



PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on Wednesday, 13th October, 2021 at 7.00 pm.

The Members of the Planning Committee are:-

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

Cllrs. Anckorn, Bell (ex-Officio, non-voting), Chilton, Clokie, Harman, Howard, Howard-Smith, Iliffe, Mulholland, Ovenden, Shorter, Sparks and Wright

If any member of the public, Councillor or organisation wishes to submit any written, pictorial or diagrammatic material 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 second working day before the Meeting** so that it can be included or summarised in the Update Report at the Meeting, in the interests of transparency and fairness. Otherwise, the material cannot 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 FOR THE PUBLIC ABOUT THIS MEETING

Subject to Coronavirus risk assessments and procedures, a very small number of members of the Press and public can register to attend and observe the Meeting in person (without speaking at it), on a first-come, first served basis.

To register to attend and observe the Meeting on this basis, please email membersservices@ashford.gov.uk. You will be sent details of the procedures established by the Council in order to manage the risk of COVID-19 at the Meeting, which may include requirements such as to wear face coverings, and to not attend the Meeting if you are affected by any relevant circumstances relating to COVID-19. You will be expected to confirm your agreement to these requirements prior to attendance. However, instead of attending and observing in person, **the Council encourages everyone to take advantage of the opportunity to watch and listen to the proceedings at the Meeting via a weblink, which will be publicised on the Council's website at www.ashford.gov.uk about 24 hours 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

To be informed of arrangements made for public participation in the Meeting.

Summary of Public Participation for Planning Committee Meetings after 6 May 2021

In line with legal requirements, and subject to Coronavirus risk assessments and procedures:-

- A small number of members of the Press and public can register to attend and **observe** the meeting in person;
- In addition, seats in the meeting room are provided for those who register to **speak** on each item¹, by following the procedure below:-

1. **Written notice of a wish to speak at the meeting** (by means of the procedure below) **must be given, either to membersservices@ashford.gov.uk or on the Council's website at <https://secure.ashford.gov.uk/committeesystem/haveyoursay.aspx>, by 15:00 hours on the second working day before the meeting.**

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

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

2. **Registering to speak at the meeting confers the right to submit (and, if desired, make in person) 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 the Parish Council² or Community Forum affected by an item for decision.

¹ Speakers may be asked to wait elsewhere until the item on which they are to speak is called.

3. **All those registered to speak must submit to membersservices@ashford.gov.uk, by 10:00 hours on the day of the meeting**, a copy of their speech in written, legible English.

Speeches must be no longer than 400 words, printed in 12-point non-italic sans-serif font (e.g. Arial); any text above 400 words will not be read out. No speech should contain personal data about individuals, other than the speaker's name and (if relevant) postal address.

Any registered speakers who do not submit their speeches as above are not permitted to speak at the meeting (even if present in person).

4. **At the meeting:-**

(i) Speakers who are **present in person** may read their previously-submitted speeches when called to do so, but may not read any other material;

(ii) If speakers are **not present in person**, their previously-submitted speeches will be read to the meeting by a competent Officer for and on behalf of the speakers, at the normal times and in the normal order (subject to the Chairman's normal discretion).

IMPORTANT:

An Officer reading any speech on behalf of any speaker shall have discretion to omit/edit out any inappropriate language, information or statements.

If any defamation, insult, personal or confidential information, etc. is contained in any speech received from any speaker, and/or is read to the meeting by an Officer, each speaker accepts by submitting the speech to be fully responsible for all consequences thereof and to indemnify the Officer and the Council accordingly.

4. **Officers' Deferral/Withdrawal of Reports**

5. **Minutes**

To approve the Minutes of the Meeting of this Committee held on 15th September 2021:

<https://ashford.moderngov.co.uk/documents/g4057/Public%20minutes%2015th-Sep-2021%2019.00%20Planning%20Committee.pdf?T=11>

² The term "Parish Council" includes Town Councils and Community Councils.

6. Schedule of Applications

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

- | | | |
|-----|---|---------|
| (a) | 20/01600/AS - Land adjoining Four Winds, New Road, Egerton, Kent

Erection of 15 dwellings together with all necessary infrastructure including access. | 5 - 54 |
| (b) | 21/01060/AS - 240 Beaver Road, Ashford Kent TN23 7SW

Change of use of portion of rear garden of number 240 Beaver Road to public car park. Formation of revised access from Beaver Road. | 55 - 62 |
| (c) | 21/00541/AS - East Stour Court, Mabledon Avenue, Ashford, Kent

Variation of condition 2 of planning permission 18/00938/AS (Demolition of existing sheltered housing scheme and replacement with over 50s sheltered housing scheme to provide 24no.1 bed/2 person apartments, 5no. 2 bed/3 person apartments, communal facilities and associated parking spaces) to increase elevation height, alter access to the rear and increase in bin store | 63 - 84 |

Note for each Application:

- (a) Private representations (number of consultation letters sent/number of representations received)
- (b) The Parish/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

5 October 2021

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Agendas, Reports and Minutes are available on: www.ashford.gov.uk/committees

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

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

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a 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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² The term "Parish Council" includes Town Councils and Community Councils.

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Agenda Item 6a

Ashford Borough Council - Report of the Head of Planning and Development
Planning Committee 13 October 2021

Application Number	20/01600/AS
Location	Land adjoining Four Winds, New Road, Egerton, Kent
Grid Reference	90958/47288
Parish Council	Egerton
Ward	Weald North Ward
Application Description	Erection of 15 dwellings together with all necessary infrastructure including access.
Applicant	Jarvis Land Promotions Ltd.
Agent	Ian Bull Consultancy Ltd.
Site Area	1.3ha

Initial consultation

(a) 11/4R; 3+; 3S	(b) R	(c) KCCLLFA R; KCC Eco X; KH&T X; KCCPROW X; NHS X; EH X; Refuse X; KCC Developer conts X; KCC Heritage X; SW X; ABC Housing X; Culture X; BHS +
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Amended Plans consultation

(a) 11/3R; 1+	(b) R	(c) KCCLLFA X; KCC Eco X; KH&T X; KCCPROW X; NHS X; EH X; Refuse X; KCC Developer conts X; KCC Heritage X; SW X; ABC Housing X; Culture X; BHS R
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Introduction

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

Site and Surroundings

2. The application site covers an area of approximately 1.3 hectares and is a broadly rectangular piece of undeveloped land that lies on the edge of, but outside of, the built confines of Egerton. The site lies opposite the Harmers Way residential development.
3. The site boundaries (except the south eastern end) consist of a hedgerows and some small trees. An existing PROW runs through the eastern third of the site from New Road in a north easterly direction which leads into orchards to the east of the site.
4. To the north / west of the site are residential dwellings. The site itself falls slightly from the eastern end towards the village to the north west. The site is within the Greensand Ridge landscape character area. This area is characterised by a more open aspect than its neighbouring wooded west. The field patterns are varied in terms of their shape and sizes with fruit orchards enclosed by shelterbelts. It also notes in particular the historic hill top settlement of Egerton which lies to the north west of the site. The condition of the landscape is considered to be good with a high sensitivity where the overall objective is to conserve.
5. The majority of the site is allocated within the Local Plan under site allocation policy S30. A site plan is below (Figure 1) which shows the application site edged in red and the site allocation shaded purple. The arrow indicatives shows where the single point of access to the site should be. Figure 2 is an aerial photograph of the site and surroundings.

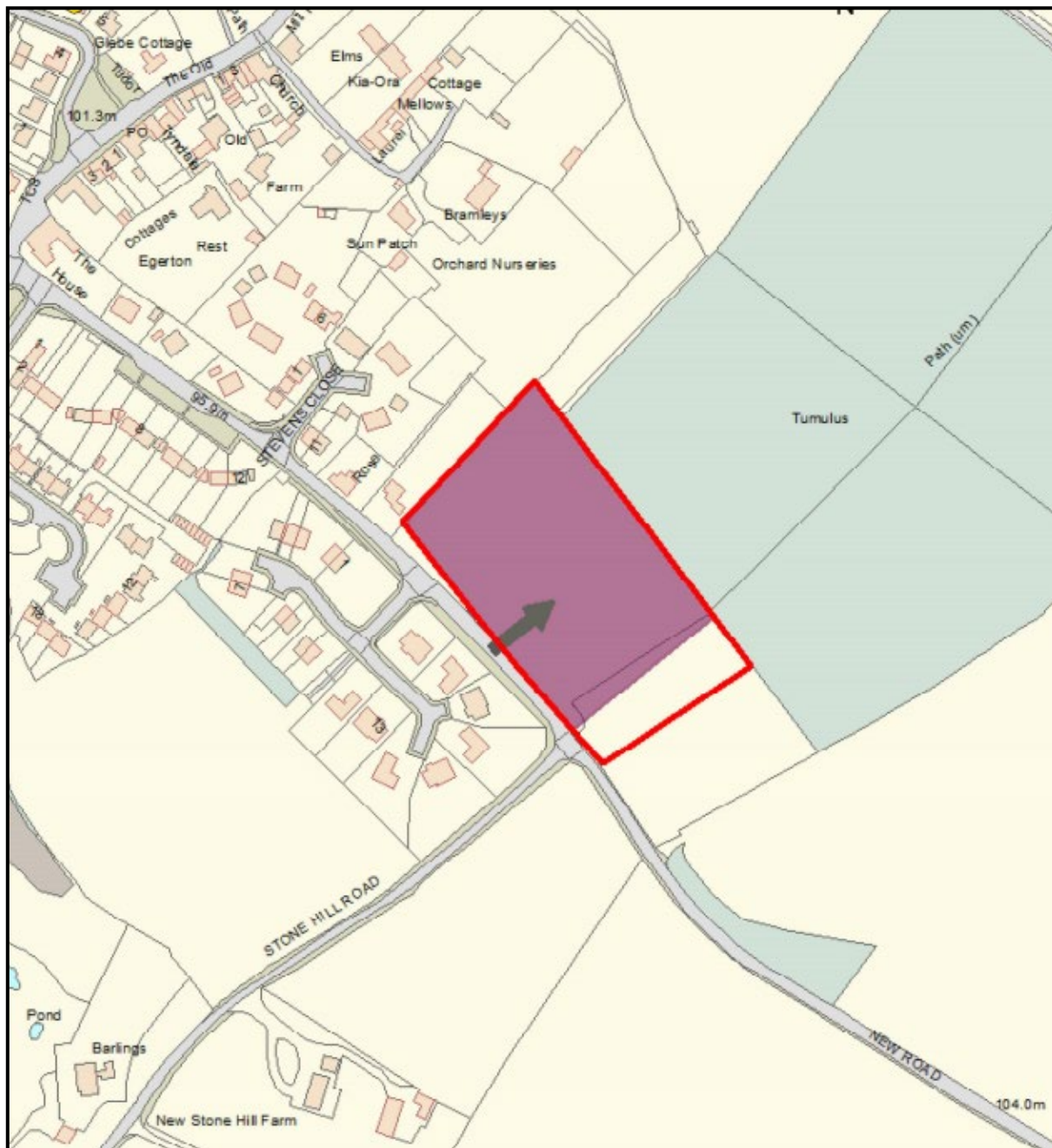


Figure 1 Site location plan with site allocation overlaid in purple



Figure 2 – Aerial photograph of the site and surroundings



Figure 3 - Application site looking towards the village



Figure 4 – Application site looking away from the village

Proposal

6. Full planning permission is sought for the erection of 15 dwellings with associated vehicular access and landscaping. This equates to a density of approximately 11 units per hectare.
7. The proposal would include a composition of affordable housing and a range of dwelling sizes as follows:
 - 4 x 2 bed affordable
 - 2 x 3 bed affordable
 - 5 x 4 bed market housing
 - 4 x 5 bed market housing
8. The proposed dwellings would have a varied material palette, including brick, claying tile hanging, black or white timber stained weatherboarding and plain clay or artificial slate roof tiles. The exact composition of materials can be secured by condition.
9. During the course of the application, amended plans were received to address officer and statutory consultee concerns and are the basis upon which the application is assessed in the report.
10. Amendments were also made to the design, detailing and external finish of a number of the units, as well as a condition in the height of the ridges for a

number of the units. Units were also reoriented to enable a softer and less dense treatment with the edge of the site to enable a more appropriate transition to the countryside. The originally submitted scheme is shown below in figure 5a for ease of comparison whilst the amended scheme for consideration is shown in figure 5

11. The access is as shown in the site allocation.
12. The dwellings would be of a similar quality to a recently completed high quality development in the village of Shadoxhurst, which was a windfall site and not allocated in the Local Plan (application reference 16/01841/AS – see figure 6). There is a varied mix which works well on an edge of village location and reflects architectural style, detailing and materials found in Egerton. Examples of proposed elevations to a number of plots are depicted in figures 7 – 10.



