CMO legal fees;</p>	<p>Prior to commencement of the development on site.</p> <p>Continue efforts to achieve agreement with CMO during construction on site.</p> <p>Agree Rentcharge Deed to be used prior to first marketing of any dwellings on site.</p> <p>Put in place approved Rentcharge Deed on or before occupation of each dwelling.</p>	<p>Necessary: new development would result in additional demand to the existing community provision resources in the Chilmington area, which are maintained and managed by CMO.</p> <p>Directly related: occupiers of the development would add pressure to existing resources.</p> <p>Fairly and reasonably related in scale and kind: the extent of the development and because the amount has taken into account the estimated number of users and is based on stewardship policies in the Local Plan 2030.</p>

	<p>and adopted Local Plan policy IMP4</p> <p>If agreement is not reached, the developer to demonstrate reasons why, and that sufficient alternative arrangements are in place for any public facilities that may exist on site.</p>			
16.	<p>Accessible Housing</p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p>	<p>Provide on-site 20% of all units.</p>	<p>Dwellings required to be built in accordance with the standard to be approved prior to construction commencing.</p> <p>Prior to first occupation of 50% of the dwellings not required to be built in accordance with the standard.</p>	<p>Necessary: as would provide accessible housing pursuant to policies SP1 and HOU14(a) of Local Plan 2030 and guidance in the NPPF</p> <p>Directly related: as accessible homes for those with reduced mobility would be provided on-site.</p> <p>Fairly and reasonably related in scale and kind: as based on a proportion of the total number of housing units to be provided.</p>
17.	<p>Community Learning</p> <p>Towards additional resources for the new learners generated from the development attending within the Ashford borough area.</p>	<p>Total contribution of £680.38</p>	<p>Trigger for payment to be prior to occupation of the 25th unit of the development.</p>	<p>Necessary: as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p>

				<p>Directly related: as occupiers will use community learning services and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind: considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
18.	<p>Allotments</p> <p>Towards additional provision and improvements within the local area of the development as identified by the Parish Council.</p>	<p>Capital contribution for off-site provision - £7,336.88</p> <p>Commuted maintenance sum for the development - £1,876.88</p>	<p>Trigger for payment to be prior to occupation of the 25th unit of the development.</p>	<p>Necessary: 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>Directly related: as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably 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</p>

				maintenance period is limited to 10 years.
<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. The Council's legal costs in connection with the deed must be paid.</p> <p>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p>				

Table 2 – Section 106 contributions/obligations and demonstrated requirements.

Human Rights Issues

101. Officers have taken into account the human rights issues relevant to this application. 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

102. 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

103. The development would result in the demolition of the existing detached dwelling and outbuildings and the constructions of a part four/part three storey apartment block comprising 39 units (21 one-bedroom and 18 two-bedroom apartments).

104. The site lies within the Chilmington Green Area Action Plan boundary, which forms part of an urban extension to Ashford of up to 5,750 homes and 1,000 jobs over a period of approximately 25 years. The site is also situated on the

edge of the approved district centre, where higher density development and buildings of up to four storeys have been established.

105. The proposal would result in a significant increase in built form on the site from the existing situation and change to the present character and appearance of the immediate area. However, the scheme has been carefully designed and thoughtfully planned to be consistent with the design principles as set out within the Chilmington Green Design Code and the building parameters as set out within the approved outline permission for the Chilmington Green development (12/00400/AS).
106. The development is considered to be complimentary and sympathetic with the development planned in the immediate and wider area, with a high standard of design and good quality external materials. Therefore, the development accords with the both the Chilmington Green Area Action Plan, the Chilmington Green Design Code and the advice contained within the NPPF.
107. The housing mix is of one and two bed apartments and of the 39 units a total of 12 units are affordable. This accords with the Policy CG18 of the Chilmington Green Area Action Plan and is to be secured by way of a planning obligation/Section 106 agreement. It is noted the housing mix is somewhat limited to one and two-bedroom apartments, but there is variety in the sizes of the units and this nature of development is considered to be most appropriate and balanced, on the edge of the planned district centre. No objections are, therefore, raised to the housing mix or affordable housing provision provided by this proposal.
108. A new site access is detailed from Mock Lane, in a similar location to the existing access, and the proposal has a total of 59 residents' car parking spaces to the rear of the building, cycle parking and visitor parking spaces. There is also a large parking bay to the front of the site adjacent to Mock Lane for a refuse collection vehicle. The Local Highway Authority have reviewed the amended proposal and have raised no objection to the scheme on highway safety and parking grounds. Therefore, subject to conditions and one specific condition relating to 20% of the parking spaces to provide vehicle charging, no concerns are raised on highway safety and parking grounds.
109. The proposal would result in the removal of certain areas of vegetation across the site, and the site has been subject of ecological survey work reviewed by the County Ecologist. The existing hedgerow is considered to be of importance as a habitat to dormice, a protected species. To compensate for a loss of some of this habitat a new area of hedgerow is proposed along the south side of Mock Lane. The County Ecologist agrees with this mitigation and no other

specific concerns have been raised in terms of protected species and/or their habitats. As such, and subject to a condition requiring the planting of a new hedgerow, the development is not considered to have an adverse impact on protected species and/or their habitats, in accordance with Policy CG21 of the Chilmington Green Area Action Plan and the advice contained within the NPPF.

110. The site is not situated in an area that is of a known risk of flooding and the proposal has put forward a drainage strategy, which following revisions, has been agreed by the Local Lead Flood Authority. Therefore, subject to the development being built out in accordance with the agreed detailed, the development is not considered to increase the risk of flooding to people and property and complies with policy CG20 of the Chilmington Green Area Action Plan and the advice contained within the NPPF.
111. The development needs to secure Section 106 obligations to mitigate its impacts and make the scheme acceptable in planning terms, these are set out in Table 1 in the Planning Obligations section of the report.
112. For the aforementioned reasons, the development is considered to comply with the relevant development plan policies, supporting guidance and the advice contained within the NPPF. Therefore, the proposal is recommended for permission, subject to conditions and the provisions of a Section 106 agreement/planning obligation set out below.

Recommendation

A) The applicant first entering into a section 106 agreement/undertaking in respect of planning contributions detailed in Table 2 (and any section 278 agreement so required), in terms agreeable to the Head of Strategic Development and Delivery in consultation with the Director of Law and Governance, with delegated authority to the Head of Strategic Development and Delivery to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit.

B) PERMIT

Subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions which have been reviewed and agreed with by the applicant.

Conditions

1. Standard time condition;
2. Development carried out in accordance with the approved plans;
3. Materials to be agreed;
4. Construction Management Plan/Statement;
5. Biodiversity Management Plan;
6. Lighting design strategy;
7. Boundary treatment/protection;
8. Replacement/new hedgerow;
9. Landscape Management Plan;
10. SUDS/Drainage;
11. Traffic Regulation Order
12. Parking provision;
13. Parking Management Plan;
14. Electric charging points;
15. Details and hard and soft landscaping works;
16. Carbon neutral off-setting;
17. Provision and retention of secure cycle parking and bin storage;
18. 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.

19. No development (except for demolition/ site clearance) shall begin in any phase

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 Drainage Strategy Report by Vectos (August 2019) 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 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.

20. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied 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.

21. Water use of dwelling no more than 110 litres per person per day;
22. Broadband;
23. Development to made available for inspection;
24. Monitoring
- 25re. List of approved drawings and documents

Note to Applicant

1. S106
2. Working with the Applicant
3. KCC as Leading Flooding Authority advise that through technological advances the surface water discharge rate of 2/litres/second/ha should be able to be bettered and the applicant is invited to do explore this matter further in moving to a detailed SUDs scheme to be submitted for approval pursuant to planning condition.
4. The applicant is advised that Policy ENV7 of the ALP 2030 requires a maximum water consumption of no more than 110 litres per person per day and this standard subject of planning condition needs to be met.
5. The applicant is expected to explore a range of measures at detailed design stage to ensure that the development minimises its impacts on climate change and should seek to create a carbon neutral development.
6. 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 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.

7. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:
8. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development;
9. No hedging or shrubs should be planted within 1.5 metres of the edge of the Public Path.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the View applications on line pages under planning application reference 18/01550/AS.

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Application Number	19/00505/AS	
Location	Greenacres Farm Fishery, Sissinghurst Road, Biddenden, Ashford, Kent, TN27 8EH	
Grid Reference	584271, 138434	
Parish Council	Biddenden	
Ward	Biddenden	
Application Description	Erection of temporary bailiffs cabin and siting of 4 holiday lets	
Applicant	Greenacres Farm Fishery	
Agent	Mr Simon McKay, SJM Residential Limited	
Site Area	650 sqm	
Initial consultation		
(a) 15/15R/7S	(b) X	(c) Rural Planning Ltd X
Second consultation		
(a) 15/14R/3S	(b) -	(c) Rural Planning Ltd X
Final consultation		
(a) 15/6R/1S	(b) -	(c) Rural Planning Ltd X

Introduction

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

Site and Surroundings

2. The site is located on the northern side of Sissinghurst Road (A262) and is accessed between the properties known as Greenacres Farm and Nithdale. The site is located in the parish of Biddenden although it falls outside the built confines of the village. A site location plan is shown at Figure 1.
3. The site is surrounded by open countryside to the north, east and west and is in the Biddenden and High Halden landscape character area. The site is enclosed by hedgerows and trees and also includes extensive tree planting.

To the south is the boundary to the rear of the properties along the northern side of Sissinghurst Road.

4. The site itself is an established fishery business with 4 large ponds that was granted temporary permission on appeal in 2004 (Ref: 04/01235/AS). Permanent permission was granted in 2007 (Ref: 07/00190/AS) with further permission granted in 2007 for the erection of a toilet block and barn for use as a tackle shop and tea room (Ref: 07/01495/AS).
5. A condition was attached to planning permission 07/00190/AS which limits the number of anglers using the site to no more than 30 in a 24 hour period. A further condition was also attached to this permission which prevents entrance to/exit from the fishery outside the hours of 0700 and 1900.
6. In 2015 a new amenity block and retail space was approved at the site following fire damage to previous existing buildings.
7. There are two Public Rights of Way (PROW) adjacent to the site (AT7 and AT8).