Figure 5 Site Layout Plan for consideration



Figure 5a – Layout as originally submitted



Figure 6 Style of dwellings completed at Chequers Green development in Shadoxhurst



Figure 7 - Elevations for Plots 1 & 2



Figure 8 - Proposed Elevations for plots 5 & 6



Figure 9 - Proposed Elevations for plots 7 and 8



Figure 10 - Proposed Elevations for plot 8 and 12

13. In support of the application the applicant has submitted the following documents:

- Design and Access Statement
- Planning Statement
- Archaeological Desk Based Assessment
- Built Heritage Statement
- Contamination Report
- Ecology Report
- Tree survey
- Transport Statement
- Flood Risk Assessment and Surface Water Management Strategy

Planning History

There is no relevant history for this site.

Consultations

Ward Member: Cllr Mulholland is a member of the planning committee and has requested that the application is reported to the Committee for consideration.

Plans as originally submitted (Figure 5a)

Egerton Parish Council - general comment received raising the following:

- Site allocation for 15 dwellings but extends beyond the site allocation (S30)
- No access to the Orchard Nurseries site which is an allocation in the emerging Neighbourhood Plan
- Lack of smaller detached or semi-detached homes for couples or young families.
- Reference to urban design principles in the accompanying documents would not be appropriate in a village location such as this.
- Details of means of enclosure including inappropriate walls and fencing.
- Confirmation of no street lighting required.
- Vehicle movements do not seem accurate.
- Greater emphasis on energy efficiency is required including water conservation and energy usage.
- Landscaping will need to be maintained to ensure longevity.
- The layout is attractive and helps to reduce speeds of vehicles.
- Views of the church will be maintained.
- Materials proposed are in keeping with the local area and the VDS.
- Landscaping is acceptable.
- Better connection to the village for pedestrians but attention also needs to be paid to the PROW through the site.

KCC Flood and Water Management (LLFA) – consulted; general comment received noting no SUDs strategy has been provided and the minimum requirements for submission, prior to determination.

KCC Ecological Service – general comment received confirming sufficient information has been submitted and subject to conditions and informatives, enhancements to biodiversity can be sought through the development.

KCC Highways and Transportation – general comment received making the following observations:

- Pre-app advice provided
- 9 movements in AM and 9 movements in PM peaks and a robust approach has been taken in assessing the impact which is not regarded as having an

impact on the wider highway network.

- Sufficient width for two vehicles to pass at site frontage
- Shared spaces narrow to reduce speeds
- Visibility splays can be provided
- Existing footway to be extended on New Road
- Sufficient off-road parking
- Visitor parking spaces acceptable but some of the drawings need to be revised to consistent with the Transport Statement
- Cycle parking and hard landscaping can be conditioned
- Delineation between private drives and turning heads needs to be considered
- 11.4m refuse vehicle tracking demonstrated
- Areas for adoption by the Highway Authority should be provided
- Speed limit should be relocated to the south east of the proposed access
- KCC PROW should be consulted on the footpath crossing the site.

KCC PROW – general comment received making the following observations:

- PROW is directly affected by the development.
- If permission is granted a diversion of the PROW would be required.
- A condition should be imposed to prevent development until the PROW is diverted.
- Details of surfacing of the PROW will need to be conditioned.

NHS CCG – consulted; general comment received that there is no request for S106 monies for this application.

Southern Gas Networks – general comment received confirming no mains running through or adjacent to the site

Environmental Health – general comment received regarding working hours, burning of waste and electric car charging points to be secured by condition.

ABC Refuse – general comment received regarding waste collection and an indemnity required and payment towards new bins.

KCC Developer Contributions – consulted; general comment received setting out contributions sought from the developers to mitigate the needs generated by the development. These are in Table 1 below.

KCC Heritage – general comment received requesting a condition for an archaeological field investigation given that the development lies to the south of a Bronze Age barrow and burial site.

Southern Water Services – general comment advising an application to connection to the public foul sewer would be required.

ABC Private Sector Housing – general comment received confirming 6 units on the site would come forward as affordable housing units to be secured through S106.

ABC Cultural Services – general comment setting out the contributions sought as outlined in Table 1 of this report.

British Horse Society – general comment received regarding the potential for the re-classification of the existing PROW as a public bridleway for equestrian use, which should be taken into account in terms of the proposed surfacing if planning permission is granted.

Neighbours - 11 neighbours consulted; 4 objection comments received raising the following concerns:

- Impact on wildlife
- Visual impact including setting of the village
- Impact upon trees during construction phase
- Traffic impact
- Impact on other local infrastructure including impacts of development outside of the Borough in nearby Maidstone and nearby Harmers Way [**HoP comment:** the latter of these is still under consideration]
- No access to Orchard Nurseries site (**HoP comment:** This is not a requirement of Policy S30 and is addressed later in the report)
- Development extends beyond the site allocation beyond the footpath
- Smaller houses required

3 general comments received raising the following:

- Impact on wildlife
- Impact on local residents during the construction phase
- Visual harm to this part of the village and views of the North Downs
- Issues with existing surface water drainage in the area and the development could worsen the situation.
- Details of foul water are not clear.
- Will provision for high speed broadband be provided to serve the site.
- Site extends beyond the site allocation.
- Liability for the maintenance of hedgerows post-development.
- Will the bridleway be downgraded [**HoP comment:** this is currently classified as a footpath]

- Mix of housing required to meet local needs
- Sustainability credentials need to be considered

3 support comments received raising the following:

- Excellent development
- Mixed housing styles
- Would support local services to be re-established
- Close proximity to village hall and local school
- Great addition to the village
- A large developer should not develop the site, it should go to a local builder
[HoP comment: this is not a material planning consideration]
- The development should be sympathetic to the village
- Priority should be given to safeguarding the PROW across the site which has recreational benefits.
- Affordable housing near the village centre is welcomed.

Amended Plans (as set out in Figure 5)

Egerton Parish Council – Object raising the following:

- Welcome the design of the dwelling and meeting of the Egerton Village Design Statement.
- The development does not respect the emerging (regulation 15 consultation draft) Neighbourhood Plan (ENP)
- Site extends beyond the ABLP site allocation.
- Density fails to respect the grain of development elsewhere within the village.
- Development encroaches on the PROW running through the site. The front windows of the plots 13-15 are 3 metres from the PROW
- Appropriateness of boundary treatments in rural location and would impact upon the rural vista on approach from Pluckley.
- Lack of smaller units [HoP comment: the size of the dwellings have been reduced during the course of the application and with the affordable housing on the site results in a good composition].
- Lack of sight lines for vehicular access.
- Lack of energy conservation measures [HoP comment: this in the main is dealt with under the building regulations with a fabric first approach. Electric vehicle charging points are proposed and to be secured by condition for each property. Further green credentials can be secured by condition].
- Drainage issues in the locality.

Raising the following points (non-material planning considerations):

- Lack of access to the draft ENP site allocation at Orchard Nurseries. Previously agreed with the landowner **[HoP comment: this is a separate legal matter and not a policy requirement]**
- The Orchard Nurseries site would provide homes for older residents and profit for investment in local community facilities include a pre-school for the village **[HoP comment: this application on New Road, Egerton, must be considered on its own planning merits and against the criteria contained in policy S30 & HOU5 of the Local Plan, the draft ENP has weight as it is at Examination but does not carry as much weight as the Local Plan]**

KCC Flood and Water Management (LLFA) – no objection comment received on the basis of the additional information received. The proposed development would utilise a combination of piped networks, swales and infiltration basins which ensure compliance with the discharge hierarchy, this is subject to conditions.

KCC Ecological Service – general comment received not raising anything further than the previously submitted comments.

KCC Highways and Transportation – no objection and not raising anything further than the previously submitted comments, although confirming that previous outstanding issues are now resolved subject to conditions.

KCC PROW - no objection and not raising anything further than the previously submitted comments, although noting that an upgrade request to a bridleway has been received since previous comments were submitted. The PROW through the site would be suitable width for a bridleway (3.0m).

NHS CCG – no further comments received

SGN – no further comments received

Environmental Health – no further comments received

ABC Refuse – general comment received not raising anything further than the previously submitted comments.

KCC Developer Contributions – No additional comments received.

KCC Heritage – No further comments to make.

Southern Water Services – general comment received not raising anything further than the previously submitted comments.

ABC Private Sector Housing – general comment received not raising anything further than the previously submitted comments.

ABC Cultural Services –no further comments received

British Horse Society – objection comment received raising concerns regarding the impact on the PROW. Impact of the development on sightlines for future bridleway and the potential for cars to overhang the PROW [**HoP comment:** the development must be considered on the basis of the existing situation on the site, should the path be upgraded at a future date (application pending with KCC) this would be a matter for them to seek to ensure the bridleway is acceptable and is not a matter for ABC]

Neighbours - 11 neighbours consulted:

3 objection comments raising the following additional points:

- This fails to address previous concerns outlined in our comments.
- There is a lack of justification for the extension beyond the site allocation boundary.

1 general comment received raising the following additional points:

- Fails to account for the need for older person's housing as part of the Local Needs scheme put forward in the emerging Egerton Neighbourhood Plan.
- The Parish Council have a vested interest in securing access to the Orchard Nurseries site for the local needs scheme proposed there. [**HoP comment:** this is not a material planning consideration].

Planning Policy

14. The Development Plan for Ashford Borough 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) as well as the Kent Minerals and Waste Early Partial Review (2020).
15. The relevant policies from the Local Plan relating to this application are as follows:-

S30 Egerton – Land on New Road.

SP1	Strategic objectives
SP2	The strategic approach to housing development
SP6	Promoting high quality design
HOU1	Affordable Housing
HOU5	Residential windfall development in the countryside
HOU12	Residential space standard 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
TRA3a	Parking standards for residential development.
TRA5	Planning for pedestrians
TRA6	Provision for cycling.
TRA7	The road network and development.
ENV1	Biodiversity
ENV3a	Landscape Character & Design
ENV4	Light pollution and promoting dark skies
ENV5	Protecting important rural features
ENV6	Flood risk
ENV7	Water efficiency
ENV8	Water quality, supply and treatment
ENV9	Sustainable drainage
ENV13	Conservation and Enhancement of Heritage Assets

ENV15	Archaeology
COM1	Meeting community needs
COM2	Recreation, Sport, Play and Open Spaces
IMP1	Infrastructure provision

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

Supplementary Planning Guidance/Documents

Dark Skies SPD 2014

Landscape Character SPD 2011

Fibre to the Premises SPD

Residential Parking & Design SPD 2010

Residential Space and Layout SPD (External Only) 2011

Sustainable Drainage SPD 2010

Public Green Spaces & Water Environment SPD 2012

Affordable Housing SPD 2009

Village Design Statements/Neighbourhood Plans

Egerton VDS

Egerton Neighbourhood Plan (Reg 15 – unadopted at present)

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) 2021

17. 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:-

18. Paragraph 48 states in relation to the stages of preparing a Local Plan (including neighbourhood plans) that:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”

Paragraph 11 - Presumption in favour of sustainable development

Paragraph 47 - Determination in accordance with the development plan

Paragraph 60 - 77 - Delivering a sufficient supply of homes

Paragraphs 92 - 97 - Promoting healthy and safe communities

Paragraphs 104 - 109 - Promoting sustainable transport

Paragraphs 119 - 123 - Making effective use of land

Paragraphs 126 - 136 - Achieving well-designed places

Paragraphs 152 - 169 - Meeting the challenge of climate change and flooding

Paragraphs 179 - 182 - Habitats and biodiversity

Paragraphs 189 - 208 - Conserving and enhancing the historic environment

National Planning Policy Guidance (NPPG)

Assessment

19. The key areas for consideration are as follows:
- Principle of development
 - Sustainability and location of the development
 - Visual Amenity, Layout and Heritage Impact
 - Residential Amenity
 - Highway Safety and Parking
 - Surface and Foul Water Drainage
 - Ecology and impact upon designated sites (Stodmarsh)
 - Affordable Housing, Housing Mix and Density
 - Other issues
 - 5 Year Housing Land Supply
 - Ashford Local Plan designation S30 and the Egerton Neighbourhood Plan
 - Planning Obligations

Principle of development

20. The application (as the site slightly exceeds that of the site allocation) falls to be determined against Policies S30 (the site allocation) & HOU5 (windfall sites) of the Local Plan amongst others. The criteria for both policies are set out in this section. The criteria are assessed for compliance as well as throughout the remainder of the report. This is alongside all other relevant policies and plans as well as Supplementary Planning Documents and other guidance.
21. The applicant has sought to explain / justify the larger site by stating the following:
- The allocation boundary is arbitrary and each application should be judged on its own merits

- The topography of the site dictated the location of the SUDs on the lowest part of the site.
- Access is dictated by the KCC Design Guide resulting in the need for a spur off the access.
- The PROW on the site allocation is shown in the wrong position.
- Dwellings would front onto the PROW.
- Importance of providing views through the site towards the Church (a policy requirement).
- Need to provide a 3m buffer to the PROW and natural surveillance of it
- Softer garden style development proposed.
- Affordable housing has been given the same hierarchical status as the market housing in terms of density.
- Open garden areas to the rear of plots 8, 10-12 gives impression of lower density and will aid views of the church from the PROW.
- Density is 11.5 dph which is suitable for edge of village development, lower than neighbouring developments.

22. The development of land to the south east of the site allocation can be considered under policy HOU5 provided it complies with the relevant policies in the Local Plan and any other material considerations arising.

Policy S30 of the Ashford Local Plan 2030

23. The land north east of New Road is proposed for residential development for an indicative capacity of 15 units. Development proposals for this site shall:

- a) Be designed and laid out to take account of the residential amenity of neighbouring occupiers. Particular attention needs to be given to the topography of the site and views of the village church. A scheme of no more than 2-storeys will be suitable. The Egerton Parish Design Statement should be taken into account;

See visual amenity, layout & heritage and residential amenity sections.

- b) Create soft landscaping along the south eastern edge to lessen the visual impact of development when approaching the village from the south;

See visual amenity, layout & heritage section.

- c) Provide primary vehicle access on New Road, as shown on the policies map and the extension of the existing 30mph speed restriction;

See Highway Safety section.

- d) Provide new pedestrian routes throughout the development and connections to existing rural routes, including the Greensand Way, facilitating connections to the countryside, Harmers Way and local services;

See layout and highway safety sections.

- e) Undertake Archaeological investigation work; and,

See other issues section

- f) Provide contributions towards the enhancement or maintenance of public open space and equipped play at the village recreation ground in accordance with Policy COM2.

See other issues section.

HOU5

24. The development also falls to be considered under HOU5 and the following criteria must be met for the part of the site which is:

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

The majority of the application site is allocated for 15 units in the Local Plan. The level of service provision within Egerton was considered acceptable when the site was allocated. The proposal remains for 15 dwellings and as such this criterion is satisfied.

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

The application site is within easy walking distance through the provision of a footway opposite the site which will be accessed via a new crossing point in New Road. Details of this are set out in the Highway Safety section.

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

See highway safety section.

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

The site is within easy walking distance to local services and bus services to neighbouring settlements (3 per day Monday – Friday). The site would benefit from on-plot cycle parking through the imposition of condition and have access to the wider PROW network, part of which passes through the site.

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

See visual amenity, layout & heritage section.

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

- i. it sits sympathetically within the wider landscape,
- ii. it preserves or enhances the setting of the nearest settlement;
- iii. it includes an appropriately sized and designed landscape buffer to the open countryside,
- iv. it is consistent with local character and built form, including scale, bulk and the materials used,

See visual amenity, layout & heritage section.

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

See residential amenity section.

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

See Ecology section.

Sustainability and location of the development

25. The NPPF seeks to resist isolated new homes in the countryside (para 80).

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

Visual Amenity, Layout and Heritage Impact

27. The site is currently undeveloped and as submitted would extend beyond Stone Hill Road, which lies to the south east of Harmers Way. This has partly been due to the PROW which runs through the application site (edge of the actual site allocation) and the need to ensure that it is suitably accommodated as part of the development and the potential for it to be upgraded to a bridleway, which is currently under consideration with KCC PROW. Units 13 – 15 front the PROW providing good natural surveillance and the internal routes through the site connect to this. This would comply with S30 (criteria d).
28. The development would extend beyond what originally envisaged and set out under site allocation S30 of the Local Plan. The development beyond this is minimal and allows for a looser and more spacious development as well as a better relationship to the PROW i.e. not having houses backing on to it. It also allows better views of the church to be retained. In essence, the slight increase in site area over the site allocation allows for a far superior development whilst still delivering 15 dwellings
29. The informal layout responds well to this edge of village location. The field (including land to the south east outside of the application site boundary) has established hedgerow and small trees affording a strong sense of enclosure and a good buffer the surrounding countryside. This field reads very differently in visual terms to the surrounding agricultural land as can be seen in Figure 2.
30. It is noteworthy that the site allocation terminated to the south east at the PROW as opposed to any defined field boundary. The slight increase in site area therefore does not disrupt field patterns or result in the loss of vegetation.
31. As stated above the slightly larger application site allows for a looser and more spacious development as well as a better relationship to the PROW i.e.

not having houses backing on to it. It also allows better views of the church to be retained. In essence, the slight increase in site area over the site allocation allows for a far superior development whilst still delivering 15 dwellings as envisaged in the policy. It allows for greater planting within the site and the use of ponds and swales, which can be difficult to provide on small sites such as this. The increased site area is not to try to increase dwelling numbers but to ensure a high quality development that responds to its sensitive location at the entrance to the village. The proposal is considered acceptable in terms of its impact upon the visual amenity of the area and the character and appearance of the countryside. Clear views of the development will be available from the PROW but for only a short stretch of it.

32. Concerns raised by the Parish Council are noted with respect to density in relation to neighbouring developments. As an edge of village site, the density in this location needs to be lower than neighbouring sites as this would aid the transition to the open countryside beyond and allow for the openness through the site to enable views of the Parish church. The amended layout affords a good degree of screening from existing and proposed landscaping and the style and density of the development aids the transition to what would be a naturally occurring buffer with the open countryside within the existing field boundary. Sensitive boundary treatments, particularly to the south east, are in accordance with policy S30 (criteria b) and HOU5.
33. The proposed finish of the development is of a high quality with materials sensitive to this edge of village location and drawing reference to materials found in Egerton. The elevations of the dwellings are varied, rural in character and are visually interesting. None of the units exceed 2 storey in height. Combining this with an informal layout avoids a suburban form of development that would not be appropriate here. Criterion a) of Policy S30 is satisfied.
34. The high quality and varied design would also ensure that the dwellings are developed in a way in which they would be tenure blind, a requirement of HOU1.
35. Details of the hard surfacing can be secured by condition but it is noted that the intention is to delineate the visitor parking places and private parking areas with a contrasting material

Impact on the views of the Church

36. The proposal ensures that there are key views afforded of the Church to the north west of the site, which sits on a more elevated position which the main part of the village is built upon. The openness of the layout for plots 8 and 10-12 results in a green heart to the development which affords a clear view point

from the PROW through to the Church. The views from the road are also largely retained with the development set back into the site. This satisfies S30 (criteria a) and HOU5 (criteria e).

Residential Amenity

37. The application site is well separated from other neighbouring residential dwellings. The most affected dwelling is Four Winds, a two storey property, to the north west of the site. This would not be overlooked or be subject to an overbearing form of development by virtue of the site layout, separation distances, juxtaposition with the neighbouring dwellings and landscaping that is in situ. In light of the above, the development would comply with HOU5 (criteria f. v) and S30 (criteria a).
38. The proposed development would meet or exceed internal and external space standards thereby affording a good level of amenity to future residents.
39. The proposal is acceptable in terms of residential amenity.

Highway Safety and Parking

40. The proposed development would generate a maximum of 9 two way trips in the AM (08:00-09:00) & PM (17:00 – 18:00) peaks. New Road is operating below its capacity and this small amount of additional traffic can be easily absorbed. In terms of cumulative impact in respect of highway safety, these have to be deemed severe in terms of the NPPF to warrant refusal. Clearly, this is not the case here.
41. The proposed access onto New Road is in accordance with policy S30. Sufficient visibility splays can be provided in both directions which can be secured in perpetuity through condition. This would enable safe access onto New Road with sufficient space for two vehicles to pass at the site entrance. Tracking for a refuse vehicle and fire appliance have been provided and are acceptable.
42. The use of a shared surface for the development would be appropriate given the number of dwellings and use of pinch points, which are landscaped, and the use of soft edged/kerbless internal access road for the development would slow traffic and comply with policies TRA5, S30 (criteria d) and TRA7 of the Local Plan by providing a safe access and connections to the existing footways and PROW network.

43. Parking is required to be provided in accordance with policy TRA3a of the Local Plan. All properties have parking that meets the requirements in respect of the number of spaces required on plot (2 spaces for the 2 & 3 bed units and 3 spaces for the 4 & 5 bed dwellings). Plots 1-6 have tandem parking and as such compensation spaces are provided off plot in accordance with the adopted Parking SPD (3 additional spaces in this case). Visitor parking is also provided and exceeds that required in the SPD (0.2 spaces per dwelling thus accounting for 3 spaces on this scheme) with the provision of 4 spaces. Electrical charging points will be provided for each dwelling.
44. Cycle parking can be provided on site, in accordance with policy TRA6, and this can be secured through condition.
45. In terms of traffic calming and highway / pedestrian safety improvements the following measures are proposed as shown on the drawings below

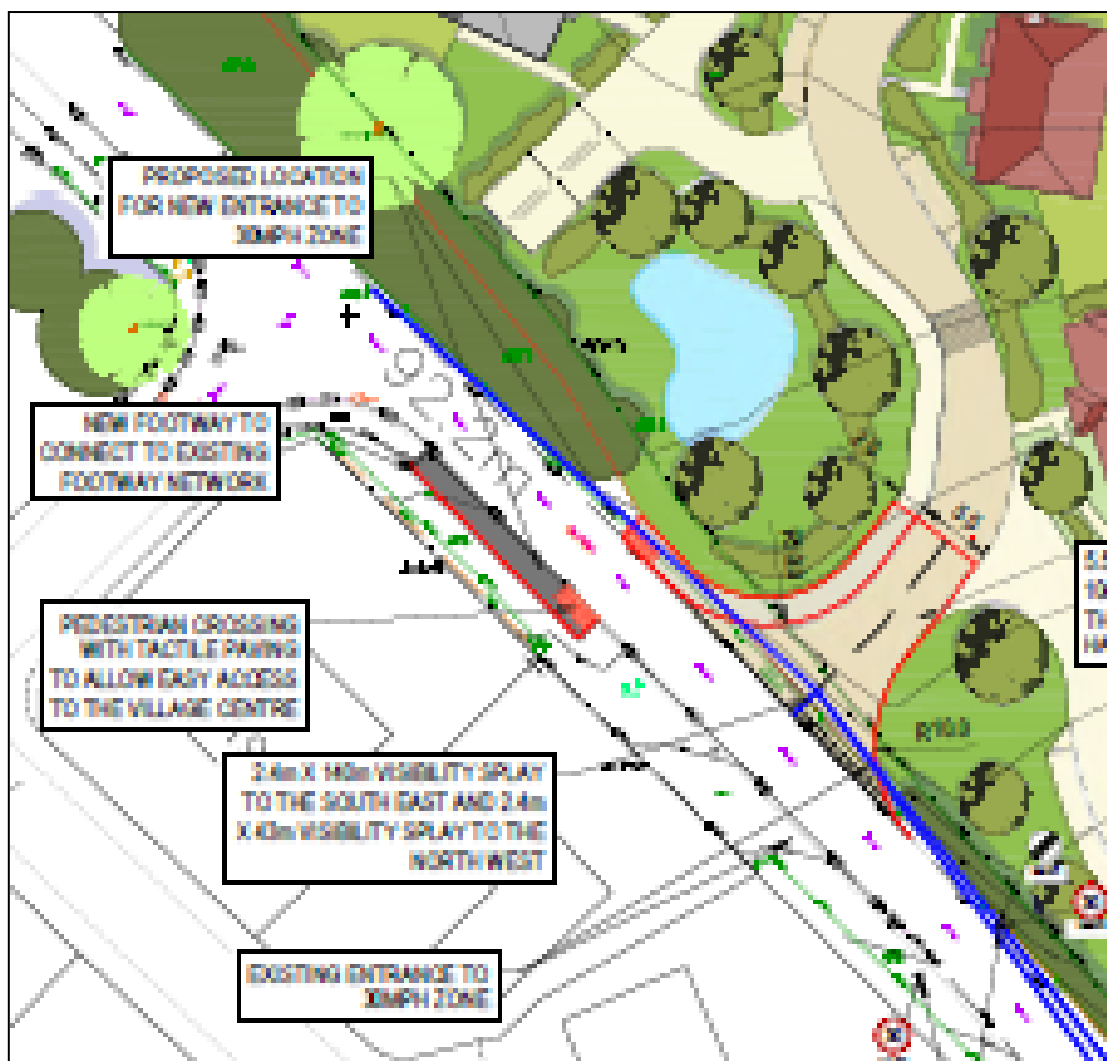


Figure 11: New pedestrian footpath and crossing point

The above shows the provision of a pedestrian footway along the northern side of the access road leading to a formalised crossing point over New Road. The new footway continues to the point where it joins up with the existing footpath at Harmers Way, linking the development to the village.