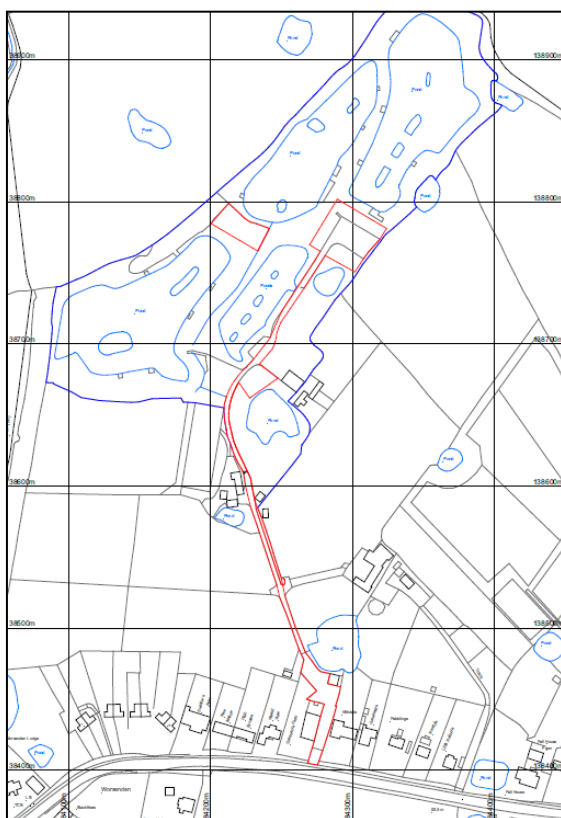


Figure 1 – Site location plan

Proposal

8. Full planning permission is sought for the erection of a temporary bailiff's cabin and 4 holiday lets.
9. The proposed bailiff's cabin would provide accommodation for the fisheries manager and family whilst also providing an office for the running of the business. The proposed cabin would measure 6.6m in width, 10.4m in depth and 5m in height to the ridge level. The proposed cabin would include an open plan kitchen/dining/living area, one double bedroom, one single bedroom and a bathroom. The siting of the proposed cabin also allows for a small residential curtilage to be created without extending beyond the natural boundaries of the site.
10. The location of the proposed cabin has been amended under the current proposal to be adjacent to the existing amenity block at the site. The positioning was originally proposed further to the south opposite an existing stables and sand school to the rear of Greenacres Farm. A block plan showing the location of the proposed cabin is shown in Figure 2 and the proposed elevations are shown at Figure 3.
11. The proposed holiday lets would have a curved design and would measure 3m in width, 4m in depth and 2.49m in height to the ridge level. The proposed camping pods would be made from natural certified Nordic pine/Scandinavian spruce. The holiday lets would be discretely sited around the site in order to minimise their visual impact and diminish noise impacts around the fishing ponds. It is not anticipated they would accommodate tourists other than those engaged in angling pursuits, although there may be some individuals or small families who wish to stay and enjoy the lake environment.
12. The design and overall number of holiday lets has been amended under the current application, from that previously submitted. The design has been altered to a 'camping pod' style and the number of holiday lets has been reduced from 7 to 4. A block plan showing the location of the proposed holiday lets across the site is shown in Figure 4 and elevations are shown at Figure 5. An aerial photo is also shown at Figure 7 under the 'Visual Amenity' section of the report.
13. The applicant seeks to grow the business in a sensitive manor. The proposed bailiff's cabin would specifically allow for the long term financial security of the enterprise, through having an on-site manager. The applicant has confirmed that the proposal does not seek to alter the existing hours of use and operation of the gate at the site.



Figure 2 – Proposed block plan – bailiff's cabin

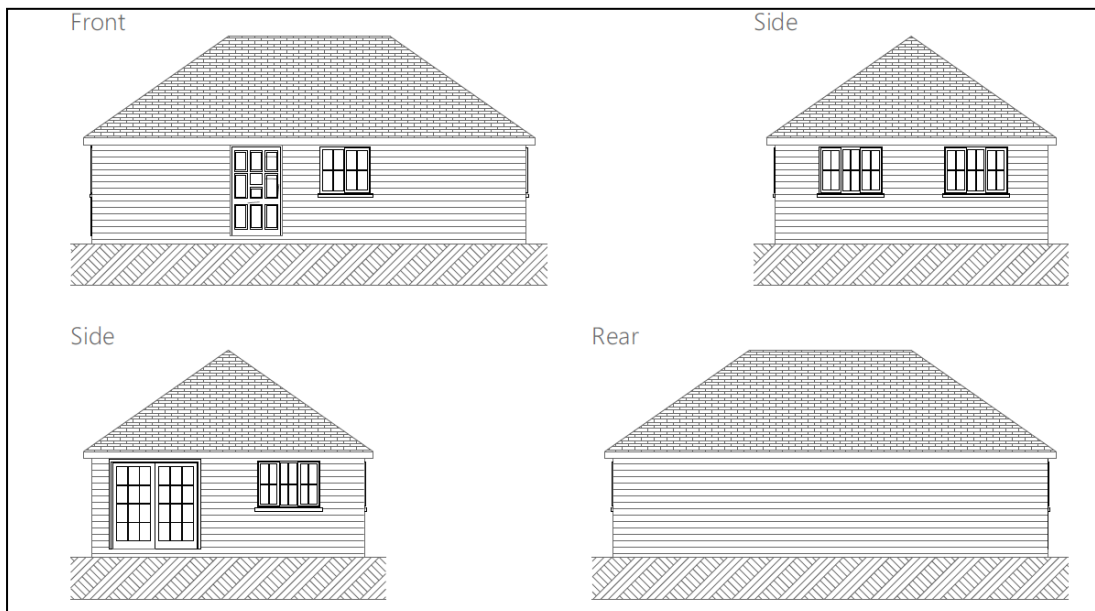


Figure 3 - Proposed elevations – bailiff's cabin



Figure 4 – Proposed block plan – holiday lets

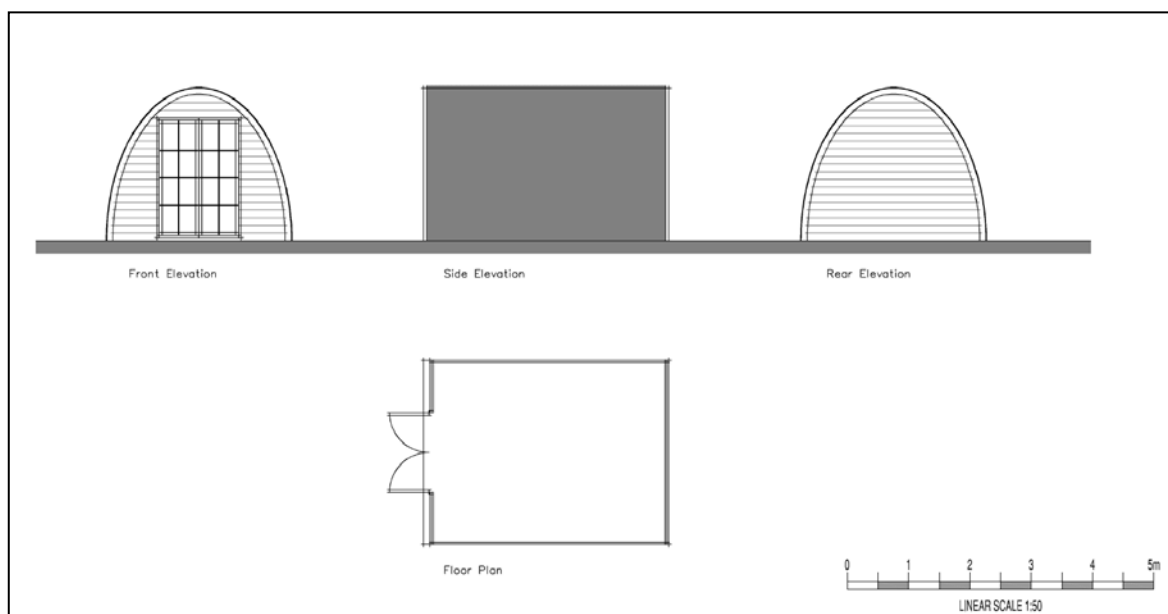


Figure 5 - Proposed elevations - holiday lets (camping pods)

14. In support of the application the following documents have been submitted:

- Preliminary Ecological Appraisal (Iceni Ecology Ltd, dated November 2018), which concludes the proposed development would be unlikely to adversely impact any designated areas, protected species or habitats, provided the recommendations are followed within the report. A number of enhancements are recommended with respect to the overall biodiversity of the site.

Planning History

04/01235/AS – Part retrospective planning permission **refused** for enlargement/creation of fishing ponds, clubhouse with showers/toilets, car park and new landscaping in relation to a fishing club. This application was refused on the grounds that the increased use for a commercial purposes would result in intensification of its use which would result in unacceptable levels of noise and disturbance to adjacent residents. Temporary planning permission was **allowed** at appeal with restrictive conditions over the numbers of anglers (no more than 30 in any 24 hour period) and the access times for the site (7am – 7pm only).

04/02187/AS – Part retrospective planning permission **refused** for enlargement and creation of fishing ponds, provision of toilets/showers/tearoom and car park. This application was a resubmission of 04/01235/AS whilst the appeal was being considered and was refused for the same reasons.

07/00190/AS – Planning permission **granted** for enlargement/creation of fishing ponds, clubhouse with showers/toilets, car park and new landscaping, in relation to a fishing club. This application sought to remove the temporary one year consent condition granted at appeal.

07/01495/AS – Retrospective planning permission **granted** for erection of (single storey) toilet/shower block and erection of (two storey) barn for use as tackle shop and tea room.

15/00449/AS – Planning permission **granted** for erection of a single storey building to be used as amenity space and a single storey building to be used as retail space in connection with fishing business. This application related to new buildings at the site following fire damage.

18/01714/AS – Planning application **withdrawn** for erection of new bailiff's cabin and siting of holiday-let pods on site.

18/01717/AS - Planning permission **refused** for variation/removal of conditions 4 and 5 of 15/00449/AS relating to limitations of hours of use of the access and amenity buildings on the site. This application was refused on the grounds of loss of

residential amenity due to potential noise and disturbance from unrestricted use and access of the site.

Consultations

Ward Member: Requests that the application is reported to the Planning Committee.

Biddenden Parish Council: Objects on the following grounds:

- The access is unsuitable for increased usage;
- Increased traffic to/from the site would impact neighbours;
- The time restrictions detailed in refused application 18/01717/AS still apply;
- Existing restrictions would have to be lifted in order to allow access to holidaymakers/fishermen/residents of the bailiff's cottage in the evenings and this would impact neighbours. This would be detrimental as stated in the decision notice for refused application 18/01717/AS and would be contrary to the conditions imposed in 15/00449/AS;
- People using the holiday lets will not wish to be restricted by the times imposed on the site for the protection of the residential amenity and these structures will lead to breaches of the planning condition;
- An Enforcement Notice (Ref: EN/10/00090) has already been issued at the site in March 2010 regarding breach of Condition 3 (restricted access);
- There is not an identified need in the southeast or Biddenden itself for additional self-serviced holiday accommodation as there are many holiday lets available.

Rural Planning Ltd: There is now more specific supporting information regarding this proposal, concentrating on future plans (rather than past results), and including the use of an existing stock pond for home production of fish on a commercial scale. In particular I note that the applicant is prepared to accept that the proposed bailiff's accommodation, being a mobile log cabin, could be subject to a temporary consent. This approach would enable the applicants to develop the business in the way set out, whilst allowing the Council to review, in due course, the extent to which the venture achieves its predicted financial targets and is shown to be viable. On this basis I consider the scheme, if approved, would meet the usual requirements in terms of there prospectively being an essential need for a rural worker to reside on site for the development and proper management of the fishery and holiday lets, and that the scheme has been planned on a sufficiently sound financial basis.

Neighbours: 15 neighbours were initially consulted about the proposal. 35 letters of objection have been received in total with the following comments:

- Over-development of the site
- Back land residential development
- This is not a residential site
- Holiday lets are a complete change of use and would create an undesirable intrusion in the area
- The site will become a holiday complex
- Increased traffic along the track
- Impact on surrounding landscape
- Increased noise and disturbance
- Noise from Bloomsburys is already unacceptable
- The village has an abundance of holiday lets, caravan parks and the like
- Increased light pollution
- Poor design [**DMM comment:** *The applicant has confirmed the bailiff's cottage is of a functional, simple design that can be erected without great cost – something which is a key consideration in the financial aspect of the business plan*]
- Development should be directed toward more sustainable locations
- Fish farms of this size do not need 24 hour on-site care and maintenance and the site has operated successfully for many years without such need [**DMM comment:** *The applicant seeks for the business to be profitable whilst allowing its sensitive growth on the site*]
- No fishing lakes in the area have a bailiff's cottage [**DMM comment:** *The applicant has confirmed that there are other fisheries outside the Borough that are comparable in size and have a bailiff's cottage such as Mousehole Fishing Lakes (East Peckham) and Pitlands Fishing Lakes (Horsmonden). This latter site also includes holiday lets*]
- The justification for on-site accommodation is exaggerated
- The business could have a day shift and night shift – it does not need a bailiff's cottage
- The reduction in the number of holiday lets to 4 would reduce further the need for a bailiff's cottage
- Holiday lets are unnecessary for a fishing business to survive
- Confused business plan as to why you would holiday at a fishing lodge unless you were an angler?
- Close proximity of bailiff's cottage to a stable yard where there are competition horses [**DMM comment:** *The location of the proposed bailiffs cabin has now moved further north adjacent to the existing amenity block*]
- The bailiffs cottage is on land where the neighbour has right of access [**DMM comment:** *The location of the proposed bailiffs cottage has now been moved further north adjacent to the existing amenity block*]
- Fishing lakes always have restrictions and locked gates [**DMM comment:** *Similar conditions are recommended under the current proposal*]
- If the hours of access are changed it will impact the neighbour's amenity [**DMM comment:** *The applicant has confirmed the current planning application does not seek to alter the existing hours of use and operation of the gate*]
- The fisheries are only officially open for daylight hours but will access after 7 p.m. be denied to people staying in "holiday lets"?
- On-going concerns as to how the access restrictions for customers during the night will be applied/maintained and implemented for this development?

- How can you apply for the holiday lets without amending the hours of access to the site?
- Application 18/01717/AS has already been refused [**DMM comment:** *This partly related to the removal of the condition restricting access to the site. The applicant has confirmed the current planning application does not seek to alter the existing hours of use and operation of the gate*]
- Benefits to local business will be limited due to the access restrictions
- There has been issues of fast food deliveries after hours [**DMM comment:** *It is recommended that a management plan be imposed by way of a planning condition to set out how the holiday let business will operate including making users aware of how the existing site is run*]
- How are they going to manage the expectations of fishermen who book this accommodation and find they cannot use local amenities at night due to the access restrictions? [**DMM comment:** *It is recommended that a management plan be imposed by way of a planning condition that should set out how the holiday let business will be run including measures to make users aware of existing access restrictions in place*]
- The restriction of access condition (between 19.00 and 07.00) was interpreted to mean no customers of the site during these hours as well [**DMM comment:** *Condition 3 of application 04/01235/AS, which was allowed at appeal, was specific in relation to restricting hours in terms of entrance to, and exit from, the site. This did not state that people could not be on the premises between these hours*]
- The original permission never intended to allow 24 hours fishing [**DMM comment:** *The hours of operation of the fishery has never been restricted or controlled by any conditions from previous planning decisions*]
- Security concerns regarding unrestricted 24 hour access and use [**DMM comment:** *The hours of operation of the fishery has never been restricted or controlled by any conditions from previous planning decisions*]
- Security concerns as people have been removed from the stable yard and the fields due to disregarding notices of 'private property'
- The buildings will be visible from the rear of Weald View House [**DMM comment:** *The proposed development would be single storey in nature and set back well within the site*]
- Overlooking of Weald View House [**DMM comment:** *The proposed development would be single storey in nature and positioned more than 200m away from this property*]
- Loss of view at Worsenden properties [**DMM comment:** *Loss of view is not a material planning consideration. The proposed development would be single storey in nature and positioned more than 200m away from this property*]
- Concerns regarding access for emergency vehicles
- How would a child living at the bailiff's cottage attend out of school activities given the restricted hours?
- Work has already started on site including campervans
- The existing access is in a poor state and cannot cope with more vehicles
- Cars speed along the access track which is dangerous
- Impact on privacy and well-being due to cars passing close by to neighbours houses

- How will drainage be connected [**DMM comment:** This matter could be dealt with by a planning condition]
- Sewage - will this be mains sewage and or septic tanks? [**DMM comment:** This matter could be dealt with by a planning condition]
- The pods have no detail on the sanitary arrangements [**DMM comment:** *It is understood that whilst the amenity block is locked between the hours of 07:00 to 19:00, there is an informal arrangement in place with anglers whereby access can be gained if required to use toilet facilities, whilst maintaining restriction on the wider night time use of the building*]
- Concerns regarding mud on the road during constriction [**DMM comment:** *This matter could be dealt with by a planning condition in relation to wheel washing if considered appropriate*]
- How will commercial and residential waste be collected? [**DMM comment:** *This matter could be dealt with by a planning condition*]
- Impact on wildlife including newts, snakes and badgers [**DMM comment:** *The applicant has submitted a Preliminary Ecological Appraisal. KCC's Ecological Advice Service has previously commented on the application for 10 holiday lets and a bailiff's cottage under application 18/01417/AS and stated that the proposed development would be unlikely to result in any ecological impacts due to the well-maintained and recreational nature of the site. An ecological enhancement condition was recommended only*]
- Delivery of construction materials will be difficult [**DMM comment:** *This matter could be dealt with by a planning condition and a construction method statement if considered appropriate*]
- Devalue properties [**DMM comment:** *This is not a material planning consideration*]
- The owners of the business are not local residents and have not lived in the village for years – this is misleading [**DMM comment:** *This is not a material planning consideration*]

11 letters of support have been received in total with the following comments:

- Additional business for the village
- Welcome improvement to Biddenden
- A great existing business
- The family who own the business have lived in the village a long time
- The fishery would benefit from holiday pods
- It will not create more traffic
- Biddenden needs more businesses since the loss of so many previous ones
- Night fishing accommodation is a great idea
- Encourages fishing as a family
- Many stakeholders will benefit from the expansion plans
- The site has improved immensely under the current management and is much more desirable to visit
- They have paid attention to the needs of fishermen
- The site has always been very noise sensitive
- It has always been a 24 hour site, albeit with restrictions on gate access and numbers

- The objections mentioning security are inconsequential as there are already people on site for 24 hours and at nightfall – it has been this way for years.

Re-consultation has taken place following the submission of amended plans.

Planning Policy

15. 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), the Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016).
16. 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).
17. The relevant policies from the Local 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
 - HOU5 - Residential Windfall Development in the Countryside
 - HOU12 - Residential Space Standards Internal
 - HOU15 - Private External Open Space
 - EMP3 - Extensions to Employment Premises in the Rural Area
 - EMP11 – Tourism
 - TRA3b - Parking Standards for Non Residential Development
 - TRA7 - The Road Network and Development
 - ENV1 - Biodiversity

ENV3a – Landscape Character and Design

ENV4 – Light Pollution and Promoting Dark Skies

ENV9 – Sustainable Drainage

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

Supplementary Planning Guidance/Documents

Residential Space & Layout (External Space Standards) 2011

Residential Parking SPD 2010

Landscape Character SPD 2011

Sustainable Drainage SPD 2012

Dark Skies SPD 2014

Village Design Statement

Biddenden Design Statement 2003

Government Advice

National Planning Policy Framework (NPPF) 2019

19. 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:-
20. Paragraph 79 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential dwelling; or
 - e) the design is of exceptional quality, in that it: - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
21. Paragraph 83 relates to 'Supporting a prosperous rural economy' and states that planning policies and decisions should enable:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - b) the development and diversification of agricultural and other land-based rural businesses;
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
22. Paragraph 83 states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Technical housing standards – nationally described space standards

23. This standard deals with internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

Assessment

24. The key issues for consideration relate to the following:

- Principle
- Visual amenity
- Residential amenity
- Highway safety
- Ecology
- Other issues

Principle

Proposed bailiff's cabin

25. Policy HOU5 relates to 'Residential Windfall Development in the Countryside'. Part two of this policy is in line with paragraph 79 of the NPPF and allows for isolated new dwellings in the countryside if it is for at least one of the following:
- (a) accommodation to cater for an essential need for a rural worker to live permanently at or near their place of work in the countryside;
 - (b) development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future heritage assets;
 - (c) the reuse of redundant or disused buildings and lead to an enhancement to the immediate setting;
 - (d) a dwelling that is of exceptional quality or innovative design which should be truly outstanding and innovative, reflect the highest standards of architecture, significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area;
 - (e) a replacement dwelling, in line with emerging policy HOU7 of the Local Plan.

26. The applicant has confirmed the proposed bailiff's cabin would provide accommodation for the fisheries manager and his family, whilst also providing an office for the running of the fishery business. It would be a log-cabin design that could be erected without great cost and removed from the site if necessary. The Council's Rural Advisor has reviewed the supporting information provided; and, confirms that a temporary permission would enable the applicant to develop the business in the way set out, whilst allowing the Council to review the extent to which the venture achieves its predicted financial targets and is shown to be viable.
27. Taking the above into consideration, I am satisfied the proposal would meet the policy exception requirements in terms of there being an essential need for a rural worker to reside on site. This would facilitate the development and proper management of the fishery and holiday let business, based on the financially sound manner in which the scheme has been planned. As such, no in principle objections are raised to the provision of a temporary bailiff's cabin. Accordingly, it is recommended that a 3 year permission be given for this part of the proposal, to allow this to be reviewed at a later date.