The existing entrance to the 30mph zone along New Road, currently where the proposed access to this development is, is to be relocated further to the south as shown below so that vehicles are slowed to 30mph prior to reaching the access to the development and the new crossing point.

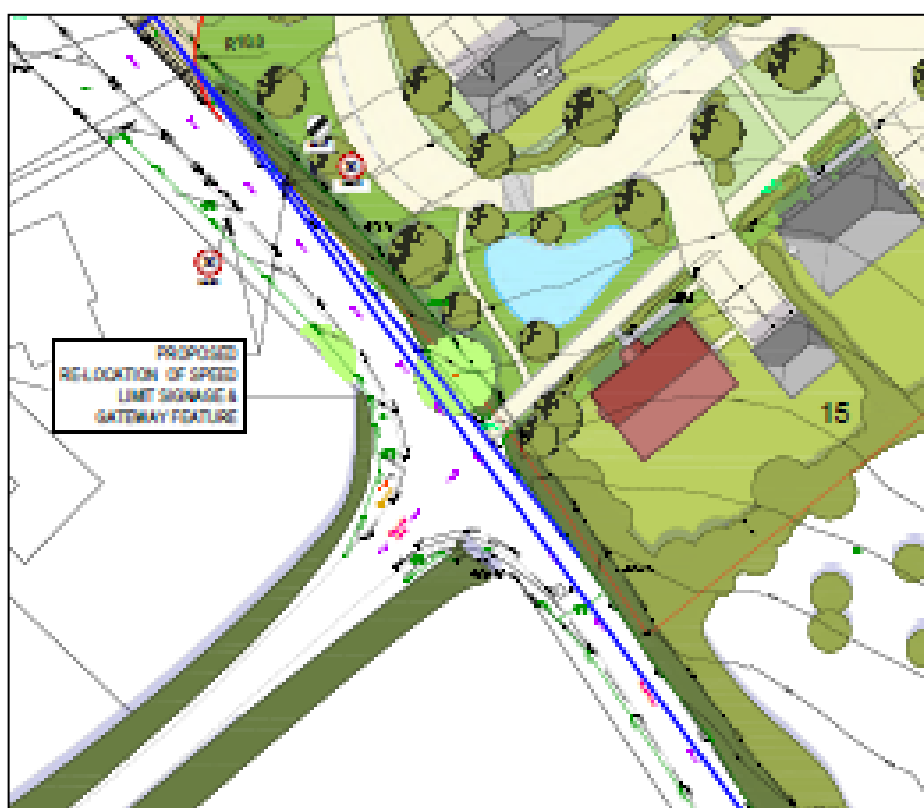


Figure 12: Relocation of the 30mph gateway

46. Concerns have been raised by the Parish Council regarding visibility for the site access but as stated above this meets the required standards for a 30mph speed limit.
47. Subject to conditions, KH&T raise no objection to the application on highway safety grounds.
48. In light of the above, the proposal is considered acceptable in terms of highway safety.

Surface and Foul Water Drainage

49. The site lies outside of Flood Zones 2 & 3 and is therefore at a very low risk of flooding. There are also no reports or records of localised surface water flooding issues at the site or within the vicinity of it. Following the receipt of the amended layout, KCC as the LLFA has confirmed that they have no objection to the flood risk assessment subject to conditions with regards a SUDs scheme for the site and an associated verification report. The proposal seeks to use a combination of swales, infiltration basins and underground pipe networks and will allow discharge to the surrounding surface water network at a controlled rate compliant with the Council's adopted SUDs SPD. The proposal in turn is compliant with policy ENV9 of the Local Plan.
50. Foul water will be dealt with via mains drainage. SWS do not raise any objection and an agreement will be needed with them for a connection to the main sewer. A condition limiting this to being the only means of foul drainage is proposed to ensure the most sustainable solution is pursued and to comply with the Habitat Regulations (see section on Stodmarsh below).

Ecology and impact upon designated sites (Stodmarsh)

Ecology

51. The application site is an undeveloped parcel of land but is well maintained and grazed. The application was accompanied by a preliminary ecological survey which concluded that: the site does not provide habitat for reptiles or dormice; there are no ponds within the site or 500m of it for great crested newts; there are no badger setts within the site and no suitable trees or buildings on the site for bats. The site is also not within or adjacent/close to any designated wildlife sites.
52. KCC Biodiversity are satisfied that sufficient information has been submitted with the application and subject to conditions/informatives, there would in their opinion be no harm to the favourable conservation status of protected or notable species. The application therefore meets the tests of the habitats Directive and the Conservation of Habitats and Species Regulations 2017.

Stodmarsh

53. Whilst the site does lie within the operational catchment of the River Stour, the site would discharge its foul water to the pumping station in the village which then discharges into the River Beult and therefore would not be caught by the precautionary approach applied following the guidance received from Natural England with respect to the Stodmarshes to the east of Canterbury. This

therefore makes the site immediately deliverable and not dependent on Stodmarsh mitigation measures.

Affordable Housing, Housing Mix and Density

54. In respect of affordable housing, under policy HOU1 of the adopted Local Plan, this would require the development to provide 40% (6 units). The 40% would need to consist of 10% of total number of units as Affordable/Social Rented and 30% of the total number of units as Affordable Home Ownership Products of which 20% of the total number of Affordable Home Ownership Product units shall be shared ownership.
55. The 6 affordable housing units will be secured as such through the S106 Agreement.
56. It is acknowledged that the affordable units are located in a cluster within the development, given the size of the development proposed, the edge of village location and the need to reduce the density of the development as it transitions to the open countryside, this would be appropriate. Given that the development is of a high quality across the market and affordable units, with a transition as you move away from the village confines, the density when taking into account the requirements set out under policies S30 and HOU5 would be best served by this layout in terms of affordable housing, housing mix and density.
57. Policy HOU14 (criterion a) applies in this instance. This relates to accessibility standards requiring 20% of the homes to be built to a higher building regulations standard. Plots 4, 7 & 13 have been identified to meet this requirement and this can be secured through S106 agreement and is outlined in Table 1 as required by the policy. Policy HOU14 is therefore satisfied.
58. There would be a good mix of dwelling sizes and tenures on the site (as outlined above). The size of many of the units have been reduced during the course of the application to improve openness through the site and reduce the density of built development but not compromise on the delivery of 15 units on the site required under policy S30. This would facilitate a development, which would comply with HOU18 (Housing Mix) of the Local Plan.

Other issues

Archaeology

59. A desk based archaeological assessment of the site has been submitted with the application. This concludes that there is a recorded scheduled

monument bowl barrow to the north east of the site, there is considered to be low potential for likely significant remains from the Palaeolithic & Mesolithic through to Post-Medieval period. However, KCC Heritage have confirmed that they wish for a condition for an archaeological field investigation to be imposed on the grant of planning permission given that the development lies to the south of a Bronze Age barrow and burial site. In light of this the development would comply with S30 (criteria e) and ENV15 and not result in harm to archaeological remains.

Energy and Water efficiency

60. Water efficiency can be secured by condition to ensure compliance with ENV7 which is a requirement under the building regulations in any event. The measures to ensure energy efficiency are not currently a planning policy requirement but it has been confirmed that a fabric first approach under the building regulations would be adopted to ensure the dwellings meet the required standards under this legislation. Electric charging points are proposed for the dwellings and an additional condition is proposed to require the applicant to look further into other green energy solutions for this site.

EMP6

61. The applicant has confirmed that they are committed to providing a policy compliant solution to deliver broadband to the site in line with policy EMP6. At this stage, the exploratory works to facilitate this are yet to be determined but this can be secured by condition.

Contamination

62. A contamination report has been submitted in support of the application. This notes that the site has been open fields since the earliest available maps and there is no visual evidence of any ground contamination. Risks associated with the development are considered very low. The Council's Environmental Protection Team raise no objection and a condition is proposed relating to the reporting of any unidentified contamination and associated mitigation should the issue arise throughout the course of the development.

Socio/Economic benefits

63. The proposed development would create an economic benefit from construction, with employment to contactors, local tradespeople, their spending in the local area and in the supply chain. Whilst for a temporary period this would have some benefit.
64. The increase in the local residential population would increase expenditure in the local economy as this would attract some people who have moved from

elsewhere. However, no evidence has been submitted to suggest that local shops are struggling through a lack of custom.

5 Year Housing Supply

65. The Council can currently demonstrate a 4.8 year supply of housing land.
66. Given that a five year supply of housing land cannot be demonstrated, Paragraph 11 part d of the NPPF (2021) is engaged. This states that for decision taking, planning permission should be granted unless: “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
67. The proposal accords with the policies contained within the adopted Local Plan and the NPPF and as this report shows the proposal would not result in significant or demonstrable harm. The proposal is an allocated site which is required to come forward if the Council is to seek to try regain a 5YHLS and thereby put itself in a stronger position to resist unsustainable speculative housing applications on unallocated sites. Further the site is not caught by Stodmarsh and it is therefore currently deliverable. The proposal would also lead to the delivery of additional housing within the Borough and therefore boost the five-year supply of housing land. The proposal also delivers 40% affordable housing. These are material considerations that carry significant weight.

Ashford Local Plan designation S30 and the Egerton Neighbourhood Plan

68. The independent examination of the Egerton Neighbourhood Plan (ENP) commenced on 19 August 2021 and is ongoing at the time of writing this report. Given the stage of preparation of the ENP, the policies in the plan are afforded moderate weight.
69. The parish council has raised concerns that the proposal does not allow access to the Orchard Nurseries site to the northeast, which is a proposed site allocation in the emerging Neighbourhood Plan (Policy D5 – residential development for up to 8 dwellings for older parish residents). The plan of this proposed allocation is below.



Figure 1 Site Allocation Policy D5 of the Draft ENP - Land at Orchard Nurseries

70. The plan identifying the proposed allocation demonstrates that the site is currently land-locked. The pre-ambule to Policy D5 confirms this stating that 'The Orchard Nurseries site currently has no access to the local highway network. Appropriate access is subject to successful negotiation' (page 60, paragraph 7.30 of the ENP). The draft policy wording does not contain any criteria or specific requirements relating to the provision of any access.
71. During the processing of this planning application, representations have been received (Parish Council and residents) which suggest that the layout of the proposed development on site allocation S30 of the Local Plan should accommodate a future possible access to the Orchard Nurseries site (D5) as a means of helping to deliver this site in the future. However, there are a number of material factors to consider in this regard.
72. Site allocation S30 of the Local Plan 2030 does not require any access arrangements to any nearby or adjoining site; it is silent on the issue. Clearly, this policy carries full weight as the most up to date part of the adopted development plan.
73. During the Examination of the Local Plan 2030, Egerton PC wrote to the Examiner to promote that Policy S30 include criteria to secure new pedestrian and traffic routes through the application site to provide access to the then emerging NP site D5. This was not taken forward by the Planning Inspectors who presided over the Local Plan 2030. Nor did the Council seek any changes to policy S30 as a consequence of the representations received.

74. In recent correspondence received from the Examiner on 26th August 2021, the Examiner for the Egerton NP posed a number of questions to Egerton PC in response to their emerging NP. The letter also included the following statement in relation to draft allocation Policy D5 - "I consider that the Policy should identify the proposed vehicular access arrangements to serve the site, which is a matter also raised by Kent County Council in its representations".
75. This clearly places some uncertainty about the deliverability of site D5 and that achieving an access onto site D5 is somewhat unclear. The landowner of site S30 has previously had negotiations with the parish council in respect of access being gained over their land however, no agreement was ever reached. There are no current discussions or negotiations. In their response to the Examiner (15th September 2021), Egerton Neighbourhood Plan Steering Group stated:

"Access to the Orchard Nurseries site through the New Road site, the Parish Council's preferred option, was subject to extensive negotiation with the site owners in 2020 but, in spite of a substantial offer, negotiations were ended by the landowners earlier this year for reasons that were unaccountably withheld. It is anticipated that a strategy for access will be available before completion of the examination....if so the map will be modified to show the access. If not, the policy will be deleted from the plan and replaced as a community aspiration."