Proposed holiday lets

28. Paragraph 83 of the NPPF supports economic growth in rural areas and part (c) of this paragraph relates to the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
29. Proposals to extend existing employment premises in rural areas are supported under Local Plan Policy EMP3 providing the criteria under parts (a) to (d) are met, which relates to the impact on the surrounding landscape, historic character, biodiversity, residential amenity and traffic/local road network. Furthermore, Policy EMP11 encourages the sustainable growth of tourism through the provision of a wide variety of new facilities in appropriate locations across the borough.
30. The proposal is for 4 modestly proportioned camping pods, distributed around the site. The accommodation provided would allow the business to grow by providing overnight facilities for anglers and visitors. The site is an existing rural business comprising fishing ponds and associated amenity block. The proposal would contribute to the Government's aim to support economic growth in rural areas. As such, I am satisfied there are no in principle objections to the modest expansion of the existing business through the provision of holiday lets at the site.

Visual Amenity

31. The proposed bailiff's cabin would be relatively simple in design so that it could be erected without great cost and removed from the site if necessary as part of a temporary permission. The bailiff's cabin would be single storey in

height and it is my opinion it would not appear dissimilar from the existing amenity block at the site, which it would be located adjacent to. Views would be largely limited to within the site. I am, therefore, comfortable with this part of the proposal, with regard to the impact on the wider area.



Figure 6 – Existing amenity block

32. The proposed holiday lets would be modest in size and discreetly located around the site. The presence of 4 holiday lets of the design and scale proposed would not appear as an over-development of the site. The proposed holiday lets would comfortably blend in with the rural surroundings without appearing harmful or incongruous, which was the case with the holiday lets originally being proposed and originally applied for under withdrawn application 18/01714/AS. This can be seen by the aerial photo at Figure 7.
33. The applicant has stated that additional boundary planting could be accommodated at the site and it is recommended a condition be imposed to secure this further mitigation is achieved. Overall, it is considered the proposal would not adversely impact visual amenity.



Figure 7 – Aerial photo with location of proposed holiday lets

Residential Amenity

34. The proposed bailiff's cabin would be located adjacent to the existing amenity block at the site. The proposed holiday lets would be discreetly located by two of the ponds with a separation distance of over 300 metres to the closest dwellings to the south. The buildings would be largely screened by swathes of trees and hedging. The proposed development would be positioned well into the site and for this reason it would not have any unacceptable impact in terms of loss of daylight/sunlight, loss of outlook or loss of privacy for the occupiers of the nearby dwellings.
35. Objections have been raised by local residents in terms of increased noise and disturbance and this concern had been expressed for previous applications at the site. Although it is likely there would be some trips to and from the site associated with the use of the bailiff's cabin, it is my opinion the additional impact over and above what already takes place at the site would be limited and a ground of refusal on this basis could not be substantiated. . Trips to and from the site by the bailiff would be negated if they were residing there and managing proceedings.
36. Planning application 18/01717/AS was refused as this sought to entirely remove the condition attached to planning permission 15/00449/AS relating to the gates at the site being locked between specified hours. This would have enabled 24 hour access to and from the site for anglers. This is not what is being requested under the current proposal.

37. With regards to the proposed holiday lets, the applicant has pointed out that by its very nature, fishing is a quiet sport and there is always an element of self-regulation between the holiday lets and anglers on the site. Any noise would simply not be tolerated and may impact the fishing itself.
38. It is more than likely that the users of the holiday lets would be anglers and they would be subject of the existing restrictions in place. Condition 4 of planning permission 15/00449/AS (in relation to the new amenity block and retail space) stated: "The buildings hereby permitted shall not be open to users of the site, or visitors to the site, outside the hours of 0700 hours to 1900 hours on any day". It is recommended that a similar condition be imposed to cover travel to and from the site by users of the proposed holiday lets. It is also recommended that a management plan be established for the overall use of the site to confirm how this will continue to be managed without further impacting residential amenity.
39. The applicant has confirmed the proposal does not seek to alter the existing hours of use and operation of the existing gate at the site. Condition 5 of planning permission 15/00449/AS stated: "The gates shown on the approved plan L(P)900 Rev E entitled "proposed gate location" shall be locked after 7pm each night and shall not be unlocked until 7am the following morning". It is recommended that a similar condition be imposed for the current application in relation to the existing gates at the site.
40. The existing conditions in place help mitigate against noise pollution and prevent any loss of residential amenity to an unacceptable degree. These conditions should remain in place going forward. If the access is not controlled and there are the maximum number of anglers at the site, for instance, there would be nothing to prevent numerous comings and goings late at night which would lead to unacceptable disturbance to local residents. These conditions will help prevent this.
41. The fishing ponds can be used 24 hours/day as the hours of operation was not restricted under the original appeal decision for application 04/01235/AS, only entrance to, and exit from the site outside the hours of 07.00 and 19.00. Subsequent planning permissions appear to have restricted hours of use to the approved buildings at the site, not the ponds themselves. It is argued this type of condition would, in fact, be unreasonable given the 24/7 nature of this type of leisure activity. The nature of night fishing is that you set up before the hours of darkness with all the equipment and refreshments you need, and it is not necessary to leave the site during night time hours. The introduction of the proposed holiday lets would not alter this arrangement.
42. With the necessary restrictions in place secured by planning conditions, alongside a robust management plan, it is considered the amenity of neighbouring occupiers would not be adversely affected.

43. In terms of the residential amenity of the future occupants of the proposed bailiff's cabin, it is deemed that an acceptable internal and external living environment would be provided. The proposed bailiff's cabin would not include a private garden measuring 10m in depth as required by Policy HOU15; however some flexibility can be applied under this policy. Given the need for the accommodation and its location, it is considered that a high standard of living condition would still be achieved in line with the overall aims and objectives of policy.

Highways Safety

44. The existing vehicular access to the site would be retained and there is sufficient parking and turning available to serve the development. Given the existing conditions restricting angler numbers and entrance/exit times, it is not considered the proposed development would give rise to unacceptable increases in vehicular movements to and from the site. It is more than likely the proposed holiday lets would be used by anglers already planning to visit the site and would not create further traffic over and above what is already experienced. As such, the proposal is acceptable in terms of highway safety.

Ecology

45. Concerns have been raised by neighbours in relation to the impact of the proposed development on biodiversity at the site. The applicant has submitted a preliminary ecological appraisal and no objections have previously been raised by KCC's Ecological Advice Service subject to an ecological enhancements condition being imposed. As such, I am satisfied there would be no grounds to refuse the application from a biodiversity point of view.

Other Issues

46. Concerns have been raised by neighbours in relation to drainage, disposal of sewage and refuse collection (commercial and residential); however these matters could all be adequately dealt with by way of a planning condition.

Human Rights Issues

47. 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

48. 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

49. The provision of a temporary bailiff's cottage and 4 holiday lets at the site is considered acceptable and would comply with the Development Plan and the NPPF; and, is in line with the thrust of government guidance to support sustainable expansion of rural enterprises. Subject to relevant conditions, it is considered the proposal would have an acceptable impact on the visual amenity of the surrounding area and the residential amenity of adjacent properties. The proposal would also be acceptable from a highway safety, ecological impact and drainage point of view. As such, with the principle being acceptable and no significant harm identified, the proposal is recommended for approval.

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. Implementation within 3 years
2. Approved plans
3. Available for inspection
4. Temporary 3 year permission – bailiff's cottage
5. Bailiff's cottage only to be used for this purpose and removed if use ceases
6. Management plan for the site
7. Materials to be approved – bailiff's cottage
8. Materials as specified – holiday lets

9. Number of anglers – maximum of 30 in any 24 hour period
10. Existing gates - locked after 7pm each night and not unlocked until 7am the following morning
11. Users of holiday lets and associated visitors not to access/exit the site outside the hours of 0700 hours to 1900 hours on any day
12. Holiday lets – only to be used for this purposes
13. Holiday lets - register to be kept
14. Details of drainage
15. Details of disposal of sewage
16. Details of refuse collection arrangements
17. Development carried out in accordance with recommendations of Preliminary Ecological Appraisal (Iceni Ecology Ltd - November 2018)
18. Ecological enhancements
19. No external lighting

Notes to Applicant

1. Working with the Applicant

Background Papers

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

Contact Officer: Georgina Galley
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Telephone: (01233) 330313

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Application Number	19/01477/AS
Location	Little Greenacres Meadow, Sissinghurst Road, Biddenden, Ashford, Kent, TN27 8EH
Grid Reference	584314 138536
Parish Council	Biddenden
Ward	Biddenden
Application Description	Change of use of stables for ancillary accommodation and for storage in connection with applicant's business. Stationing of log cabin mobile home for gypsy family (part retrospective).
Applicant	Mr Beany
Agent	The Rural Planning Practice
Site Area	0.1 hectares
(a) 1/ 43/S 6R	(b) Parish Council – R (c) KCC ECO/ X

Introduction

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

Site and Surroundings

2. The application site comprises a former stable building and surrounding grassland. The application site is located within a rural area in the Biddenden and High Halden Landscape Character Area. To the south of the site is a large pond. Further to the south of the site is linear residential development fronting Sissinghurst Road. These residential properties are located within the Biddenden village confines. Biddenden village centre is located to the east of the site. The site is accessed via a shared vehicle access between two residential properties fronting Sissinghurst Road. The shared access is also used for fishing lakes to the rear of the site and access to stables on nearby land.

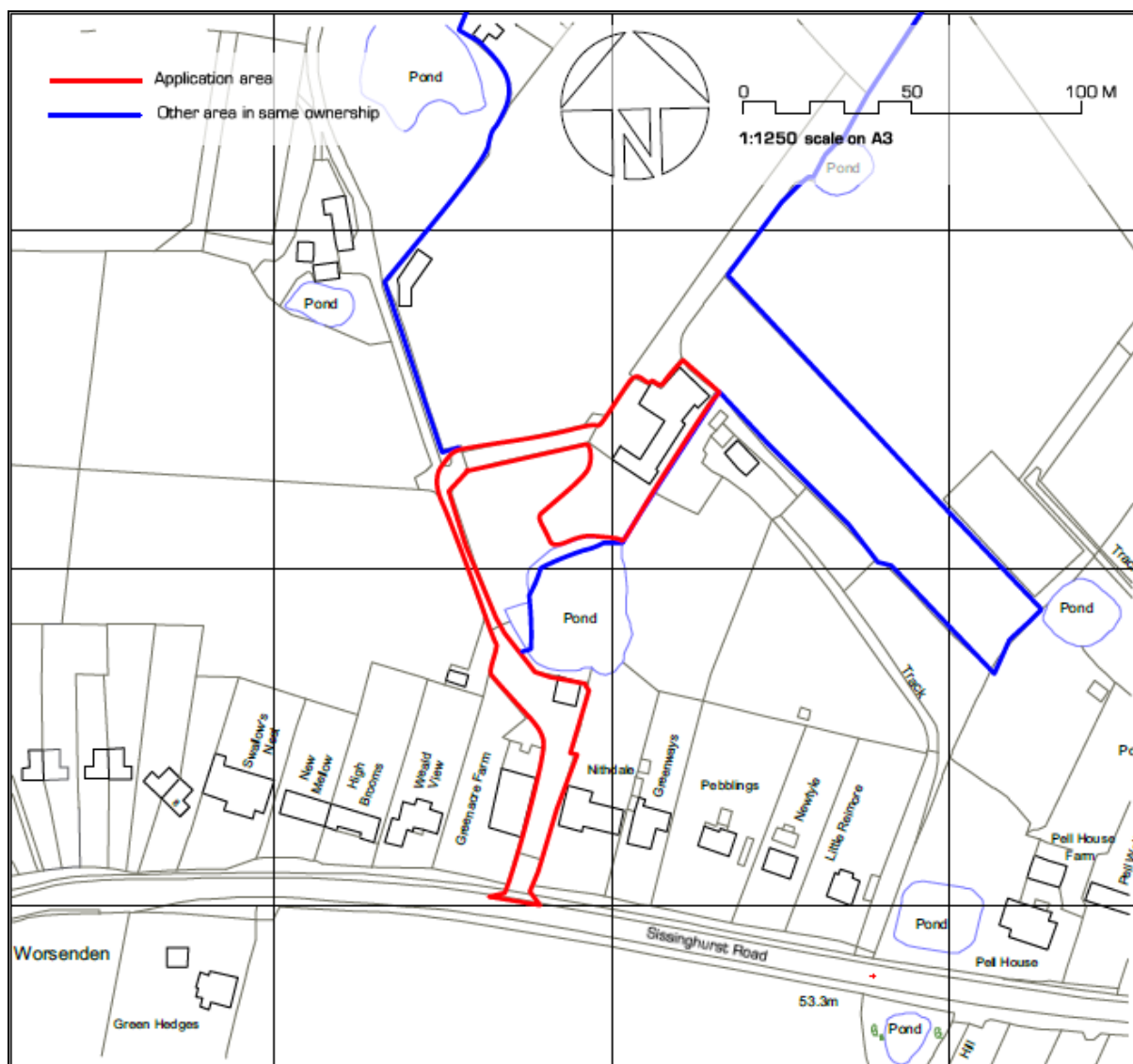


Figure 1 - Site location Plan

Proposal

3. Change of use of stables for ancillary accommodation and for storage in connection with applicant's business. Stationing of log cabin mobile home for gypsy family.
4. Amendments: The description has been amended to include gypsy traveller accommodation and further consultation has been carried out. Amendments have also been made to the red line site plan to address comments from neighbours regarding the ownership of land within the red line boundary. Ownership Certificate B has been completed and the relevant owners of the shared access have been notified.

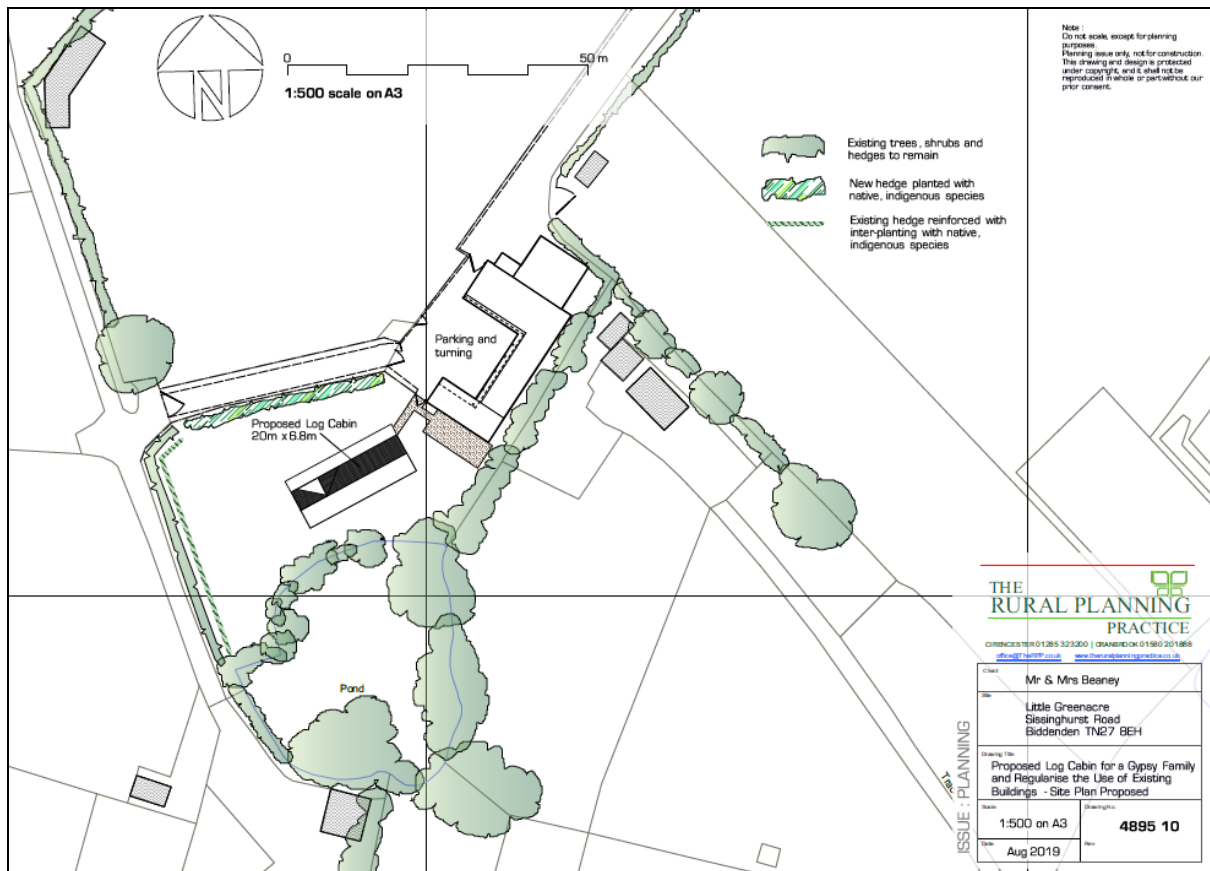


Figure 2: - Proposed block plan

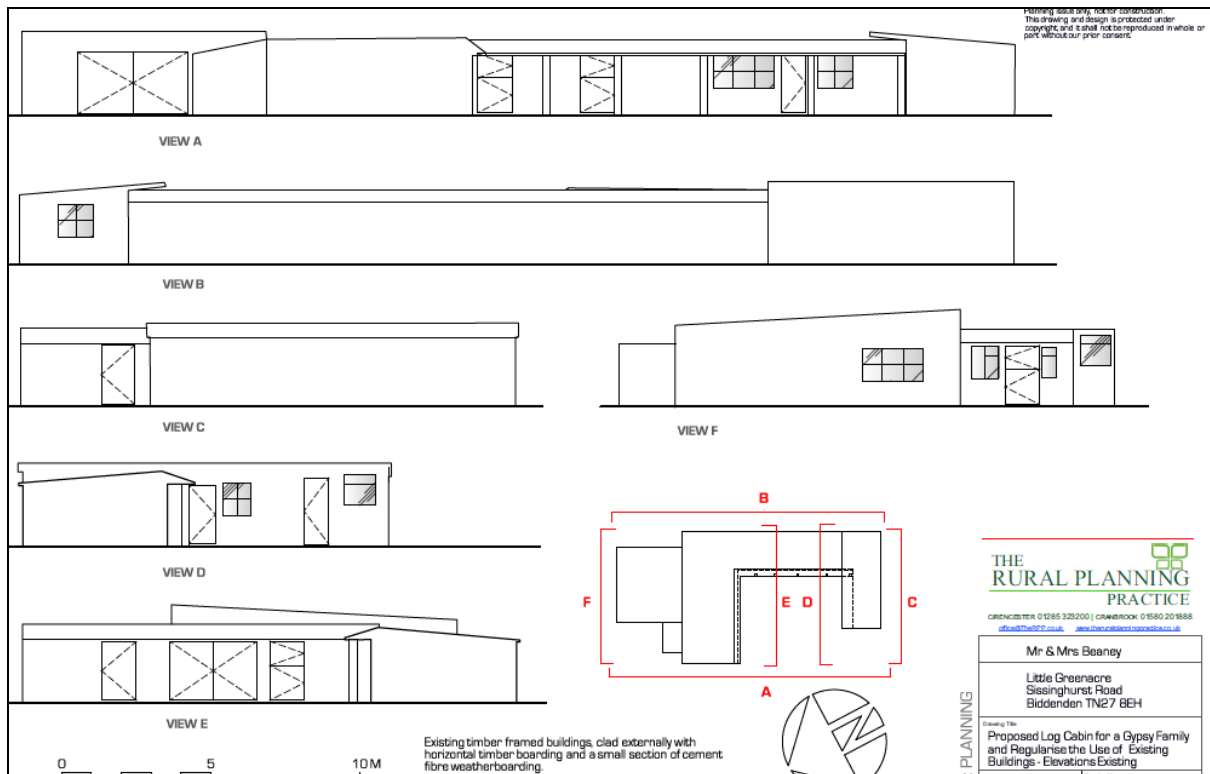


Figure 3 – Stable buildings for conversion (retrospective)

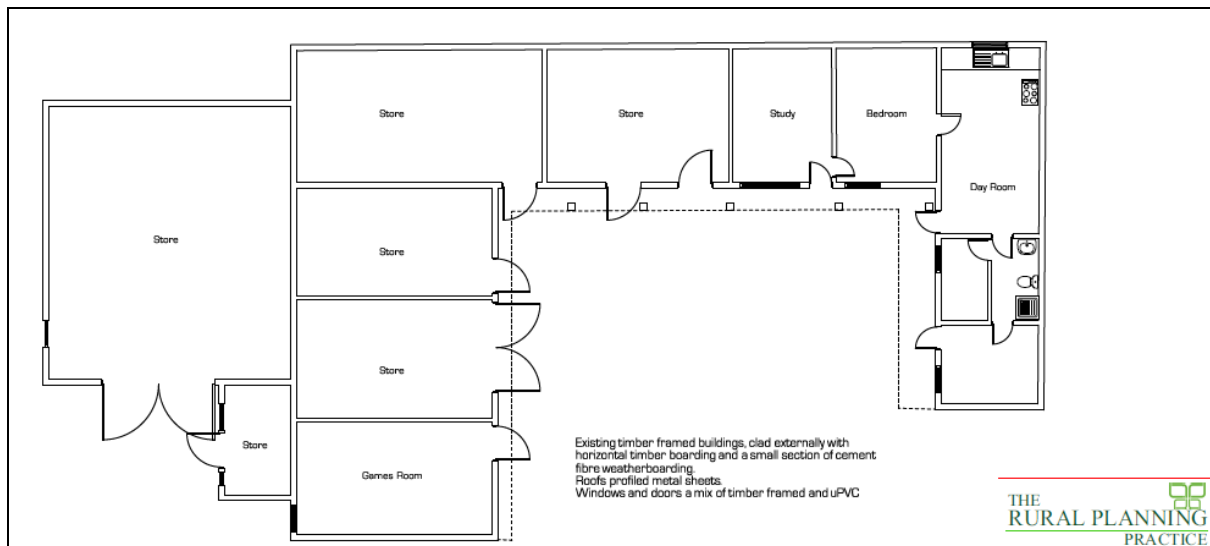


Figure 4 – Existing stable building for conversion (retrospective)