76. It is not a requirement of the Council's Local Plan 2030, for Site S30 to provide that clarity. Requiring access through this site to Orchard Nurseries would have no policy justification and would undoubtedly potentially prejudice or delay a deliverable allocated Local Plan site from coming forward. It would also compromise the design and layout and potentially result in a suburban form of development in a location where such design solutions should be avoided.
77. In terms of the Examiner's report into the NP there is no reason to withhold the determination of this application pending that. The Examiner has asked the parish council to set out the access options for site D5 and has not mentioned at all that this should be through S30. Indeed the Examiner would not be in a position to do so; given that site S30 is in the adopted Local Plan with no requirement within it to provide any form of access to Orchard Nurseries. Egerton PC are clearly looking at alternatives acknowledging negotiations have ended. Consequently, to delay determination of this application through deferral to either look at an access through this site or await the outcome of the Examiners report would be unreasonable and unjustified. Indeed such an approach would fundamentally conflict with the NPPF. Paragraph 11 of the NPPF is very clear in the section 'The Presumption in favour of sustainable development' that this means in respect of decision making:

“approving development proposals that accord with an up to date development plan without delay”

Planning Obligations

78. 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
79. 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.
80. The projects wherever possible are located within the parish of Egerton. In terms of education contributions, (primary & secondary) KCC has confirmed that there is no requirement for these from this scheme.

Table 1
Heads of Terms for Section 106 Agreement/Undertaking

Planning Obligation		Regulation 122 Assessment		
Detail	Amounts (s)	Trigger (s)	Points	
Ashford Borough Council Planning Obligations				
<p><u>Affordable Housing</u></p> <p>In accordance with Policy HOU1.</p> <p>Rest of Borough (Zone C)</p> <ul style="list-style-type: none"> - 10% of the total dwellings made available for affordable or social rent - 30% of the total dwellings made available for home ownership [including a minimum of 10% for shared ownership]. 	<p>2 affordable rent units</p> <p>4 shared ownership units</p>	<p>Affordable housing to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</p>		<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1 and HOU1 of the 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>

	Planning Obligation			Regulation 122 Assessment
	<p><i>Locations, floor-space, number and size of bedrooms to be as specified by Housing.</i></p> <p><i>The affordable housing shall be managed by a registered provider of social housing approved by the Council, which has a nomination agreement with the Council.</i></p> <p><i>Shared ownership units to be leased in the terms specified.</i> <i>Affordable rented units to be let at no more than 80% market rent and in accordance with the registered provider's nomination agreement.</i></p>			
	<p><u>Accessible Housing</u></p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum</p>	<p>Provide on-site 20% of all units.</p>	<p>Dwellings required to be built in accordance with</p>	<p>Necessary as would provide accessible housing pursuant to policies SP1 and HOU14(a) of Local Plan 2030 and</p>

Planning Obligation		Regulation 122 Assessment	
	standard.		<p>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><u>Informal/Natural Green Space</u></p> <p>Project: Purchase of land in Egerton for the provision of informal natural space including potential for pond, orchard and community woodland. Site to be secured within the Parish.</p>	<p>£580.55 per dwelling for capital & maintenance costs</p>	<p>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 3 of housing units to be provided</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, IMP1 and COM2 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</p>

Planning Obligation			Regulation 122 Assessment
			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><u>Children and Young People's Play Space</u></p> <p>Project: Replacement and enhancement of existing playground equipment at Recreation Area, Millennium Hall, Elm Close, Egerton TN27 9DS</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings.</p> <p>Necessary as children's and young people's play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, IMP1 and COM2 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>
	<u>Indoor Sports Provision</u>		Necessary as additional indoor sports facilities are required to meet the demand

Planning Obligation			Regulation 122 Assessment
	<p>Project New roof and interior and exterior refurbishment including extension to changing rooms for the Games Barn, Rock Hill Road, Egerton, Kent TN27 9DY</p>	<p>£449 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings.</p> <p>that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, IMP1, COM1 and guidance in the NPPF.</p> <p>Directly related as occupiers will use indoor sports provision and the buildings 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</p>
	<p><u>Outdoor Sports</u></p> <p>Project (Schemes in the rural Area): Improvement to the playing surfaces of the football and cricket pitches at Egerton Playing Fields to include the replacement of existing drainage at Recreation Area, Millennium Hall, Elm Close, Egerton TN27 9DS</p>	<p>£858 per dwelling for capital costs</p> <p>£531 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 SP1, IMP1, COM1 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</p>

Planning Obligation				Regulation 122 Assessment
				<p>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>
	<p><u>Strategic Parks</u></p> <p>Contribution towards strategic park provision to be targeted towards quantitative and qualitative improvements at the 'hubs' identified in the local plan 2030.</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, IMP1 and COM2, 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>
	<p><u>Voluntary Sector</u></p>			<p>Necessary as enhanced voluntary sector services needed to meet the demand that</p>

Planning Obligation			Regulation 122 Assessment
	Project: Re-launch the over-60s club, Egerton village (various locations).	£87 per dwelling	<p>Upon occupation of 75% of the dwellings.</p> <p>would be generated pursuant to Local Plan 2030 Policies SP1, IMP1 and COM1 KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use the voluntary sector and the additional services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development.</p>
	<p><u>Art and Creative Industries</u></p> <p>Project: Refurbishment of Millennium Hall, Elm Close, Egerton to provide facilities for a green room, break out room, sound system.</p>	£338 per dwelling for capital costs	<p>Upon occupation of 75% of the dwellings.</p> <p>Necessary in order to achieve an acceptable design quality pursuant to Local Plan Policies SP1, IMP1, COM1 and guidance in the NPPF, the Ashford Borough Public Art Strategy and the Kent Design Guide.</p> <p>Directly related as would improve the design quality of the development and would be visible to occupiers.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development.</p>

Planning Obligation			Regulation 122 Assessment
Kent County Council Planning Obligations			
<p><u>Community Learning</u></p> <p>Project: Towards new equipment and resources for the new learners at Ashford Adult Education Centre</p>	<p>£16.42 per dwelling.</p> <p>Indexation: BCIS General Building Cost Index from April 2020 to date of payment.</p>	<p>Half the contribution upon occupation of the dwellings and balance on occupation 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 SP1, IMP1, COM1 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>
<p><u>Libraries</u></p> <p>Project: Towards additional resources and bookstock for the mobile library service attending Egerton.</p>	<p>£48.02 per dwelling.</p> <p>Indexation: BCIS</p>	<p>Half the contribution upon occupation of the dwellings and</p>	<p>Necessary as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, IMP1, COM1 KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p>

Planning Obligation			Regulation 122 Assessment		
		General Building Cost Index from April 2020 to date of payment.	balance occupation of dwellings.	on of the	<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 because amount calculated based on the number of dwellings.</p>
	<p>Adult Social Care</p> <p>Project: Towards Specialist Care Accommodation in Ashford Borough</p>	<p>£ 47.06 per dwelling.</p> <p>Indexation: BCIS General Building Cost Index from April 2020 to date of payment.</p>	<p>Half contribution of dwellings balance occupation of dwellings</p>	<p>the upon of the and on of the</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, IMP1, COM1 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> <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</p>

Planning Obligation			Regulation 122 Assessment
			users and is based on the number of dwellings.
<u>Youth Services</u>	Project: Towards additional resources for Youth services in Ashford Borough	£27.91 per dwelling. Indexation: BCIS General Building Cost Index from April 2020 to date of payment.	Half the contribution upon occupation of dwellings and balance on occupation of the dwellings. Necessary as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan 2030 Policies SP1, IMP1, COM1 KCC document 'Creating Quality places' and guidance in the NPPF. Directly related as occupiers will use youth services and the services to be funded will be available to them. 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.
Other			
	<u>Monitoring Fee</u>		Necessary in order to ensure the planning obligations are complied with.
	Contribution towards the	£1000 per annum until	First payment upon
			Directly related as only costs arising in

Planning Obligation			Regulation 122 Assessment
Council's costs of monitoring compliance with the agreement or undertaking	development is completed Indexation: TBC	commencement of development and on the anniversary thereof in subsequent years	connection with the monitoring of the development and these planning obligations are covered. Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.
<p>Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. 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

81. 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

82. 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

83. The development would comply with the policies set out in the Local Plan, resulting in a policy compliant development of the site allocation (S30) and part of the site under HOU5. The development would not give rise to a form of development, which would be considered unsustainable and it would respect the character of the surrounding landscape and built form of the village of Egerton. The layout, density and the design quality of the scheme is appropriate for this edge of village location. Open views through the site from the PROW would afford views of the parish church in accordance with policy S30 and ENV13, this would preserve the setting of the heritage asset. Views of the church from New Road are also preserved due to the development being set back.
84. There would be no unacceptable harm to residential amenity, highway safety, ecology, trees or the PROW for the reasons outlined in the report. There would also be no issues in terms of surface and foul water drainage, contamination and archaeology. Overall, the scheme would deliver a boost to the Council’s 5 Year Housing land supply, which it cannot currently demonstrate (4.8 years). This means under the NPPF that planning permission should be granted unless there would be significant or demonstrable harm in doing so. The development would also deliver 40% affordable housing. The matter of providing access to the Orchard Nurseries site through S30 has been addressed and is not a material planning consideration in the determination of this application. Indeed the steering group’s response to the Examiner acknowledges that this is no longer an

option that is on the table and that negotiations have ended and alternatives are being looked at.

85. The proposal would meet all of the required S106 contributions to mitigate the harm of the development and these are to be spent within the parish where applicable.
86. This is a deliverable site within the Borough being a site allocation that is not delayed in coming forward by Stodmarsh. The scheme is policy compliant and does not result in significant or demonstrable harm. Consequently, I recommend that planning permission is granted.

Recommendation

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

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

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Enforcement
4. Materials
5. Surfacing materials and kerb stones
6. Design details
7. Construction Management Plan
8. Parking spaces, turning and garages
9. Electric Charging points
10. Cycle parking provision

11. Visibility splays
12. Footway and crossing point to be provided, highway drainage, visibility splays, any street lighting and highway structures (if any) prior to occupation of any dwelling (as shown on drawing on 48386/5501/001 G)
13. Relocation of speed limit gateway as shown on drawing on 48386/5501/001 G prior to occupation.
14. Archaeological field evaluation and field investigation.
15. Landscaping scheme
16. Boundary treatments
17. Protection of existing trees and landscaping
18. Fibre to the premises
19. SUDs – measures to prevent silt and pollutants from the site.
20. Verification report for SUDs
21. Reporting unexpected contamination
22. Foul water to be connected to the main sewer network linking to Egerton Waste water Treatment Works only.
23. Removal of PD rights for further fencing
24. Removal of PD rights for extensions and alterations
25. Water efficiency
26. Green energy

Note to Applicant

1. S106
2. Working with the Applicant.
3. Highways informative
4. Southern Water informative for connection to the foul sewer.
5. KCC PROW informative.
6. Refuse bin informative.
7. Informative regarding construction hours.
8. Informative regarding burning of controlled waste on site.
9. Informative regarding minimising dust on site.

Working with the Applicant

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

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

In this instance

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

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 20/01600/AS)

Contact Officer: Oliver Peel
Email: oliver.peel@ashford.gov.uk
Telephone: (01233) 330278

Application Number	21/01060/AS
Location	240 Beaver Road, Ashford Kent TN23 7SW
Ward	Norman
Application Description	Change of use of portion of rear garden of number 240 Beaver Road to public car park. Formation of revised access from Beaver Road.
Applicant	Ashford Borough Council
Agent	Corporate Property and Projects
Site Area	0.08 ha

Initial consultation

(a) 2/1R (b) + (c) KH&T X

Amended Plans consultation

(a) 2/+ (b) + (c) KH&T X

Introduction

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

Site and Surroundings

2. The application site comprises two small parcels of land adjacent to an existing car park to the north side of Beaver Road which is managed by Ashford Borough Council. The first parcel includes the northern section of residential garden land associated with 240 Beaver Road, a semi-detached dwelling to the east of the car park. The second parcel of land is situated to the southwest side of the car park adjacent the highway.
3. The car park is currently enclosed by way of timber close boarded fencing to the east and west boundaries separating it from the adjacent neighbouring residential dwellings to the east and west. To the north of the car park is an allotment garden.
4. The site lies to the south of Ashford Town Centre and the surrounding area is made up of a mixture of residential dwellings and commercial premises.