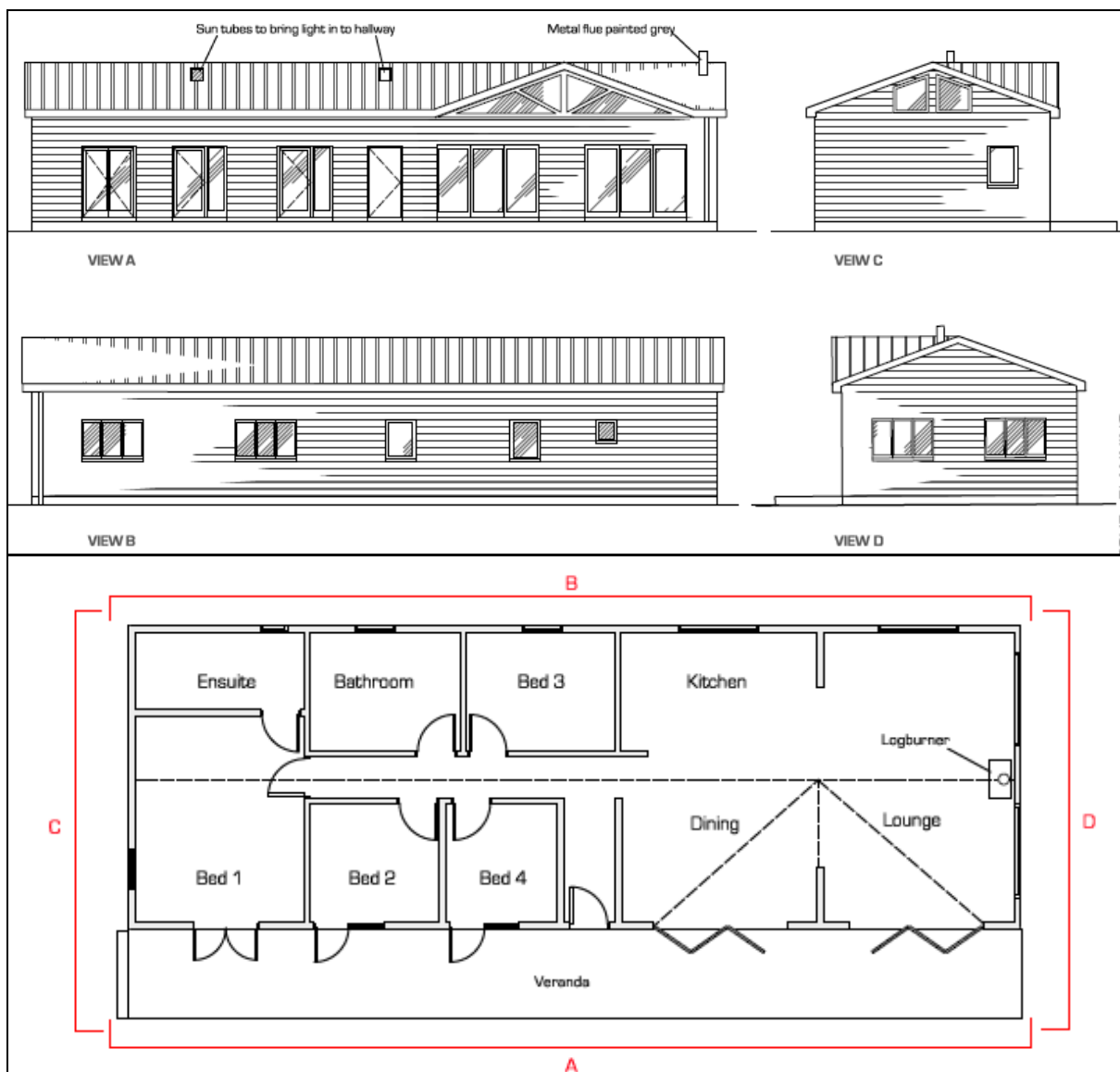


Figure 5 – Proposed log cabin mobile home

5. In support of the application a preliminary ecological survey has been submitted which concludes that the proposed development would have a low ecological impact. The site is mown regularly and the adjacent pond is stocked with carp and is unlikely to support GCNs. The mature trees around the site would be suitable for bat foraging and ecological sensitive lighting is recommended.

Planning History

None

Consultations

Ward Member: The Ward Member requests that the application be determined by the Planning Committee.

Parish Council: Objects for the following summarised reasons:

- Red line site plan and ownership details incorrect (**DMM comment:** *Amend site plan and ownership certificate submitted to address errors – reconsultation completed*).
- The applicant does not, it is believed have right of access of the shared access.
- The fishing lake to the north had an application refused to remove the time limitations on the use of the lake. (**DMM comment:** *not relevant to the current application. The right of access is a civil matter*)

Neighbours

1 neighbour consulted initially. 49 re-consulted on amended details.

43 neighbours in support; 6 objections.

43 Support comments are summarised as follows:

- General support and endorsement of the applicant and family from locals in the village.
- The applicant and family are considered to be valued members of the community.
- The site has been positively transformed since the applicants took over the site.

6 Objections are summarised as follows:

- Loss of residential amenity.
- Errors regarding red line site plan (*amended as per the above*).
- Loss of privacy to proposed building from neighbouring properties.
- Time restrictions on access to the fishing lake at the rear of the site.
- Impact on visual amenity.

- Noise and disturbance.
- Narrow access.
- Use of access for residential will impact amenity of adjacent properties.
- Increased traffic.
- Is business use proposed?
- Inappropriate location for housing (**DMM comment:** *description amended to refer to gypsy site rather than housing*).
- Impact on security of nearby stables.
- The applicant has already moved into the building on the site and is living in it.
- Gypsy status of the applicant needs to be confirmed.
- Contrary to policy HOU16

KCC Ecology – No objection. A range of surveys have been carried out within the site and the applicant has a good understanding of the ecological interest of the site. Recommend ecology conditions to protect and enhance ecology.

Planning Policy

6. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), Rolvenden Neighbourhood Plan 2019 and the Kent Minerals and Waste Local Plan (2016).
7. The key policies from the Development Plan relating to this application are as follows:-
 - SP6 - Promoting High Quality Design
 - HOU16 – Traveller Accommodation
 - TRA3a - Parking Standards for Residential Development
 - TRA7 - The Road Network and Development
 - ENV1 – Biodiversity
 - ENV3a – Landscape Character and Design
 - ENV4 – Dark Skies
8. The following are also material considerations to the determination of this application.

Supplementary Planning Guidance/Documents

Residential Parking and Design SPD 2010
Sustainable Drainage SPD 2010

Landscape Character SPD
Dark Skies SPD

Government Advice

National Planning Policy Framework (NPPF) 2019

9. 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:-
10. 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.
11. The national policy position comprises the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS August 2015). Together they provide national guidance for Local Planning Authorities on plan making and determining planning applications for Gypsy and Traveller sites. Both documents state that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. There is also requirement in both documents that makes clear that Local Planning Authorities should set pitch targets which address the likely need for pitches over the plan period and maintain a rolling five year supply of sites which are in suitable locations and available immediately.
12. A presumption in favour of sustainable development runs throughout both documents and this presumption is an important part of both the plan-making process and in determining planning applications. As set out under paragraph 8 of the NPPF there are three dimensions to sustainable development: economic, social and environmental. The mechanism for applying the presumption in favour of sustainable development is set out in paragraph 11 of the NPPF.
13. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. To help achieve this, the government seeks, amongst other things, to promote more private traveller site provision and increase the number of traveller sites in appropriate locations with planning permission, addressing under-provision and maintain an appropriate level of supply. It also requires LPA's to assess their own levels of need and to plan positively for managing gypsy traveller development (para 4, PPTS) **Page 157** does not preclude sites in the open

countryside but advises that LPAs should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure

Assessment

14. The issues for consideration are:

- Whether the site is appropriate for a gypsy traveller site - policy HOU16
- Visual/rural impact.
- Neighbour amenity.
- Highways safety.

Traveller Pitch Need

15. In 2017 the Council commissioned ARC4 to carry out a GTAA on its behalf. The survey work was conducted in winter 2017/2018 and was carried out in conjunction with other authorities across East Kent. The GTAA provides a robust assessment of pitch need and supply across the Borough.
16. Ashford's overall 5-year 'cultural' need was identified as 194 pitches in the GTAA. Subtracting the supply (140 pitches at the time of the GTAA) this created a 5-year pitch need of 54. However, when reduced to those only considered to meet the PPTS definition this is calculated as a 5-year need for 37 pitches.
17. The adopted Local Plan 2030 proposes a dual approach to Traveller site/pitch provision. It allocated three new pitches through Policies S43 at Biddenden and S44 at Westwell, which now have full permission. In addition, Policy HOU16 allows for suitable 'windfall' (unidentified) pitches to come forward to further contribute to the supply where they meet a set of criteria which is (in accordance with the PPTS 2015). A number of permissions for new permanent pitches have been granted using this HOU16 windfall approach since the GTAA was undertaken which has reduced the pitch need. In addition, Policy HOU17 safeguards existing pitches for retention in the supply. However, these pitch supply increases do not meet all of the need identified in the GTAA.

Gypsy and Traveller Accommodation Local Plan

18. In order to meet the remaining pitch need for 5 year supply and the plan period to 2030, the Council is in the process of preparing a separate Gypsy and Traveller Local Plan (formerly DPD) to address the shortfall through pitch allocation.

19. Site assessment work has commenced of all existing Gypsy and Traveller sites/pitches in the Borough in terms of suitability for making temporary permissions permanent and extensions or regularisation to increase pitch numbers on sites. Assessment work is also being undertaken with regards to provision for new public and transit site provision.
20. The Regulation 19 version of the plan, which will be a full draft plan including proposed site allocations to meet the remaining pitch need, is expected in the later part of 2020. This is behind the adopted timetable set out in the Local Development Scheme (2019) by 12 months, and adoption of the Plan is expected in mid/late 2021.

Policy HOU16 Assessment

21. Policy HOU16 states planning permission for the expansion to existing sites or new sites to accommodate Gypsy and traveller accommodation or accommodation for travelling showpeople, will only be permitted outside of allocated sites if the following criteria are met:

a) The proposals cannot be accommodated on an existing available site or allocated site;

There are no other alternative available sites at this time.

b) The site would not accommodate more than 5 pitches or make an existing site exceed 5 pitches in size;

Only one pitch is proposed.

c) The site would provide a good living environment free from the risk of flooding and risks to health through contamination, noise or pollution;

The site is located outside high risk flood zone 2 and 3. There are no known contamination risks associated with the site and the neighbouring uses would not result in unacceptable noise or pollution for future occupants.

d) Local services and facilities – such as shops, public transport, schools, can be readily accessed from the site;

The site is located in close proximity to Biddenden village and shops, public transport, schools and village facilities can be readily/safely accessed from the site along a roadside pedestrian footpath.

e) The site is capable of being provided with on-site services such as water supply, sewage disposal and power supply;

It is considered that the necessary services could be provided on-site.

f) The form and extent of the accommodation does not adversely affect the visual or other essential qualities of the AONB and its setting, SSSI,

Ancient woodland, international, national or local nature reserve or wildlife site;

The proposal does not have an adverse impact on any of the above protect areas.

g) Access to the site which does not endanger highway safety for vehicles and pedestrians can be provided;

The site would utilise an established vehicle access and there would be sufficient space on site to allow vehicle to turn for safe access. Pedestrian access would be along the shared vehicle access with no dedicated pedestrian footway from the main road into the site. However, given the low volume of vehicle traffic along the shared access pedestrian safety would not be compromised.

h) Proposals incorporate a landscape strategy, which will be required by use of planning conditions, where mitigation of the impact on the landscape is necessary to protect the quality of the surrounding landscape;

The submitted layout plan proposes to retain the existing trees/landscaping along the south and west boundary of the site and includes new native hedgerow planting along the north boundary and reinforced native hedgerow along the west boundary.

i) The scale and siting of the site, along with its design, layout and any boundary treatments, should take into account the key characteristics of Landscape Character Area within which it is located; and,

The proposed mobile would be located adjacent to the existing stable building in an open part of the site to ensure the native tree/hedgerow boundary treatment is retained and nearby pond is not impacted.

Given the single-storey scale and discreet backland location the proposed mobile home would not have an adverse impact on the character and appearance of the Landscape Character Area.

j) New sites or enlargement of existing sites are of a scale appropriate to their surroundings and would not individually or cumulatively dominate the nearest settled community, cause significant visual harm to an area and its landscape, or unduly impact on the capacity of local services.

The site is for one pitch only and would not individually or cumulatively dominate the nearest settled community or unduly impact on the capacity of local services.

Given the discreet location of the site behind linear residential development this is considered to be a well contained site and appropriate for the scale of

gypsy accommodation proposed and there would be no significant adverse impact on the surrounding rural landscape as a result.

Other matters

22. The retrospective part of the application includes the conversion of the former stable building to a day room, bedroom, utility room, study and games room, with the remainder of the building used for internal storage for the applicants gardening and logging business. It is not unusual for gypsy sites to have a day room and ancillary accommodation in a separate building and there would be no adverse visual impact as the building is already in situ. The principle of the ancillary internal business storage is also considered acceptable and conditions are proposed to ensure no business activities are carried out at the site other than ancillary storage, to safeguard neighbour amenity.
23. A number of objections have been raised regarding loss of amenity, however given the separation distances involved between the site and residential properties fronting Sissinghurst Road there would be no adverse amenity impact on future occupants or neighbouring properties.
24. Objections have also been raised regarding the use of the shared access and potential adverse impacts on the adjacent residential properties arising from noise and disturbance from vehicle traffic associated with the proposed use. The shared access is utilised for access to the fishing lake although it is noted access to the lake is restricted. Access to the application site and existing stable block is however unrestricted and it is not considered that the introduction of one traveller pitch would result in a significant increase in vehicle traffic that would warrant and objection on amenity grounds. Rights of access over the shared vehicle access is a civil matter.
25. The gypsy status of the applicant is not disputed and has been confirmed previously by the council. In any event officers are of the view that this is an acceptable location for a gypsy/traveller site of the scale and nature proposed and occupation only by a gypsy/traveller can be secured by condition.
26. In addition, there are four children in the family that attend local schools and access to education and health facilities, would be more advantageous from a permanent site than an unauthorised one.

Human Rights Issues

27. 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

28. 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

29. There is a need for traveller sites in the Borough and these should be encouraged in appropriate locations. The PPTS allows for new traveller sites in rural areas but states that they should be strictly limited in open countryside that is away from existing settlements or outside areas allocated in the Development Plan. The site is located where this strict restraint applies. That said the site is sustainably located being within easy walking distance of the services and amenities within Biddenden.
30. The identification and delivery of available gypsy sites sufficient to meet the unmet need has not yet been completed. The provision of one additional permanent pitche on this existing site would go some way towards meeting the unmet need as identified under policy HOU16. The visual impact would be localised and contained to within the site itself and the development would not interrupt upon any medium to long distance views of the countryside. No harm to residential amenity or highway safety would be caused. Conditions limiting occupation of the caravans and the number of mobile homes and tourers on the site would be appropriate to mitigate future concerns.
31. Therefore, in light of the above and considering there is an existing unmet need for gypsy sites within the Borough, and this application would go some way towards meeting that need, it is recommended the application is permitted subject to conditions.

Recommendation

Permit

Subject to the following Conditions and Notes:

(with delegated authority to either the Strategic Development and Delivery Manager or the 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. Standard time condition
2. Plans
3. Gypsy status condition
4. Stables to be used for ancillary accommodation only
5. Restrict to no more than 1 mobile log cabin and 1 tourer
6. No commercial activity
7. No vehicles over 3.5 tonnes parked
8. Landscaping
9. Ecology enhancements
10. Boundary treatment
11. Sewerage
12. No external lighting
13. Site shall be available for inspection

Note to Applicant

1. Working with the Applicant

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/01477/AS

Contact Officer: Andrew Jolly

Email: andrew.jolly@ashford.gov.uk

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Application Number	20/00277/AS
Location	23 Bridleway Lane, Kingsnorth, Ashford, Kent, TN23 3LN
Grid Reference	771904/803013
Parish Council	Kingsnorth
Ward	Park Farm South Ward
Application Description	Change of Use of Land to residential garden space and erection of fence on boundary
Applicant	Mrs Clarie Tutt, 23 Bridleway Lane, Kingsnorth, Ashford, TN23 3LN
Agent	Mr Michael West. 16 Castle Street, Dover, CT16 1PT
Site Area	0.8ha

Initial Consultation

(a) 15/2S (b) R (c) KCC BIO X

Second Consultation

(a) 15/1S (B) X (c) KCC BIO X

Introduction

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

Site and Surroundings

2. The application site comprises an area of amenity land situated alongside 23 Bridleway Lane and is adjacent to a public footpath which links neighbouring roads. The property itself is at the end of a cul-de-sac of similar style properties within the Park Farm area of the parish of Kingsnorth.
3. This area of amenity land is in private ownership, but it lies outside of the residential curtilage of No. 23 and was designed into the original layout of Park Farm as landscaped amenity land.

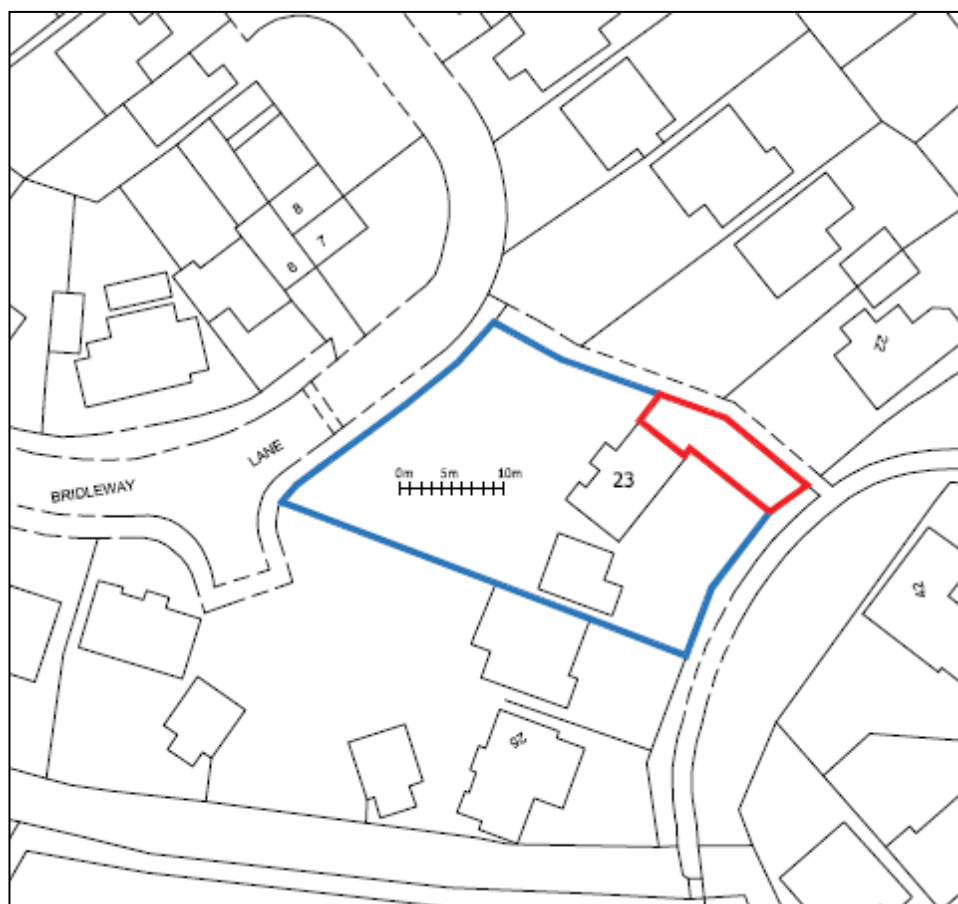


Figure 1. Location Plan

Proposal

4. Full planning permission is sought for the change of use of a strip of amenity land into residential garden and the erection of a new 1.8m close board fence.
5. During the course of the application the area of land to be subject of the change of use was decreased in size as a result of negotiations between the case officer and the applicant, this is to allow the retention and landscaping of the an area of land immediately between the land changing use and the footpath.