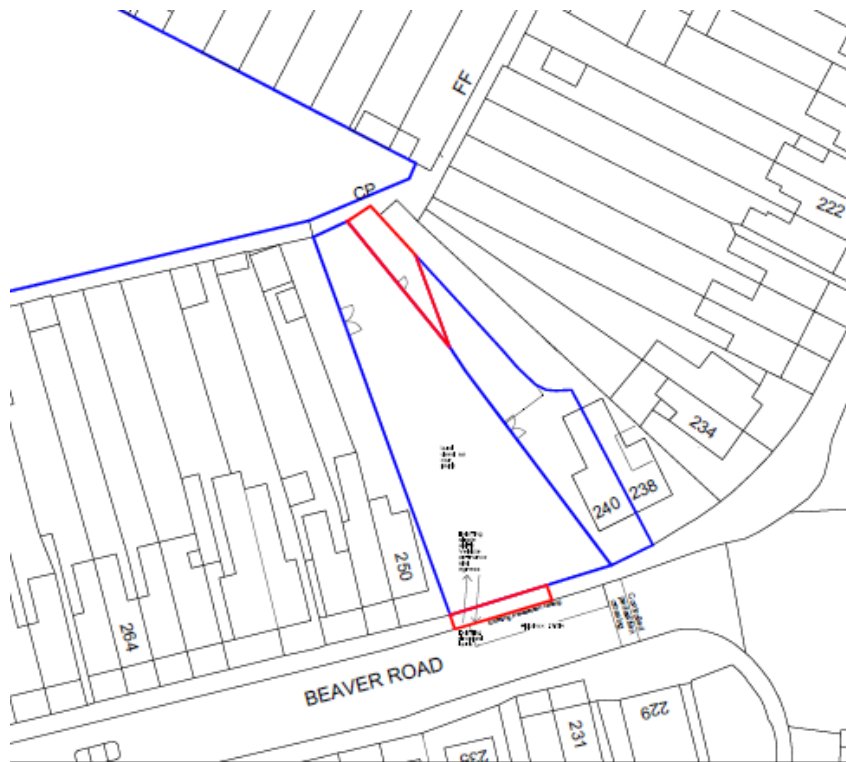


Figure 1 - Site location plan



Figure 2 - Aerial image of site



Figure 3 – Application site – view NE from Beaver Road

Proposal

5. The application seeks planning permission for the change of use of the northern portion of the garden associated with 240 Beaver Road to allow its incorporation into the existing public car park to the west of that dwelling. This land will be re-surfaced and new boundary enclosures erected to separate from the remaining garden land.
6. In addition, the proposal would alter the access from Beaver Road into the car park, moving it slightly to the east. The existing dropped kerb arrangement would be modified to accommodate this change.

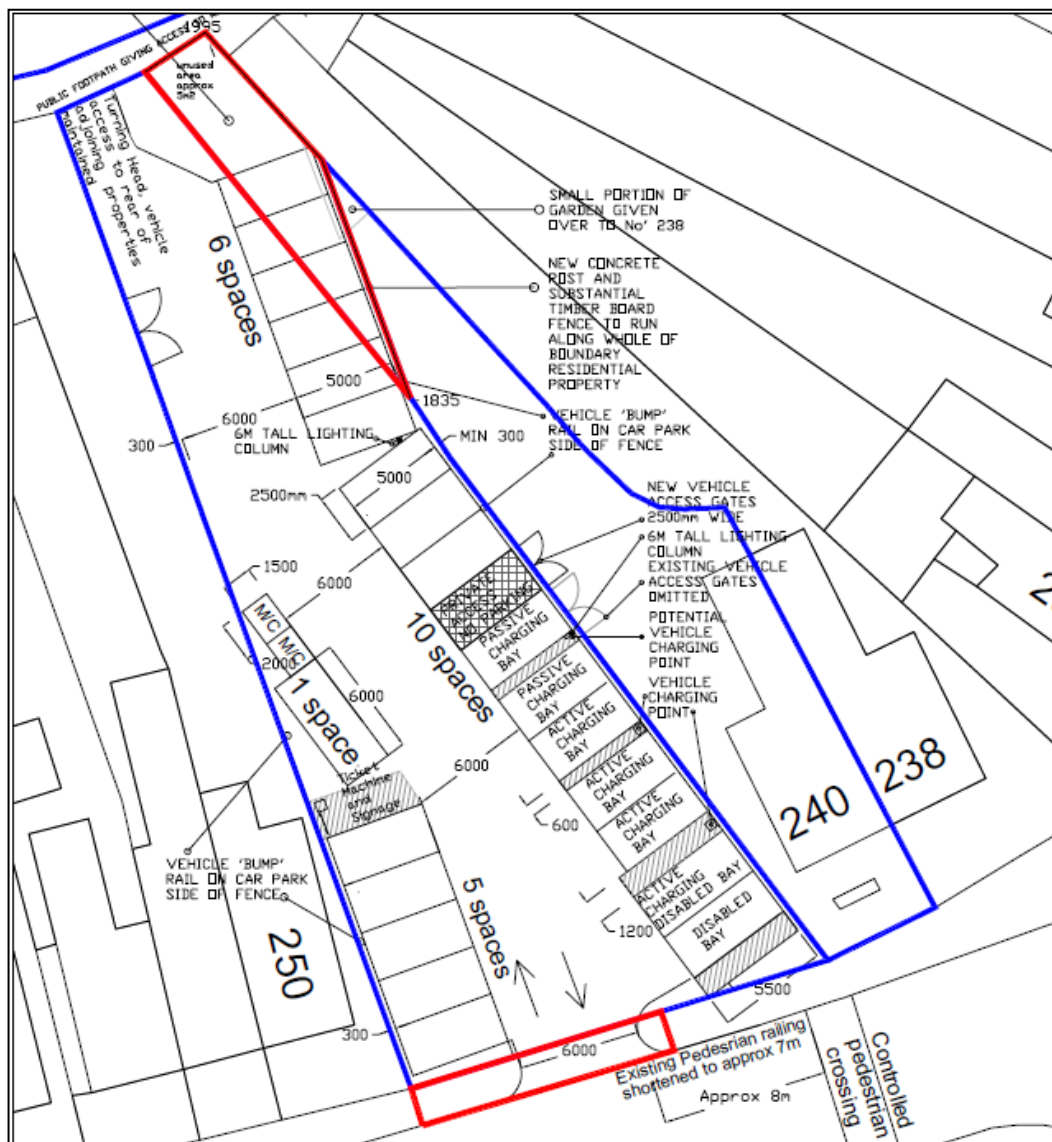


Figure 4 - Layout plan

Planning History

7. No relevant history.

Consultations

Ward Members: No comments received from Cllr. Jenny Webb.

Kent Highways & Transportation – No objections raised subject to the imposition of appropriate conditions. Various informatives are recommended, in particular in relation to works along the highway and the acquisition or appropriate consents.

Neighbours: 2 neighbours consulted and one objection received in relation to loss of privacy due to the height of the proposed fence and noise nuisance.

Planning Policy

8. The Development Plan for Ashford Borough 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) as well as the Kent Minerals and Waste Early Partial Review (2020).

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

SP1	Strategic objectives
SP2	The strategic approach to housing development
SP6	Promoting high quality design
TRA3b	Parking standards for non residential development
TRA7	The road network and development

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

Supplementary Planning Guidance/Documents

Government Advice

National Planning Policy Framework (NPPF) 2021

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:-

National Planning Policy Guidance (NPPG)

Assessment

11. The key areas for consideration of the proposal are:

- (a) The principle and visual amenity
- (b) Neighbouring residential amenity
- (c) Highway safety

Principle and Visual Amenity

- 12. The site is within the urban area of Ashford where there is no objection in principle to this form of development.
- 13. The proposed minor alteration to the position of the access would be visible from Beaver Road and the surrounding area but would not materially alter the character or appearance of the site.
- 14. Turning to the change of use of the residential garden land, the enlargement of the car park area would be visible from the road but it would not be visually prominent or detrimental to the street scene given the scale, position and nature of the proposal.

Residential Amenity

- 15. The proposal to slightly enlarge the car park (at the rear of the site) and increase the intensity of its use would not cause unacceptable noise and disturbance to neighbouring dwellings. The proposal would alter and add to existing boundary enclosures and a condition would be imposed to require the submission and approval of details related to this.
- 16. Although the proposal would very reduce the garden available to 240 Beaver Road, it would leave sufficient external amenity space for the occupiers of that property in accordance with Policy HOU15.

Highway Safety

- 17. The proposal would move the existing access to the car park slightly to the east. The revised access would not materially alter the visibility splays for vehicles entering or exiting the car park, and KCC Highways has raised no objection in this regard. There would be sufficient space within the site to ensure that cars could enter and exit in forward gear.
- 18. Although the proposal would improve the availability of spaces and facilities within the car park, it would not materially impact upon the local road network.
- 19. If permitted, the electric vehicle charging points and spaces as illustrated on the plans should be secured by condition to ensure that the proposal complies with policy requirements.

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. As set out in the report above the proposal would not cause unacceptable harm in terms of visual amenity, residential amenity or highway safety. The proposal accords with the Development Plan and as such I recommend planning permission is granted.

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. Approved plans
3. Available for inspection
4. Hard landscaping including boundary fencing to be agreed
5. Bound surface at access point
6. Provision and retention of parking spaces
7. Provision of EV charging points
8. Reinstatement of kerb prior to use of the site

Note to Applicant

1. Highways licenses and consents required
2. Land adjacent highway, ownership and rights
3. Details must agree with legislation and common law

Working with the Applicant

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

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

In this instance,

- the applicant/agent was updated of any issues after the initial site visit,
- The applicant was provided the opportunity to submit 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 21/01060/AS)

Contact Officer: Alda Song
Email: alda.song@ashford.gov.uk
Telephone: (01233) 330246

Application Number	21/00541/AS
Location	East Stour Court, Mabledon Avenue, Ashford, Kent
Grid Reference	01798/42381
Parish Council	None
Ward	Stour (Ashford)
Application Description	Variation of condition 2 of planning permission 18/00938/AS (Demolition of existing sheltered housing scheme and replacement with over 50s sheltered housing scheme to provide 24no.1 bed/2 person apartments, 5no. 2 bed/3 person apartments, communal facilities and associated parking spaces) to increase elevation height, alter access to the rear and increase in bin store
Applicant	Mrs Sharon Williams, Head of Housing, Ashford Borough Council
Agent	Mr Sutherland, Turner Jackson Day Associates
Site Area	0.47ha

(a)

(b)

(c)

Introduction

1. This application is reported to the Planning Committee because the application is submitted by the Council's Head of Housing.

Site and Surroundings

2. The site is situated in the urban area of Ashford on Mabledon Avenue, a residential street of C20th housing development, including 2 storey housing and bungalows. The adjoining properties to either side of East Stour Court are semi-detached bungalows. Properties to the rear are mostly two storey with rear gardens that back onto the application site.
3. The existing buildings on the site were arranged as a number of two-storey linked blocks, surrounded by open space/parking areas. The buildings were of their time with little architectural merit.

4. The location of the site is shown in Figure 1 below:

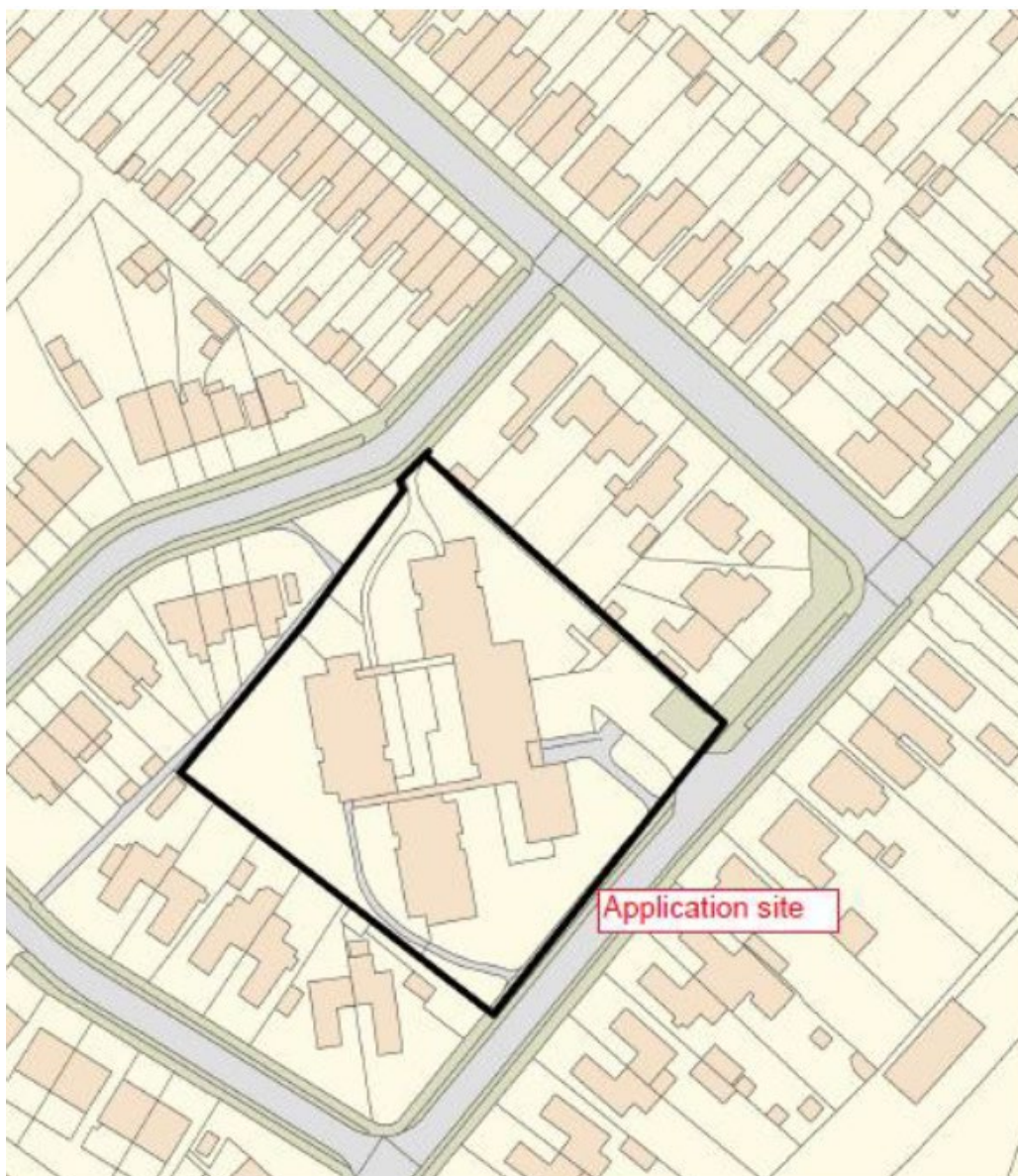


Figure 1: Site location plan

Proposal

1. This is a Section 73 application for the variation of condition 2 (requiring the development to be carried out in accordance with the approved plans listed on the decision notice) of planning permission 18/00938/AS for the demolition of an existing sheltered housing scheme and its replacement with over 50s sheltered housing scheme to provide 24no.1 bed/2 person apartments, 5no. 2bed/3 person apartments, communal facilities and associated parking spaces. The reason for the variation is due to (i) a minor increase in elevation height, (ii) the creation of a rear vehicular access and (iii) an increased size refuse

storage capacity. No other alterations to the previously approved plans are proposed.

2. Building work has commenced in respect of permission 18/00938/AS and the amendments applied for pursuant to this application have been constructed on site. Photographs of the site taken in September 2021 are shown below in Figures 2 – 6.



Figure 2: Front elevation of East Stour Court facing onto Mabledon Avenue showing height increase of building.



Figure 3: Continued Front elevation of East Stour Court facing onto Mabledon Avenue.



Figure 4: Relationship between East Stour Court and 21 Mabledon Avenue.



Figure 5: Rear elevation showing vehicular access and refuse storage subject of this application.



Figure 6: Rear elevation from Birling Road showing vehicular and pedestrian accesses.

3. The rear pedestrian access is proposed to now be joined by a single vehicle access. This access is proposed only for the purpose of allowing a vehicle to enter the rear of the site to access and maintain the operation of the plant room. The proposed vehicular and pedestrian gates would have electronic locks and would not be used by the general public. For clarification, bin collection would remain reliant on the refuse vehicle parking in the road and accessing the gates on foot as per the approved details within the original planning application. The submitted Planning Statement notes that the new access would only be required approximately 2-3 times a year and would be used by a single service vehicle.
4. Details of the amended rear access applied for under this application are shown in Figure 7 below:

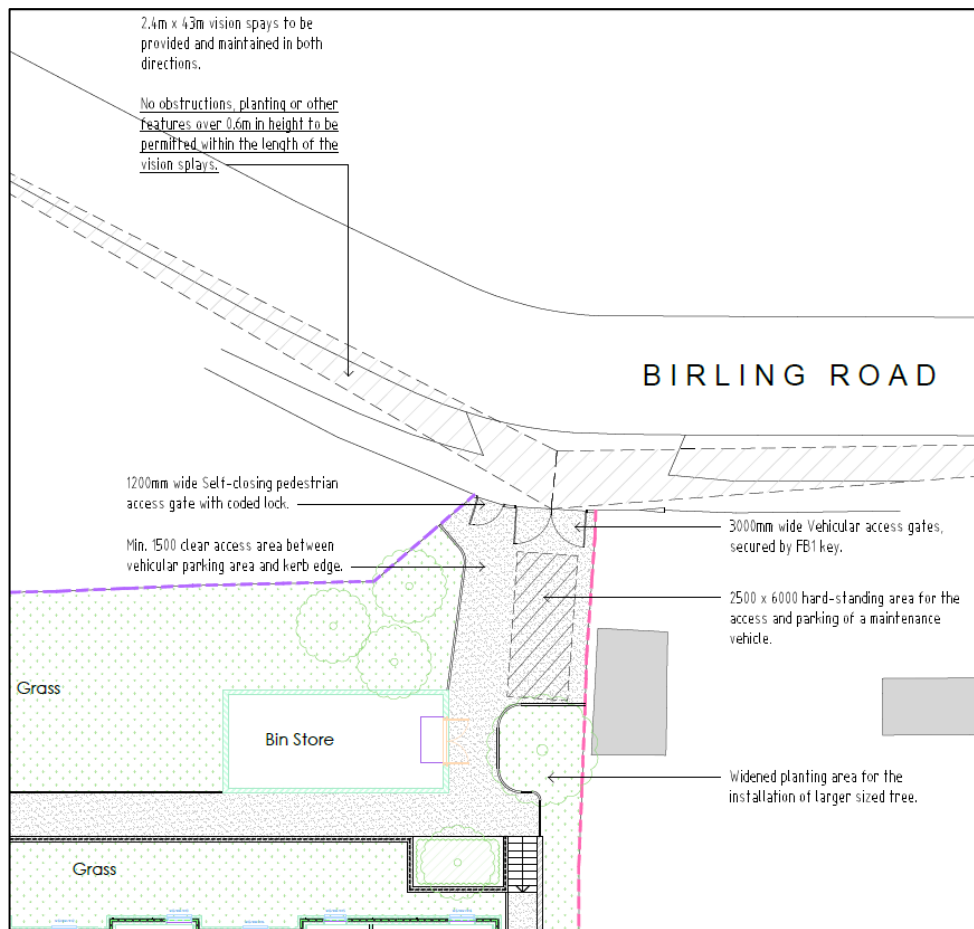


Figure 7: Site layout plan showing proposed rear access arrangements.

5. The application seeks amendments to the size of the approved bin store to accommodate the number of bins required for recycling, general refuse and food waste for all of the combined apartments. The submitted details of this have already been approved pursuant to application reference 18/00938/COND/AS.

6. For clarity the amended bin storage details are shown in Figure 8 below:

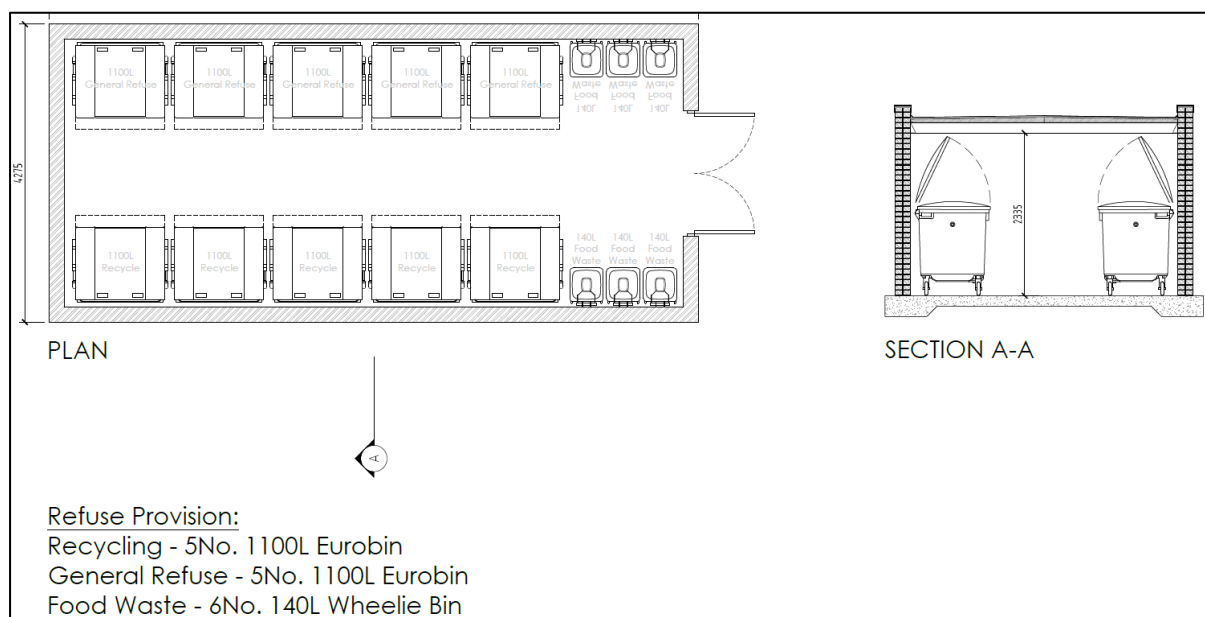


Figure 8: Proposed bin storage details

7. The amended plans show that the ridge to the pitched roof and top of the parapet walls has increased in height by approximately 0.45 metres. This increases the overall building height to be approximately 10.77 metres. The accompanying Planning Statement notes that this amendment has been sought due to a combination of flat roof areas and improved carbon emissions requirements contained within the latest Building Regulation approved document. The depth of the flat roof insulation to achieve both the U-Value and surface water fall has resulted in the roof / top parapets needing to be increased in height slightly. The building has been built with this proposed height increase, as can be seen from the site photographs in Figures 2 – 6 above.

8. The amended building elevation details proposed are shown in Figure 9 below (the red dotted line denotes the originally approved building height).



Figure 9: Building elevations showing proposed height increase

Planning History

DC	FA	93/01268/AS	Alterations to provide lift, lift shaft and machine room	A4	07/12/1993
DC	FA	18/00938/AS	Demolition of existing sheltered housing scheme and replacement with over 50s sheltered housing scheme to provide 24no.1 bed/2 person apartments, 5no. 2 bed/3 person apartments, communal facilities and associated parking spaces	PERM	18/06/2019

Ashford Borough Council - Report of the Head of Planning and Development
 Planning Committee 13th October 2021

DC	COND	18/00938/CON A/AS	Discharge of condition 6 (Part i).	PERM	16/09/2019
DC	COND	18/00938/CON B/AS	Discharge of conditions 11 and 24 parts i and ii. Demolition of existing sheltered housing scheme and replacement with over 50s sheltered housing scheme to provide 24no.1 bed/2 person apartments, 5no. 2 bed/3 person apartments, communal facilities and associated parking spaces	PERM	22/10/2019
DC	COND	18/00938/CON C/AS	Discharge condition 7	PERM	21/10/2019
DC	COND	18/00938/CON D/AS	Discharge of conditions: 3, 4, 5 & 16	PERM	05/02/2020
DC	COND	18/00938/CON E/AS	Discharge of condition 10	PERM	09/03/2020
DC	AMND	18/00938/AMN D/AS	Non material minor amendment to planning permission 18/00938/AS (Demolition of existing sheltered housing scheme and replacement with over 50s sheltered housing scheme to provide 24no.1 bed/2 person apartments, 5no. 2 bed/3 person apartments, communal facilities and associated parking spaces) to enlarge refuse storage building and minor alterations to rear access to suit	AMR	01/02/2021
DC	COND	18/00938/CON F/AS	Discharge of conditions 6(part ii), 8, 15, 19 & 23	PERM	03/09/2021

Consultations

Ward Members: No comments have been received.

KCC Highways and Transportation: Raise no objection subject to planning conditions.

KCC Ecology: Raise no objections.

ABC Environmental Services: Raise no objections.

Neighbours:

A total of 36 neighbours were consulted. One comment has been received raising concerns that the development would result in a loss of privacy.

Planning Policy

9. The Development Plan for Ashford Borough 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) as well as the Kent Minerals and Waste Early Partial Review (2020).