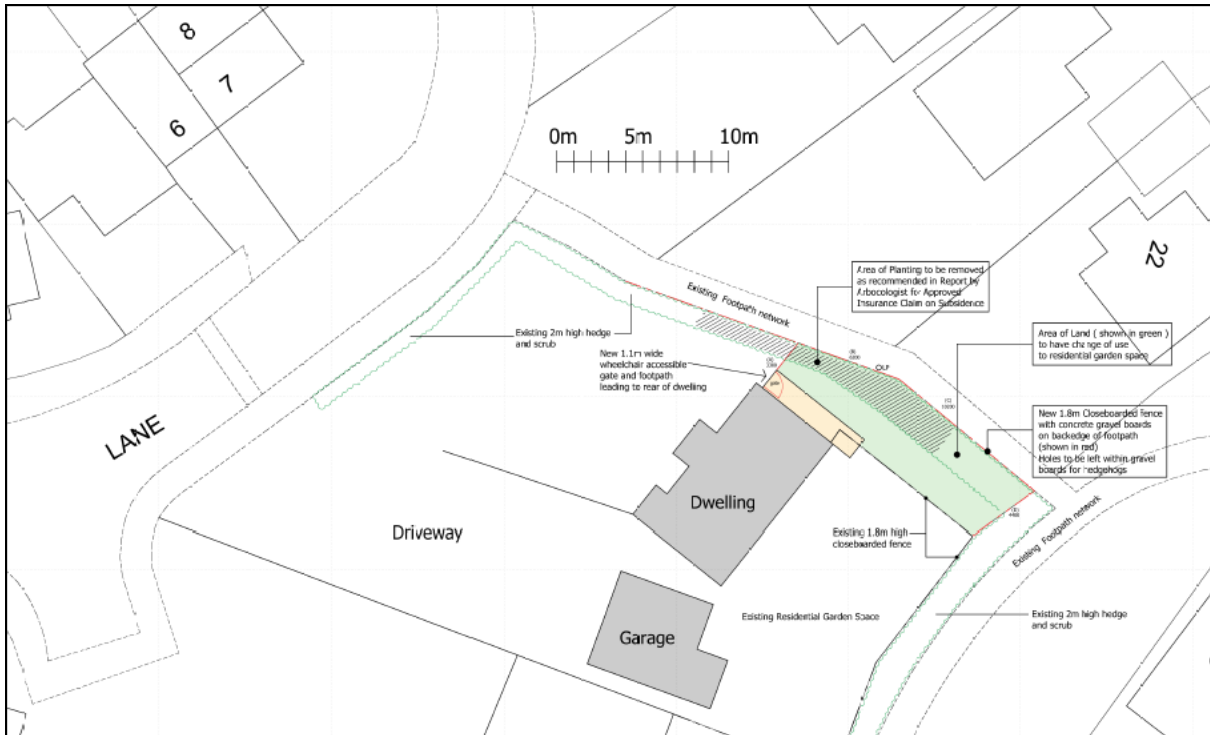


Figure 2. Originally submitted Proposed Site Plan

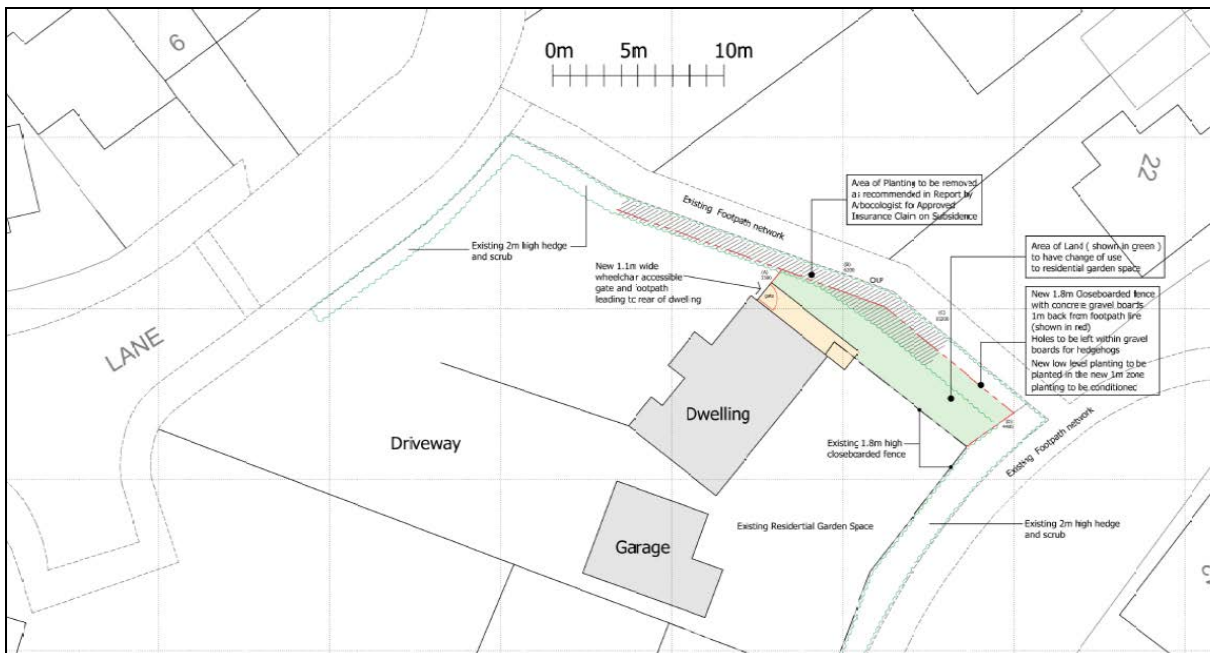


Figure 3. Amended Proposed Site Plan

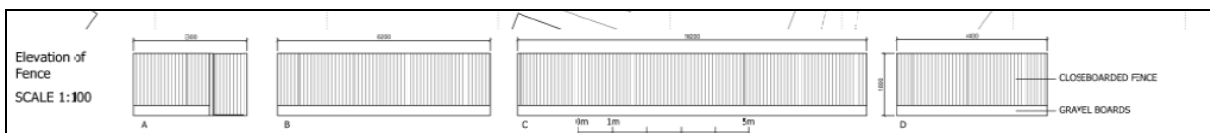


Figure 4. Elevation of Fence

Planning History

06/00603/AS – change of use of land to residential curtilage and the erection of an annexe extension to the existing dwelling house – refused 10/08/2006

The reasons for refusal were as follows:

- The proposed annexe extension would have been adjacent to the footpath and landscape buffer strip, this would have resulted in an overbearing development.
- The annex is of an appearance unsympathetic to the character of the surrounding residential area and resembles an independent dwelling where one would not normally be acceptable, due to the confined nature of the sitting.
- The proposed development would have had a detrimental effect on the users of the footpath, creating an oppressive environment and an increased perception of fear of crime.
- The removal of the landscape buffer would result in loss of visual amenity to the surrounding area.

Consultations

Ward Member: Cllr Wedgbury requests that the application be determined by the Planning Committee and makes the following comments:

- The change of use of land will affect the amenity of the locality and encourage other residents to do a similar proposal. **[DMM comment:** each application is considered on its own merits].
- The proposed change would affect the footpath and create a dark, confined alleyway and this will have a detrimental effect on the users of the footpath.
- The loss of landscaping will affect the appearance of the surrounding area and would increase a sense of feeling unsafe when walking down the footpath. As well as increase the risk of crime.

Initial Consultation

Kingsnorth Parish Council: Object for the following summarised reasons:

- It is amenity land and if the application is permitted it will make the alleyway very dark and unsafe.

- Kingsnorth Parish Council objected to this residents' previous application and object again.

KCC Biodiversity: General comment received:

- Loss of vegetation could result in potential for loss of habitat.
- The vegetation within the site is regularly managed and does not appear to provide optimum habitat for protected species, an ecological survey is not required as a result.
- Vegetation should be cleared using a precautionary mitigation approach as the site may be utilised by breeding birds, reptiles and hedgehogs and we advise that the vegetation must be cleared during the spring/summer prior to any animals going into hibernation.

Neighbours: 15 Neighbours consulted; 2 representatives received in support:

- It will allow the resident to landscape the supposed land more easily and prevent the subsidence caused by trees/shrubs that are currently growing.
- They are suffering from subsidence as we are due to trees and bushes undermining our foundations.

Second Consultation – Amended Proposal

Kingsnorth Parish Council: No Comment received.

KCC Biodiversity: No Further Comment made.

Neighbours: 15 Neighbours consulted; 1 letters of support received raising the following:

- The change of use would make a much safer and tidier footpath

Planning Policy

6. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016).
7. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).

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

SP1 – Strategic Objectives

SP6 – Promoting High Quality Design

ENV1 - Biodiversity

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

Government Advice

National Planning Policy Framework (NPPF) 2019

10. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
11. Chapter 8 – Promoting healthy and safe communities
12. Chapter 12 – Achieving well-designed places

National Planning Policy Guidance (NPPG)

Assessment

13. The main issues for consideration are:
- Impact on visual
 - Impact upon residential amenity
 - Impact on biodiversity

Visual Amenity

14. The strip of landscaping between the property's curtilage and the footpath is part of a network of paths through this modern residential estate which provides for safe and convenient pedestrian access to and from the dwellings in the area and its various local amenities.

15. Originally, the plans submitted for consideration would have resulted in the change of use of all of the amenity land into the private garden and the erection of a 1.8m high close board fence abutting the footpath. Following officer concerns that the proposed development would have a detrimental effect on the footpath, which would be harmful to the users of the footpath, amended plans were submitted that shows the 1.8m fence is set back from the footpath by 1m and low-level planting to be put in the 1m wide amenity strip retained. At present, it has to be noted that the footpath is bounded on either sides by mature planting which could be removed in any event and creates a feeling of enclosure to the footpath, which could be oppressive and increase the perception of crime.
16. The amended plans allows for the fence to be set back from the footpath and retain an acceptable extent of the amenity land as open space with more suitable landscaping which can be secured through condition. This proposed change of use would not result in a harmful erosion of openness or spaciousness within the street scene. The area of amenity land for which the change of use is sought is minimal and the visual impact of the fence would be softened by the proposed landscaping. This would also give wider sightlines for the security of pedestrians using the footpath.
17. The proposed fence would replace an existing side boundary fence to the property and whilst it would be closer to the footpath than the existing, it would not be out of character given the existence of other similar boundary treatments in the wider residential area or represent a significant visual change and therefore would not be harmful to the visual amenity of the area.

Residential Amenity

18. The proposed development would be visible from neighbouring properties; however, it is of a considerable distance from neighbouring dwellings and would not result in an overbearing form of development. As such, there would be no adverse impact caused to the residential amenity of the closest neighbouring properties.

Biodiversity

19. The proposed development would result in the removal of existing vegetation which would need to be subject to a precautionary mitigation approach in line with the comments from KCC Ecology, who raise no objection. This can be secured through planning condition. There would be no harm to biodiversity as a result.

Human Rights Issues

20. 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

21. 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

22. The revised development overcomes the initial concerns raised by officers. The fencing will be set back from the footpath, retaining a feeling of openness and the landscaping proposed would soften the proposed fencing. The development would not result in harm to the visual amenity of the area. The development would not give rise to harm to residential amenity or biodiversity. There would be a reduced perception crime given the wider sightlines as a result of the removal of the vegetation which would be of benefit for pedestrians using the footpath.

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. Standard time condition
2. Landscaping scheme

3. Precautionary mitigation approach for biodiversity
4. Development carried out in accordance with the approved plans
5. Approved development available for Inspection

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 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). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 20/00277/AS)

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