Emerging Neighbourhood Plans

10. Not part of the Development Plan but noteworthy are (i) the Boughton Aluph & Eastwell Neighbourhood Plan that is proposed to be adopted by the Borough Council in the near future, (ii) the Egerton Neighbourhood Plan that is currently at 'Regulation 16' (Examination) stage and (iii) the Tenterden Neighbourhood Plan that, although it has been out to consultation is at an earlier 'Regulation 14' stage in the process.

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

SP1 Strategic Objectives

SP2 The Strategic Approach to Housing Delivery

SP6 Promoting High Design Quality

HOU1 Affordable Housing

HOU3a Residential windfall development within settlements

HOU14 Accessibility Standards

HOU18 Providing a range and mix of dwelling types and sizes

ENV1 Biodiversity

ENV7 Water Efficiency

ENV8 Water Quality, Supply and Treatment

ENV9 Sustainable Drainage

ENV15 Archaeology

TRA3a Parking Standards for Residential Development

TRA6 Cycling

COM1 Meeting the Communities Needs

Kent Minerals and Waste Local Plan (2016)

DM7 – Safeguarding Mineral Resources

12. 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 2014

Fibre to the Premises SPD 2020

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) 2021

13. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development

Paragraph 47 - Determination in accordance with the development plan

Paragraph 60 - 77 - Delivering a sufficient supply of homes

Paragraphs 92 - 97 - Promoting healthy and safe communities

Paragraphs 104 - 109 - Promoting sustainable transport

Paragraphs 119 - 123 - Making effective use of land

Paragraphs 126 - 136 - Achieving well-designed places

Paragraphs 152 - 169 - Meeting the challenge of climate change and flooding

Paragraphs 179 - 182 - Habitats and biodiversity

Paragraphs 183 - 188 - Ground conditions and pollution

Paragraphs 189 - 208 - Conserving and enhancing the historic environment

National Planning Policy Guidance (NPPG)

14. Technical housing standards – nationally described space standards

Assessment

Principle

15. This application seeks minor amendments to the original planning application.

During the assessment of the original application, the Ashford Local Plan 2030 (ALP) had been submitted for examination and considerable weight was given to it during the assessment of the application. The ALP has now been adopted and the wording of the ALP policies remain substantially the same as at the time of the decision in respect of the previous application. Therefore I am satisfied that the principle of development continues to be acceptable and in accordance with the development plan, subject to all other material planning considerations being addressed.

16. Section 73 of the Town and Country Planning Act 1990 (as amended) allows an applicant to seek to vary a planning permission by means of amending or removing a planning condition. It is the Local Planning Authority's responsibility to determine if the proposal is minor and if the proposal is acceptable. There is no set definition of minor and this is a matter of fact and degree and each application must be assessed on its own merits.
17. In this case the applicant is seeking to vary condition 2 (submitted plans) of application 18/00938/AS. Condition 2 specifies the approved plans under which the development may proceed.
18. From assessing the application I am satisfied that the proposed increased elevation height, widening of the rear access to provide a single vehicle access and increase in bin storage as a matter of principle all can be considered as a minor material amendment to the original permission.
19. The remaining elements of the scheme do not differ from the already approved plans. In conclusion, I am satisfied that both the original and now altered elements of the scheme remain acceptable as a matter of principle.

Visual amenity

20. ALP Policy SP6 seeks to achieve a high quality of design in new development. The NPPF considers high quality design to be an integral part of good planning.
21. This application seeks to increase the height of the approved building by circa 0.45 metres. In the context of the approved building height (some 10.32 metres) I do not consider that such an increase substantially alters the scale

or proportions of the building. The roof design remains as approved albeit at a slightly increased height. No other external alterations are proposed to the approved building. I am satisfied that the resultant building has an acceptable visual / street scene impact.

22. The application also seeks approval of amended plans showing an increase in the size of the bin storage. The submitted bin refuse storage plan (drawing number 1645 600 CO) has already been approved under application 18/00938/COND/AS which discharged condition 16 of the original application (refuse storage). The bin storage has been constructed and is shown in Figure 5. These details remain acceptable and would be satisfactory for the collection and storage of refuse and recycling for the development. The applicant's refinement to the originally sized store is supported as part of good design.
23. At the request of KCC Highways, the amended External Works Layout Plan received 5 August 2021 has removed the area of soft landscaping to the east of the proposed vehicle parking space. This is to ensure maintenance vehicles can reverse straight in and out of this proposed space without the gates impinging on this manoeuvre. The hardstanding for maintenance vehicle parking is shown in Figures 5 and 6. Whilst it is disappointing this has resulted in the loss of two trees, one larger tree is still proposed in this location and no other alterations to the approved soft landscaping scheme are proposed. On balance, I consider the benefit of securing safe site access for maintenance vehicles outweighs the harm of the loss of two trees from the originally approved landscaping scheme. I do not consider that this would have a significantly harmful impact on the design and appearance of the development considered as a whole. The proposed pedestrian and vehicle gates onto Birling Road have not yet been installed and details of these can be secured by condition to ensure they have an acceptable visual impact.

Residential Amenity

24. The NPPF identifies a set of core land use planning principles that should underpin decision making. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
25. The approved building was considered to largely have a neutral effect on the existing surrounding properties. Part of the south west elevation of the proposed building extends towards the rear of properties at 71 and 73 Birling Road, however the building scales down to 1-storey at this corner to reduce its impact. Parts of the north east elevation extend closer to properties in Mabledon Avenue and Linden Road (these parts are characterised by small windows and no balconies). However, this is a side-on-side relationship in the case of the former and the proposed building and Linden Avenue have longed rear

gardens. I consider the building's height increase of 0.45 metres is minor and I am satisfied that this does not result in an increased overshadowing or overbearing impact to neighbouring properties. A neighbour comment has been received stating that neighbouring habitable rooms are directly visible from this housing. Overlooking and loss of privacy to neighbouring residents was fully assessed under the original application and was found to be acceptable. No additional windows are proposed under this application and therefore I am satisfied that the changes applied for under this application do not increase opportunities for overlooking to neighbouring properties.

26. The widened rear access would allow ease of access for maintenance vehicles accessed on average only 2-3 times a year. Given the relatively limited number of vehicle movements associated with this nature of use, I do not consider this would result in an adverse impact on neighbouring amenity.
27. As such, in my opinion there would be no adverse impact upon the neighbouring residents by reason of form, outlook, loss of light/overshadowing or any impacts upon privacy and so I am satisfied that the amenity of neighbouring residents would be safeguarded.

Parking and Circulation

28. Policy TRA3(a) sets out parking standards for residential development. Policy TRA5 discusses safe and accessible pedestrian accesses.
29. The location of the front access onto Mabledon Avenue and resident parking spaces remain unaltered from the original application. Details of cycle parking provision have also been approved under a subsequent conditions monitoring application. I am content that these elements of the scheme satisfy the requirements of the above policies.
30. The single vehicular access onto Birling Road would be secured by gates allowing access for maintenance vehicles only. The proposed pedestrian gate onto Birling Road would be installed with a coded lock. The visibility splays required onto Birling Road for this access fall over highway land in its entirety and therefore KCC Highways have advised that visibility splays will not need to be conditioned.
31. The local highway authority raise no objections to the scheme subject to a number of conditions and, on this basis, I consider the proposal to be acceptable in terms of parking and highway safety.

Affordable Housing

32. For clarity, this application continues to propose all units to be affordable. This exceeds the affordable housing requirements set out in Policy HOU1. All units

would be age restricted with the minimum age cut off point being 50. There is no change to that which has been permitted and commenced.

Habitats Regulations

33. Since the application was submitted, the Council has received advice from Natural England (NE) regarding the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh lakes, east of Canterbury, which in particular includes a Special Area of Conservation (SAC), a Special Protection Area for Birds (SPA) and a Ramsar Site.
34. The importance of this advice is that the application site falls within the Stour catchment area – an issue that would not have been prevalent during the determination of the 2018 application. However, the original sheltered housing scheme on the site prior to the commencement of the 2018 scheme had 43 units and this application proposes no change to the reduced number of units (29) to now occupy the site. As such there is a decrease in the number of dwellings on site, with consequently no increase in population or wastewater generated by the development. As such I do not consider that there is a resultant impact on Stodmarsh lakes and it is not necessary, in this instance, for the applicant to provide confirmation of nutrient neutrality.

Other matters

35. Details relating to materials, archaeology, surface water drainage, hard and soft landscaping, construction management plan, closure of the existing access, noise, lighting and contamination were secured by planning condition in the previous permission and have subsequently been approved. Full details of these applications are set out within the Planning History section of this report.
36. The County's Ecological Advice Service have advised on the basis that the proposed changes are of a small-scale, it is unlikely to significantly alter the conclusions of the previously undertaken ecological survey (Marsh Environmental, undated) under the original application 18/00938/AS.
37. I am satisfied that these approved details remain acceptable and no further details relating to these matters are required to be submitted.

Whether planning obligations are necessary

38. 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

39. I recommend the planning obligations in Table 1 be required should committee resolve to grant permission. This recommended obligation is a Deed of Variation in line with the Section 106 obligation attached to application 18/00938/AS. As was considered under the previous application, the site originally provided affordable accommodation for the over 50s for which there is a growing need not only within the Borough but nationally. The redevelopment of the site for market housing would undermine the supply of this type of accommodation and would be contrary to the aims of the NPPF, the Development Plan and would be unsustainable. As there is no net increase in the number of units on the site then there are no other contributions that would apply to this scheme. 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.

Heads of Terms for a Section 106 Deed of Variation

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
1.	<p>Specialist Affordable Housing</p> <p>The flats shall only be occupied by people aged 50 years or older and the flats shall remain affordable in perpetuity. The flats shall be let at rents that are below market. The flats shall be constructed to such standards and other particulars as the Council specifies. The flats shall be managed by a registered provider of social housing or other body approved by the Council.</p>	None	None	<p>Necessary as the site previously provided sheltered affordable accommodation. There is a clear and demonstrable need for the provision of such accommodation to address a current under provision and the loss of the site for such accommodation would significantly harm such provision in the locality.</p> <p>Directly related as the scheme proposes redevelopment of existing sheltered housing provision for the over 50s for the same tenure.</p> <p>Fairly and reasonably related in scale and kind as there is no intention for persons under the age of 50 and in need of affordable accommodation to live in the units.</p>
<p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the council web site in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs. If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.</p>				

Human Rights Issues

40. 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

41. 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

42. This proposal accords with the development plan as a whole. It would provide specialist affordable housing for the over 50s which would substantially improve the Council’s housing stock for older people. The increased height of the building is considered a minor change and I consider this has an acceptable visual impact. It does not give rise to an over bearing impact or raise problems of overlooking with neighbouring properties. KCC Highways are satisfied with the introduction of a rear vehicle access and associated works including the provision of a maintenance vehicle parking space. The proposed refuse storage remains consistent with the details previously approved and therefore are acceptable. I am therefore of the opinion that the proposal meets local and national planning policy and represents a sustainable development of the site.

Recommendation

Grant planning permission:

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

(B) Subject to planning conditions and notes, including those dealing with the subject matters identified below

1. Time condition
2. Development carried out in accordance with the approved plans
3. Materials (implementation of previous details approved under 18/00938/COND/AS)
4. Design details (implementation of previous details approved under 18/00938/COND/AS)
5. Wall, fence and gate details (including implementation of previous details approved under 18/00938/COND/AS)
6. Archaeology (implementation of previous details approved under 18/00938/CONA/AS and 18/00938/CONF/AS into perpetuity)
7. Sustainable surface water drainage (implementation of previous details approved under 18/00938/CONC/AS into perpetuity)
8. Sustainable drainage operation and maintenance (implementation of previous details approved under 18/00938/CONF/AS into perpetuity)
9. Trees
10. Hard and soft landscaping scheme (including implementation of previous details approved under 18/00938/CONE/AS into perpetuity)
11. Construction management plan (implementation of previous details approved under 18/00938/CONB/AS into perpetuity)
12. Parking
13. Bound gravel access
14. Prevention of surface water discharge
15. Cycle parking provision (implementation of previous details approved under 18/00938/CONF/AS into perpetuity)
16. Refuse storage
17. Provision of new access
18. Visibility splays
19. Closure of existing access (implementation of previous details approved under 18/00938/CONF/AS into perpetuity)
20. Sewage disposal works
21. Electric vehicle charging point
22. Noise (implementation of previous details approved under 18/00938/CONH/AS into perpetuity)
23. External lighting (implementation of previous details approved under 18/00938/CONF/AS into perpetuity)
24. Contamination (implementation of previous details approved under 18/00938/CONB/AS into perpetuity) and details of remediation works to be submitted
25. Development available for inspection

Note to Applicant

1. S106
2. Working with the Applicant
3. KCC Highways informative

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,
- 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 21/00541/AS)

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